
Appeal Decision

Site visit made on 25 February 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/D1780/W/19/3237833

109 Clovelly Road, Southampton SO14 0AQ

- 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 Ranjeet Kalirai Singh against the decision of Southampton City Council.
 - The application Ref 19/00132/FUL, dated 18 January 2019, was refused by notice dated 10 April 2019.
 - The development proposed is described as amendment to first floor to create 1xstudio flat and 1x1 bed flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the address above, 109 Clovelly Road is currently subdivided into 2 flats. The ground floor flat, which appears to be numbered No 109, is accessed via a locked side gate containing a letter box. The first floor flat, numbered 109A Clovelly Road, is accessed via the front door. The Council assessed the proposal on the basis that the outdoor space accessed via the side gate was currently associated with the ground floor flat. The appellant has not stated otherwise, and I see no reason to reach a different view. I have therefore assessed the appeal on this basis.
3. For the sake of clarity, further reference within this decision to No 109 and No 109A should be interpreted as reference to the existing ground floor flat and the existing first floor flat respectively.
4. The application form does not provide the appellant's name, and neither does the decision notice. In each case the agent has been named. I have taken the name of the appellant above from the appeal form.
5. The description of development above is taken from the application form. I have however omitted from it the phrase 'current layout to first floor is 1x2bed flat', as this is not an act of development.

Main Issues

6. The main issues are the effects of the development on:
 - the living conditions of occupants of the proposed studio flat with regard to internal living space; the living conditions of current and future occupants of

No 109 and the proposed flats with regard to outdoor amenity space; and the living conditions of occupants of No 109 with regard to privacy; and,

- the character and appearance of the area.

Reasons

Internal space

7. The Council has not formally adopted the Nationally Described Space Standard (NDSS). This sets out minimum sizes for bedrooms, storage areas, and internal floor areas for dwellings of various type. However, I share the Council's view that whether or not it is adopted, the NDSS provides a relevant resource for assessing the adequacy of internal space provision, and thus a useful tool for interpretation of relevant development plan policies.
8. In this regard the NDSS does not contain a standard for studio flats. However, it equally does not state that studio flats are an exempted form of accommodation. Thus it is appropriate to have regard to the floorspace standard for a one-bed, one-person, one-storey dwelling, which falls at 37m². The proposed studio would contain an internal floor area of around 24m². The shortfall is considerable at around 35% of the recommended requirement. This would be manifest in the extremely cramped living conditions that would be provided within the space serving as the bedroom, kitchen and living room.
9. The appellant states that the studio flat would be typical of the area. I have been provided with no evidence of this, however even if this is the case, the existence of unacceptably cramped accommodation elsewhere does not form a legitimate basis to justify its further provision at the appeal site.
10. For the reasons outlined above I conclude that unacceptable living conditions would be provided for future occupants of the proposed studio flat on account of inadequate internal living space. The development would therefore conflict with saved Policy SDP1 of the City of Southampton Local Plan Review – Adopted Version 2nd Revision (2015) (the LPR) which amongst other things states that planning permission will only be granted for development which does not unacceptably affect the health and amenity of the city and its citizens; and the provisions set out within paragraph 127(f) of the National Planning Policy Framework (the Framework), with regard to ensuring that developments promote health and well-being and a high standard of amenity.

Amenity space

11. The Residential Design Guide Supplementary Planning Document 2016 (the SPD) sets out a range of minimum garden sizes for dwellings of various type. For flats with communal grounds the SPD sets a requirement of 10m² per flat.
12. Within the current arrangement, No 109A does not have access to any outdoor amenity space. This is because, as outlined above, the yard to the rear is associated with No 109. In the context of the proposed development the appellant similarly suggests that the yard would not be associated with the first floor. Considered on this basis, the proposal would involve the provision of 2 flats that would have no access to outdoor amenity space.
13. The absence of access to outdoor amenity space to sit, dry washing or undertake other activities typical within such spaces, would have an adverse

impact on the wellbeing and quality of life of future occupants. Whilst I appreciate that the situation would be the same as for current occupants of No 109A, as the appeal scheme involves introduction of an additional unit of accommodation, the nature of the impact would differ, and would be more unacceptable than at present. Indeed, as I have found that the studio flat would be unacceptably cramped, lack of outdoor space would compound the harm this would cause.

