



Appeal Decision

Site visit made on 9 April 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2024

Appeal Ref: APP/D1780/W/23/3322103

1-2 Alexandra Wharf, Maritime Walk, Southampton SO14 3QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by AW Security Limited against the decision of Southampton City Council.
 - The application Ref is 22/01132/OUT.
 - The development proposed is an upwards extension to create a new floor containing 4x 4-bedroom flats on the roof of the existing apartment building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal has been made in outline, but the only matter reserved for future consideration is layout. However, as scale is not a reserved matter, and the dimensions of the extension shown on the submitted drawings are therefore fixed, there is very limited flexibility for its layout within the confines of the existing roof. Plans that accompanied the application show how the four flats would be arranged within the extension, and provide an indicative internal layout for Flat 1. However, as layout is reserved, I have considered these details solely on the basis that they have been submitted for illustrative purposes.
3. The Council's third reason for refusal related to the effect of the development on the integrity of the Special Protection Areas (SPAs) of the Solent Coastline. During the appeal, the appellant submitted a completed Agreement under Section 111 of the Local Government Act 1972 dated 8 January 2024 (the S111 Agreement). The S111 Agreement states that a financial contribution of £3,920 has been made to the Council towards the cost of measures to mitigate the impact of the development on the SPAs. This is an issue that I will return to below under the heading Other Matters.

Main Issues

4. The main issues are:
 - a) The effect of the development on the character and appearance of the area; and,
 - b) The effect of the development on the living conditions of the occupants of neighbouring properties with regard to outlook from, and light to, private outdoor amenity spaces.

Reasons

Character and appearance

5. Alexandra Wharf is a multi-storey building that occupies a prominent site adjacent to the Ocean Village Marina. It is made up of three discernible sections that increase in height from south to north, but there is a consistency to its overall design. The ground floor commercial elements are visually detached from the upper floors by a robust rendered plinth around the entire circumference of the building, which draws the three elements together. Above this, the façade comprises almost entirely of domestic scale windows, but these are recessed within a symmetrical masonry framework, which gives the building an ordered, vertical emphasis. The framing of the glazing continues above the windows, giving the building a clean roofline. Overall, the building is of high-quality contemporary design, with a simple coherent form, which makes it a positive feature in this key waterside location.
6. The building is seen from the opposite side of the marina between the Harbour Hotel and Moresby Tower, which are also multi-storey buildings of contemporary design. Although much higher, the Moresby Tower shares the clean and simple architectural form and verticality of the appeal building. The Harbour Hotel has a more complicated, stepped form, apparently to suggest the form of a cruise liner. However, it has an uncomplicated roofline that aligns with that of the southern part of the appeal building, which then steps up and leads the eye around to the taller, northern part of the building and then upwards again to the Moresby Tower. These three buildings, in combination, provide a cohesive and attractive enclosure to the marina, and a distinctive skyline when viewed across the water from the east.
7. Policy CS13 of the Core Strategy Partial Review, March 2015 (the Core Strategy), requires development to contribute positively to the unique image of Southampton and to local distinctiveness through innovative and high-quality design. Policy AP35 of the City Centre Action Plan, March 2015 (the Action Plan) refers specifically to the Ocean Village quarter, and supports development that uses innovative and distinctive architectural design. The supporting text indicates that the quality of architectural design must aspire to create landmark buildings to enhance Ocean Village as a high-quality waterfront destination. The existing buildings at Alexandra Wharf, the Harbour Hotel, and Moresby Tower meet these requirements.
8. The proposed upward extension would cover most of the existing roof of the central section of the building. As the northern section would still be two storeys higher, the stepped progression of roof heights from south to north would not be significantly altered. However, the characteristically clean roofline of the building would be disrupted. Although, for the most part, the extension would be set back from the outer walls, this would only conceal it from viewpoints very near to the building. In wider views, which can be obtained from all directions, it would be readily evident, and would significantly compromise the simple form of the building, harming its coherent design.
9. It is contended that the simple roofline of the original building is already broken by existing and consented rooftop structures, and that the proposal would draw these elements together into a cohesive whole. However, whilst the balustrades on the lower roof, and the lift tower on the higher roof, are visible from some viewpoints, the more extensive central roof appears largely

uninterrupted when viewed from the opposite side of the marina. There is no evidence to indicate that previously consented works to provide roof terraces on this part of the building are now more than a theoretical possibility. Consequently, the proposal would harm the integrity of the overall form of the building, which is still apparent in views across the water, reducing the positive contribution that it makes to the distinctive skyline that encloses the marina.

10. It has been put to me that the set back of the extension is a logical response to the recessed balconies below. However, the existing balconies are contained within the robust masonry framework, which gives the building its crisp, balanced form. Being outside this framework, the additional storey would appear as an incongruous addition, poorly related to the well-ordered building below. In arriving at this conclusion, I am mindful that there are other buildings in the wider area that have stepped upper storeys, but they are integral elements of the overall design of those structures. In the case of the appeal building, however, the upward extension would appear as a rather ill-considered afterthought, which would disrupt the simple design concept of the original building.
11. For the above reasons, I find that the proposal would compromise the coherent architectural quality of the building, reducing its positive impact as part of a distinctive group of buildings on this side of the marina. The development would, therefore, be harmful to the character and appearance of the area. As a result, it would conflict with Policy CS13 of the Core Strategy and Policies AP16, AP17 and AP35 of the Action Plan. Taken together these policies seek to secure the high-quality design of tall buildings in the city centre, and to enhance Ocean Village as a high-quality waterfront destination. It would also fail to meet the aim of the National Planning Policy Framework (the Framework) to achieve well-designed and beautiful places.

