



Appeal Decision

Site visit made on 21 May 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/D1780/W/23/3327007

**Land to the west of Admiralty House, Platform Road, Southampton
SO14 3FU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Alison Pickard against the decision of Southampton City Council.
 - The application Ref is 23/00432/FUL.
 - The development proposed is the construction of a 4-bedroom dwelling with green roof/roof garden.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Alison Pickard against Southampton City Council. This is the subject of a separate Decision.

Preliminary Matters

3. Since the Council determined the application a new version of the National Planning Policy Framework (the Framework) came into effect. The main parties have been invited to provide further comments on the revised Framework. Where received I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.
4. I have amended the description in the above banner to omit text which does not relate to an act of development.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, taking into account its location within the Canute Road Conservation Area (the CRCA) and Admiralty House; and
 - whether the proposed development would provide satisfactory living conditions for future occupiers, with respect to noise, daylight and outlook, and with reference to the operation of the neighbouring Port of Southampton (the Port).

Reasons

Character and appearance

6. The appeal site is located within the CRCA and close to the Oxford Street Conservation Area (the OSCA). It is also immediately adjacent to Admiralty House, a Grade II listed building. As a result, I am required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to:
 - have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and
 - pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
7. Focused along Platform Road which leads into Canute Road and encompasses Royal Crescent Road, the significance of the CRCA is largely derived from its role in the growth of the city as a major shipping and passenger port. The area around Canute Road and Royal Crescent Road is characterised by large and tall commercial buildings which line the street. Although many have been converted to other uses, including residential, the functional and historical port character of these buildings is retained, maintaining a visual association with the Port.
8. In contrast, where Canute Road joins Platform Road the dominance of the built form in the street scene changes due to the widened highway and the verdant edge created by Queens Park, located within the OSCA. In addition, the street vista opens as the key buildings along this part of the road, comprising Union-Castle House, Portcullis House and Admiralty House, are sited back from the southern side of the highway. Being detached, the spacing between these buildings allows views through to the working port beyond which, combined with the tall metal security fencing, gated access and the large-scale signing emphasises the influence the Port has on the character in the area.
9. Although now converted into apartments, the significance/special interest of Admiralty House as the former post office for the docks is evident in its architectural style, described in the Council's CRCA Appraisal¹ as Wrenaissance. It has a grand appearance with generously proportioned, vertically aligned windows that, in combination with the columns and symmetrical façade, provide a vertical emphasis to the building. Whilst other buildings within the Eastern Docks Characterisation Area (the EDCA) are generally functional first and aesthetic second, this is not the case for Admiralty House, even if it is also located within the EDCA.
10. Its prominent location, height and contrasting use of red brick and stone combine to create a landmark experienced in views along Platform Road and across Queen's Park through gaps in the vegetation. During months when the trees in the park are without leaves, this latter view would be more prominent. Together with Portcullis House, located on the opposite side of Central Road, the bulk, height and positioning of these buildings signify a gateway to the Port, despite their architectural differences. All these features form part of the setting of Admiralty House.

¹ Canute Road Conservation Area Appraisal (the CRCA Appraisal) draft issued 5 September 2011

