



Appeal Decision

Site visit made on 7 December 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH December 2021

Appeal Ref: APP/D1780/D/21/3284125

171 West End Road, Southampton, SO18 6PJ

- 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 Michael Hayes against the decision of Southampton City Council.
 - The application Ref 21/00821/FUL, dated 25 May 2021, was refused by notice dated 15 July 2021.
 - The development proposed is erection of a detached self-contained annex within front garden (resubmission 21/00081/FUL) with associated minor engineering operations to alter ground levels and installation of a 200mm trellis to western boundary.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached self-contained annex within front garden (resubmission 21/00081/FUL) with associated minor engineering operations to alter ground levels and installation of a 200mm trellis to western boundary at 171 West End Road, Southampton, SO18 6PJ in accordance with the terms of the application, Ref 21/00821/FUL, dated 25 May 2021, and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The building hereby permitted shall not be subdivided or altered so as to create a separate self-contained dwelling and shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling known as 171 West End Road.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 231/05B; 213/03C and 231/04C.
 - 4) The four existing crab apple trees shown on the proposed site layout, drawing No. 231/05B, shall be retained in conjunction with the development hereby permitted and any of these trees which, within a period of five years from the first occupation of the proposed building, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Procedural Matters

2. I have adopted the description of development as set out on the application form as this was the basis on which the application was submitted and as the Appellant did not agree to the subsequent change put forward by the Council.
3. On 20 July 2021 a revised version of the National Planning Policy Framework (Framework) was published. However, the policies that are relevant to this appeal have not changed and there was no need, therefore, to invite the parties to make further submissions in response.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located on the northern side of West End Road close to its junction with Cutbush Lane. The host property comprises a detached single storey bungalow. To the east is a similar detached bungalow. To the west are detached two storey dwellings. Opposite the appeal site, on the southern side of West End Road, the properties comprise pairs of semi-detached two storey dwellings. The style, scale and form of properties on this part of West End Road does, therefore, vary and is not uniform.
6. As I observed on my site visit, there is also a marked difference between the frontages of the appeal site and those of the properties immediately abutting it, and the frontages of the properties opposite. In relation to the latter, these are characterised by low boundary fencing, walls and hedging to their front gardens, used for a mixture of parking, driveways and gardens. As a consequence, these frontages are open and visible from the road and contribute to the spacious character of this side of the road.
7. In relation to the appeal site, other than the gated access, the frontage is enclosed by a high brick wall with timber panels that appears to be around 2 metres in height (the Council's Delegated Report refers to a boundary wall of 2.2 metres in height having being approved in 2003). Other than glimpsed views through the gates, the majority of the front garden, to the host property, is screened from public view. To the east, No. 173 West End Road (No.173) is enclosed by a similar height wall with timber panels, which on the return frontage (to Cutbush Lane) becomes a much higher brick wall. To the west, No's 167 and 169 West End Road (No.167 & No.169) also have similar height walls/fencing, which, combined with mature boundary trees largely screen views of their frontages other than where glimpsed views are again possible through their individual driveways.
8. The character of the appeal site and its immediate neighbours is, therefore, different to that opposite, with the frontages to the former enclosed by significant screening and only glimpsed views of their front gardens possible from public vantage points.
9. Within this context, the appeal proposal would comprise the construction of a single storey detached building, with a predominantly flat roof, sited side-on against the common boundary with No.169. The existing 2 metre boundary fence with No.169 would be increased to a height of 2.2 metres through the

addition of a 200mm trellis. The new building would be set back from the main front wall to the host property and from the existing boundary wall to West End Road, where four crab apple trees have recently been planted. The new building would be sited away from the existing gates to the appeal site, which adjoin the common boundary with No.173. That boundary is already formed by a combination of fencing and hedging that is more than 2 metres in height. The submitted plans show that the ground levels would be lowered to reduce the height of the new building, a change put forward in response to the Council's refusal of a previous application for a similar form of development (ref. 21/00081/FUL.).

10. Based on the above and my observations of site, I am satisfied that the proposed building would be well screened, to an extent that, when approaching from either direction on West End Road, the proposal would largely not be visible. There would be glimpsed views through the gates, but this would be against the backdrop of the host property. As the new building would be sited side-on to the road, it would only be possible to see part of the proposed eaves and shallow sloping roof above the existing boundary wall. Once the planted crab trees have matured, those limited views are also likely to disappear.
11. Given the above, I am not convinced that the limited views of the new building possible from West End Road would be so significant as to result in any visual harm to the streetscene or any material impact on the appearance of the surrounding area. The proposed building would not be unduly intrusive or prominent within the streetscene. The established character of this part of the road, which, as I confirmed above, is well screened by a combination of high boundary walls, fencing, hedging and trees, would largely remain unchanged.
12. Both parties have referred to the existing shed in front of No.167. I note from the Council's Delegated Report that planning permission for this shed was obtained retrospectively, but that the Council contend that it cannot readily be seen from the road due to its small scale. This shed is also well screened and as I have found the appeal proposal would similarly be well screened.
13. Whilst I accept that other than the above example there do not appear to be any similar outbuildings on this part of West End Road, I am satisfied that that reason alone and the spatial issues that have been raised, would not be sufficient justification for refusing planning permission. A modern contemporary and low scale building, as proposed, would not, in my judgement, be inappropriate given the local context and existing screening.
14. The Council's Delegated Report refers to certain paragraphs from the Residential Design Guide Supplementary Planning Document (SPD) (2006). Whilst these relate to proposals to extend existing properties and not new annexes, as proposed, the SPD states that proposals which harm the visual continuity of a street should be avoided, as should development that would appear prominent in or damage the streetscene. As I have found above, the appeal proposal would not be harmful to the character of this part of the streetscene.
15. In referring to new extensions on corner plots the SPD also states that these will not be permitted where they damage the streetscene, but continues by emphasising that in assessing any such proposals regard will be had, amongst other criteria, to the presence of substantial fencing and hedging. There is no reason why those criteria should not be applied to the current appeal proposal

and as I have found, the proposed building would largely be screened by the existing boundary wall/fence, to which the recently planted crab trees, once matured, would provide further screening.

16. Accordingly, I find that the proposed building would not result in any significant harm to the character and appearance of the area and that the proposal would not be at variance with policy CS13 of the Southampton Local Development Framework Core Strategy (as amended 2015), saved policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (as amended 2015), the SPD or the corresponding policies of the Framework.

Conditions

17. The Council has suggested a number of conditions in their Questionnaire which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. A condition that requires compliance with the approved plans is necessary and reasonable to secure a high-quality development and to reflect the details included in the application. I have, however, added a list of approved plans for clarity.
18. I am also satisfied that a condition that seeks to restrict the use of the proposed building to a residential annex ancillary to the use of the host property is necessary and reasonable. This would reflect the purpose for which planning permission has been sought and prevent the new building being used or occupied as a separate dwelling. I have, however, slightly modified the suggested wording.
19. I have also added a condition that requires the existing crab trees to be retained in conjunction with the permitted development, to reflect the fact that these trees were recently planted by the Appellant to provide further screening for the proposed building and to reflect the details shown on the submitted plans.

Conclusions

20. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR