
Appeal Decision

Site visit made on 4 February 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/D1780/W/19/3240230
80 Bedford Place, Southampton, SO15 2DF

- 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 Chris Onoufriou against the decision of Southampton City Council.
 - The application Ref: 19/00949/FUL dated 21 May 2019, was refused by notice dated 3 October 2019.
 - The development is described on the application form as 'regularise from proposed second floor 2-bedroom flat to a studio'.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a 2nd floor studio flat (Minor material amendment to planning permission Ref: 16/01731/FUL to convert a 2 x bed flat to a studio flat and reduction of roof extension) at 80 Bedford Place, Southampton, SO15 2DF in accordance with the terms of the application Ref: 19/00949/FUL, dated 21 May 2019, and the plans submitted with it: 001 As Built, 003 Block Plan and 004 Site Location Plan.

Procedural Matters

2. The description of the development in the banner heading above is taken from the application form. However, I have used the description of the development on the Council's decision notice in my decision (omitting the word 'retrospective') as more accurately describing the development proposed. As this is the description also used by the appellant on the appeal form, I am satisfied that there is no prejudice to the appellant's case in the use of this amended description.
3. I observed during my site visit that the development has already been carried out and I have dealt with the appeal on this basis.

Main Issue

4. The main issue is whether the development provides suitable living conditions for occupiers with particular regard to the provision of internal space.

Reasons

Background

5. Planning permission was granted under Ref: 16/01731/FUL for the erection of a four-storey rear extension with front/rear dormers to facilitate conversion of

building into 3 flats (2x2-bed and 1x1-bed) with the change of use of the ground floor to class A3 (restaurant/cafe use) and the erection of extraction flue in December 2016. However, the development has not been undertaken in accordance with the approved plans in that a smaller roof extension has been constructed and a studio created rather than a 2-bedroom flat.

Living conditions

6. The Council's Delegated Report states that the total area of the studio is approximately 29 m², of which approximately 5.5 m² is the staircase providing access from the first floor leaving only 23.5 m² as usable space. The appellant contends that the total area is 27 m² and that the staircase should be considered as usable space. Even if I was to accept the appellant's contention, the floor space falls below the standard of 37 m² for a 1 person, 1-bedroom 1-storey dwelling in the Technical housing standards – nationally described space standard (NDSS). However, the NDSS can only be applied if there is a relevant local plan policy and the Council has not adopted the space standard in its development plan. Furthermore, the Council has confirmed in its Statement that it does not consider that the exact useable floor space should be determinative in this appeal.
7. During my site visit I observed that the property has limited headroom over part of the bed and part of the kitchen area due to the slope of the roof to the front of the property. However, the majority of the property has adequate ceiling height. The property has adequate space to accommodate a bed, kitchen facilities, a small table, a shower room and a modest living area. I noted that the property has some storage space, that there are coat hooks on the half-landing and that there is room for a cupboard or chest of drawers to provide additional storage space and / or a washer / dryer.
8. The property benefits from natural light from the dormer window to the front and the windows in the rear dormer. Although these windows look directly at other buildings, these are sufficiently distant from the appeal property not to be oppressive.
9. In my judgement, the property has adequate space for furniture, storage and circulation and so is not unacceptably cramped. The dormer windows provide light and outlook. Accordingly, notwithstanding the lack, from the evidence before me, of external amenity space or communal areas, I consider that the development provides suitable living conditions for occupiers.
10. I therefore find no conflict in this respect with Policy SDP1(i) of the City of Southampton Local Plan Review (2015) which sets out that "*planning permission will only be granted for development which does not affect the health, safety and amenity of the city and its citizens*". Nor do I find any conflict with the Residential Design Guide - Making Better Places for Living (2006) Supplementary Planning Document or with paragraph 127 f) of the National Planning Policy Framework (the Framework), which requires planning decisions to ensure a high standard of amenity for existing and future users.

Other Matters

Carlton Crescent Conservation Area

11. The appeal property lies within the Carlton Crescent Conservation Area (CCCA). Section 72(1) of the Planning (Listed Building and Conservation Areas) Act

1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

12. The CCCA Character Appraisal and Management Plan (2013) indicates that the area's historical significance lies in its development following Southampton becoming a fashionable spa resort in the middle of the 18th Century. Bedford Place is stated as being developed as residential streets between 1840 and 1860, with commercial uses being introduced later in the 19th Century. Bedford Place currently comprises a mix of commercial and residential uses.
13. The development is in keeping with the residential character of the upper floors of the properties on Bedford Place. The rear dormer extension as constructed is not excessive relative to the rear elevation as extended and has no discernible effect on the street scene of either Bedford Place or Henstead Road. I therefore conclude that the development does not harm and therefore preserves the character and appearance of the CCCA and so would not conflict with paragraph 193 of the Framework.

Designated habitats sites

14. From the evidence before me, the appeal property lies within 5.6 km of the Solent and Southampton Special Protection Area (SPA) and Ramsar site and the Solent Maritime Special Area of Conservation (SAC) (collectively known as the Solent SPAs) and within 10 km of the New Forest SAC, SPA and Ramsar site. The Solent SPAs are coastal and estuarine designations established on the basis of particular value of their habitats, including mudflats, shingle and saltmarshes, which provide essential winter feeding and roosting grounds for birds. The New Forest habitats sites are designated for their range of habitats supporting a number of species including Dartford warbler, nightjar and woodlark.
15. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy (SRMS), a net increase in housing development within 5.6 km of the Solent SPAs is likely to result in impacts on the integrity of these sites through a consequent increase in recreational disturbance. Research¹ has also shown that residential development within 10 km of the New Forest habitats sites has the potential to affect the integrity of these habitats' sites through an increase in recreational disturbance.
16. As I am minded to allow this appeal and the proposed development is not directly connected with or necessary to the management of these habitats sites, it is necessary for me to undertake an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
17. The conservation objectives of the Solent SPAs and New Forest SPA are to ensure that the integrity of the sites is maintained or restored as appropriate and to ensure that the sites contribute to achieving the aims of the Wild Birds Directive. The conservation objectives of the New Forest SAC are to ensure that the integrity of the site is maintained or restored as appropriate and to

¹ Footprint Ecology, Sharp, J, Lowen, J and Liley, D (2008)

ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features.

18. The accessibility of the Solent SPAs and New Forest habitats sites from the appeal site is such that, without mitigation, significant impacts on their integrity and the achievement of these objectives could arise from recreational activity both alone and in combination with other plans or projects. This finding concurs with the finding of the Council's Appropriate Assessment.
19. The SRMS provides for the mitigation of the adverse effects of recreational impacts on the Solent SPAs through the provision of financial contributions. These contributions are used to fund site management and monitoring measures including wardens and other initiatives used to raise visitor awareness, and thus reduce disturbance of birds.
20. The Council has confirmed that the appellant paid a financial contribution in accordance with the SRMS in respect of the previous permitted planning application under Section 111 of the Local Government Act². The Council has also confirmed that this contribution has been used to secure the mitigation of the effects of the development in accordance with the SRMS³. The proposal before me does not represent a net gain in the number of units and so adequate mitigation of the impact of the development on the Solent SPAs in accordance with the scale of mitigation set out within the SRMS and with Policy CS22 of the Southampton Core Strategy (amended 2015) has already been secured.
21. In respect of the New Forest habitats sites, the Council has undertaken to ring fence 10% of Community Infrastructure Levy contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. With the payment and use of the financial contribution and this commitment, I am satisfied that the potential effects of the proposed development on the integrity of the Solent SPAs and New Forest habitats sites has been and would be adequately mitigated respectively.

Conditions

22. The Council has not suggested any conditions were planning permission to be granted. Having regard to the fact that the development has been undertaken, the standard time limit for commencement is not appropriate. I have referred to the plans on which my decision is based in my decision and I do not consider that any other conditions are necessary to make the development acceptable.

Conclusion

23. For the reasons give above, and having regard to the other matters raised, the appeal is allowed and planning permission is granted.

Martin Small

INSPECTOR

² By email dated 13 February 2020

³ By email dated 18 February 2020