14. The appellant has however also indicated that occupants of the first floor flats could store their bins in the yard. They would also require passage through the yard in order to access the proposed bike store, as there is no other means of access. This would therefore entail communal use of the yard space.
15. If communal access to the yard was indeed to be provided, the amount of space would fall short of the required 60m². The shortfall quoted by the Council would be modest at 4m². However, in the event that bins were stored in the yard, the available space would be further reduced in size. Furthermore, much of the space otherwise comprises the linear access along the side of the building, the usefulness of which is limited by its width and function. Indeed, a large portion of more useable yard space would be taken up by the cycle store.
16. The practicality and comfort of use of the yard by 3 separate households for the purposes considered above would therefore be both constrained and limited. Practicality would be further reduced by the fact that occupants of neither first floor flat would have direct access to the yard. Loss of sole use of the yard would itself have a particularly negative impact on occupants of No 109, whose outdoor space requirements would no longer be met.
17. For the reasons outlined above I conclude that the living conditions of occupants of No 109 and future occupants of the proposed flats would be unacceptably harmed by the inadequate provision of outdoor amenity space. The development would therefore conflict with saved Policy SDP1 of the LPR, and paragraph 127(f) of the Framework as summarised above, and related guidance within the SPD.

Privacy

18. As established above, the occupants of No 109 currently have sole use of the side access and yard. Though the space is overlooked by No 109A, the windows serving No 109 are not open to view. Thus the occupants of No 109 currently enjoy a reasonable degree of privacy in relation to both their occupation of the flat, and use of the yard.
19. In the event that future occupants of the proposed flats did not have access to the yard, the situation would remain the same. For the reasons outlined above however, the likelihood is that future occupants would have access to the yard in order to, at the bare minimum, store their cycles.
20. Access to the yard would entail walking past the windows serving bedroom 1, the living room and kitchen of No 109. Direct views through these windows would be possible. This would significantly erode the privacy of occupants of these rooms. No obvious scope for satisfactory screening appears to exist. The harm caused would be significant.
21. I note that the storage of bins in the front garden of the building, immediately outside the window serving bedroom 2 of No 109, has an established adverse

impact on the privacy of its occupants. However, this would not in itself justify shifting or spreading the impact to other rooms at the rear which have an inherently more private outlook.

22. For the reasons outlined above I conclude that the living conditions of occupants of No 109 would be unacceptably harmed by the significant loss of privacy that would result from the development. The development would therefore conflict with saved Policy SDP1 of the LPR, and paragraph 127(f) of the Framework as summarised above.

Character and appearance

23. Though the decision notice groups bin storage with other matters relating to living conditions, the Council's appeal statement confirms that its concern relates to the character and appearance of the area.
24. At the time of my visit dustbins had a strong visual presence within the streetscene. Given that many bins were full to overflowing, and/or placed on the pavement, I assume that it may either have been collection day, or close to that point. As few dwellings within the street have a means of direct outdoor access to the rear from the street frontage, storage of bins at the front of dwellings appears to be normal. In my view therefore the visual effects of such storage would not therefore significantly differ on a day-to-day basis from those I observed during my visit.
25. I share the Council's view that the storage of bins at the front of dwellings along Clovelly Road significantly detracts from the visual quality of the streetscene. This is particularly true where bins are overfilled. I also note that the size and/or number of bins associated with the proposed flats would increase relative to those currently used by No 109A. Set within the context of the existing streetscene however, the increase would be very modest and have little noticeable effect, particularly if the bins were to be stored at the rear.
26. For the reasons outlined above I conclude that the development would not unacceptably harm the character or appearance of the area. It would therefore comply with saved Policy SDP 7 of the LPR, which states that development which would cause material harm to the character and/or appearance of an area will not be permitted. The Council also cited saved Policy SDP9 of the LPR and Policy CS13 of the Southampton City Council Core Strategy in its decision. However saved Policy SDP9 relates to the scale, massing and appearance of buildings, and so it is not relevant; whilst the specific relevance of Policy CS13, which covers a range of design topics, is neither clearly stated, nor apparent.

Other Matters

27. The Council undertook an Appropriate Assessment of the proposed development, which identified a likely significant effect, both alone and in combination with other plans and projects, on the integrity of European sites. In line with local guidance and the advice of Natural England, a mitigatory contribution was paid by the appellant, and made subject of a Section 111 agreement. Had I been minded to allow the appeal it would have been necessary to consider this matter in further detail. As I am dismissing the appeal, it is not.
28. The appellant has drawn particular attention to paragraph 38 of the Framework which states that decision makers at every level should seek to approve

applications for sustainable development where possible. However, given my findings above, this paragraph provides no additional support for the appeal proposal.

Conclusion

29. Though the appeal scheme would not harm the character and appearance of the area, I have identified that unacceptable harm would be caused in relation to living conditions. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR