
Appeal Decision

Site visit made on 4 August 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Appeal Ref: APP/D1780/W/20/3252035

51 Whitworth Crescent, Southampton SO18 1GD

- 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 Ian Macgillivray against the decision of Southampton City Council.
 - The application Ref 20/00312/FUL, dated 2 March 2020, was refused by notice dated 20 April 2020.
 - The development proposed is erection of a two storey two bed dwelling following demolition of existing dwelling with associated decking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. An amendment to drawing no. 2017-172 PO4 was submitted as part of this appeal, which did not form part of the planning application determined by the Council. This plan shows revised annotation to the proposed north-east elevation to refer to new windows to storage and kitchen instead of new windows to guest rooms. This accords with the proposed ground floor room uses shown on the planning application drawings.
3. Having regard to the Wheatcroft principles¹, I consider that the proposed change would not fundamentally alter the nature of the development previously consulted upon and determined by the Council. As such, I am satisfied that my consideration of this amended plan would not deprive those who should have been consulted on the change, the opportunity of such consultation. I shall therefore determine the appeal on the basis of the amended drawing, which has the same drawing reference as that originally submitted.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of future occupiers of the proposed development, with particular reference to outlook and outdoor private amenity space.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

Reasons

Character and appearance

5. The appeal site is located on the bank of the River Itchen, with frontages onto Whitworth Crescent and the waterfront where it has its own mooring and pontoon. It lies within the part of the city known as 'the area adjoining Whitworth Crescent' for the purposes of Saved Policy CLT12 of the *Local Plan Review (March 2015 amended)* (LP), which is described in the supporting text to the Policy as consisting of a series of small, private open spaces fronting the River Itchen. This goes on to say that some of these have been developed with summer houses, whilst some have small sheds/buildings used for the repair of privately owned boats moored along the shoreline, and that the area has an attractive waterside character which should be protected from commercial development.
6. I observed these shoreline characteristics during my site visit. The appeal site is flanked by garages to both sides, which are representative of the irregular, modest and low-profile buildings on this side of the road. Most of the buildings are associated with supporting river-related activities and predominantly comprise single garages and boathouses, with boat moorings, slipways and pontoons lining the river edge, and interspersed with open spaces.
7. Mindful of the objectives of Policy CS12 of the *Core Strategy (March 2015 amended)* (CS), that seeks to ensure that new development preserves key views of the water and maritime activity from the city, I observed that the low height and unobtrusive character of built development in this part of the road, and the location of the appeal site at a point where the river curves sharply, means that the street scene at this point in the road includes a backdrop of open extensive views north and west along the river and towards the opposite river edge, with unassuming buildings and areas of vegetation in the forefront.
8. I also saw that the site and the neighbouring foreshore is visible in wider views from the opposite side of the river, including from Pettinger Gardens to the west. I am in agreement with the Council that this is a significant view, having regard to the established riverside character.
9. The site is occupied by a single storey building whose use as a dwellinghouse was recognised by virtue of a Lawful Development Certificate granted in 2014. It stands out as an anomaly in this part of the road, where residential properties are not a feature on the river-fronting side of the street.
10. Notwithstanding its residential use, the appeal property comprises a simple single storey timber clad structure with a shallow pitched roof. It is positioned below street level, accessed via a gate and a set of steps at the side of the building. It has a low-key visual presence due to its height, small scale, and position on the lower bank. As such, it is visually unobtrusive with a design that does not appear overtly residential in character. Accordingly, it blends in with the aforementioned character of this part of the road and the river foreshore.
11. When viewed from Whitworth Crescent, the larger replacement dwelling would result in only the first floor element having a notable visual presence within the street scene. The impact of this part of the building on the townscape of the road would not be too dissimilar to that of the existing garages and boathouses which front onto the street. The remainder of the building, aside from the

soffit/eaves line would set down below street level. This, in association with its proposed green roof and set back position from the road frontage, would enable the retention of a 'landscaped' gap between the two storey element and the neighbouring garage, and the retention of long distance views across the river from Whitworth Crescent. As such, I do not find that the proposal would have a materially harmful impact on the character and appearance of Whitworth Crescent.

