



Appeal Decision

Site visit made on 12 April 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th April 2023

Appeal Ref: APP/D1780/D/22/3310552

31 Hartington Road, Southampton, SO14 0EW

- 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 Mubashar Khan against the decision of Southampton City Council.
 - The application Ref 22/00687/FUL, dated 4 May 2022, was refused by notice dated 25 August 2022.
 - The development is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural matters

2. In the interests of accuracy and brevity I have adopted the description of the development used in the Council's decision notice rather than that contained in the original application form.
3. Although the plans submitted with the application refer to the scheme as a proposal, the first floor extension has been built. The appellant, in effect, wishes to retain it. I shall proceed on this basis.
4. The site visit was arranged as one where access was required. However, access was not possible to all parts of the property. In particular, the small rear garden was deeply covered in bulky waste building materials, which appeared to have been there for some time. This made access to the only open area of the site impossible. I was asked not to enter the new accommodation on the first floor since a resident was ill. These constraints did not enable me to conduct the visit as I would have wished. However, and although not pre-arranged, I was allowed to enter No 30 by its occupants and could therefore view the appeal scheme from its rear garden.
5. The submitted plans do not show that a form of cover has been installed between Nos 31 & 32 thus linking the properties at the rear. Nor do they show that there is no longer a solid boundary between the two properties at the rear – the previous boundary wall having been demolished. No 32's rear garden was used as a dumping ground in the same manner and with the same material as that in the appeal property's rear garden. There appeared to be no impediment to free passage between Nos 31 & 32.

6. In view of the shortcomings of my site visit, I was unable to assess one aspect of the Council's objection, namely the issue of overlooking. However, I saw sufficient to properly assess other material aspects.

Main issues

7. The main issues are the effect of the development on the character and appearance of the host property and its surroundings and on the living conditions of neighbouring occupants with particular reference to visual impact.

Reasons

8. The appeal dwelling is set midway within a lengthy, close-knit and reasonably attractive residential terrace on the western frontage of the street. The dwelling had a substantial rear protrusion, and the extension subject of the appeal has been built on top of it.
9. As the appellant says, there are some examples of similar development having been carried out in the vicinity of the site, albeit I have not been provided with details as to whether these were granted planning permission. That is, their provenance is unknown to me.
10. Irrespective of the limitations of my site visit, I saw enough to arrive at the judgment that the scale, mass and bulk of the addition appears wholly disproportionate to that of the host property. Having regard to the modest amount of space around the house, the development represents a harmful overdevelopment of the site.
11. A permission granted here could encourage others to pursue similar development which the Council would find difficult to resist. If repeated too often, the character of the terrace which is already compact and tightly knit would itself become visually and overly congested, to the detriment of its character.
12. No 30 Hartington Road has a single storey rear extension of similar dimensions to that which previously existed at the appeal site. The upper floor window in No 30's rear elevation nearest to the appeal development appears to be obscurely glazed, so outlook would not be adversely affected. However, the size and bulk of the appeal development is most noticeable in No 30's rear garden from where it appears dominating, oppressive and overpowering. It seems to me to be a development carried out without proper regard to the amenities of others.
13. In conclusion, I find the development, as built, to be unacceptable, since it has harmed the character and appearance of the host property, and the character of the surrounding area. I also find that, because of its oppressive nature, neighbouring living conditions have been harmed by reason of adverse visual impact.
14. Accordingly, a clear conflict arises with those provisions of saved policies SDP1, SDP7 & SDP9 of the City of Southampton Local Plan Review, and CS13 of the Southampton City Council Local Development Framework Core Strategy directed to achieving high quality design, preventing development which would cause material harm or unacceptably affect the amenity of the City's citizens.

Other matters

15. All other matters referred to in the representations have been considered, including the appellant's contention that no local resident has objected. I have taken account of that, but it is not decisive in my considerations.
16. The appellant points out that the building provides accommodation for several people, including children, and I have given this close consideration. However, I saw little sign, particularly having regard to the deposit of waste and debris in the modest garden, that the interests of the child were of paramount concern in the existing situation. Nor do I consider that an overdeveloped site and congested living conditions would improve matters.
17. Because I did not enter the extension subject of appeal, I was not provided with an opportunity to look out of the side window facing No 32 to judge as to whether this caused unacceptable overlooking, as alleged by the Council.
18. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR