



Appeal Decision

Site visit made on 15 April 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/D1780/W/24/3352116

**Land rear of 94 and 96 Bellemoor Road, Shirley, Southampton, Hampshire
SO15 7QU**

- 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 A & R Properties against the decision of Southampton City Council.
 - The application Ref is 24/00046/FUL.
 - The development proposed is the erection of a single storey 1 bedroom dwelling with associated amenities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has made a payment to the Council towards the Solent Disturbance Mitigation Project (SDMP). The Council has indicated that whilst it considered this payment method to be unsuitable for an appeal, which should instead be provided through a bespoke Unilateral Undertaking, it has advised that this payment has satisfied reason for refusal 2. I shall return to this matter later.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, and
 - Whether the proposal would impact upon the integrity of the Special Protection Areas (SPAs) of the Solent Coastline¹ and the New Forest Special Area of Conservation (SAC)/SPA and Ramsar site.

Reasons

Character and appearance

4. The appeal site is within a suburban residential area. The site is adjacent to a corner plot, at the junction with Bellemoor Road and Pentire Avenue. Local housing is predominantly two-storey, detached and semi-detached with hipped roofs and many with two-storey front projecting bay windows. Having consistent front building lines, and with limited gaps between them, the housing forms a strong regimented pattern of development. Here building lines are generally

¹ Solent and Dorset Coast SPA, the Solent and Southampton Water SPA and Ramsar site.

uninterrupted with the exception of corner plots, which provide a brief sense of space revealing relatively long and often landscaped rear gardens. The appeal site consists of the end of two plots. Being undeveloped and unremarkable, the site makes a neutral contribution to the character and appearance of the area.

5. The proposed dwelling would be single storey in form. It would include a hipped roof and bay windows that would enable the proposal to partially relate to the style of local housing. It would also consist of materials found within the local area. However, it would have a large roof form that would dominate both the building and the site. This feature would appear disproportionate to the scale of the dwelling and be an obtrusive addition to the street.
6. As the proposal would not follow the eaves or ridge lines of adjacent dwellings, it would fail to accord with the prevailing design features of housing within the area. Accordingly, it is unconvincing that the proposal would complement the streetscene, despite having a subdued scale. The proposal would address the street with a frontage that would match neighbouring dwellings. However, having an uncharacteristically low eaves height, the frontage would appear uncharacteristically uncontained in comparison to the two-storey frontages of neighbouring development, further emphasising its atypical design. As a result, the proposed dwelling would be an anomalous and discordant addition to the streetscene.
7. The proposal would be materially larger than outbuildings observed in the area during my visit. Also, through its inclusion of a front door and windows, and an open frontage, the building would demonstrate its function as an independent dwelling. Consequently, the form, scale and nature of the proposal would have little in common with existing outbuildings in the area.
8. The appellant's evidence refers to infill plots at 1A Meadowhead Road and 2J & 2K Westridge Road. These sites are some distance from the appeal site and do not inform the site's local character. Furthermore, the evidence is absent the planning context associated with these developments. Nonetheless, it appears that these sites are surrounded by a more varied pattern of development than that within the setting of the appeal site, conveying a materially different context. As a result, the alternative infill schemes do not support the proposal.
9. Consequently, the proposal would result in demonstrable harm to the character and appearance of the area. As a result, the proposal would conflict with policy CS13 of the Core Strategy [2010 and reviewed 2015] (CS), saved policy SDP9 of the City of Southampton Local Plan Review [2006 and reviewed 2015] (LP) and the National Planning Policy Framework (the Framework). These require, among other matters, for development to follow a robust design process and to respect its surroundings.

Solent Coastline SPAs and the New Forest

10. The appeal site is close to the Solent Coastline SPAs and the New Forest SAC/SPA and Ramsar site, which are European Designated Sites afforded protection under the Habitat and Species Regulations [2017] (the habitat regulations). CS Policy CS22 seeks to protect such sites from harm and, where necessary, seek mitigation against any adverse effect of development. Meeting this policy requires a 'competent authority' to be satisfied that a proposal would not lead to likely significant effects upon the protected sites.

11. The proposed development, in-combination with other developments, could result in recreational disturbance to the features of interest of the Solent Coastline and the New Forest Special Area of Conservation (SAC)/SPA and Ramsar site. The impact of increased pressure from new residential development combined would be to result in likely significant effects. In those circumstances, having regard to the Habitats Regulations, planning permission should not be granted unless an Appropriate Assessment (AA) has been undertaken to assess the likely effects.
12. The Solent Recreation Mitigation Strategy [2017] (SRMS) establishes the Council's approach to the protection of the Solent SPAs and how mitigation should be used to prevent adverse effects. This includes the need for mitigation for all new housing built within 5.6 kilometres of the boundaries of the SPAs. Mitigation has been provided through the delivery of the Solent Disturbance Mitigation Project (SDMP), which would appear to satisfy the Council's requirements. Furthermore, impacts on the New Forest SPA has been deemed to be mitigated through the distribution of CIL payments.
13. Nonetheless, potential mitigation, such as offered through a mitigation payment, cannot be taken into account when determining whether an AA is required. It may be considered, if an AA has been undertaken, that the development would harm the integrity of the Solent SPAs. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further as it could not change the outcome of the appeal.

Other Matters

14. An appeal was recently dismissed² for the erection of a 1.5 storey dwelling on the appeal site. The Inspector found that the appeal site would be too compact to incorporate the proposal, its height would be at odds with its surroundings, and it would cause significant harm to the character and appearance of the area. The appellant asserts that the views of the Inspector have been taken into account in preparation and submission of the proposal the subject of this current appeal. Although noting the previous decision, I have considered this proposal on its own merits and found harm for the reasons set out above.
15. The Council has identified that it does not have a 5-year supply of deliverable housing sites, with a provision of 3.55 years.

Planning balance and conclusion

16. The Framework seeks to boost the supply of housing and highlights the contribution small sites can make in meeting the housing requirements of an area which are often built out relatively quickly. The proposal would contribute one additional dwelling on a small site which would make better use of land in an accessible location close to services in Shirley. Its sustainable location would comply with CS policy CS4. However, one additional house would make little difference to the overall supply of housing.
17. There would also be some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once occupied when future residents would support services in Shirley. However, given the small scale of the proposal, these benefits would be limited.

² Planning Appeal Reference: APP/D1780/W/22/3310237

18. The appellant identifies that the proposed dwelling would comply with the Council's internal space standards. It would provide a garden that would be of a reasonable size, based on the size of the dwelling proposed. This is seen as a modest benefit only in addressing the Framework's requirement for housing to provide for a mix of house types for the local community, to which I afford modest weight in favour of the scheme.
19. In contrast, the proposal would result in substantial harm to the character and appearance of the area, raising conflict with the development. The Framework requires development to function well and add to the overall quality of an area, be visually attractive and be sympathetic to local character. I have concluded that the proposal would conflict with development plan CS policy CS13 and LP policy SDP9 and the Framework in this respect. I give this conflict significant weight.
20. Consequently, even with the Council's 5-year supply shortfall, the adverse impacts of the development on the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.
21. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

B Plenty

INSPECTOR