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# Appeal Decision

Site visit made on 17 June 2025

**by Juliet Rogers BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

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**Appeal Ref: APP/D1780/W/25/3361721**

**226-228 Burgess Road, Southampton SO16 3AY**

- 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 Mandair of Rodina against the decision of Southampton City Council.
  - The application Ref is 24/01363/FUL.
  - The development is the erection of single storey front and rear extensions and a detached storage building.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have used the description of development as stated on the decision notice as it more accurately reflects the appeal scheme.
3. The planning application form indicates that the development was completed before submission. The Council determined the application retrospectively. During my site visit I observed that the development was in place and being used as part of the ground floor retail unit on the appeal site. Consequently, I have determined the appeal scheme retrospectively.
4. Whilst I note that the Council have commenced enforcement action<sup>1</sup> regarding the front extension and storage containers, this is not a matter for this decision.

## Main Issues

5. The main issues are the effect of the development on:
  - the character and appearance of the area; and
  - the living conditions of occupiers of the flats on the first and second floors of 226-228 Burgess Road (No.226-228), with regard to outlook and privacy.

## Reasons

### *Character and appearance*

6. The single storey extension comprises a flat roof structure with dark side panels of tightly woven mesh and roller shutters to the openings in the facade. Although abutting the pavement along Burgess Road, thereby aligning with the façade of other covered areas of a similar height nearby, the appeal site is twice the width of

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<sup>1</sup> Council ref: 24/00449/ENUDEV

others in the street scene thereby creating a bulkier form that blocks views along the otherwise open forecourts the commercial units nearby. Furthermore, the other front extensions are constructed with predominantly transparent front and side panels, allowing views through the structures and retaining views along the shopping frontage, even if some forecourt areas are partially being used for bin storage or parking.

7. Although several commercial units have roller shutters at ground floor level in the area, these are located on the main front elevation of the built form, set back from the pavement by the forecourt areas. No shutters have been installed on the forementioned already extended properties. Therefore, the provision of bulky roller shutter casings on the façade of the front extension accentuates the width of the structure, increasing its prominence in the street scene. When closed, a long, blank and harsh edge to the pavement is created, leading to a sense that the pedestrian movement is restricted, despite the structure not encroaching on the pavement itself.
8. The two containers sited within the rear servicing courtyard of the appeal site are stacked, with the top of the uppermost unit close to the height of the eaves of the existing property. Whilst not visible from Burgess Road, the top container is prominent in views from Bealing Close, the garage court to the rear of the appeal site and other private spaces to the rear of other properties in the row, despite the presence of several mature trees nearby. Together with the external staircase, the bulk, height, colour and finish of the containers jars against the proportions and materials in the appeal property. This introduction of incongruous features disrupts the transition between the mixed-use commercial frontage along Burgess Road and the residential character of the area to the rear. This is a materially different outcome than the effect of the double stacked containers on Broadlands Road given the siting of the latter adjacent to a vehicle servicing workshop of a similar height, bulk and material to the containers.
9. I conclude that the development harms the character and appearance of the area and thereby conflicts with Saved Policies SDP7, SDP9, REI6 and REI8 of the Local Plan Review<sup>2</sup> and Policy CS13 of the Core Strategy<sup>3</sup>. These policies, amongst other provisions, seek to ensure development is context driven, respects the scale and proportions of the existing built form whilst maintaining the service role of a local centre.

### *Living conditions*

10. The stacked containers are sited a short distance from the rear elevation of the appeal property, directly opposite the first-floor windows of the residential accommodation. As the containers are at a similar height to the top of these windows, the outlook from the rooms served by these openings, particularly the one closest to the stairwell, would be restricted and dominated by a view of the container, resulting in an oppressive impact on the occupiers of this flat. This is detrimental to their living conditions. Whilst also be visible in the outlook from the double dormer window in the roof space, the height of the opening supports a wider outlook over the container and beyond.

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<sup>2</sup> City of Southampton Local Plan Review – Adopted Version 2<sup>ND</sup> Revision (2015) (the Local Plan Review)

<sup>3</sup> Local Development Framework Core Strategy Development Plan Document Partial Review March 2015 (the Core Strategy)

11. Furthermore, during opening hours of the retail unit, staff accessing the top storage container via the external staircase have unobstructed, close views into the rooms served by the aforementioned openings. This results in a loss of privacy to the occupiers of these flats. Even if they have not objected to the development, this harms the living conditions of these occupants.
12. I conclude that the development harms the living conditions of the existing occupiers of the flats above No.226-228, with regard to outlook and privacy. As such, it conflicts with Saved Policy SDP1 of the Local Plan Review which seeks to ensure a development does not unacceptably affect the living conditions of the city's citizens, amongst other provisions.

### **Other Matters**

13. The front extension increases the amount of retail space for the commercial unit, thereby supporting the viability of the business year-round. I also note that the appellant sublets the additional storage areas to the rear of the property to other local businesses. Nonetheless, given the scale of the development, the social and economic benefits derived from the additional space are moderate.

### **Conclusion**

14. The development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that outweigh this conflict. For the reasons identified above, having had regard to all relevant matters raised, the appeal should be dismissed.

*Juliet Rogers*

INSPECTOR