



Appeal Decision

Site visit made on 15 September 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2025

Appeal Ref: APP/D1780/C/25/3363467

19 Coventry Road, Southampton, Hampshire SO15 2GF

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Shergill Estates Property Lettings Ltd against an enforcement notice issued by Southampton City Council.
- The notice was issued on 28 February 2025.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey side and rear extension.
- The requirements of the notice are to:
 - 5(i) Remove the single storey side and rear extension.
 - 5(ii) Restore the Land to its condition prior to the breach of planning control.
 - 5(iii) Remove all debris and resulting materials from the Land.
- The period for compliance with the requirements is: two months.
- The appeal was made on the ground set out in section 174(2)(a) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is varied then upheld and planning permission is refused.

Preliminary Matter

1. Albeit raised in ground (a), the appellant referred to homelessness if the appeal was dismissed. This consideration is relevant to the period specified in the notice to take the steps required by it, so I will deal with this as ground (g). I am satisfied that the Council had an opportunity to reflect on this matter in its appeal statement. There is therefore no injustice to any party by determining the appeal on this basis.

Ground (a)

2. Ground (a) is that planning permission ought to be granted for the breach of planning control stated in the notice. This is the erection of a single storey side and rear extension.

Main issues

3. The main issues are:
 - the effect of the extension on the character and appearance of the area;
 - its effect on the living conditions of the occupants of No.19 Coventry Road, having regard to external amenity space; and
 - its effect on the living conditions of the occupants of No.17 Coventry Road, having regard to outlook and natural light.

Reasons

Character and appearance

4. No.19 is a two-storey semi-detached house, said to be currently in use as a house in multiple occupation (HMO). Behind the wider front of the house, a narrower two-storey rear outrigger is inset from the side boundary of this plot. It also falls short of the rear boundary in what was already a relatively short back garden. No.19 is similar in form and layout to other houses and plots that line both sides of Coventry Road and in adjoining roads. Largely open undeveloped space to the side or rear of these pairs of mainly turn of the last century semi-detached houses relive the built-up, regimented sequence of this residential development along these road frontages and is locally distinctive in this area.
5. Though no wider than the front of the house, the side of the extension juts out beyond the outrigger, closer to the boundary with No.17 Coventry Road. Though not projecting by much more than the outrigger, it is a significant enlargement because it leaves only a very narrow pathway close alongside most of this section of the boundary with No.17. In addition, the rear of the extension stretches notably further back, tight towards the rear boundary and plots of houses to the east in Devonshire Road. As a result, the extension infills most of the available width and depth of what was a back garden. Much of this previously open pocket of space on this spart of the plot has therefore been lost, engulfed by the layout and size of the significant extent of built form in the extension.
6. I saw that a facing top corner part of the extension and the side, as it recedes in depth, can be seen in public view from Coventry Road, through the gap between No.19 and No.17. Though glimpsed, to the extent that it can be seen in this view, the extension erodes spaciousness between these houses and in relation to the upper part of houses in the background, which detracts from the streetscene. The extension can also be observed as overly tight and cramped on the plot from rear gardens and windows of some adjacent houses. That there is no greater public visibility does not mitigate innate incompatibility in these respects.
7. I saw that there are some other single-storey side and/or rear extensions at some other houses in Coventry Road and in the mainly residential area. However, there is little evidence they are the same in siting, footprint or other dimensions as in this case or have been granted planning permission or are lawful development. Nor to show that it is a prevailing pattern or layout of development. It has also not been substantiated that the extension is only 'slightly over the 50% developable land rule' or that there is a fallback position for an extension granted planning permission by The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
8. I therefore find that the extension causes harm to the character and appearance of the area. Consequently, it does not comply with Policy SDP9 of the City of Southampton Local Plan Review 2nd Revision, 2015 (the LPR) or Policy CS13 of the Council's Core Strategy, March 2015 (the CS). These policies include that development should respect and integrate with its surroundings and contribute positively to local distinctiveness in terms of scale, massing and visual impact.