11. No buildings are located between Admiralty House and where Platform Road becomes Town Quay, close to the corner of the city's Old Town. Whilst there are several structures on the appeal site, they are predominantly lower than the frontage wall thereby permitting views of the Port in this wide gap in built form. The proposed dwelling would be visible in this gap, although it would be significantly lower than Admiralty House, sited a similar distance away from the listed building as Portcullis House and retain the strategic views identified in Policy AP16 of the Action Plan².
12. The bulk and massing of the proposed three-storey detached property would be substantially smaller than other buildings in the street scene. Its elevations have limited detailing with single-paned windows of varying sizes which do not align across the floors. This contrasts starkly with the vertical emphasis of Admiralty House's fenestration arrangement, its window surround detailing and the symmetry of the façade. Additionally, the sloping appearance of the roofline on the front elevation would be an incongruous feature in the street scene, even if it has been designed to screen the proposed solar panels behind and step down to define the end of the built form. As a result, the prominence of Admiralty House would be diminished, particularly when viewed from the Old Town and Queen's Park, even if the proposed dwelling would not dominate the street scene.
13. The proposed development would result in the introduction of an isolated building with a clear residential appearance and function, into a street scene strongly influenced by the historical and current operations of the Port. There are no buildings that have a residential character near the appeal site or individual dwellings. As such, whilst modern as opposed to pastiche, the design is not a contemporary interpretation of Admiralty House and falls short of complementing or enhancing the listed building. Irrespective of whether the proposed dwelling would permanently preserve the western elevation of the listed building, it would jar against the quality of architectural style and detailing of Admiralty House.
14. Any similarities between the design approach to the appeal scheme and the Atlantis Court residential development, also located in the CRCA, are limited given the scale, aligned fenestration arrangement and angular forms of the existing building. Moreover, it is located in the part of the CRCA where the vista along Canute Road is framed and enclosed by the built form, as opposed to the more open arrangement along Platform Road where the site is located.
15. Despite having been converted to apartments with limited alterations to its exterior, Portcullis House³ retains its commercial character. Even if the Council considers the former office block to provide little contribution to the character of the CRCA, its presence does not set a precedent that justifies further unacceptable development. Even if the Council had been able to condition a new façade for Portcullis House, this would result in strengthening the street scene, CRCA and the importance of Admiralty House. Due to the limited similarities in scale, bulk and massing of Portcullis House with the proposed dwelling, it would not result in framing the listed building.

² City Centre Action Plan 2015 (the Action Plan)

³ Council ref: 10/00797/PA56

16. My attention has been drawn to several purpose-built residential developments⁴ approved within the CRCA and/or close to a listed building. However, I have limited details of these schemes before me, including the policies in place when they were determined. Therefore, any comparison with the proposed development is limited due to the scale of these developments and their location within another part of the CRCA which, as already identified, has a differing character to the area alongside Platform Road.
17. I acknowledge that the appeal scheme has evolved following the withdrawal of another scheme⁵ which attempted to reflect the character, scale and height of the historic buildings in the CRCA. I also appreciate that the principle of some sort of development on the appeal site has been supported by the Council and a different design approach taken with the appeal scheme to the proposals of other unsuccessful planning applications⁶ on the site. Nonetheless, despite the encouragement of bolder contemporary design as part of pre-application advice⁷ and any support previously received from the Council's Design Team, pre-application advice is provided without prejudice and is not binding upon the Council.
18. My attention has been drawn to the single-storey prefabricated structure that was located on the appeal site, before the conversion of Admiralty House, as indicated in the Heritage Statement⁸. This also shows the built form associated with the Port previously sited close to the site. However, these former buildings do not justify the siting of the proposed dwelling and its effect on the character and appearance of the area, including the CRCA and Admiralty House.
19. I have found that the proposed development harms the character and appearance of the CRCA and the special interest/significance of the setting of Admiralty House. In the language of the Framework, the development results in less than substantial harm to the significance of the designated heritage assets on the basis that the development would harm only part of their significance. In those circumstances, paragraph 203 of the Framework states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I have attached great weight to the desirability of avoiding any such harmful effect. I will return to this matter below in the Planning Balance.

Living conditions

20. Policy AP4 of the Action Plan supports the growth and overall competitiveness of the Port as an internationally significant deep-water port and transport hub which operates 24 hours a day. Within the Port, a variety of noise-generating activities are undertaken, including the loading/unloading of passenger and freight ships, and the movement of goods, vehicles and containers, amongst others.
21. A Noise Assessment (NA)⁹ was submitted with the planning application which concluded that, subject to the implementation of several mitigation measures,

⁴ 42 Canute Road - Council ref: 19/00390/REM, Royal Crescent Apartments - Council ref: 06/01707/FUL, 6-12 Royal Crescent Road - Council ref: 18/00140/OUT, Car Park College Street - Council ref: 21/01199/FUL

⁵ Council ref: 22/01649/FUL

⁶ 10 storey building - Council ref: 03/01607/FUL, 5 storey building - Council ref: 05/01131/FUL, 5 storey building - Council ref: 05/01772/FUL

⁷ Council ref: 21/00468/PREAP1, dated 8 July 2021

⁸ No author and undated

⁹ Prepared by the appellant, dated 30 March 2023

future occupiers of the proposed dwelling would not experience unsatisfactory noise levels. However, it is unclear if the NA was undertaken by a suitably qualified person and whether the mobile phone application used in the survey provides sufficient accuracy to establish the existing noise levels. Whilst undertaken on two dates, including daytime and nighttime readings, the selection of these dates and times has not been justified. It is unclear therefore whether the readings were taken at peak Port activity times. Moreover, calculations demonstrating how the identified mitigation measures would reduce the recorded noise levels to meet appropriate internal noise standards have not been provided.

22. Concerning sites adjacent to the Port, such as the appeal site, Policy AP4 emphasises the need for proposals to consider the impacts on the current or future of the Port. This is consistent with the Framework's objective of ensuring new development can be integrated effectively with existing businesses, amongst other uses. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the new development should be required to provide suitable mitigation before it has been completed. The Planning Practice Guidance sets how the potential conflict, or 'agent of change' principle can be addressed¹⁰, whilst Policy CS9 of the Core Strategy¹¹ details how the growth within the existing port boundaries can be controlled.
23. In this case, the types of activities permissible within the Port boundary, including any permitted development rights, are relevant. The potential activities, location and likely noise levels have not been identified or considered within the NA. Whilst information¹² has been provided with the appeal, this primarily focuses on the built-form restrictions a conservation area places on development, rather than the existing permitted development rights relevant to the operation of the Port. Consequently, I cannot be certain that the noise levels likely to be experienced by the future occupiers of the proposed dwelling would provide satisfactory living conditions. This is the case even if another inspector¹³ indicated that there is no indication that operations at the Port are due or likely to change soon.
24. Even though the appellant and their family have used the appeal site and lived in Admiralty House for several years without having made a complaint to the Port operator, this does not guarantee they would not complain in the future. This is particularly the case if the proposed mitigation measures are not sufficient to meet satisfactory internal noise levels. Moreover, the lack of complaints from the occupiers of Admiralty House is not a reason to conclude that no complaints would arise in the future.
25. The lack of an objection from the Port operator to the appeal scheme does not negate the need for an assessment of the living conditions likely to be experienced by future occupiers of the proposed dwelling, nor that the proposed development is supported.
26. I acknowledge that other residential development is located adjacent to the Port boundary. However, I have no substantive evidence before me regarding

¹⁰ Paragraph 009 Reference ID: 30-009-20190722

¹¹ Local Development Framework Core Strategy Development Plan Document – Amended Version incorporating the Core Strategy Partial Review March 2015 (the Core Strategy)

¹² Worst Case Scenario and Permitted Development document, undated

¹³ Appeal related to Council ref: 18/02095/OUT

the noise levels experienced at these locations, the mitigation measures incorporated or the policy requirements at the time the Council determined these applications.

27. Given the height of Admiralty House, parts of the appeal site would be shaded by the existing building, particularly during the morning. However, the proposed dwelling would be sited away from Admiralty House with no windows proposed in the side elevation. Instead, windows are proposed in the front and rear elevations to serve the rooms closest to Admiralty House.
28. Notwithstanding the large windows proposed at first and second-floor levels in the rear elevation and the installation of sun tunnels and skylights, a daylight assessment has not been provided demonstrating the amount of daylight likely to reach internal spaces. Whilst there are no buildings or structures located within the Port boundary close to the appeal site, in the absence of an assessment of built form or type of storage permissible, I cannot be certain that acceptable daylight levels would be achieved. This is particularly the case concerning the ground floor rooms marked as Home Office and Sewing and Craft Room shown on the General GA Plan¹⁴, both of which would be served by two narrow windows.
29. Whilst recognising that the existing outlook from the appeal site is dissimilar to most residential environments, nevertheless the openness of the Port site provides a long-distance panoramic view towards the ocean, even if the water is not visible. However, given the uncertainty around the scale, type and permanence of built form or storage permissible close to the appeal site, it is unclear if the breadth and scale of the outlook from the proposed dwelling would be maintained. Whilst the Council considers that the refusal of the scheme on outlook would be unfair, I cannot conclude with certainty that the permitted development rights would not result in blocking daylight from reaching the rooms located on the rear elevation of the proposed dwelling or lead to restrictions on the operation of the Port.
30. I conclude that the proposed development would not provide satisfactory living conditions for future occupiers, with respect to noise, daylight, outlook and the operation of the Port. It would conflict with policies SDP1 and SDP16 of the Local Plan Review¹⁵ which resists development that unacceptably affects the health and amenity of the city's citizens, including from noise-generating uses. I also find conflict with Policy AP4 of the Action Plan¹⁶ given the proposed development's effect on the operation of the nationally significant Port. It would also conflict with Chapter 12 of the Framework which seeks to ensure developments have a high standard of amenity for future users.
31. Although included on the decision notice, Policy CS9 of the Core Strategy is not determinative in this case as it relates to the growth of the Port itself.

