

Appeal Decision

Site visit made on 20 August 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/D1780/W/24/3340748

723 Portswood Road, Portswood, Southampton, Hampshire SO17 3ST

- 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 Mr Anupe Dha against the decision of Southampton City Council.
 - The application Ref is 22/01081/FUL.
 - The development proposed was described as: "A residential property that was a HMO and I have inherited from my grandparents, it is now rented to a company that is an assisted living organisation for young people aged 18 to 25 – only ever maximum of 2 people in the property at any one time."
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a dwelling house to an assisted living dwelling for young persons (Class C2) at 723 Portswood Road, Portswood, Southampton, Hampshire SO17 3ST in accordance with the terms of the application, Ref 22/01081/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Local Planning Authority (LPA) refused the application for two reasons as set out in the decision notice. The first of those reasons, which related to character and living conditions, was subsequently withdrawn by the LPA, as confirmed in its appeal statement.
3. It was clear from my site visit that the appeal dwelling (No 723) was already in use as an assisted living dwelling for young persons. I have therefore determined the appeal on the basis that permission is being sought retrospectively for the change of use. I also found that this use included four bedrooms – one on the ground floor (immediately behind the front staff room) and three on the first floor. I gave the main parties opportunity to comment on this level of occupancy, and the LPA confirmed that it still wishes to defend the second reason for refusal. I have determined the appeal on this basis.
4. The description of development in the banner heading above is taken from the application form and differs to that contained in the decision notice. The LPA confirmed that the amended description in the decision notice was agreed upon with the appellant. Following my site visit, I consider that the amended description forms a more accurate description of the change of use subject of this appeal.

Main Issue

5. The main issue is the effect of the change of use on the availability of on-street parking.

Reasons

6. No 723 comprises a two storey detached dwelling facing Portswood Road, near its junction with Harrison Road and within the built up area of Southampton. It is within a narrow plot and has a deep rear garden, with an outbuilding towards the rear boundary. The site is surrounded by residential properties and is also near to purpose-built student apartments (including some off-street parking), and local shops and businesses. It is within a sustainable location between Portswood Road and Swaythling Local Centres, with a "medium accessibility rating" in terms of access to public transport, as described by the LPA with reference to the Public Transport Accessibility Level Map in Appendix 2 to its Local Development Framework Core Strategy Development Plan Document (2015).
7. The LPA's Parking Standards Supplementary Planning Document 2011 advises on the maximum parking amounts that may be provided for new developments. It does not specify a maximum parking standard for an assisted living home but advises that a dwelling with 4 or more beds could be provided with a maximum of 3 car parking spaces, and that a nursing home could be provided with a maximum of 1 space per 4 beds. For both development types, a minimum parking standard is not specified, and the supporting notes advise that provision of less than the maximum parking standard is permissible and that it should be demonstrated that the amount of parking provided will be sufficient.
8. The appeal submission does not indicate whether No 723 has any off-street car parking, either to its front or to its rear. I saw that its front garden is enclosed by a brick wall which does not allow for any off-street car parking. The officer report advises that this outbuilding was granted planning permission¹ in May 2021 for conversion to a 1-bedroom dwelling. I did not access this outbuilding, and have no evidence before me to indicate whether this permission has been implemented. I have therefore determined the appeal on the basis that no off-street car parking is available or proposed.
9. No 723 contains an office and on-call sleeping room at ground floor to the front, for one staff member. At the time of my visit, this room included an office desk and storage area and another small seating area. The ground floor also contains a relatively modest sized living area including a sofa and television, and leads to a galley kitchen and a shower room. There are no other staff or communal areas within the dwelling. The capacity within No 723 for additional staff visits, including for activities and support services, therefore appears to be limited in practical terms.
10. Four bedrooms are provided as an assisted living dwelling. When including the on-call staff room, No 723 can be occupied by a maximum of five persons. The submitted evidence indicates that this assisted accommodation is provided for young people aged 16-18. Given the nature of this

¹ LPA Ref: 21/00457/FUL

accommodation along with its limited capacity for additional staff visits and supporting services, the anticipated level of private car use is low and commensurate to an alternative use of No 723 as a family dwelling. Even if No 723 was to be provided in future as assisted living accommodation for people over 18, the nature, layout and location of such a use would unlikely lead to a significant level of private car use and trip generation.