Living conditions

12. The roof of the central section of the building is largely disused, but at its northern end, adjacent to the taller section of the building, there are two private outdoor terraces. The upward extension would be immediately adjacent to the southwestern boundaries of both of these amenity areas, and would be about three metres in height. The application was accompanied by a Daylight and Sunlight Report¹ (the Light Report), which assesses the impact of the proposal on the light reaching these terraces, with reference to the numerical tests laid down in the Building Research Establishment guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice (the BRE guide).
13. The BRE guide contains an objective overshadowing test for open spaces, which recommends that at least 50% of an amenity space should receive at least two hours of sunlight on 21 March. The Light Report demonstrates that the entire terrace to the southeast of the existing lift tower receives the required amount of sunlight before and after the development. However, 47% of the other terrace would receive under two hours sunlight as a result of the development. Whilst this only just passes the numerical test for sunlight, the elevated position of the terrace means that occupants would have wide expanses of visible sky providing high levels of diffuse daylight. Consequently, the majority of the terrace would still be well lit at all times, and it would remain a pleasant and useable outdoor amenity space in this regard.

¹ Right of Light Consulting Daylight and Sunlight Report (Neighbouring Properties) - 21 November 2022

14. The presence of the extension adjacent to the boundaries of the terraces would mean that they would be more enclosed than they are at present. However, the walls would only be about three metres high, so would still allow residents a reasonable degree of outlook over the structure to open sky beyond. The southeastern terrace would also retain an open outlook over the marina, similar to that from the balconies below, but as it would not be enclosed above, it would have a greater degree of openness. It would, therefore, continue to provide residents with a pleasant, private outdoor amenity space.
15. The other terrace is larger, and would remain entirely open on two sides, so occupants would not experience a significant sense of enclosure. There would still be an entirely open outlook to the northwest and northeast. Views to the open sky to the southwest would still be obtained, at a relatively low angle, over the extension. Consequently, the space would not be unduly dominated by surrounding buildings, and its function as a useable outdoor amenity space for private relaxation would not be significantly affected.
16. I therefore conclude that the proposal would not have an unacceptable impact on the ability of the rooftop terraces to function as pleasant outdoor amenity spaces, so the living conditions of neighbouring properties would not be harmed. The proposal would, therefore, accord with saved Policy SDP1 of the City of Southampton Local Plan Review – 2nd Revision (2015), which seeks to protect the amenity of the city and its citizens.

Other Matters

17. The appeal site lies within the Zone of Influence of the SPAs, which are recognised as being of international importance for supporting significant numbers of overwintering bird species. The development of additional units of accommodation would have a likely significant effect on the integrity of this sensitive area (either individually or in combination with other plans or projects) by reason of increased recreational pressures, unless suitable mitigation is provided.
18. In considering the application the Council carried out an Appropriate Assessment, which concluded that, if a financial contribution were secured in line with the adopted Solent Recreation Mitigation Strategy, there would be no adverse effect on the integrity of the SPAs. Natural England was consulted, and agreed with this conclusion. The S111 Agreement secures a financial contribution that exceeds the amount identified in the Officer's Report.
19. As this appeal is being dismissed on other grounds, no impact on the SPAs will arise. Consequently, this matter does not need to be considered further here. However, had the development been considered acceptable in all other respects, I would have had to consider the Appropriate Assessment and the means of securing mitigation in more detail, to satisfy myself, as the Competent Authority, that the development would comply with the Conservation of Habitats and Species Regulations 2017 as amended.

Planning Balance

20. I have found that the proposal would conflict with development plan policies that seek to protect the character and appearance of the area. However, it is not disputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The most recent evidence indicates that the supply

is 4.19 years, so the shortfall is moderate. Nevertheless, in these circumstances, Paragraph 11 d) of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

21. The Core Strategy and the Action Plan both date from 2005, but the weight to be attached to them does not hinge on their age. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. Section 12 of the Framework seeks to achieve well-designed and beautiful places. Paragraph 135 says developments should be visually attractive as a result of good architecture, and sympathetic to local character, including the surrounding built environment. I see no fundamental conflict between these aims and those of Policies CS13 of the Core Strategy and AP16, AP17 and AP35 of the Action Plan. The conflict between the proposal and these development plan policies should, therefore, be given significant weight in this appeal.
22. Set against the harm that I have identified, there would be benefits associated with the development. It would support the Framework's objective of significantly boosting the supply of homes as set out at paragraph 60, and it would make a modest contribution towards addressing the shortfall in housing land supply. The site is in an accessible location, so would be an appropriate site for additional housing. Paragraph 70 of the Framework says great weight should be given to the benefits of using suitable sites within existing settlements for homes.
23. The proposal would also provide economic benefits through employment during the construction phase, and the ongoing spend of residents thereafter. However, the relatively modest scale of the development means that these benefits would be limited.
24. Paragraph 131 of the Framework says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Furthermore paragraph 123 advises that the effective use of land in meeting the need for homes should also ensure the safeguarding and improvement of the environment. Consequently, when assessed against the policies in the Framework, taken as a whole, the benefits of the proposal are significantly and demonstrably outweighed by the harm to the character and appearance of the area. The advice at paragraph 11 d) does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan.

Conclusion

25. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR