
Appeal Decision

Site visit made on 19 January 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/D1780/W/20/3253144
49 Alma Road, Southampton SO14 6UN

- 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 Mrs S Hodgson against the decision of Southampton City Council.
 - The application Ref 19/01594/FUL, dated 17 September 2019, was refused by notice dated 11 November 2019.
 - The development proposed is construction of single storey one bedroom house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have omitted reference to 'resubmission of 18/01305/FUL' from the description of development, since this is not descriptive of the actual development proposed.

Main Issues

3. The main issues are:
 - The impact of the proposal on the character and appearance of the area; and
 - The impact of the proposal on the integrity of the Special Protection Areas of the Solent Coastline (the SPAs).

Reasons

Character and appearance

4. The appeal site is a roughly rectangular-shaped area of land, fronting onto Earls Road, within an established residential area. It currently forms part of the rear garden of 49 Alma Road, which is a two-storey semi-detached property, fronting onto Alma Road and occupied as two flats. The appeal site is laid over to grass and enclosed from the road by a brick wall along the Earls Road frontage. There is vehicular access from Earls Road, which serves a detached single garage with hard surfacing in front, at the southern end of the site. The site is surrounded by neighbouring residential rear gardens to the east and south, together with an electricity sub-station adjacent to the southern site boundary.

5. The immediate locality is characterised by mainly semi-detached and terraced two-storey residential properties fronting the street, often in close proximity to the road frontage, and sited at a right angle to the road. Plots tend to be rectangular-shaped, often long and narrow, and with long rear gardens. This layout of development is clearly evident in Alma Road and Avenue Road, where residential rear gardens back onto each other, and provide a spacious and distinct separation between two rows of linear street-facing built development, which is a defining characteristic of the townscape. As such, the appeal site forms part of an established gap between the two rows of dwellings, which, given the corner plot position of no.49, is clearly evident in views towards the appeal site from Earls Road.
6. The existing garage on the appeal site, and the single storey buildings and electricity sub-station adjacent, are of a small scale, typical of that associated with domestic garden outbuildings. Their positions close to the rear of the residential gardens and their perpendicular positioning in relation to the street, mean that they are clearly perceived as ancillary outbuildings, and they do not fundamentally alter the established layout of residential development.
7. The proposed introduction of a new dwelling into the rear garden of no.49, in the manner proposed, would significantly erode the spacious separation between the two rows of residential development. It would result in a cramped form of built development, having regard to the relatively large building footprint size in relation to the size of the new plot, and the proximity of the new building to the front and rear site boundaries, the rear of the building of the adjacent property at 47 Alma Road, and the boundary fencing of the adjacent sub-station site.
8. The proposed single storey, detached dwelling, would be at odds with the surrounding two-storey terraced and semi-detached dwellings characteristic of the locality. The proposed plot orientation, which would run parallel to the street, the L-shaped positioning of the property in relation to the site frontage, and the shallow depth of the plot with no rear garden, would be out of keeping with the aforementioned regular layout of development characteristic of the site locality. The impact of the proposal would be further exacerbated by the removal of a large part of the brick wall fronting Earls Road, which currently serves to reinforce the existing arrangement of built development in relation to rear gardens.
9. The result would be a visually discordant design and size of dwelling, and a layout of built development that would harmfully erode the established pattern of built development along this part of Alma Road and Avenue Road. As such, the appeal scheme would appear incongruous within the street scene, to the detriment of the visual amenities of the townscape.
10. This harm to the distinctive character and appearance of the area would not be outweighed by the proposed use of materials and roof form which are sympathetic to those of neighbouring dwellings.
11. The appellant has drawn my attention to an infill residential development which has been carried out at 42 Livingstone Road. On the basis of the information before me, and my site inspection, I do not find this scheme to be directly comparable with the appeal scheme in respect of its design, juxtaposition in respect of neighbouring development, and its impact on the street scene and the established layout of development in the area. In any case, I must

determine this appeal on the basis of the particular circumstances of the appeal site, and on the merits of the scheme before me.

12. 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 Saved Policies SDP1, SDP7, and SDP9 of the *City of Southampton Local Plan Review (2015)*, Policy CS13 of the *Local Development Framework Core Strategy Development Plan Document (2015)*, and the *Residential Design Guide (2006)*. These policies and guidance, amongst other things, seek to ensure that new development comprises a high-quality design and integrates with its surroundings in terms of scale, massing and existing layout of buildings within the streetscape.
13. 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.

SPAs

14. The site is within 5.6km of the Solent SPAs, where a net increase in housing development is considered to contribute towards an impact on the integrity of these European designated sites, as a result of increased recreational disturbance of bird species. The Council has carried out a Habitat Regulation Assessment (HRA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). This concludes that the adverse impacts would be avoided if mitigation is carried out in accordance with the Council's adopted Solent Recreation Mitigation Strategy (2018) (SRMP), which provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development.
15. In respect of the appeal scheme this would require a financial contribution of £346 towards the 'Solent Disturbance Mitigation Project', to be secured through the completion of a Section 106 legal agreement or unilateral undertaking. The appellant has confirmed willingness to enter into such an agreement, and the Council has confirmed that this matter is capable of being addressed at the appeal stage, should I be minded to allow the appeal.
16. The Council's HRA also concluded that the appeal scheme has the potential to adversely impact on the site integrity of the New Forest SPA, SAC and Ramsar site, in combination with other development in the Solent area, due to disturbance from increased human and/or dog activity to breeding populations of birds. In the absence of an agreed mitigation scheme, the Council proposes that a minimum of 10% of any CIL paid in respect of the appeal scheme should be ring-fenced to fund Suitably Accessible Green Space (SANGS).
17. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites fall to me as the competent authority. However, as the other main issue provides a clear reason for dismissing the appeal, there is no need for me to consider this matter further, since any findings on this issue would not change the appeal outcome.

Other Matters

18. The appellant has drawn my attention to pre-application advice received from the Council in respect of the building design. I am not bound by the advice given by the Council prior to the submission of the planning application, and it does not alter or outweigh my conclusion on the first main issue.
19. I acknowledge that the proposal represents an amended scheme from that refused under planning application Ref 18/01305/FUL. However, this does not alter my findings in respect of the current proposal.

Conclusion

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

S Leonard

INSPECTOR