



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: 22 October 2021

Appeal Ref: APP/D1780/W/21/3274797

27 Obelisk Road, SOUTHAMPTON, SO19 9BL

- 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 Mr Ian Knight against the decision of Southampton City Council.
 - The application Ref 21/00263/FUL, dated 19 February 2021, was approved on 21 April 2021 and planning permission was granted subject to conditions.
 - The development permitted is the change of use from C3 dwelling house to 6-bed C4 house in multiple occupation.
 - The condition in dispute is No 5 which states that:
Within 3 months of the decision notice date, the party wall sound proofing insulation from floor to ceiling height shall be installed in accordance with the specification shown on the approved plans and shall thereafter be retained. Within 1 month of the completed installation, the applicant shall submit a report to the Local Planning Authority to verify that the sound proofing has been installed in accordance with the manufacturer's specification.
 - The reason given for the condition 5 is:
In the interests of residential amenity and for the avoidance of doubt.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the previous dismissed appeal for this address, reference APP/D1780/W/20/3251428. This includes an assessment of neighbour living conditions as a result of noise and disturbance from the proposal for a 7-bed House of Multiple Occupation (HMO). This appeal relates to an approved planning application for a 6-bedroom HMO. Due to the similarities the previous appeal is relevant and a material consideration.
3. The appeal is against the imposition of Condition 5 only, which relates to the requirement for the appellant to install party wall sound proofing insulation and provide evidence of its completed installation. It is apparent that this condition was primarily to protect the living conditions of occupiers of the adjoining neighbouring house at No 25 Obelisk Road.

Main Issue

4. The main issue is whether the condition is necessary and reasonable to protect the living conditions of the occupier of No 25 Obelisk Road.

Reasons

5. The approved planning application results in permission for the dwelling to be used as a 6-bedroom HMO. As set out with the previous appeal, a conversion of a single dwelling house to a HMO would likely give rise to a level of general noise and disturbance, due to the intensity of residential use, that would be disruptive, particularly to the occupiers of 25 Obelisk Road and their living conditions. This would be the case even with this being for a 6 rather than 7-bedroom HMO. This is because the level of activity would be more intensive than that which would be expected if associated with a single house, even if occupied by a larger intergenerational family, for example.
6. Indeed, to address the issue the approved plan submitted by the appellant shows 30mm 'Karma Acoustiwall' panels "to reduce sound transmission". This is not shown on the plans to be included only if sound testing from within No 25 shows it as being necessary.
7. I acknowledge the appellant's comments regarding the thickness of the walls and there not being a formal noise complaint, but I also recognise that the neighbour has claimed that noise has already been a significant issue for them, and I have no reason to consider their comments as false or exaggerated in these circumstances. It may be that the current occupants are not particularly noisy, but this may not always be the case. Furthermore, the fact that there would be six bedrooms occupied in the HMO, who are likely to lead relatively independent lives, means that the increase in activity generally would make the sound proofing necessary.
8. From the evidence before me I conclude that the party wall sound proofing insulation is reasonably necessary to protect the living conditions of the neighbouring occupiers at No 25 to an acceptable level. As such, condition 5 as set out above meets with the five tests of the National Planning Policy Framework, paragraph 56, being necessary to safeguard acceptable levels of living conditions for the occupiers of No 25. The cost and inconvenience of the sound proofing is recognised, but this is not sufficient reason in these circumstances to delete the condition.
9. The condition in dispute therefore meets the tests set out in the Framework and is also necessary to make the development acceptable, in accordance with policies such as Saved Policy SDP1, which requires that new developments do not unacceptably affect the health, safety and amenity of the city and its citizens, amongst other things.
10. I recognise that the appellant may not be in compliance with the condition with regards the timings for the required installation of sound proofing, but this is for the appellant to discuss with the Council as to a way forward on this matter.

Conclusion

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

Mr S Rennie

INSPECTOR

