

Appeal Decision

Site visit made on 19 September 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2023

Appeal Ref: APP/D1780/W/23/3319793

61 Cobbett Road, Southampton, SO18 1HJ

- 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 Dale Murphey against the decision of Southampton City Council.
 - The application Ref 22/01201/FUL/20785, dated 24 August 2022, was refused by notice dated 20 October 2022.
 - The development proposed the erection of 2 x 2-bedroom semi-detached dwellings with associated parking and works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on: a) the character of the locality, b) living conditions for neighbours, c) living conditions for future residents and d) nature conservation interests.

Reasons

3. The appeal site appears to have been part of the garden for No 61 Cobbett Road in the past and is now used as a temporary car store. No 61 is on a corner plot and this site is on the flank facing a busy spur road which has commercial development to the south and generally established residential properties to the north. Immediately to the north of the appeal site is part of the side of the rear garden of No 57 Cobbett Road which like most homes locally is on a rectangular, relatively generous, plot. The appeal scheme is for two semi detached homes of modern idiom flat roofed design facing close to the spur road.

Character

4. In my opinion the street frontage approach to the appeal scheme would be commendable. It would be an interesting and functional way to enhance a streetscene and enliven what is presently an uninspiring stretch of highway. I do not have issues with the appearance of this building looking northwards. I am also not concerned with the approach to very limited parking provision for the new build or possible reduction of options for nearby flats to use this land. The area seemed to me to be not one of parking stress and with good access to
-

public transport options and facilities it would seem highly likely that not all occupiers in small homes around this area would be car owners.

5. However, because of the constraints of the plot and the nature of the design, both the western and northern boundaries of the appeal site would have, significant runs of, effectively, two-storey built form right on their outer edges and also open areas of the site would be small. I would not see the need to run a strict mathematical formula against the scheme but regrettably the approach to layout, ground coverage and siting of massing would be markedly out of character with the prevailing pattern of development running away from the site. There is some sense of spaciousness, open aspects and amenity areas, and the setting off from boundaries of buildings is the norm. In these senses the appeal scheme, whilst an ingenious architectural approach, would fall to be categorised as over-development to my mind.
6. Saved Policies SDP7 of the Local Plan Review (March 2015 amended) (LPR) and Policy CS13 of the Core Strategy (March 2015 amended) (CS) are relevant. Taken together and amongst other matters they seek to protect the character of an area and respect patterns of existing layouts. Schemes should follow good fundamentals of design with the promotion of higher densities but such densities need to “work”. I conclude that the appeal scheme would run contrary to these policies.

Living conditions for neighbours

7. The dwellings are thoughtfully designed in the sense that overlooking or loss of privacy would not be an issue. However, I touch above on the two-storey built form right on the western and northern boundaries. Unfortunately, this is where the problem lies on this issue to my mind. The massing would simply be too close to neighbours inside and outside of Nos 61 and 57 Cobbett Road. Outlook would be lost and there would be a most uncomfortable sense of overbearing dominance and loss of outlook. I appreciate that there is presently substantial vegetation running along, outside, the northern boundary of the site but its height and presence is fully manageable by the neighbours and in any event a ‘green’ outlook is very different from vertical walling and mansard form.
8. LPR Saved Policy SDP1 is pertinent. Amongst other matters it seeks good quality development with high amenity standards for the City’s residents. Given the foregoing I would conclude that the appeal scheme would conflict with this policy insofar as neighbours would be concerned.

Living conditions for future residents

9. The Council is concerned about internal and outdoor spacing. However, to my mind this should not all be about precise mathematics, which in themselves are ‘not far out’, but rather the reality for future residents in these homes. Amongst the attributes are the fact that principal windows would be south facing, internal spacing would be regular and usable in shape, full ceiling heights would be in place, bedrooms would be of suitable size, living rooms would be pleasing and functional and outside amenity areas would be private. The homes would be small but not dysfunctional or unduly cramped and

located in a very accessible area and I am sure would provide a pleasing place to live for a sector of the population.

10. As I mention above LPR Saved Policy SDP1(i)) seeks good quality development with high amenity standards for the City's residents. However, I conclude that the appeal scheme would not run contrary to this policy in terms of future residents. The Residential Design Guide SPD (September 2006) also has some pertinence but it could not be expected to cover every eventuality and in my opinion in this case a degree of flexibility would be appropriate.

Nature conservation interests

11. The Appellant is clearly familiar with the issue of necessary mitigation against the impact relating to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. I would agree with the Council that failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of the new accommodation (within 5.6km of the Solent coastline) on internationally protected birds and habitat would be significant.
12. Secondly, there is also now the question of the impact of the development against nitrates emissions which is the subject of an adopted nitrates mitigation strategy and to my mind this needs to be addressed to secure suitable safeguards in nature conservation terms.
13. I have before me Heads of Terms which are related to the first matter but this carries little weight as I have no formal Section 106 Agreement or Unilateral Undertaking within the appeal papers. On the second matter, the nitrate mitigation, I have no submissions other than a comment that payment would be made prior to occupation. I would require more formal detail to consider this matter with any scope for a favourable decision relating to this main issue.
14. In the light of this I can only conclude that the appeal scheme would be contrary to CS Policy CS22 which is concerned with promoting biodiversity and protecting habitats and is supported by the Habitats Regulations.

Other matters

15. There is a shortfall in five-year housing supply in the Council area and the scheme would make a small contribution on that front. The design has clearly evolved with much thought and some innovation and there are commendable attributes associated with it not least the streetscene, energy efficiency and use of internal space. However, given my findings above I could not class the proposal as sustainable development and this outweighs positive factors including the contribution to housing supply. I have reviewed other housing examples drawn to my attention but found none to be directly comparable in terms of immediate or wider context and, in any event, I must assess this case on its own merits.
16. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to three of the main issues identified above.

17. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within the Framework.

Overall conclusion

18. For the reasons given above I conclude that whilst the appeal proposal would provide reasonable living conditions for future residents it would have unacceptable adverse effects on the character of the locality, living conditions for neighbours and on nature conservation interests. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR