
Appeal Decision

Site Visit made on 13 September 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/D1780/W/21/3267647

Land rear of 53 Thorold Road, Southampton, SO18 1HZ

- 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 T Atkinson against the decision of Southampton City Council.
 - The application Ref 20/00763/FUL, dated 14 June 2020, was refused by notice dated 26 August 2020.
 - The development proposed is the erection of a two storey detached 4 x bed dwelling with associated car parking, refuse and cycle storage (resubmission of 18/01291/FUL).
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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.

Procedural Matters

3. Reason for refusal No 2 related to the potential impact of the proposed dwelling upon Special Protection Areas (SPAs). As described by the Council, a substantial amount of housebuilding is planned around the Solent, creating additional recreational pressures which will impact on the three Solent Special Protection Areas (SPA's) and the wildlife. To address this there is a requirement for a developer contribution to mitigate impacts on the Solent SPAs. The appellant has stated this has been paid and provided a receipt. The Council notes that the financial contribution has been made and considers that the effects of the development can be suitably mitigated. On this basis, it is apparent that the Council do not wish to pursue the related reason for refusal.
4. Had I been minded to allow the appeal I would have likely consulted Natural England on the matter and undertaken an appropriate assessment, for example. However, in the circumstances I have not pursued this matter further.

Reasons

5. The appeal site is within a residential area, characterised by spacious and verdant plots with detached houses. The proposal is for a new single dwelling set within what is the large rear garden of No 53 Thorold Road. There are numerous trees within or close to this rear garden area, though all the significant trees are to be retained.

6. This proposal is similar to that considered under appeal reference APP/D1780/W/19/3232555, which was dismissed in 2019. However, there are some differences between the proposal, but this previous and recent appeal decision is a material consideration.
7. In the 2019 decision, the Inspector stated that the positioning of the proposed house directly behind the existing dwelling, with no road frontage, would be out of character with the pattern of the surrounding development. This remains the case with this proposal, with the proposed dwelling set behind No 53, connected to Thorold Road by a long access drive past the side of the host dwelling.
8. The appellant has drawn my attention to the dwelling to the rear of No 48 Thorold Road, which is a similar backland type development. However, this is more of the exception with the prevailing character being dwellings fronting the road. Similarly, the development of Parklands does connect with Thorold Road, but this has a layout where the dwellings have a street frontage and is in itself akin to a small cul-de-sac. Whilst Thorold Road is not just a street of linear form, its prevailing character is of dwellings with a street frontage.
9. The scheme with this appeal has some differences from the previous appeal, such as the lower ridge height and also the gates which are already installed to the side of No 53. The appellant makes the argument that the development would not be visible from within the street scene and therefore not harmful. I do accept that with the gates shut, considering also the ground level differences and height of the dwelling proposed, it would not be readily visible for much of the time. However, this would depend on the gates being shut at all time, otherwise there would be a view past the side of the host dwelling to the location of the proposed house together with its driveway and parking areas.
10. From my observations and from the submitted plans, with the gates open the proposed dwelling would be evident to some extent, even with its reduced height from that previously proposed. As such, with the gates open, as with the previous Inspector findings, the dwelling would appear incongruous in a street scene that is characterised by houses fronting the road with significant space behind them. The new dwelling with the extensive area of hardstanding for the driveway and parking areas would also appear as an intrusion into the 'green backdrop' to No 53 which would diminish the positive contribution it makes to the character of the area. The access drive would also emphasise the position of the proposed dwelling in this inappropriate backland location, especially when the gates are open.
11. The appellant suggests conditions that the gates remain shut and possibly even requiring electric gates which automatically shut. However, I accept that in practice this would be very difficult for the Council to enforce. There may be particular reasons why the gates need to remain open for some time, whereas the proposed development and its visual impacts would be apparent. I do not consider a condition to require the gates to remain closed at all times, other than when in use, as a robust solution to make the development acceptable.
12. The proposal is therefore contrary to Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (as amended 2015), and saved Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015). These policies require development to protect

the character and appearance of the area and be context driven, responding positively and integrating with its local surroundings, amongst other things.

Planning Balance

13. There are benefits to the proposed development, such as the provision of a new quality family sized dwelling in an accessible location, helping to boost housing provision. It could also be considered an efficient use of land. However, the impact on the character and appearance of the area would be such that the harm would significantly and demonstrably outweigh the benefits.

Conclusion

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

Mr S Rennie

INSPECTOR