12. However, having viewed the site from the path situated to the rear of Pettinger Gardens on the opposite side of the estuary, I find that in views towards the foreshore from the opposite side of the river, the proposed replacement dwelling would appear out of place in comparison with the boathouses, sheds, garages, and moored constructions which typify this part of the river bank. The building would be noticeably wider and deeper than the existing building. Although incorporating a large flat-roofed single storey element, when read as a whole, the building will clearly be seen in wider views as a two-storey dwelling.
13. Whilst having a similar ridge height and two storey form as the neighbouring garage buildings to both sides, the greater width and higher eaves height of the two storey element of the proposal, together with proposed large domestic style ground and first floor windows, serve to give this part of the new building a greater visual prominence than the two neighbouring garages, one of which has no visible fenestration on its river-facing elevation, and the other only has one upper window directly facing the river. When combined with the single storey element, which has similarly large domestic-style fenestration, the new building as a whole would be of a perceptibly greater scale than that of the adjacent buildings and would have a more overtly residential appearance in views from the west than the existing structure, due to its significantly larger width, height and scale and amount of domestic style glazing on the river-fronting elevation.
14. Although an element of storage is proposed within the new building, it would be proportionately very small in comparison to the new building as a whole. Also, it would be positioned at the street end of the building with no direct relationship to the river facing part of the building, and having sole access internally via the ground floor living area. As such, I share the Council's concerns that it has the potential to be easily used as an additional bedroom. I also find that the appellant's suggested condition to require the room to be used as boat storage to be unreasonable and difficult to enforce given its size and position within the building.
15. The storage element of the building would not be obvious in key views from the west across the river to the appeal site. Nor would it comprise conventional boathouse facilities due to its size, position and design. These factors in conjunction with the proposed substantial increase in dwelling accommodation and a more overtly residential design, means that the proposal would not be reflective of the character of development which the Council is seeking to retain along this stretch of the river foreshore through LP Saved Policy CLT12 and CS Policy CS12.
16. The appellant has drawn my attention to two storey boathouses to the north of the site. I have not been provided with the detailed planning history of these buildings. From my site inspection, I did not observe buildings in this location

that were directly comparable with the design of appeal scheme, noting that other properties within the same stretch of this side of the road have retained more overtly boat and river-related ground floor river frontages than that proposed in the appeal scheme. As such, this does not alter my above findings in respect of the impact of the appeal scheme on the character and appearance of the area.

17. I acknowledge the appellant's intention to use stained or natural colour timber cladding. Whilst this may assist to reduce the visual impact of the new building, this would not outweigh the harm which I have identified above in respect of the scale and design of the building.
18. I have noted that the proposal represents an amended scheme from that refused under planning application Ref 19/01565/FUL and that refused and dismissed on appeal under planning application Ref 18/00356/FUL.² The changes to the scheme have been noted, including the reduction and setting back of the first floor element of the building. Whilst I accept that these changes have addressed the previous Inspector's concerns about the impact of the proposal within the context of the Whitworth Crescent street scene, they do not alter my aforementioned findings with respect to the impact of the scheme in wider views from the opposite side of the river.
19. My conclusions in respect of Saved Policy CLT12 differ from those of the previous Inspector, since, in contrast to the current appeal scheme, the previous appeal proposal included the whole of the lower floor being given over to boat storage and maintenance, with access doors fronting the river. As such it satisfied the requirements of Policy CLT12 by providing a significant element of private shore-based facilities within the scheme.
20. For the above reasons, I therefore conclude that the proposed development would have a detrimental impact on the character and appearance of the area. As such, it would be contrary to LP Saved Policies SDP7, SDP9 and CLT12 and CS Policies CS12 and CS13. These policies, amongst other things, seek to ensure that new development integrates with its surroundings and does not harm the character and appearance of an area, that new buildings respect their surroundings in terms of scale, massing and visual impact, and that key views of the water and maritime activity from the city are preserved and the riverside character of the area adjoining Whitworth Crescent is protected. For similar reasons, the proposal would also be contrary to chapter 12 of the *National Planning Policy Framework 2019* (the Framework) which seeks to ensure high quality design.

