



Appeal Decision

Site visit made on 15 December 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/D1780/D/22/3299740

57 Bullar Road, Southampton, Hampshire SO18 1GT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Matthew Perkins against the decision of Southampton City Council.
 - The application Ref 22/00010/PA2A, dated 5 January 2022, was refused by notice dated 7 March 2022.
 - The development proposed is to add an extra floor comprising of two additional bedrooms and a shower room.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council considers that the proposal accords with the requirements set out in Paragraph AA.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). There is no evidence before me to the contrary. The Council's decision notice confirms that the sole matter in contention is prior approval matter (ii)(aa) as set out in Paragraph AA.2(3)(a) of the GPDO, namely the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation.

Main Issue

3. The main issue is the effect of the proposed development on the external appearance of the dwellinghouse, with particular regard to the design and architectural features of the principal elevation.

Reasons

4. The appeal property is a two storey detached house constructed in brick, with a flat roof and enclosing parapet. A stairwell access and chimney stack project above the flat roof along one flank elevation.
5. Bullar Road is a street of mainly residential properties. Most of the surrounding dwellings are on two storeys, although some include a third storey, generally at least partly within a pitched roof. Pitched roofs are the norm and most are fully hipped. Elevational detailing varies, but typically includes a range of architectural features such as bay windows, projecting or recessed porches and decorative use of contrasting materials to highlight window and door openings.

6. The appellant has explained that the flat roofed design of the existing dwelling is a result of its having been rebuilt in the post war period, when materials were scarce. Its rather utilitarian form and elevational treatment reflect that history. As a result, it is already somewhat incongruous in the context of the more elaborately detailed dwellings which surround it.
7. However, the scale of the existing dwelling is reasonably consistent with the surrounding two storey dwellings. The ground and first floor windows align with those of adjacent properties and the parapet around the flat roof is in line with adjacent pitched roofs. Although the stairwell and chimney stack project upwards, they are set back from the front elevation and are of comparable height and alignment to the surrounding hipped roofs and chimney stacks. As a result, although these features are visible as part of the roofscape, they are not unduly prominent or intrusive.
8. The proposed extension would replicate the utilitarian design of the existing front elevation, as well as significantly increasing its scale. Although the net height increase would be more limited when considered in relation to the highest point of the stairwell and chimney stack, there would be a significant overall increase in building mass. The resulting building would have a strong vertical orientation, projecting well above the eaves of nearby dwellings and introducing a much more angular element within the surrounding roofscape. Whereas the existing stairwell and chimney stack are set back from the street, the additional storey would occupy the full width of the front elevation. As a result it would be significantly more prominent, appearing even more incongruous within the street scene.
9. The High Court has ruled¹ that the scope of control over the external appearance of the dwelling under prior approval matter (ii)(aa) is not limited to impact on the subject property itself, but also includes impact on the wider locality. As such, it is relevant to consider the effect of the proposed extension on both the subject dwelling and the surrounding streetscape. In this case, the proposed development would perpetuate an architectural approach of little intrinsic merit, which is already inconsistent with its surroundings. In so doing, it would further undermine the character of the wider street scene.
10. The limited number of three storey dwellings near the appeal site have pitched roofs, incorporating the second floor accommodation, thereby harmonising more effectively with the surrounding roofscape. Although there are blocks of flats at each end of Bullar Road, these are more remote from the appeal site. They also depart from the design of the appeal property in several respects. Therefore, the presence of other three storey buildings in the wider area does not change my view of the harm which would arise from this proposed development.
11. For the reasons set out above, I conclude that the proposed development would have a harmful effect on the external appearance of the dwelling, with particular regard to the design and architectural features of the principal elevation. In this respect, it would conflict with relevant paragraphs of the National Planning Policy Framework July 2021, notably paragraph 130 which requires amongst other things that developments are visually attractive and sympathetic to local character including the surrounding built environment.

¹ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

12. For this reason, prior approval should not be granted.

Other Matters

13. I note that the proposed development would provide improved family accommodation and that this is supported by an interested party. I further note that the flat roof is stated to be in need of repair. However, there is no clear evidence that these issues are incapable of being resolved through alternative design approaches. In any event, my consideration of the case is solely limited to matters set out in the GPDO, which do not encompass such potential benefits.

14. The absence of identified harm to the living conditions of neighbouring occupiers under prior approval matter AA.2(3)(a)(i) does not have any bearing on the main issues as set out above, since all prior approval matters must be satisfied in order for prior approval to be granted.

Conclusion

15. For the reasons set out above, the appeal is dismissed.

Jane Smith

INSPECTOR