11. Portswood Road contains double yellow lines along the front of No 723, which continue at considerable distance in each direction. However, the opposite side of the road provides a significant level of unrestricted parking and this route is also served by bus stops in each direction near to No 723. There were a number of vehicles parked within this area during my site visit. Although there were more cars parked towards the southern shopping parade, there was a plentiful amount of free parking space opposite and adjacent to the appeal site. Harrison Road also provides unrestricted on-street parking, where I noted some spaces near to the appeal site.
12. My visit was only a snapshot in time and outside of term-time, and I am also mindful that no parking survey was undertaken by the appellant. However, based on the submitted evidence and my observations on site, this does not appear to be an area that experiences adverse parking stress, or which necessitates car ownership to meet day-to-day needs. My observations of the area are such that the assisted dwelling use would not contribute to the generation of excessive parking demands in the surrounding area. The lack of off-street car parking would therefore not result in any harm in terms of safety or the living conditions of nearby residents.
13. The appeal proposal therefore complies with saved Policies SDP1(i) and SDP5(i) of the City of Southampton Local Plan Review (2015), and Policy CS19 of the Local Development Framework Core Strategy Development Plan Document (2015). Collectively, these policies require, amongst other things, development to not unacceptably affect the safety and amenity of the city and its citizens, and to have regard to the Council's maximum car parking standards taking in to account the scale and travel needs of the development, the level of Public Transport Accessibility and the location of the development.

Conditions

14. I have considered the LPA's suggested conditions against the tests in the National Planning Policy Framework and the Planning Practice Guidance, and have amended their wording, where necessary. I have added a condition specifying the approved plans (condition 1), in the interests of certainty. Condition 2 is necessary and reasonable, to meet the needs of the residents and to encourage sustainable modes of transport. Condition 3 is necessary and reasonable, in the interests of the character of the area, the living conditions of residents, and highway safety.
15. I have amended the trigger points for conditions 2 and 3, as the development is retrospective in nature. The appellant has requested the submission deadlines to be at least six months, to provide sufficient time to review costings and find tradespeople to carry out the work. I consider a 6 month deadline to be reasonable in this instance. These conditions are imposed to ensure that the required cycle and refuse and recycling storage details are submitted, approved and implemented so as to make the development

acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use negatively worded conditions to secure the approval and implementation of the outstanding matters before the development takes place. These conditions will ensure that the development can be enforced against if the required details are not submitted for approval within the period given, or if the details are not approved by the LPA or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

16. I have added a further condition (condition 4) to limit the occupation of the dwelling to no more than five persons (including staff members) at any given time. This is in the interests of the parking provision of the surrounding area, the character and appearance of the host building and surrounding area, and the living conditions of future occupiers.

Conclusion

17. The proposal is in accordance with the development plan as a whole, and the material considerations do not indicate that a decision should be made other than in accordance with it. The appeal should therefore be allowed.

R Cahalane

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved relates to the following list of approved plans: site plan dated 17 July 2022; ground and first floor plans.
- 2) Unless within six months of the date of this decision, a scheme for the secure and covered storage for at least 4 bicycles is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented as approved within three months of the local planning authority's written approval, the use as an assisted living dwelling for young persons (Class C2) shall cease until such time as an approved scheme has been provided and implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Unless within six months of the date of this decision a scheme for storage for refuse and recycling, together with the access to it, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented as approved within three months of the local planning authority's approval, the use as an assisted living dwelling for young persons (Class C2) shall cease until such time as an approved recycling storage has been implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) The assisted living dwelling for young persons hereby approved shall be occupied by no more than five persons (including staff members) at any given time.

*****End of Schedule*****