



Appeal Decision

Site visit made on 7 August 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/D1780/W/22/3310237

Land at rear of 94 and 96 Bellemoor Road, Southampton, SO15 7QU

- 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 A and R Properties against the decision of Southampton City Council.
 - The application Ref 21/01379/FUL, dated 13 September 2021, was refused by notice dated 25 May 2022.
 - The development proposed is a new dwelling with bicycle and car parking, and access from Pentire Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It is acknowledged that on the application form the appeal site location refers only to 94 Bellemoor Road. However, the decision notice and appeal form refer to both 94 and 96 Bellemoor Road which more accurately describes the appeal site's location.
3. Within its statement of case the Council have referenced to the superseded 2019 National Planning Policy Framework. However, I am satisfied this was in error as the paragraphs referred to relate to the current 2021 National Planning Policy Framework (The Framework).

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area; whether the proposal would provide adequate living conditions for future occupants with specific regard to internal space; and the effect on the Special Protection Areas of the Solent Coastline (SPA).

Reasons

Character and appearance

5. The appeal site is to the rear of 94 and 96 Bellemoor Road, a pair of semi-detached properties located at the junction with Pentire Avenue. Both Bellemoor Road and Pentire Avenue form part of a larger residential area. Most houses within the area are similarly sized 2-storey properties, either detached or semi-detached. For Bellemoor Road and Pentire Avenue the houses are set back behind generally open frontages. This homogeneity in building design and regularity in layout creates an overall uniformity to the character and appearance of the area.

6. The proposal would create a 1.5 storey dwelling with off-road parking and a rear garden. The design of the proposed dwelling is functional with a front facing gable, although a proportion of the frontage would be obscured by the enclosed front garden.
7. The proposed height of the new dwelling and forward position within the plot is at odds to its surroundings neither recognising the regularity of the 2 storey houses or the subservient and set back position of the single storey outbuildings glimpsed in back gardens.
8. This lack of parity is further exacerbated by the proposed use of a dominant front facing gable, and the location of the fenestration in the front elevation. There are examples of front facing gables in the area, however these are predominantly limited to features above bay windows on a hipped roof rather than the main roof shape. The screening of much of the front elevation fenestration, including the front door, by the enclosed frontage would mean the proposal would present a largely blank elevation to the road. Accordingly, the proposal would be entirely at odds to the surrounding area where properties have open frontages and windows and doors are traditionally located within the front elevation adding legibility to the building, and regularity and interest to the street scene.
9. This awkwardness in the form, design and layout is evidence that although the appeal site would be a similar width to other plots along Pentire Avenue, its size is too compact to incorporate that proposed. It would, therefore, have a detrimental impact on the character and appearance of the area.
10. It is acknowledged that the materials proposed would reflect those used throughout the area, but this does not overcome the identified harm.
11. The appellant has drawn my attention to 3 properties they consider are like that proposed, namely 1A Meadowhead Road, and 2J and 2K Westridge Road. These 3 properties are in areas with different characters to that surrounding the appeal site where there is either less homogeneity in street scene or a more urban environment. As such, I am not persuaded that they are directly comparable to the proposal before me.
12. Consequently, I find the proposed development would cause significant harm to the character and appearance of the area. It would, therefore, fail to comply with Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (LDFCS), Policy SDP9 of the City of Southampton Local Plan Review (LPR) and the Framework insofar as they require new development to be of high quality and to integrate with its surroundings.

Living conditions

13. The appellant has confirmed that the proposed new dwelling would provide accommodation for 3 persons, with 2 bedrooms across 2 floors, and the main parties agree that the National Described Space Standards (NDSS) for a property of this type would be 70m². The appellant has confirmed the internal floor space would be 61.5m².
14. LPR Policy SDP1 is a strategic policy which, amongst other things, requires development to not unacceptably affect the health and amenity of Southampton's citizens. This would include the living conditions of future occupants of new development and is an ethos supported by Paragraph 130 of

the Framework. It is acknowledged that the NDSS is not specifically referred to in Policy SDP1, but it is referred to in the Framework, and is commonly used as a starting point when considering space standards. It is self-evident the proposal is substantially smaller than the NDSS recommendation. Nevertheless, it is also important to consider the physical layout of what is proposed.

15. The multiple rooms would be compact in size and their proportions awkward. This is emphasised by both bathrooms being of a similar size or smaller than the accessible w.c, and the lower than optimal ceiling height for much of the first-floor bedroom due to the roof slope and long narrow proportions of the room. The somewhat convoluted layout of the ground floor would also mean that ease of movement through the dwelling would be constrained by the relatively high number of doors and corners which would need to be navigated. This has the potential of reducing useability and free movement specifically for those who are less mobile.
16. Therefore, notwithstanding the significant difference in size between the NDSS and that proposed, I am unconvinced the internal space would provide adequate living conditions for future occupants. It would thus fail to comply with LPR Policy SDP1 and the Framework.

SPA

17. The appeal site is in the zone of influence of the SPA. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations) require an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of the SPA, and one has been undertaken by the Council with input from Natural England.
18. The SPA provides habitats which are susceptible to disturbance by human activity. The additional dwelling proposed, whilst minimal on its own, would contribute to an increased population in combination with other plans, projects, and developments in the area. Given the proximity of the development to the SPA, it is likely that its contribution to the increase in population could lead to an increase in visitor and recreational pressure within the SPA. The AA concludes, therefore, that the proposal would likely have a significant effect on the SPA and there is nothing before me to conclude otherwise.
19. There is no scheme of mitigation before me to consider and although the Council state a financial obligation in line with its established mitigation strategy would be appropriate, no mechanism to secure such an obligation has been submitted.
20. As I intend to dismiss this appeal for other reasons, I have not pursued this matter further. However, had a fully executed section 106 agreement been submitted which provided for an appropriate SPA contribution, it would have ensured compliance with LDFCS Policy CS22, insofar as it requires development to not adversely affect the integrity of internationally, nationally, and locally designated habitats.

Planning Balance

21. The Council cannot demonstrate a 5-year housing land supply, as such it is necessary for me to apply paragraph 11 of the Framework.

22. The proposal would provide 1 dwelling in an accessible location reasonably quickly, which would contribute to the Council's 5-year housing land supply. This along with the modest economic and social benefits a dwelling of this nature would attract, can only be afforded limited weight due to the small scale of that proposed.
23. No weight can be afforded to the appellant's assertion that the properties would fulfil a need as an accessible home for a disabled person. This is because there is no evidence to show that the dwelling would be retained for that use permanently or that the layout would be suitable.
24. No harm has also been identified in relation to highway safety, parking, living conditions of neighbouring residents, and the provision of outdoor space. Nevertheless, a lack of harm is a neutral factor so cannot weigh for or against the proposal.
25. However, housing provision should not come at the cost of good design, the living conditions of future occupants, or the SPA, a position supported by the Framework. I therefore find the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

26. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR