
Appeal Decisions

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: 04 March 2020

Appeal A: APP/D1780/W/19/3241406

Lindsay Place, Bassett Green Village, Southampton SO16 3TY

- 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 Sunset Red Ltd against the decision of Southampton City Council.
 - The application Ref 19/00625/FUL, dated 5 April 2019, was refused by notice dated 13 June 2019.
 - The development proposed is described as construction of a single storey extension at the rear of the building to create a self contained flat.
-

Appeal B: APP/D1780/W/19/3241411

Lindsay Place, Bassett Green Village, Southampton SO16 3TY

- 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 Sunset Red Ltd against the decision of Southampton City Council.
 - The application Ref 19/01415/FUL, dated 16 August 2019, was refused by notice dated 21 October 2019.
 - The development proposed is described as construction of a single storey extension at the rear of the building to create a self contained flat.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. The description of development is the same in both Appeals, as the proposals represent alternative schemes for the creation of a flat through extension of a former laundry room. The principal differences between the two schemes are the position of the proposed extension, and the configuration of the internal space.

Main Issues

4. The main issues are the effects of the developments on the living conditions of future occupants of the proposed flat with regard to outlook and outdoor amenity space; and, in sole relation to Appeal A, the living conditions of occupants of Flat 2 with regard to outlook and light.

Reasons

Outlook: proposed flat

5. The site is located behind a 2-storey block of 4 flats. The single-storey former laundry room is positioned centrally to its rear, with a garage court beyond. Space surrounding the former laundry room is currently open, but the boundary with the dwelling to the north east is heavily enclosed by a fence around 1.8 metres high, with a high hedge above.
6. Both appeal schemes involve addition of a single storey extension on the north east side of the former laundry room. Within the Appeal A scheme, the extension would accommodate the bedroom/living room. It is therefore likely that when at home during the day, use of the flat by its occupants would be spread between this room and the kitchen. I consider that the bedroom/living room would nonetheless form the main daytime living space.
7. The bedroom/living room would be served by a skylight and set of rear facing French doors. The only clear outlook from this room would therefore be through the French doors. These would face onto a very shallow amenity space beyond which would be the boundary fence. The appellant states that this boundary could be demarcated by a low post and rail fence. However, this type of fence would not provide any privacy, nor screen exposure to manoeuvring vehicles. In practice therefore it is likely that a taller, solid fence, similar to that along the northeast boundary of the site, would be required.
8. The sole outlook from the bedroom/living room would thus be directly towards a solid fence. Though it might be possible to see the tops of garages and trees above the fence, this would provide little relief from the oppressive effects of the limited outlook. A better outlook could be achieved from windows within the kitchen, however this would not in itself be adequate to compensate for the very poor standard of outlook from the main living space.
9. Within the Appeal B scheme the extension would again accommodate the main living space, though its function in this case would be as a kitchen/living room. This room would be served by 2 high level windows and a set of French doors. Given their height, the high level windows would not enable easy views out, and this is indeed not generally the function of such windows. The French doors would meanwhile face across a narrow, internalised space directly towards the blank back wall of the existing block of flats. Whilst this outlook would be devoid of any quality, both the space and the doors would suffer acute overbearing. The effect would be oppressive, and would not be improved by an 'angled view' around the corner of the wall opposite, particularly given that a boundary fence would be required at this point in order to safeguard the privacy of occupants of the flats to either side. The fact that a better outlook could be provided from the bedroom windows would provide no meaningful compensation.
10. For the reasons outlined above I conclude that the developments subject of Appeal A and Appeal B would both provide unacceptable living conditions for future occupants of the proposed flat due the poor quality of outlook provided from the main living spaces. The developments 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; supporting guidance in the Residential Design Guide Supplementary Planning Document 2016 (the SPD); and paragraph 127(f) of the National Planning Policy Framework (the Framework), which seeks to ensure that developments promote health and well-being and a high standard of amenity.

