



Appeal Decision

Site visit made on 23 March 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2021

Appeal Ref: APP/D1780/W/20/3260099

101 Ethelburt Avenue, Southampton SO16 3DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Gary Gray against the decision of Southampton City Council.
 - The application Ref 20/00933/FUL, dated 15 July 2020, was approved on 10 September 2020 and planning permission was granted subject to conditions.
 - The development permitted is single storey rear extension.
 - The condition in dispute is No 3 which states that: *"The extension hereby approved shall match the external surface finish as the host building, and the windows and doors shall match the joinery pattern, workmanship, and colour of the existing windows, unless otherwise agreed in writing by the Local Planning Authority"*.
 - The reason given for the condition is: *"To ensure the preservation of the character and appearance of the conservation area in accordance with Policies HE1 and HE2 of the City of Southampton Local Plan Adopted 2006; NPPF Section 16"*.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant is seeking a variation to the wording of condition No 3 to delete the requirement for the doors of the extension to match the joinery pattern, workmanship, and colour of the existing windows. The appellant's appeal statement includes a slightly different form of wording for condition No 3, which reflects that contained within the email from the Council's Historic Environment Officer to the Planning Officer dated 9 September 2020. However, the intent of the condition within the decision notice is the same, and it is evident from the appellant's statement that it is only the requirement in respect of the design of the doors that is disputed by the appellant. I have dealt with the appeal accordingly.
3. Therefore, the main issue is whether condition No 3, having regard to the requirements in respect of the details of the extension doors, is reasonable or necessary in the interests of the character and appearance of the Ethelburt Avenue (Bassett Green Estate) Conservation Area (EACA).

Reasons

4. The appeal property is a semi-detached two-storey house located in a suburban residential area in the northern part of Southampton. It lies in a corner position on the un-made Ethelburt Avenue, within the EACA.

5. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended (the Act) requires that, with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". Paragraph 193 of the *National Planning Policy Framework 2019* (the Framework) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The significance of the EACA is set out in the *Ethelburt Avenue (Bassett Green Estate) Conservation Area Appraisal and Management Plan* (2015) (the CAAMP). This confirms that the conservation area represents an early example of the Garden City Movement, and that its special quality is derived from its residential character, architectural quality and generous layout in respect of the ratio between open space and buildings.
7. The CAAMP states that houses are mainly two-storeyed with low pitched roofs, built in pairs and short terraces grouped around greens and along grass-bordered roads. They vary in style from vernacular, through Georgian cottage to 'Moderne', but have a coherent architectural vocabulary with carefully proportioned small-paned windows and distinctive front doors and surrounds. The design, materials and construction of the individual houses are noted to be of the highest quality, with many retaining much of distinctive original character.
8. The CAAMP notes that the group of houses which includes the appeal property dates back to after the second world war, having stuccoed walls, sliding sash windows, metal canopied porches and 'patera' ornaments. The properties are noted as having galvanised steel sash windows. I saw during my site inspection that the appeal property, together with its semi-detached neighbour, represent a typical example of this development and that the original character of the building has been retained.
9. Accordingly, the appeal property exhibits characteristics which are intrinsic to the character and appearance of the EACA and the property makes a positive contribution to the significance of the conservation area.
10. The CAAMP notes that windows are of the utmost importance in the overall design quality of the EACA, with original windows being carefully proportioned in relation to the whole house, and also in their subdivision into small individual panes. It states that, in terms of colour, windows are generally white or cream in colour and that originally they were expected to be painted off-white.
11. Although not indicated on the planning application drawings, the windows of the appeal property and the existing rear elevation doors have a glazing pattern comprising small panes with cream or white coloured frames, which is in keeping with that identified as significant within the conservation area, and which contributes to a strong sense of uniformity of fenestration style throughout the property. The approved extension contains a large amount of glazing at ground floor level along its rear elevation. Whilst this technically relates to 'doors' rather than 'windows', the introduction of such a large expanse of non-matching fenestration would appear incongruous in relation to the glazing pattern of the remainder of the building, in particular in respect of the rear elevation. It would also appear out of keeping in relation to the glazing design of the adjacent property at No 103, which forms part of the same

- building, and which also incorporates small-paned glazing of similar proportions and colour to that of the appeal property, including within the doors of its rear extension.
12. Whilst the rear elevation doors would not be visible from the public realm, the introduction of a significantly different glazing design from that of the remainder of the building would undermine the aforementioned significance of the host property and the EACA.
 13. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. Whilst the harm to the significance of the EACA would be "less than substantial" in the words of Paragraph 196 of the Framework, this does not mean that the harm would not be significant. In this instance, this harm should be weighed against the public benefits of the proposal. No public benefits have been put forward to weigh against this harm. Neither is the harm outweighed by the fact that the existing rear doors may be in a poor state of repair.
 14. For the above reasons, I therefore conclude that condition No 3, including its requirements in respect of the details of the extension doors, is reasonable and necessary, in the interests of preserving the character and appearance of the EACA in accordance with the aims of Policy HE1 of the *City of Southampton Local Plan Review* (2016) (the Local Plan Review). For similar reasons, this accords with Policies of the Framework which seek to conserve the historic environment as set out in Chapter 16.
 15. The Council's reason for condition No 3 also refers to Policy HE2 of the Local Plan Review. This policy relates to demolition in conservation areas. Therefore, I do not find it to be directly relevant to this appeal.

Other Matters

16. The appellant has drawn my attention to three other planning approvals relating to rear extensions in Ethelburt Avenue within the vicinity of the appeal site which do not include a condition specifying design details in respect of the extension doors. The evidence before me is that these extensions are not identical in design to the current appeal scheme. Notwithstanding this, the fact that apparently similar doors have been permitted is not a reason, on its own, to allow unacceptable development. 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. The existence of other non-matching doors in the area does not justify the harm that I have found for the reasons set out above.
17. The appellant has raised procedural issues in respect of the manner in which the Council determined the application, including having regard to the timing involved in seeking the views of the appellant in respect of the proposed condition No 3 prior to the determination of the application. This is not a matter for consideration as part of this appeal, which I have determined on the merits of the proposal before me.

Conclusion

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

S Leonard

INSPECTOR