



Appeal Decision

Site Visit made on 23 February 2021

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2021

Appeal Ref: APP/D1780/W/20/3260081

14 Abingdon Gardens, Southampton, SO16 7DF

- 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 B Macintyre against the decision of Southampton City Council.
 - The application Ref 20/00614/FUL, dated 11 May 2020, was refused by notice dated 7 July 2020.
 - The development proposed is the erection of a two-storey 3 bed dwelling with associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The area surrounding the site is generally residential. The site occupies a central location in this cul de sac of primarily semi-detached properties which are arranged to the north and east in an 'L' shaped configuration. The site forms part of the garden area to a property located towards the entrance to the cul-de-sac. The land is currently untended and overgrown and although the appellant says the land is redundant, its use remains residential garden.
4. The site has two frontages to Abingdon Gardens as it turns the corner. These frontages are bordered by evergreen hedging of between 3 and 4 metres in height immediately behind close boarded fencing at the back edge of the footpath.
5. The plan form of the building would be deeper than the existing plan form of the main house with the front positioned closer to the pavement edge than the existing property. It would also incorporate a rear two storey element, which would have a common eaves line with the main part of the proposed dwelling though a lower roofline and its footprint would project deeper into the site. These elements would accentuate the bulk of the dwelling particularly from the side of the site. The main part of the roof would be a similar height to No.14 Abingdon Gardens (No.14). Taken together with the prominent position on the internal corner, these factors would lead to the creation of a building which would not reflect the prevailing character of Abingdon Gardens and would materially alter the appearance of this part of the street scene in a manner which would be unsympathetic to local character and distinctiveness.

6. In the appeal proposal most of the fencing to the site frontages would be retained or refurbished though part would be reduced in height. This would be combined with the removal of the hedge for around half of the frontage of the plot. The hedge would be significantly reduced along the remainder of the frontage and for the whole of the side of the site which also fronts Abingdon Gardens. The effect would make the proposed dwelling highly visible in the street scene emphasising its visual prominence and eroding the verdant character of Abingdon Gardens.
7. I did not find that the appeal proposal would be especially prominent from Winchester Road as suggested by the Council. It would nonetheless be prominent within Abingdon Gardens, particularly given the planned removal of the mature, though not native planting. It is the deep plan form, positioning on the site forward of the established building line and the resultant visual impact which would be at odds with the surrounding dwellings. In this context a building of the size proposed on this prominent corner site would be an atypical and discordant feature in the street scene.
8. The appellant has indicated a size comparison with other properties in Abingdon Gardens which illustrates that many are smaller than the size of the appeal site; in this respect the density would not be substantially different. However, the relationship of existing buildings to each other are consistent with a common building line wrapping around this L shaped cul-de-sac. The appeal proposal would not reflect that nor would it be consistent with the host property at No.14. For these reasons the proposal would be inconsistent with the pattern of development locally.
9. Policies in the Bassett Neighbourhood Plan (2016) (NP) indicate that the scale massing and density of new development should be in keeping; and new development will only be supported where it respects the existing character and context of its surroundings. For the reasons given above there would be conflict with policies BAS1, BAS3 and BAS4 of the NP. Additionally, the Councils Residential Design Guide (2006) (RDG) requires that development makes a positive contribution to enhancing the street scene.
10. I find no conflict with Policy CS5 of the adopted Local Development Framework Core Strategy Development Plan Document (2010) (Core Strategy) or BAS5 of the NP which are housing density policies and where, for the reasons outlined above, the development would be consistent with the density of other dwellings in the immediate surroundings.
11. The appellant points me to dwellings in other surrounding streets which are said to replicate the relationship between No.14 Abingdon Gardens and No.454 Winchester Road. However, I have not been given specific details of those sites such that the generalised comparisons are of limited relevance.
12. Consequently, and notwithstanding my finding on the issue of density, the scheme would conflict with: Saved policies SDP1, SDP7 and SDP9 of the adopted City of Southampton Local Plan Review (March 2015); Policy CS13 of the Core Strategy; part 3 of the RDG and Policies BAS1, BAS3, and BAS4 of the NP. These policies seek, amongst other things, to ensure that development is in keeping with the scale of its surroundings, complements and makes a positive contribution to the street scene, protects amenity, respects the existing layout of buildings, integrates with its surroundings and responds to

the context of the site in respect of layout, in order to contribute to local distinctiveness and protect the character of the surroundings.

Other Matters

13. The site is close to the Solent SPAs, where a net increase in housing development is considered to contribute towards an impact on the integrity of European designated sites, as a result of increased recreational disturbance of bird species. The Council expects new development to meet the additional costs or to make available additional infrastructure provision where the need for it arises as a direct result of the development. Southampton City Council has adopted a Supplementary Planning Document Developer Contributions (2013) which seeks contributions towards the adopted Solent Recreation Mitigation Strategy (2018). This accords with Core Strategy Policy CS22 which promotes the conservation of habitats and species and provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the effects of increased recreational pressure on the Solent SPAs arising from new residential development.
14. This appeal scheme would require a financial contribution towards the 'Solent Disturbance Mitigation Project', to be secured through a completion of a planning obligation. The appellant has already made this payment to the Council and says this overcomes the second reason for refusal. As I am dismissing this appeal on other grounds, this is not a matter which needs to be considered further. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations and that the relevant obligation had been secured.
15. The appellant outlines that the scheme has been amended from earlier pre-application discussions and seeks to address the Council's concerns. The earlier application was withdrawn and I have to determine the appeal scheme on its own merits and not by way of comparison to any earlier scheme. On the matter of detailed design, the appellants' position is noted however the detailed design treatment of the proposed building is not a point disputed by the Council.
16. The Council argue that the amenity space whilst in absolute terms exceeds the minimum requirement, is not all private useable space and therefore is below the requirement and symptomatic of overdevelopment. Given the plot size and recognising the limitations to usefulness of the arrangement of front gardens as private space and I do not consider that there is a notable deficiency. Moreover, the Council do not refer to any lack of amenity space in their reasons for refusal. I have noted the appellants' view that the existing house has sufficient garden. These facts do not alter my conclusion on the main issue.

Conclusion

17. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Although the development would make a very modest contribution to the housing stock in the city which would contribute to the Framework ambition to significantly boost the provision of housing, I conclude that the proposal would not comply with the development plan when taken as a whole.

The justification set out by the appellant is insufficient to outweigh the harms which have been identified.

18. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Janet Wilson

INSPECTOR