The Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2023

by N Perrins BSc (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/D1780/D/23/3314898
35 Gurney Road, Southampton, SO15 5GF

- 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 Roland Fugh against the decision of Southampton City Council.
- The application Ref: 22/01230/FUL, dated 3 September 2022, was refused by notice dated 27 October 2022.
- The development proposed is an annexe to provide training room & guest bedroom incidental to the main house.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice has a different description of the appeal proposal than that used on the planning application form. I have not seen any correspondence to confirm there was agreement to change the description of development so have used the wording from the planning application form in this appeal decision.

Main Issues

3. The main issues are the effect of the development by virtue of its size, height, design and siting on:

   - the effect of the development on the character of the area
   - the living conditions of neighbouring properties; and
   - whether it would create an independent living unit.

Reasons

Character of the area

4. The appeal property is a semi-detached house located within the urban area of Southampton. Gurney Road comprises a mix of semi-detached and detached 2-storey dwellings set within a suburban character. The appeal property has a rear garden approximately 29m in length, which includes an existing outbuilding. A rear extension to the dwelling is under construction following an earlier prior approval decision.

5. The appeal proposal would erect a detached outbuilding just over 12m from the single storey rear extension currently under construction and approximately

16m from the original rear elevation. The proposed building would be 12m in depth, up to 6.4m in width, maximum height of 4.2m (with eaves at 2.6m) and within 1m and 0.6m of the side boundaries of No.33 and 37 Gurney Road.

6. Whilst the appeal proposal would not be visible from Gurney Road, it would be noticeable from adjoining rear gardens by virtue of its height and pitched roof that extends along the full length of the proposed building and proximity to adjoining boundaries. Due to the size of the proposal I consider it would appear as an overly dominant and incongruous feature when viewed from neighbouring properties.

7. The appeal proposal would also take up a significant proportion of the rear garden that combined with the existing outbuilding and extension under construction would result in an over development of the plot when compared with others near to the site. In particular, the proposed building would be considerably larger than existing outbuildings near to the appeal site along this part of Gurney Road. I therefore consider the size of the outbuilding to be out of character with the general pattern of development in the area where outbuildings mainly appear as subservient features within rear gardens.

8. I note the appellant has provided examples of similar sized outbuildings that have been constructed relatively near to the site although the specific details of those permissions are not before me in this appeal. Each case also needs to be assessed on its own merits and in this case I find the size of the structure including the extent to which it would cover the rear garden to result in harm to the character of the area.

9. I also have considered the appellant's position that the appeal proposal is needed to provide an additional bedroom for visitors as well as a space to undertake Judo training to prepare for competitions. Whilst I am sympathetic to this it does not outweigh the harm I have identified from the size and scale of the proposal being too large for the plot and out of character with the area.

10. Policy CS13 of the Southampton City Council Core Strategy incorporating Partial Review 2015 requires development to respond positively and integrate with its local surroundings and character. Saved Policy SDP7 of the City of Southampton Local Plan Review 2006 requires development to respect the scale, density and proportion of existing buildings. Saved Policy SDP9 requires development to respect their surroundings in terms of scale, massing and visual impact. Guidance is also contained in the Council's Residential Design Guide 2006 seeks to ensure development is well designed in terms of context and impact on character. For the reasons outlined above I conclude that the development would have a harmful impact on the character of the area contrary to Policies CS13, SDP7 and SDP9 of the Development Plan and the guidance contained in the Council's Residential Design Guide.

Living conditions of neighbouring properties

11. The Council's residential design guide provides advice for proposals to protect living conditions of neighbouring properties. As already identified, the size of the proposal is too large for the plot and would harm the outlook of neighbouring properties from their garden areas, which is contrary to Saved Policy SDP9 that requires development to respect their surroundings in terms of impact on surrounding land uses and local amenity.

12. The Council's officer's report also refers to there would be harm to privacy and available light. Whilst the appeal proposal would be a very a large structure, I do not agree that it would cause unacceptable harm in terms of loss of light or privacy as the windows proposed would use obscure glazing that could be controlled by condition. The appellant has also provided shading analysis that demonstrates the effects of shading would not in be materially harmful to living conditions of neighbouring properties.

13. I note objections submitted from neighbouring properties raised concerns over the potential noise that would arise from the use of the outbuilding for training purposes, concerns which are also referred in the Council's officer report. However, I give some weight to the appellant's view that this could be controlled through the construction of the building and controlled by conditions if the appeal were acceptable in all other respects.

14. The loss of outlook caused by the excessive size of the proposed building would, however, cause harm to living conditions contrary to Policies CS13, SDP7 and SDP9 of the Development Plan and the guidelines contained within the Residential Design Guide.

Creation of an independent living unit

15. The appellant's submission explains clearly that the proposal is to provide additional ancillary accommodation for visitors as well as the area for him and his son to train for Judo competitions. There is no evidence that disputes that that the building would be used for these activities, which in my view would be ancillary to the use of the site as a single dwelling. In this context just because the proposal is a very large building it does not automatically follow that it would be tantamount to the creation of an independent living unit. Furthermore, If the appeal were being allowed a condition could be attached to control this issue but as I have found it unacceptable on other grounds it does need any further consideration in this appeal.

Conclusion

16. I conclude that the works will harm the character of the area and the outlook of neighbouring properties. There are no material considerations that outweigh harm I have identified and therefore the appeal is dismissed.

N Perrins

INSPECTOR