



Appeal Decision

Site visit made on 28 January 2020

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/D1780/W/19/3238292

44 Landguard Road, Southampton SO15 5DP

- 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 J Dusanjh against the decision of Southampton City Council.
 - The application Ref 19/00977/FUL, dated 29 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is construction of 1 x 2 bed bungalow to the rear of 44 Landguard Road with associated parking and bike/refuse storage.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The spelling of the appellant's name is given differently on the appeal form from that on the application form. I have used the spelling on the application form in the heading.
3. The north point on the Block Plan is shown rotated by 180° from the correct orientation as shown on the remaining drawings and reality. I have considered the drawing as if correctly orientated.
4. As part of the appeal documentation a "Habitats Mitigation Contribution Agreement" was submitted dated 11 June 2016 signed by the agent and on behalf of the Council.

Main Issue

5. The main issues are the effect on:
 - the character and appearance of the area; and
 - the living conditions of the proposed occupiers in terms of outlook and amenity space.

Reasons

Character and appearance

6. The appeal site lies in an area of predominantly residential development made up of semi-detached, terraced and detached properties. Most are two-storeys in height although some are slightly taller. The general pattern of development in the area is of frontage development with long rear gardens divided on the

north side of Landguard Road by approximately 1.6m high brick walls. Behind the buildings this creates a sense of space and allows continuous and effectively uninterrupted views across this overall area.

7. The appeal site consists of the site of 44 Landguard Road. This is a bed and breakfast establishment. The majority of the site is laid to hardstanding and marked for parking, although there is a small grassed area at the rear of the site and down the western side. To the rear of the site is a brick wall that appears to be just over 3m in height. The rear part of the site is not 'square' with the rear elevation of the properties and creates an angle.
8. The proposal is to construct a flat roofed two-bedroomed bungalow to be located at the rear of the site. It would be located so that the northwestern corner would be close to that corner but parallel with the rear elevation of the host building. It would be close to both side boundaries and while there would be some space on either side would effectively span the width of the site.
9. A refuse/bicycle store building would be located to the front of the proposal. Access would be by way of an existing access to the side of the host building and the car park area would be reconfigured, both to the front and rear of that property.
10. The Council has referred to its Residential Design Guide Supplementary Planning Document (the SPD). The SPD explains that one of its key objectives is to positively enhance local character. As this is in accordance with Policy SPD1 of the City of Southampton Local Plan Review (the LDR) I am able to give the SPD significant weight.
11. The introduction of a new building in this location would be out of keeping with the overall pattern of frontage development on this side of Landguard Road. While there are some small outbuildings to the rear of properties in Landguard Road the overall area is predominantly open. The insertion of an isolated, taller building unconnected to other development in the area that could be readily seen from the access drive would be harmful to the character created by the existing pattern of development.
12. Furthermore, as discussed below, the proposal would not result in a high standard of amenity for future occupiers through the lack of space around the building, particularly to the rear due to its cramped proximity to the rear boundary wall. This would be out of keeping with the existing character of the area which provides a sense of space around properties.
13. Consequently, the proposal would be harmful to the character and appearance of the area. Therefore, the proposal would be contrary to Policies SDP1, SDP7 and H7 of the LPR as set out above and which state that development which will cause material harm to the character or appearance of an area will not be permitted, respecting the existing layout of buildings within the streetscape, and that planning permission will only be granted for residential development of the highest standards of quality. It would also be contrary to Policy CS13 of the Core Strategy Development Plan Document which requires development to integrate into its local surroundings and the SPD as set out above. It would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework) which indicates that planning decisions should ensure developments are sympathetic to local character while not discouraging appropriate change.

Living conditions

14. The SPD indicates in paragraph 2.2.10 that where it is not possible to create an acceptable living environment for an occupier a proposal may then be resisted.
15. To provide daylight to Bedroom 2 the design incorporates a window set at angle. However, this would be very close to the tall rear wall which would result in an overbearing effect from that wall meaning that the window would effectively have little outlook. This would give rise to unacceptable living conditions for the occupiers.
16. The amenity space for the dwelling would be in two parts, to the front and rear. At the front this would be enclosed by the side wall, the refuse/bicycle store and what appears to be an extension of this by a fence or wall to the west. This would face south and would provide some useful space, although it would be of limited size.
17. However to the rear, due to the back wall the amenity area would be an unattractive highly enclosed area, particularly as it would face north. There would be insufficient space for it to function as a useful amenity space for the occupiers of the property. Part of this area would, it appears, be used for some sort of trellis/fin arrangement to the rear of the kitchen area and this would only reduce its usefulness as amenity space.
18. While the area to the front would provide some limited space, given that the proposal is for a two bedroomed property, which may be occupied by a family, I consider that there would be insufficient amenity space of appropriate quality overall to provide a high standard of amenity for the future users.
19. The proposal would therefore provide harmful living conditions for the proposed occupiers in terms of outlook and amenity space. As such it would be contrary to Policy SDP1 of the LPR which states that planning permission will only be granted for development which does not unacceptably affect the amenity of the city's citizens. It would also be contrary to the SPD as set out above. It would finally be contrary to paragraph 127 of the Framework which indicates that planning decisions should create places with a high standard of amenity for future users.

Other matters

20. The site lies within 5.6km of the Solent and Southampton Water Special Protection Area (the SPA). I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended).
21. The Council explains that additional residential development within proximity of the SPA would have, in combination with other plans and projects, significant effects on the SPA through increased recreational disturbance from the occupiers and through increased nutrient load. Consequently, if I was minded to grant planning permission I would need to undertake an Appropriate Assessment to be satisfied that the proposal would not have a significant effect on the integrity of the SPA. However, as I am going to dismiss the appeal I need not take this matter further.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR