
Appeal Decision

Site visit made on 26 November 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/D1780/W/19/3232555
53 Thorold Road, Southampton SO18 1HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Toby Atkinson against the decision of Southampton City Council.
 - The application Ref 18/01291/FUL, dated 13 July 2018, was refused by notice dated 29 April 2019.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) The effect of the development on the character and appearance of the area; and,
 - b) The effect of the development on the living conditions of the occupants of 51 Thorold Road, with regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site lies in a residential area, comprising mainly of detached houses set in generous plots. The dwelling is one of a row of such houses, of varying designs, that front Thorold Road. These dwellings are set well back from the road, behind mostly enclosed front gardens, which contain mature trees and landscaping. The large rear gardens of the appeal site, and 55 Thorold Road, converge with the long back gardens of the houses that front Midanbury Lane, resulting in an extensive area of wooded land behind the frontage development. The well vegetated nature of this land is evident through gaps between the houses, and in the backdrop of trees. In combination with the frontage greenery, this wooded setting contributes positively to the verdant character of the area.
4. The positioning of the proposed house directly behind the existing dwelling, and with no road frontage, would be out of character with the pattern of the surrounding development. Whilst it would be sufficiently distant from the host dwelling to avoid overlooking, it would appear to be uncomfortably close to it when viewed from Thorold Road, through the gaps between the houses. It

would therefore appear incongruous in a street scene that is characterised by houses fronting the road with significant space behind them. The house would intrude into the green backdrop and diminish the contribution it makes to the character of the area.

5. I am mindful that the access off Thorold Road was previously used to serve a garage to the side of the house. However, the wide driveway that is now proposed would extend well beyond the rear of the frontage development. Together with the parking and turning area, it would be a further incursion into the green area behind the houses. It would create a noticeable gap in the frontage, opening up the land behind, and emphasising the uncharacteristic nature of the development. The proposal would not therefore accord with the Council's Residential Design Guide Supplementary Planning Document (2006) (the SPD), which advises that new infill development and new accesses to 'backland' development should make a positive contribution to enhancing the character of the street.
6. The site does lie within a built-up area, where the principle of residential development is acceptable. I saw that some houses have been built immediately to the west of the site in recent years, but these houses front roads, and have wooded land behind. They are therefore in keeping with the prevailing pattern of development in the area. Consequently, they do not alter my conclusion that the proposed dwelling would be harmful to the character and appearance of the area.
7. I therefore find that the development would be contrary to Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (2006) (the Local Plan), and Policy CS13 of the Local Development Framework Core Strategy Development Plan Document Amended Version incorporating the Core Strategy Partial Review (2015) (the Core Strategy). In combination these policies seek, amongst other things, to protect the character and appearance of the area, and to ensure that proposals respect the existing layout of buildings in the streetscape.

Living conditions

8. 51 Thorold Road is a two-storey house that lies to the west of the appeal site. It is set a similar distance back from the road as No 53, but it is at a lower level due to the slope of the land. It has a shorter back garden than No 53, so the site for the proposed dwelling lies beyond its rear boundary. The proposed dwelling would be on the lower ground behind the frontage development, so would be at a similar level to No 51. There would be a considerable distance between the two houses, and there is a significant level of intervening boundary screening. Consequently, even without the proposed boundary fence, occupants of the proposed house would not overlook the rear windows or garden of No 51 at a distance that would result in a loss of privacy.
9. The proposed access drive would run close to the entire length of the side boundary, and it would be at a higher level. Although there are no windows in the side elevation of No 51 facing the appeal site, the driveway would extend beyond the house, allowing overlooking of the back garden and windows in the rear elevation. Consequently, the increase in vehicular and pedestrian activity on the driveway would result in a loss of privacy for the occupants of the adjacent dwelling, unless a suitable boundary fence was provided.

10. The proposed boundary fence would be 1.8 metres above the level of the drive, so it would be effective in preventing overlooking of the rear windows and garden of No 51. Although it would be on higher ground than the adjacent garden, the potential dominance of the fence would be reduced by the intervening strip of landscaping that runs between the properties. I saw that this strip of land accommodated conifers along most of the side garden boundary, which are much higher than the proposed fence and would screen its visual impact. The fence would not significantly increase the overbearing impact that these conifers already have on the rear garden and windows of No 51. The main outlook from the property is to the south, and this would be unaffected by the appeal proposals.
11. I therefore conclude that the proposals would not harm the living conditions of the occupants of 51 Thorold Road through loss of privacy or outlook. In this respect, the development would accord with Policies SDP1, SDP7 and SDP9 of the Local Plan and Policy CS13 of the Core Strategy, insofar as these policies seek to protect the amenity of the city and its citizens. My attention has not been drawn to any particular part of the SPD regarding this issue, and I find no conflict with the advice contained therein.

Conclusion

12. Although I have found that the development would not harm the living conditions of the occupants of the adjacent dwelling, this does not outweigh the harm that I have found to the character and appearance of the area.
13. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR