



Appeal Decision

Site Visit made on 28 September 2020

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/D1780/W/20/3251054

60 Tennyson Road, Southampton SO17 2GW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Amrik Chahal against the decision of Southampton City Council.
 - The application Ref 19/01191/FUL, dated 27 June 2019, was refused by notice dated 6 December 2019.
 - The development proposed is Conversion of existing seven bedroom HMO to 1x three bedroom flat and 2x one bedroom flats with associated bin and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development as originally submitted to the Council was amended during the course of the planning application. For this reason, I have adopted the description of development as detailed within the appeal form, which accurately reflects the proposal before me.

Main Issue

3. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers of the development, having particular regard to outlook, the size of the accommodation and the provision of outdoor space.

Reasons

4. Located within an area of primarily residential character, the appeal site comprises a mid-terrace property set within a modest sized plot. The premises are presently in use as a House in Multiple Occupation (HMO).
5. As part of the proposal, the appeal premises would be converted into three self-contained flats. The proposed plans indicate that the ground floor unit would be approximately 62 square metres, which would fall well below the minimum gross internal floor area for a three-bedroom unit as detailed within Government's Technical housing standards – Nationally described space standard¹.
6. Although not formally adopted by the Council, these standards reflect the Government's aspirations for high quality design and amenity, which are

¹ March 2015.

emphasised further within the National Design Guide². Additionally, it is of note that the development plan includes policies which seek to ensure that proposals do not unacceptably affect the wellbeing of residents. I therefore ascribe significant weight to the extent of the shortfall, as the size of the units is an important consideration to assess the liveability of the proposed dwellings and establish whether a good standard of accommodation would be provided.

7. The ground floor unit would include a disproportionate amount of hall space, and the kitchen/lounge area would be very restricted in size, particularly for a flat which aims to provide residential accommodation for a family. The front bedroom would be located within proximity to the refuse storage area, and the third, smallest bedroom would have an outlook towards the proposed Asgard cycle store and fence at close quarters. To my mind, these habitable rooms would not benefit from a reasonable outlook.
8. The upper floor flats would also fail to meet the Technical housing standards which, for two-storey dwellings, indicate that the minimum gross internal floor area should be 58 square metres. At approximately 42 square metres, the accommodation proposed for unit C would fall significantly short of that figure. The configuration of the internal living area would be particularly constrained, by reason of the space taken by the staircase, as well as the restricted width and overall size of the kitchen/lounge area. For these reasons, I am not satisfied that adequate space would be available to meet the basic living requirements of the intended occupiers of the development. The shortcomings associated with the upper floor flats would be exacerbated by the lack of usable outdoor space, which is further indicative of the poor living environment that would be created for future occupiers.
9. In reaching these conclusions, I have had regard to the scheme³ which has been recently approved by the Council. This however relates to a development with a reduced number of units, which are laid out differently to the appeal proposal. In this instance, the absence of outdoor space for the upper floor unit would however be compensated by the quality of the internal living environment which would be provided. The circumstances of this particular scheme are therefore not considered comparable to the proposal before me.
10. Overall, I conclude that the appeal scheme would not provide satisfactory living conditions for future occupiers of the development, and would subsequently be contrary to Policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS13 of the Southampton City Council Core Strategy (2015) and the Council's Residential Design Guide (2006). These notably require that development proposals do not unacceptably affect the health, safety and amenity of the city and its citizens. It would also be contrary to paragraph 127 of the National Planning Policy Framework, which seeks to ensure that new developments provide a high standard of amenity for existing and future users.
11. The appellant has argued that the proposed development would provide a much improved standard of accommodation, compared with the existing use of the premises as an HMO, and result in the creation of a family sized dwelling. However, the deficiencies currently associated with the HMO use do not provide justification for a development which, for the reasons detailed above, would

² October 2019.

³ Local Planning Authority Reference 19/02096/FUL.

create a poor standard of living environment and conflict with the development plan and national policy.

Other Matters

12. My attention has been drawn to an appeal decision⁴, where the main issue focused on the effect of a development on the provision of family housing. I understand that during the course of the planning application subject to this appeal, the Council insisted on the provision of a family dwelling. However, this particular issue does not fall within the matters which I am required to consider as part of this appeal.
13. The appeal site lies within proximity to the Solent Special Protection Areas/Ramsar and New Forest Special Protection Area/Special Area of Conservation/Ramsar. These areas are recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance for supporting significant numbers of overwintering bird species. The Council and Natural England consider that the proposed development would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects) notably by reason of additional recreational pressures, unless suitable mitigation is provided.
14. Natural England is also concerned that the high levels of nitrogen and phosphorous entering the Solent catchment, which may be caused by increased waste water from additional residential development, could have a likely significant effect on these internationally important sites. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR

⁴ APP/D1780/W/19/3241594.