Living conditions

21. The existing single storey living accommodation comprising a living area, one bedroom and en-suite facilities is only capable of accommodating a small household due to its limited size. In contrast, the appeal scheme proposes a significantly larger two-storey two-bedroomed dwelling with a large kitchen, living and dining area, a family-sized bathroom, and two separate WCs. Also, notwithstanding the amended drawing no. 2017-172 PO4, the storage room readily lends itself to use as an additional bedroom, being of a comparable size to the proposed guest room, having a WC sited immediately adjacent and only being accessed internally via the open plan living area. As such, given the size

² APP/D1780/W/18/3212942

- of the proposed new dwelling, I find that it is reasonable to expect the scheme to provide an amount of outdoor private amenity space appropriate to the needs of the potential occupiers, which could easily include a family household with children.
22. With this in mind, I have had regard to the Council's adopted *Residential Design Guide (2006)* (RDG), and the minimum back garden depth/rear garden area size of 90sqm for detached dwellings contained therein. I note that this figure represents guidance, and the RDG recognises that in some areas smaller garden sizes may be characteristic of the area and that the RDG is concerned with ensuring that garden areas allow for practical use and reflect the size of the house. In this instance the riverbank location of the site differs from that of a typical suburban residential location.
23. The proposed dwelling would be provided with a grassed bank amenity area with decking beside it in front of the building adjacent to Whitworth Crescent. I do not find the proposed external amenity space to comprise a useful size or practical layout and position to satisfactorily serve the needs of the proposed family-sized dwelling. It would lack privacy, which is especially important given the lack of private rear garden space.
24. I acknowledge the appellant's proposal to plant a screening hedge along the back edge of the footway. However, such screening would be dependent upon the hedge growing to an appropriate size and thickness and being retained thereafter. Furthermore, such a hedge would erode into the amenity area potentially reducing its size further.
25. I also consider that the appellant's proposal to erect a fence along the site frontage would not be an appropriate solution, since this would result in an enclosing impact along the site frontage which would detrimentally erode the aforementioned character of this part of Whitworth Crescent by closing out part of the view towards the river which is a notable feature of the townscape.
26. I have taken account the existing pontoon which the appellant proposes can contribute towards the dwelling's external amenity area. However, much of the pontoon is narrow, comprising a single walkway, and where it widens, the edges are open, and the structure moves within the water. It is also somewhat detached from the rear of the proposed dwelling. As such, I do not consider that it would provide meaningful amenity space to accommodate the typical requirements associated with outdoor play space, dining and drying facilities that could reasonably be expected to be required in association with a dwelling of the size proposed.
27. The appellant has drawn my attention to the proximity of Riverside Park which is within walking distance of the site. However, whilst this may justify allowing a smaller area of private space for the occupants, even taking this into consideration, the amount of practical on-site private amenity space proposed for the new family dwelling is not sufficient.
28. The appellant's view is that the Council has been inconsistent in not raising a concern in respect of inadequate amenity space with respect to the previous appeal scheme. However, that scheme comprised a significantly smaller, one-bedroomed, dwelling, which did not generate the requirement for as much external amenity area. I must determine this appeal on the merits of the scheme before me.

29. The outlook from the ground floor storage room would be limited, with just one small north-east facing window sited in close proximity to the neighbouring property. This would have a more significant impact on the living conditions of future occupants should the room be used as a bedroom. However, even then, I am not persuaded that the proposal would result in a materially harmful outlook for future occupiers, who given the use of the property as a single dwelling, would have access to the remainder of the building, including the rooms which have large areas of glazing facing the river.
30. For the above reasons, whilst I am satisfied that there would be no harm in respect of outlook, I conclude that the proposal would not provide adequate living conditions for the future occupants in terms of outdoor private amenity space. The development would therefore be contrary to LP Saved Policies SDP1 and H7, in so far as these policies seek to ensure that new development does not unacceptably affect the health, safety and amenity of the city and its citizens, and that residential development provides the highest standards of quality and design. This is generally consistent with paragraph 127 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

Other Matters

31. Notwithstanding that the Framework encourages the effective use of land, this is not unqualified, and would not address, or outweigh, the aforementioned harm that I have identified to the character and appearance of the area, and to the living conditions of future occupants of the development. Furthermore, as a replacement dwelling, the proposal would not contribute any additional dwellings to the Council's supply of housing.
32. Both parties have referred to a timber fence which has been erected near the Whitworth Crescent site boundary and whether or not it constitutes a breach of planning control. The determination of what could potentially be built under permitted development rights is not a matter for me to decide within the context of an appeal made under Section 78 of the Act. The fence does not form part of the proposal before me, and I have, therefore, determined this appeal on the basis of the scheme as submitted.
33. I have noted the letters of support from neighbours. However, they do not affect my above conclusions in respect of the main issues.

Conclusion

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

S Leonard

INSPECTOR