
Appeal Decision

Site visit made on 17 September 2019

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/D1780/W/19/3227818

Land to rear of 90 Portsmouth Road, Southampton, SO19 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Mant against the decision of Southampton City Council.
 - The application Ref 19/00277/OUT, dated 20 February 2019, was refused by notice dated 17 April 2019.
 - The development proposed is erection of two detached houses, with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application was made in outline with access and layout to be determined at this stage. Appearance, landscaping and scale are reserved matters and I have treated details of these matters as indicative.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of surrounding occupiers.

Reasons

Character and appearance

4. The appeal site is accessed via an access track that provides a link between Portsmouth Road and St Anne's Gardens. As a result, whilst the appeal site forms part of the rear garden of No 90 Portsmouth Road, it does in fact stretch along the rear of neighbouring gardens serving properties along Portsmouth Road, St Anne's Gardens and Canada Road. These properties have active street frontages and set within a well space grain of built form.
5. The site hosts a number of mature trees located within it and around the boundary, as a result it substantially enhances a sense of openness and contributes to a rather leafy suburb by providing a pocket of greenspace.
6. The introduction of built form within the site would change the character significantly, and whilst a number of trees would be retained the pattern of development would intensify considerably, including an increase in movement and use of the site for 2 4-bedroom houses with an associated form of barn

style structures for parking. Whilst the indicative plans show that the footprint would be slightly less than previously approved by the council, there would need to be a considerable increase in the overall scale of the dwellings in order to accommodate the number of bedrooms proposed. This erosion of space would result would create taller building located close together, resulting in a cramped and uncomfortable development that would be harmful to the grain of built form, despite the retention of a number of the large trees.

7. There is some existing development along the track, namely a large bungalow and a detached two storey dwelling. However, these dwellings are well spaced from each other and the surrounding development and therefore have a limited impact on the wider character.
8. As such I find that the proposal would fail to harmonise with the surrounding area and would be a harmful addition due to the intensification of the site for development of this scale. It would therefore conflict with Policies SDP1, SDP7, SDP9 of the Local Plan 2015 which collectively require new development to contribute to the quality of the local environment, and respect and integrate with the local surroundings. It would conflict with Policy CS13 of the amended Local Development Framework Core Strategy Development Plan Document 2015 (the Core Strategy) with regards to being of an appropriate scale and integrating with the local surroundings. It would also conflict with Part 3 of the Residential Design Guide Supplementary Planning Document 2006 (the SPD) which requires development to enhance and harmonise with its surroundings.

Living conditions

9. The amenity areas for each of the proposed dwellings would reflect the general level provided for in the local area and would comprise a mix of tree cover and open garden. Distances between the first floor windows and the windows of nearby properties, particularly those within St Anne's Gardens would comply with the distances set out in the SPD and would also reflect general distances within the area. As such a good level of privacy would be provided for future occupiers.
10. In terms of the relationship with nearby dwellings, whilst the indicative plans suggest that the proposed dwellings would incorporate bay windows, these would serve rooms that would be at an angle to those dwellings in St Anne's Gardens and Portsmouth Road. Taking into account the relative distances and the provision of existing mature trees along the boundary I am satisfied that the proposal would not result in a detrimental loss of privacy for neighbouring occupiers.
11. The buildings would introduce a significant scale of built form to the site. These would be set back slightly from the boundary of the rear gardens of Numbers 26 and 27 St Anne's Gardens. The existing mature trees provide a substantial level of visual cover between the site. As such, whilst the proposed built form would be visible from these properties, I am satisfied that due to its location and the existing natural boundary arrangement it would not be oppressive or harmful to the living conditions of neighbouring occupiers.
12. I therefore find that it would not be harmful to the living conditions of nearby occupiers, and as such it would comply with Policies SDP1, SDP9 and H7 of the Local Plan 2015 which, amongst other things, seek to ensure that new development does not have a harmful impact on surrounding amenity. It

would also comply with Part 2 of the SPD which has a general thrust to ensure that new development maintains and provides privacy for existing and future occupiers.

Designated European Sites

13. The increase in the number of residents as a result of the proposal would be likely to have an effect on the integrity of designated European sites. The appellant has submitted a unilateral undertaking which seeks to provide a form of mitigation in respect of the effect on the Solent and Southampton Special Protection Area and Ramsar site and the Solent Maritime Special Area of Conservation. In addition the proposal may have an effect on the New Forest site.
14. As I am minded to dismiss the appeal on other grounds it is not necessary for me to consider the effect on these European sites in any further detail.

Planning Balance and Conclusion

15. The scale and layout of the dwellings would result in a cramped, overly intensive form of development that would not respond to the surrounding character of the area and conflicts with the development plan when taken as a whole. However, the proposal would not harm living conditions, and would provide two additional dwellings in a sustainable location. Whilst the absence of harm to living conditions and the additional provision of housing are benefits of the scheme, these benefits do not outweigh the conflict with the plan in respect of its effect on the character of the area.
16. Accordingly, for the reasons above I conclude that the appeal should be dismissed.

J Ayres

INSPECTOR