



Appeal Decision

Site Visit made on 19 October 2021

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 21st October 2021

Appeal Ref: APP/D1780/D/21/3281595

342 and 344 Burgess Road, Southampton, SO16 3BJ

- 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 Daniel Lynagh against the decision of Southampton City Council.
 - The application Ref 21/00947/FUL, dated 17 June 2021, was refused by notice dated 16 August 2021.
 - The development proposed is erection of a roof extension over both properties.
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Decision

1. The appeal is dismissed.

Preliminary Matters

Main Issue

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

Reasons

3. The appeal site is in a mainly residential street in the Swaythling area of Southampton near to the University. The street is not uniform in appearance but most residential buildings are substantial in size, generally set back behind front gardens, and raised up above the level of the carriage way. There is some degree of design cohesion nearby in terms of two storey bay windows and hipped or gable roofs. Burgess Road slopes upwards from the A335 and the buildings step up along it. Adjacent to No 344 is an access which leads to commercial properties to the rear. Below this is the large open car park for McDonalds restaurant and drive-through.
4. Nos 344 and 342 are a pair of semi-detached properties adjacent to two other pairs of semi-detached properties Nos 344 – 334 (evens). These were all originally of a uniform distinctive style. They all have hipped roofs with a standing roof seam dividing each pair and two storey bay windows to the front with distinctive hipped roofs over, although No 340 has a single storey flat roofed extension replacing the front ground floor bay window and the appeal buildings are rendered rather than red brick. Both appeal properties have outriggers to the rear and parking is available in the rear garden area.
5. The proposal is to extend into the roof-space of both Nos 344 and 342 with a mirrored hip-to-gable extension over the main parts of the building and two roof lights to the front of each property. Whilst these proposals would change

the appearance to the front it would not appear dissimilar to other gable ended properties on the street and so would not be harmful.

6. There would be a rear dormer out from the roof plane and an extension in the form of a mansard style roof over the outriggers at a slightly lower level. Due to the proposed length, height and mass, and as the angles of the mansard and dormer would be significantly at odds with the angle of the front roof plane, the proposed roof would be disproportionately top heavy and over dominant in relation to the existing building. It would tower above the accessway at the side of No 344 and the carpark below.
7. The bulk would be exacerbated by the additional six smaller dormer windows on the rear and side elevations. The resultant building would not be visually attractive or sympathetic to its location. The unsympathetic scale would be particularly harmful in views from Burgess Road and from within the McDonalds carpark. The use of slate to contrast against the brickwork of the hip-to-gable would not significantly ameliorate this harm.
8. For the reasons set out above I conclude that the proposal would be harmful to the character and appearance of the area. Accordingly there would be conflict with Saved Policies SDP1(i), SDP7 (iii) and (iv) and SDP9 of the City of Southampton Local Plan Review 2015; the Residential Design Guide 2006, and those principles of the National Planning Policy Framework that seek good design that is visually attractive and is sympathetic to the character and appearance of the area.

Other Matters

9. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) provides for extensions to roofs without the need for a formal planning application in certain circumstances: the so called "fallback" position of permitted development rights. The appellant has provided two drawings for the appeal to show the differences between the proposed scheme and one example fallback position. It is clear that the illustrated fallback position would be noticeably smaller than the appeal proposal.
10. I have not seen detailed calculations in respect of the fallback position, or an indication of the Class under which the permitted development right might be claimed, so I cannot fully assess whether such a fallback position would meet the relevant conditions, limitations and restrictions. Moreover, I have reservations about the submitted drawings as some of the indicated dimensions appear to be contradictory. For example, in the first drawing the height for the main ridge is stated as 2.55m; the same 2.55m is indicated for the dormer height, although the drawing shows the dormer would be lower than the main ridge. Nor has the effects of the fallback position on the internal arrangements been shown: it is not clear whether the extent of accommodation that could be provided would be sufficiently cost effective as to amount to a reasonable prospect that the fallback position would be implemented. Accordingly I give the so-called fallback position little weight for the purposes of this appeal.
11. The two properties have each been in use as five-bedroomed Houses in Multiple Occupation (HMO) for many years and are owned and managed together. The proposal would add a further three bedrooms of suitable quality to each property. Concerns have been raised about the effect of adding this number of HMO bedrooms in terms of the effect on the local community and

the lack of proposed on-site parking. I would have sought more information in relation to these matters had my conclusion on the main issue been otherwise, but in the circumstances it is not necessary to do so.

Planning Balance and Conclusion

12. The proposal would make efficient use of land by upward extension, as encouraged by national policy, and would provide additional accommodation for students. These benefits attract some weight in favour of the proposal.
13. The provision of a soft landscaped garden would improve living conditions for the occupants of the properties and the living accommodation could be upgraded. However, these benefits could be provided without such a harmful extension and so attract little weight as benefits in respect of this appeal.
14. I have found the proposal would be harmful to the character and appearance of the area and there would be conflict with local policies as set out above. I give these matters significant weight.
15. In failing to comply with Saved Policies SDP1(i), SDP7 (iii) and (iv) and SDP9 the proposal cannot be said to comply with the development plan taken as a whole. There are insufficient material considerations to outweigh the conflict with the development plan. The appeal should be dismissed.

S Harley

INSPECTOR