Outlook and light: Flat 2

11. Flat 2 is the ground floor flat on the north-east side of the existing block. Within the current arrangement the rear facing ground floor kitchen and bedroom windows of Flat 2 have a clear, and virtually unobstructed outlook across open space towards the garage court. Whilst this outlook would be lost in both schemes, the Council has identified harm only in relation to Appeal A.
12. The Appeal A scheme would see the proposed extension directly merge with the rear wall of the kitchen of Flat 2. The extension would further project into space immediately to the front of the bedroom window of Flat 2. This would define a space into which the window of the bedroom, and a set of French doors serving the kitchen in lieu of the existing window, would face.
13. The space would be relatively shallow and heavily enclosed. This enclosure would be a product of the existing high boundary treatment and the extension, whose height would exceed that of both the window and the French doors. Given the proximity of the extension to each, its height would be overbearing, and, considered in combination with the existing side boundary treatment, oppressive. The bedroom window itself would face directly towards the blank wall of the extension, further diminishing the quality of the outlook.
14. No comparative analysis of the level of daylight currently received or which would be received by the kitchen and rear bedroom of Flat 2 has been provided. However, based on the orientation of both the existing and proposed openings relative to the position and height of the extension and boundary treatment, a diminution in the levels of daylight reaching the interior of Flat 2, and particularly of the kitchen, can be reasonably anticipated. This would accentuate and make more harmful the overbearing effects identified above.
15. I acknowledge that the main living space and front bedroom in Flat 2 faces onto an enclosed garden area at the front of the building. The outlook is therefore significantly better than that which currently exists to the rear. I also acknowledge that the quality of outlook from a bedroom or kitchen is less important than that from a main living space. In neither regard however does this justify the significant diminution in the quality of outlook and likely loss of daylight that would be suffered by occupants of Flat 2 as a result of the development.
16. The appellant advances the provision of an enclosed courtyard for Flat 2 as a benefit to be weighed against any harm. However, whilst private, this space would be cramped and heavily enclosed, being little wider than the French doors themselves. The poor quality of this space would therefore provide little benefit to the occupants, and would not therefore offset the harm otherwise identified.
17. For the reasons outlined above I conclude that the development subject of Appeal A would cause unacceptable harm to the outlook of occupants of Flat 2, which would be exacerbated by a likely reduction in daylight. The development

would therefore conflict with saved Policy SDP1 of the LPR, and paragraph 127(f) of the Framework as summarised above.

Amenity space

18. The SPD sets out a range of minimum garden sizes for dwellings of various type. For flats the SPD sets a requirement of 20m² per unit. The Council acknowledges that this standard would be met in both schemes. The SPD however also requires that private amenity space should be fit for purpose.
19. The appeal statement submitted in relation to Appeal B makes reference to 'shared space', and this is implied on the plan given a lack of a boundary line in the space between the proposed flat and Flat 2. As noted above however, a boundary fence across this space would be required in order to safeguard the privacy of the occupants to either side. In both Appeals therefore the outdoor space specifically attached to the proposed flats would be generally linear in character, and would extend in a narrow band along 2 sides of the extensions.
20. The practical use of such space would be severely limited by its width and the need to maintain some form of access along it. Scope for use would be further reduced by the height of structures to either side. Indeed, the space in each case would little more than a heavily enclosed passageway. Therefore, notwithstanding the fact that the SPD's space standard would be met, the space itself would be of little practical use or value, not being well suited for recreational use or even for outdoor storage. The lack of attractive or functional outdoor space would harm the wellbeing and quality of life of future occupants.
21. For the reasons outlined above I conclude that the developments subject of Appeal A and Appeal B would both provide unacceptable living conditions for future occupants of the proposed flat due to the poor quality of outdoor amenity space. The developments would therefore conflict with saved Policy SDP1 of the LPR, and paragraph 127(f) of the Framework as summarised above, and supporting guidance set out within the SPD.

Other Matters

22. The Council undertook Appropriate Assessments of the proposed developments, identifying likely significant effects on the integrity of European sites in the Solent, both alone, and in combination with other plans and projects. The absence of mitigation for these effects was a reason for refusal of planning permission in both cases. The Council however acknowledges that a financial contribution was made towards mitigation measures in relation to a previously refused scheme at the site, and, taking this into account, the Council's objection more specifically relates to a shortfall in this payment. The appellant has subsequently submitted Unilateral Undertakings (UUs) to pay the required contribution in relation to both Appeals. Had I been minded to allow either or both of the Appeals, and thus the circumstances existed in which planning permission could be granted, it would have been necessary to consider this matter and the submitted UUs in further detail. However, as I am dismissing the Appeals for other reasons, no further consideration is required.
23. The site is located within Bassett Green Conservation Area (the Conservation Area), which is principally designated to cover Bassett Green and the buildings positioned around it. These include the block of flats with which the appeal site is associated. The flats do not however contribute to the significance of the

Conservation Area, which more particularly resides in the character and visual qualities of the central green, the historic buildings arranged around it, and the relationship between the two. In this context I agree with the Council that neither Appeal scheme would have a discernible effect on the character or appearance of the Conservation Area, and that in both cases the character and appearance of the Conservation Area would thus be preserved.

24. The appellant states that in line with national objectives set out within the Framework the developments would make better use of the site, and provide an additional dwelling in an accessible location. However, whilst the location may be accessible, given that the quality of the accommodation would be unacceptable, the Framework cannot be considered to lend any support in favour of the schemes.

Conclusion

25. For the reasons set out above I conclude that both Appeal A and Appeal B should be dismissed.

Benjamin Webb

INSPECTOR