
Appeal Decision

Site visit made on 20 April 2021

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal Ref: APP/D1780/W/20/3262986

306 Winchester Road, Southampton SO16 6TU

- 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 Hessian Ezad against the decision of Southampton City Council.
 - The application Ref 20/00920/FUL, dated 9 July 2020, was refused by notice dated 8 September 2020.
 - The development proposed is described as 'Erection of 9x Flats (6x 2 Bed and 3x 1 Bed) provided with 8x Car Parking Spaces, 9x secure cycle spaces and Refuse Facilities, with site access, site landscape and site boundary alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the character and appearance of the area; and
 - ii) the living conditions of the occupiers of 308 Winchester Road having particular regard to outlook and loss of light.

Reasons

Character and appearance

3. Policy SDP1 of the City of Southampton Local Plan Review, Adopted version March 2006 (Amended 2015) (the LP) sets out that planning permission will only be granted for development that does not unacceptably affect the amenity of Southampton. Furthermore, Policies SDP7 and SDP9 seek to protect the character and appearance of the area in which development is located through quality design that has regard to context, scale, massing and appearance.
4. Policy CS13 of the Local Development Framework, Core Strategy Development Plan Document, Adopted Version 20 January 2010 (Amended 2015) (the CS) sets out the fundamentals of design. I note that it partially replaces policy H7 of the LP. These include that development should respond positively and integrate with its local surroundings, and make higher densities work being of appropriate scale, height, massing and appearance.

5. Policy BAS1 of the Bassett Neighbourhood Development Plan, Final Version July 2016 (the NDP) sets out that development proposals should be in keeping with the scale, massing and height of neighbouring buildings and the density of the surrounding area. Furthermore, whilst Policy BAS3 supports windfall development it is clear that this is subject to proposals not conflicting with other policies. Policies BAS4 and BAS5 seek to establish appropriate densities with regard to the existing character of an area and design that complements the street scene with particular reference to matters including scale, spacing, massing and height of neighbouring properties.
6. Furthermore, I have had regard to local guidance, including the Council's Residential Design Guide (the RDG), as well as the most up to date national policy and guidance such as the National Planning Policy Framework (the Framework). The Framework is clear that good design is a key aspect of sustainable development and of fundamental importance to the planning process. Paragraph 130 sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
7. The appeal site is located in a mixed character area. There is a predominance of residential development, but some commercial activity also exists. The built form varies in design, form, and age. However, on the north side of Winchester Road numbers 292 – 312, and to a lesser degree The Malvern public house, form a group with unifying features. Most notably this includes a consistently recessed frontage providing a strong building line behind generous frontages. The proposal would bring the built form notably closer to the road than the existing building and the properties either side.
8. The flats would increase the height of development at the site to a 3-storey form. The appellant's design results in an increased eaves level, but a reduction at ridge level. However, given the form of the development, including the introduction of 3-storey bays to the frontage, the block would have a greater vertical emphasis than the existing. Furthermore, the building would have greater mass and scale in addition to being set forward of the established building line of the group. Whilst the form of the roof and the partially recessed frontage mitigate the impacts to some extent, they do not achieve a sympathetic development in the context of the predominantly 2- and 2.5-storey buildings. Given its siting and scale the proposal would appear prominently in the street scene.
9. Additionally, the proposal would bring the 3-storey mass up to the north-east boundary of the site. Despite 308 Winchester Road being in a slightly elevated position, it has a far more modest 2-storey scale and massing. As such, the proposal would be significantly at odds with the neighbouring property due to the combination of its height, form, proximity and siting further forward. The relationship of the proposal with the flats at no 302 Winchester Road would be more satisfactory, given the mass of no 302 and the proposal's significantly set back frontage at this point. However, that would not mitigate the poor relationship to no 308 or the prominence of the proposal in the street scene more generally.
10. The Council have raised concern with the width and depth of the development within the site. These matters contribute to the overall sense of bulk and mass to the proposal. I note similar provisions at no 302, but the two schemes are

not identical in form or context. Furthermore, the staggered front and rear elevations mitigate the proposed mass to some extent. However, the proposal would be entirely 3-storey in height and occupy virtually the full-width of the site. In this context the significant depth of development from front to back, especially compared to no 308, would contribute to the overall sense of the development being excessive for this plot, and a density not in keeping with the context.