Other Matters

32. The proposed development would provide a range of environmental, economic and social benefits resulting from the construction and occupation of an additional family dwelling, located close to existing services and facilities.

¹⁴ Drawing ref: AHG_002 rev C

¹⁵ City of Southampton Local Plan Review (the Local Plan Review)

¹⁶ City Centre Action Plan 2015 (the Action Plan)

33. Environmental benefits would arise as a result of the extensive range of eco-friendly systems proposed, including the use of renewable power sources, resources, waste and water management and the promotion of modes of transport other than the car. Although primarily advantageous to the appellant and their family, many of these would also benefit the public and are supported by the Council's Green City Plan 2030.
34. The provision of jobs during the construction of the dwelling would contribute to the local economy in the short term and by supporting local services, facilities and businesses in the longer term. The incorporation of dedicated working areas would provide self-employment opportunities for the appellant and their family.
35. I commend the appellant's approach to seeking to adopt a self-sufficient living environment and lifestyle and recognise the time and effort expended to establish the garden. Despite its small scale, I attach moderate weight to the public benefits which would arise from it.
36. The fact that the site is located within an area at low risk of flooding is a neutral factor in my decision. As is the reduction in the number of objections from the withdrawn scheme. The home address of those commenting on the appeal scheme does not alter my conclusions. Concerns regarding the determination of the planning application fall outside the scope of this decision and, where appropriate, I have addressed them within the Costs Decision.
37. I acknowledge that the CRCA Appraisal has not been adopted or updated since the car park at the front of Admiralty House was removed and incorporated into Vokes Park. However, it does include a useful assessment of the character of the conservation area including the appeal site and its immediate surroundings. As a result, I attach moderate weight to the document in my decision.
38. Even if I were to conclude that the proposed development aligns with the statements listed in the Council's Master Plan and the Cultural Strategy this would be a neutral factor in my decision.

Planning Balance

39. As identified above, the proposed development would result in less than substantial harm. The evidence before me indicates that the Council are unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. However, as I have found that the proposed development would cause harm to Admiralty House and the CRCA, assets protected by the Framework, there is a clear reason for refusing the development. Therefore, regardless of the shortfall in housing identified, the presumption in favour of sustainable development does not apply.
40. I conclude that the proposed development does not satisfy the requirements of the Act or the Framework and it conflicts with policies SDP1, SDP7, SDP9 and HE3 of the Local Plan Review and policies CS1, CS13 and CS14 of the Core Strategy. In combination, these policies, amongst other aspects, promote development which incorporates high standards of design that preserves, respects and, where possible, enhances the character and/or appearance of an area. I also find conflict with policies AP4 and AP16 of the Action Plan. These policies, amongst other things, support the growth of the Port and encourage

high standards of design in development which strengthens the distinctiveness of heritage in the area.

41. As the Residential Design Guide Supplementary Planning Document amplifies the design approach set out in the policies above, the proposed development conflicts with it. Similarly, given Chapters 12 and 16 of the Framework require development to be sympathetic to the character of the area, I also find conflict in this respect.
42. The appeal site is located within the catchment of the Solent Special Protection Areas (the Solent), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposed development upon the Solent, even if the appellant already lives in the catchment area, in accordance with the Habitat Regulations. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider such matters any further.

Conclusion

43. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, including the Framework, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

Juliet Rogers

INSPECTOR