



Appeal Decision

Site visit made on 23 April 2024

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal Ref: APP/D1780/C/23/3325778

Land at 59 Burgess Road, Southampton SO16 7AL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr J Akbar against an enforcement notice issued by Southampton City Council.
 - The enforcement notice was issued on 8 June 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission:
(i) The erection of a front-boundary block wall exceeding a height of 1 metre above ground level ("the Wall"); (ii) The erection of a porch with pitched roof and canopy on the front elevation of the building on the Land ("the Porch Structure").
 - The requirements of the notice are: (i) Reduce the height of the Wall to a maximum height of 1 metre above ground level; (ii) Remove the Porch Structure in its entirety; (iii) Remove all resulting materials from complying with steps (i) and (ii) from the Land.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

2. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. It however does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.

Main Issues

3. The main issues are the effect of the developments on the character and appearance of the area and highway safety.

Reasons

4. The site is located along a stretch of Burgess Road which is characterised by residential dwellings on both sides of the road. Many of the houses are Victorian semi-detached properties, albeit with a variety in appearance and form.
5. The developments before me relate to a front boundary wall of approximately 1.8m in height, which is proposed to be rendered, and a front porch structure which incorporates a roof to a bay window.

Character and appearance

6. The porch structure, whilst remaining unfinished, has largely been constructed. Whilst the dwelling has been altered and extended previously, the structure, in particular its shallow and oddly designed and pitched triangular roof form, appears incongruous, even though it is set back from the highway and uses appropriate materials.
7. It is therefore neither a period nor contemporary addition that responds positively to the dwelling or its local surroundings. Whilst there might be a variety to the front facades of properties, the roof of the structure clearly represents poor design. It is therefore inappropriate and unsympathetic as oppose innovative, harmonious or in keeping, even if it is less prominent, than say, the wall.
8. The wall is then proposed to be rendered, which could be secured by a planning condition. Nevertheless, the height of the wall makes it unsympathetic within the street-scene. Whilst there might be other examples of boundary treatments of a similar height, those specifically brought to my attention are not rendered walls and so are not comparable. Rather than creating appropriate variation, it is conspicuous. The wall, even rendered, would therefore not respond positively or integrate with local surroundings.
9. I conclude the developments are harmful to the character and appearance of the area in contravention of saved Policies SDP7 and SDP9 of the City of Southampton Local Plan Review, 2015 (the LP), and Policy CS13 of the Southampton Local Development Framework Core Strategy Development Plan Document, 2015. These policies, amongst other things, require development to respect scale and proportion, be of high quality design, and, respond positively and integrate with its local surroundings. For the same reasons the developments contravene Policies BAS1 and BAS4 of the Bassett Neighbourhood Plan, the Residential Design Guide, 2006, and the well-designed and beautiful places objectives of the Framework.

Highway safety

10. The wall is situated immediately to the rear of the footway and is some 1.8m in height. The previous wall was significantly lower.
11. Even if there are other examples of boundary treatments of similar height, there is very limited evidence that these do not create a highway safety issue. In the case of the wall before me, despite the vehicular access width and supposed visibility splays that arise, the height of the wall has the potential to significantly hinder visibility of those on the footway. This thus creates an unacceptable road user and highway safety conflict.
12. I conclude the development is harmful to highway safety in contravention of Policy SDP1 of the LP, which requires, amongst other things, for development to not unacceptably affect the safety of the city and its citizens.

Other matters

13. Whilst a porch could be constructed through utilising permitted development rights, I have very limited evidence to demonstrate that a porch with the roof form of that before me could practicably be constructed in accordance with such rights. I therefore afford this proposition very limited weight.

14. I appreciate the appellant has sought to provide additional entrance space and secure a degree of privacy but there is very limited evidence as to other options that have been discounted and so I afford these matters very limited weight.
15. The absence of a neighbouring objection attracts neutral weight.

Conclusion

16. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the ground (a) appeal should fail.
17. I shall therefore uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

18. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul T Hocking

INSPECTOR