11. Additionally, the proposal would result in a frontage that would be dominated by car parking and turning space. I am mindful that similar provisions already exist at the site and indeed at no 302, but I do not find that this negates the need to take reasonable opportunities to improve the area. Furthermore, I am recognisant of the indicative details of landscaping which illustrate how the frontage could be framed with planting. However, this would be of limited value, particularly that on the pavement edge as this needs to be kept low for highway safety reasons. As such, clear views of the hard standing for parking and turning would exist from the public realm. Insufficient space would be available to break up this extensive hard standing, however good the materials may be, such as to take reasonable opportunities to enhance the quality of design and create a frontage in keeping with the overall character of this part of Winchester Road.
12. The appellant has drawn attention to a number of other 3-storey developments along Winchester Road. However, based on the limited details before me, none appear identical to the proposal and its context. The appellant also suggests that permitted development rights could be utilised and alter the character of the area. However, I have limited detail on how this could likely be achieved and so afford this little weight. Furthermore, the appellant indicates that the development would improve a tired site. However, I have little evidence to indicate that this could not be achieved without the proposed development.
13. Cumulatively, the height, width, depth, form and siting of the proposal would result in a development that would not be sympathetic to the context and would fail to take opportunities to provide a high-quality design. Therefore, in conclusion on the first main issue I find that the proposal would be harmful to the character and appearance of the area. As such, the proposal would conflict with Policies SDP1, SDP7 and SDP9 of the LP, Policy CS13 of the CS and Policies BAS1, BAS3, BAS4 and BAS5 of the NDP.

Living conditions

14. Policy SDP1 of the LP sets out that planning permission will only be granted for development that does not unacceptably affect the health and amenity of Southampton's citizens. Policy SDP9 requires proposals to respect their surroundings having regard to the impact on surrounding land uses and living conditions. Policy CS13 of the CS partially replaces policy H7 of the LP and requires development to positively impact on the amenity of citizens. These policies are supported by guidance in the RDG. Additionally, I have had regard to the Framework which sets out at paragraph 127f that development should ensure a high standard of living conditions as a matter of good design.
15. To the north-east of the appeal site, no 308 is a 2-storey dwelling with a single-storey flat roof extension to the rear. I have observed that it has a number of openings on its side elevation. The appellant sets out in their evidence that the first-floor window serves the hall/stairs of the property and

that the ground floor fenestration serves a kitchen and WC. The Council does not challenge this and sets out that the proposals would impact secondary windows.

16. The proposal would bring the footprint of the built form close to the shared boundary between the properties. Furthermore, the scheme would increase the height of the building up to eaves level and the depth to both the front and rear. However, no 308 is set in from the side boundary and the side fenestration does not serve principle habitable rooms. As such, in this regard, the proposal would not cause harm to the occupiers of no 308, having regard to outlook and privacy.
17. The outlook from the windows on the front and rear elevations of no 308 would remain largely unaffected. A first-floor rear elevation window would have oblique views of the rearmost part of the proposal's side elevation, but this would not cause significant harm either in terms of loss of light or outlook. Finally, the proposal would be sited to the south of the rear garden at no 308. However, the aspects from the garden to the north-east and north-west would be largely unaffected and the staggered rear elevation of the proposal would retain sufficient separation to the south-west to avoid significant loss of light.
18. Therefore, in conclusion on the second main issue I find that the proposal would not be harmful to the living conditions of the occupiers of 308 Winchester Road having particular regard to outlook and loss of light. As such, the proposal would, in this respect, not conflict with policies SDP1, SDP9 and H7 of the LP, Policy CS13 of the CS or guidance in the RDG. However, this does not mitigate the harm I have previously identified in respect of the impact on the character and appearance of the area.

Other matters

19. As highlighted by the appellant I have noted that the appeal site is conveniently located with good accessibility to services and facilities, including public transport. Furthermore, the proposal would provide additional housing that would make a positive contribution to local supply. These are material considerations that weigh in favour of the proposal. However, I afford them limited weight as I am mindful that similar benefits may be provided by an alternative form of development that does not result in the harm I have identified. Based on the evidence before me I do not find any benefits, even if taken cumulatively, that outweigh the harm I have previously found.
20. The appeal site lies within the catchment of a number of European designated sites including those known collectively as the Solent Special Protection Areas (the Solent SPAs) and the New Forest Special Area of Conservation, Special Protection Area and Ramsar site. The Council's Appropriate Assessment concludes that the likely significant effects on the European designated sites associated with recreational impacts can be appropriately mitigated through a planning obligation and ring-fenced Community Infrastructure Levy payments. However, because I am dismissing the appeal for other reasons, in these circumstances, it is not necessary for me to reach a conclusion on this matter.
21. Furthermore, within their formal Decision Notice the Council have set out a range of mitigation requirements, which in the absence of a completed legal agreement had not been secured and formed further reasons for refusal. These included a commuted sum towards mitigating recreational impacts from the

development on the Solent SPAs, and transport improvements in the vicinity of the site. However, during the course of the appeal the appellant has stated that they have no objection to the planning obligations. Furthermore, they have submitted a unilateral undertaking as part of their evidence seeking to address these matters. The Council has had opportunity to comment on this and raised some detailed issues with the unilateral undertaking. However, I am dismissing the appeal for other reasons and the parties appear to largely agree on these matters. In this context the mitigation matter is no longer a significant contested issue. As such, it is not necessary for me to consider this matter in any further detail as the outcome of any assessment could make no difference to the decision to dismiss the appeal.

Conclusion

22. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR