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## Appeal Decision

Site visit made on 6 December 2024

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

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**Appeal Ref: APP/D1780/W/24/3341066**

**76 Portsmouth Road, City of Southampton, Southampton SO19 9AN**

- 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 Ben Olds, Imperial Homes Southern Counties Ltd, against the decision of Southampton City Council.
  - The application Ref is 23/01475/FUL.
  - The development proposed is demolition of existing dwelling and garage and the erection of 8No. new dwellings with car parking and use of existing access onto Portsmouth Road.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024, as well as a Written Ministerial Statement<sup>1</sup> (WMS). Main parties have been given the opportunity to comment on the implications of the revised Framework and the WMS. Where received, comments have been taken into account.
3. Regardless of whether the Council's reasons for refusal identified 'substantial harm' to the significance of the Old Woolston Conservation Area (4), I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
4. The Council's third reason for refusal related to the lack of a planning obligation to secure financial contributions in relation to highway matters and measures to safeguard European Protected Sites. Following the completion of a unilateral undertaking (UU) by the appellant, the Council has confirmed that it has withdrawn this reason for refusal. Nonetheless, in respect of the European Protected Sites, it would still be necessary for me to undertake an appropriate assessment in the event planning permission were to be granted.

### Main Issues

5. In light of the above, the main issues are: i) the effect of the proposal on the Old Woolston (4) Conservation Area; ii) the effect of the proposal on the living condition of neighbouring residents; and iii) the effect of the proposal on European Protected Sites.

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<sup>1</sup> WMS – Building the Homes We Need (12 December 2024).

## Reasons

### *Woolston Conservation Area*

6. The appeal site lies within the Woolston Conservation Area (4) (the WCA). The WCA covers a small area, comprising a limited number of residential buildings laid out in a linear arrangement to the one side of Portsmouth Road.
7. Following the opening of a chain link ferry and the subsequent development of a historically important shipyard in the area, during the 19<sup>th</sup> Century, Woolston developed from a small rural settlement into a substantial, desirable, Victorian residential suburb. Portsmouth Road was historically one of the main commercial and vehicular roads in the area, largely associated with shipbuilding-related traffic.
8. The properties within the WCA mainly date from the later half of the 19<sup>th</sup> Century and are a mix of sizeable detached and semi-detached buildings in residential use. They follow a consistent building line, set back significantly from the highway within generous plots. As such, the buildings in the WCA have a spacious character and feel that reflects the origins of the area as a desirable Victorian residential suburb.
9. Buildings within the WCA are mostly constructed of yellow brick and contain several decorative architectural details, including distinctive stone trimmings. A range of previous unsympathetic alterations to several of the buildings within the WCA has taken place to the detriment of its character and appearance. This includes the sub-division of properties, poorly designed extensions, and changes to garden areas and boundary treatments. However, the buildings continue to display a range of pleasing period features. Accordingly, they still represent good examples of Victorian era decoration and craftsmanship.
10. In line with the Woolston Conservation Area Appraisal (the Appraisal), I therefore find that the significance of the WCA lies in its historic associations with the social and industrial development of Woolston. Its significance also derives from its architectural interest through its small concentration of residential properties that retain and display classical Victorian qualities. The Appraisal has not been updated in sometime, yet I find it provides an accurate representation of the character and significance of the WCA. While there is no robust justification before me to find that the area possesses insufficient merit to remain a conservation area.
11. The appeal building (no.76) is set within an extensive plot and positioned rather centrally within the small collection of buildings that the WCA comprises. From the evidence before me, it dates from the mid to late 19<sup>th</sup> Century and is the earliest building within the WCA. Unlike other buildings within the WCA, it displays an Italianate style, with very low-pitched roofs, broad eaves, rendered elevations, plain rectangular windows and an arched doorway. It too has been subject to several insensitive alterations including its rear extension, UPVC front door and enclosed porch doors. It is also in a state of general disrepair. Nonetheless, it maintains a rather attractive, traditional, frontage and despite its different style, still positively adds to the character and appearance of the WCA.
12. Moreover, no. 76 is a key building in the context and appreciation of the WCA, being the oldest and due to its position. Indeed, given the very small area that the WCA covers and the central position that no. 76 occupies, I find that the appeal site is integral to the heritage asset's designation. Accordingly, the loss of the

existing building on site would cause harm to the character and appearance of the WCA.

13. Proposed Plots 1- 6 would follow the building line of neighbouring dwellings within the WCA but would be served by far smaller plots than these properties. The plots may be of similar scale to existing dwellings within the wider surrounding area. Nonetheless, they would appear at odds with the existing dwellings within the WCA, which the appeal site forms part of and is read in conjunction with. The siting of Plots 7 and 8, behind frontage development in what is tantamount to a backland arrangement, would also starkly contrast with the surrounding built form and that of the WCA.
14. Irrespective of the precise density calculations provided by the appellant and that the site's existing access arrangement would be utilised, I find that the above factors would together result in the development having a rather cramped and contrived appearance. Although public views of Plots 7 – 8 would be limited it remains that the layout of the appeal scheme would relate poorly to its immediate surroundings.
15. The heights of the proposed dwellings, the use of materials and their precise appearance and detailing may also reflect the scale and design of dwellings within the wider surrounding area, including on the opposite side of the road. Whilst additional landscaping could also come forward as part of the appeal proposal. Nonetheless, these matters would not overcome the harm to the character and appearance of the WCA that would arise from the layout of the proposed development.
16. I find that the loss of no.76 and the subsequent proposed redevelopment of the site would have such a serious impact that the significance of the WCA would be severely diminished. Indeed, the degree of harm that would arise, would go to the heart of the reason for its designation. As such, I consider the proposed development would lead to substantial harm to the designated heritage asset.
17. In line with the provision of the Framework, permission should therefore be refused unless it is demonstrated that the substantial harm to the designated heritage asset is necessary to achieve substantial public benefits that outweigh the harm, or that all the criteria listed at Paragraph 214 of the Framework are applicable.
18. The proposed development would result in the net provision of seven dwellings in a sustainable location and in an area with a significant housing need, which lacks a deliverable supply of five-year housing land. It is also often the case that small housing schemes can be delivered promptly to address need, with Paragraph 73 of the Framework recognising the important contribution that small and medium sites can have in meeting an area's housing land supply requirement. Even so, and notwithstanding the recent WMS and the Framework's ambitions to significantly boost the supply of housing, the proposed development would make only a modest but beneficial contribution to the supply of housing in the area.
19. Socio-economic benefits would also arise from the construction and occupation of the new dwellings, albeit due to the scale of the proposal such benefits are again likely to be modest.
20. The proposed dwellings are also likely to be more energy efficient compared to the existing property on site, which in turn could lead to reduced carbon emissions.

However, given the scale of the proposal the environmental benefits are likely to be quite modest.

21. Cumulatively, the benefits of the appeal scheme would not amount to substantial public benefits that outweigh the identified harm to the heritage asset. The appellant has also not suitably demonstrated that the existing building's condition is such that it cannot be viably maintained, or that the proposal complies with all the relevant criteria listed at Paragraph 214 of the Framework.
22. Consequently, I find the appeal scheme would fail to preserve or enhance the character and appearance of the WCA. The appeal scheme therefore conflicts with the design and historic environment aims of 'Saved' Policies SDP1 (i), SDP7 (i), (ii), (iii) & (iv), SDP9 (i) & (iv), HE1(i) and HE2 of the City of Southampton Local Plan (adopted 2015) (the Local Plan) and 'Saved' Policies CS5, CS13 and CS14 of the amended Local Development Framework Core Strategy Development Plan Document (adopted 2015) (the Core Strategy). Collectively, amongst other matters, these policies require development to respect its local context and conserve or enhance the character and appearance of conservation areas.

#### *Living Conditions*

23. Plots 7 and 8 of the proposed development would be positioned towards the rear of the appeal site and at approximately ninety-degree angles to adjacent neighbouring residential properties.
24. A first-floor bedroom window to Plot 7 would provide views into much of the rear garden of the adjacent residential property no. 74 Portsmouth Road (no. 74). The neighbouring garden is sizeable, while the closest views would be towards the end of its garden which would be somewhat less sensitive. Nonetheless, views from the proposed first-floor window would still overlook a considerable extent of the neighbouring garden, resulting in a notable loss of privacy. Furthermore, given the orientation of proposed Plot 7 and its close proximity to the boundary of no. 74, I consider that the proposed development would feel highly intrusive in nature to residents utilising the adjacent garden space.
25. Similarly, rear bedroom windows serving proposed Plots 7 and 8 would have a comparable close relationship to the rear garden space of no. 14 Thornleigh Road (no. 14). Again, despite the size of the neighbouring garden, the proximity and orientation of the rear first floor windows to the neighbouring property would result in rather intrusive, close-range views across much of the adjacent garden space.
26. Views of the neighbouring garden areas from the upper floor windows of Plots 7 and 8 would be filtered to some extent by existing vegetation, both within the appeal site and on the neighbouring land. The appellant has also indicated a willingness to add further soft landscaping to provide extra privacy screening. However, reliance on vegetation, including existing trees, to uphold suitable living conditions for neighbouring residents is not an appropriate form of mitigation. As the future health or retention of the vegetation cannot be guaranteed, even within a conservation area.
27. The proposed dwellings do not share a back-to-back arrangement with the relevant neighbouring properties. As such, guidance on minimum separation distances, contained within the Council's Residential Design Guide Supplementary Planning Document (adopted 2006) (the SPD), is not directly applicable.

Irrespective of this, I still find that the relationship between the first-floor windows of Plots 7 and 8 and the adjacent residential properties would result in harm to the living conditions of the neighbouring residents, through a loss of privacy.

28. The appeal scheme therefore conflicts with 'Saved' policies SDP1(i), SDP9 (v) of the Local Plan and "saved" policy CS13 of the Core Strategy. Together these policies seek to ensure that development can appropriately integrate with its surroundings without causing harm to neighbouring uses.

#### *European Protected Sites*

29. The appeal site is located within zones of influence/catchment areas associated with the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA and Ramsar site, as well as the New Forest Special Area of Conservation, SPA and Ramsar site.
30. As indicated, the appellant has completed a UU. Amongst other matters this secures a financial contribution towards mitigation measures that are promoted by the Solent Recreation Mitigation Partnership. Meanwhile, the proposed development would be CIL liable. The Council has ringfenced a percentage of CIL receipts to be used to provide mitigation measures to avoid disturbance to the New Forest's European protected designations.
31. Still, as I am dismissing the appeal on other grounds, it has not been necessary to carry out an appropriate assessment of the appeal proposal.

#### **Other Matters**

32. As the proposal causes substantial harm to a designated heritage asset, as well as harm to the living conditions of neighbouring residents, I do not agree with the appellant's arguments that the proposal makes efficient use of this previously developed land. Meanwhile, compliance with various other development plan policies does not suitably justify the proposed development.

#### **Planning Balance and Conclusion**

33. The Council cannot demonstrate a 5-year housing land supply, which triggers the circumstances in paragraph 11 d) of the Framework. I have though found the harm to designated heritage assets would outweigh the public benefits of the scheme. Accordingly, the application of policies in the Framework that protect designated heritage assets provide a clear reason for refusing the proposed development in accordance with paragraph 11(d)(i). The presumption in favour of sustainable development therefore does not apply.
34. For the reasons given above the appeal conflicts with the development plan taken as a whole, and there are no material considerations that indicate a decision other than in accordance with it. Accordingly, the appeal is dismissed.

*Lewis Condé*

INSPECTOR