Living conditions - No.19 Coventry Road

9. The pathway between the extension and the plot boundary with No.17 is just sufficient to function as a means of access to the end of the plot at No.19. A slightly wider, pre-existing paved area outside the back door of No.19, facing No.17, is also mainly an access and circulation space, including for a side entrance gate from the front garden and used for storage. Both of these areas are north facing, hemmed in by the extension or taller parts of No.19 and the low boundary wall means they are open to view from the occupant(s) of No.17. A taller boundary wall or fence secured by a planning condition would exacerbate these constraints to use of either space.
10. The remaining residual part of the back garden of no.19 extends across the full width of the plot and its regular rectangular shape is mostly available for use. However, this space is shallow in depth so limited in area. In addition, it is tight up against the rear elevation of the extension on one side and tall boundary walls on two other sides, including an overbearing, intrusive presence of trees or shrubs. Even though mainly east facing with some southerly aspect, I saw that this small sliver of land is a gloomy space, with natural light restricted for a large part of the day and into the evening. Removing the trees by way of a planning condition would not significantly improve matters because this space is fundamentally too small and would not overcome the other constraints to its use.
11. There is little evidence about the number of tenants living in No.19. Nevertheless, irrespective of how many people might use these external amenity spaces, they are not conducive, convenient or practicable for normal adult domestic use and activity, such as sitting out, relaxing or socialising, including to enjoy the sun, so do not meet normal expectations in these regards. There is also little to counter that No.19 could revert to a conventional C3 house suitable for family occupation. This would exacerbate the deficiencies outlined above, including additionally because of inadequate space for children's play. External amenity space at the front of No.19 is open to public view from the road so it is not a substitute for private domestic use and activity.
12. I therefore find that the extension causes harm to the living conditions of the occupants of No.19 Coventry Road, having regard to external amenity space. Consequently, it does not comply with LPR Policy SDP1 which includes that development should not unacceptably affect the health and amenity of citizens.

Living conditions - No.17 Coventry Road

13. Though single-storey with a flat roof, the extension is quite tall to eaves level, as well as wide and long. This means there is a large expanse of mostly blank vertical brick elevation facing towards No.17.
14. However, most of the extension is set further in-depth on the plot of No.19 in relation to the plane of south and east facing rear windows of No.17. As a result, much of the apparent infringement of the Council's guidance – '45 degree test' – is sufficiently far away that it does not unduly restrict outlook from these windows. The extension leaves intact perpendicular views or views in the other direction from the main east facing ground floor windows, whereas the south facing window appeared to be a kitchen. Foreshortened views from a more transient, functional room such as this are not uncommon or unusual in this sort of regimented arrangement of houses.

15. The proximity, siting and scale of the closest two-storey parts of No.19 already overshadow these windows at No.17. Despite that the extension is on the south side of No.17 and closer, given that it is single-storey it is therefore unlikely to result in noticeably reduced natural light received into these ground floor windows or render these rooms gloomy and over-reliant on artificial lighting. Furthermore, much of the main useable back garden of No.17 stretches to the north on this plot behind that house and away from the extension. This pocket of useable land has a spacious, largely open aspect and though not to be relied on indefinitely, there is some intervening boundary planting that screens part of the extension.
16. Consequently, while the proximity, siting and scale of the extension mean that it can be seen by the occupants of No.17, it is not unduly overbearing. I therefore find that the extension does not cause harm to the living conditions of the occupants of No.17 Coventry Road, having regard to outlook and natural light. Consequently, in these respects it complies with the objectives of LPR Policy SDP1 outlined above.

Other Matters

17. I accept that tenants may like or need to live in the HMO with external space as it is, including because it is affordable and suits particular circumstances or lifestyles. It also no doubt meets aims of the appellant. However, planning operates in the wider public interest, rather than for private benefit or to meet individual needs, preferences or tolerances. While these outcomes can coincide, they do not in this case.

Planning Balance

18. I have no reason to doubt that the living accommodation provided at No.19 is in demand and meets a certain housing market. There is, though, little clear evidence that the extension has facilitated an increase in the number of tenants or by this means helped to meet additional people's living needs for a home. Even if it has, broadly aligned with equivalent objectives of local and national planning policy, the contribution is small so this benefit would have limited weight.
19. Set against this, I have not been informed that removing the extension would render No.19 incapable of use as an HMO or any other suitable form of residential accommodation. But even if it would result in less tenants, the harm the extension causes to the character and appearance of the area and to living conditions of the tenants means these considerations carry moderate and significant weight respectively.
20. The benefits of the side and rear extension do not, therefore outweigh the harm.

Conclusion

21. The extension conflicts with the development plan. Other material considerations do not indicate that ground (a) should be determined other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above the extension is unacceptable so ground (a) fails.

Ground (g)

22. For ground (g) to succeed, the appellant must demonstrate that the two month period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.

23. Building works to remove the extension would not be extensive or overly complicated. There is no other apparent reason why the appellant could not instruct these works and they be executed within the two month period, including restoring the land and removing arisings.
24. However, as a consequence of these requirements, or while they were being complied with, I accept that suitable living arrangements for one or more of the tenants may need to be made in earnest after the outcome of the appeal, including potentially time to look for an alternative place to live. Even if this required temporary re-housing assistance from the Council, there is little to substantiate that any tenants would be made permanently homeless, as the appellant claims.
25. These circumstances are not of the tenants own doing and whether known to them or not there has been a reasonable expectation of success on ground (a) meantime. There is, though, likely to be significant upheaval or uncertainty, including the prospect of losing their home set against a relatively imminent two month deadline. I also take into account that some or all of the tenants may have to move out before works to remove the extension commenced.
26. I have not been informed that the Council had regard to these practical realities or that the period in the notice took them into account.
27. Mindful of these and other relevant considerations¹ and given the absence of a period suggested by the appellant, I consider that an additional period of four months would be reasonable and proportionate in this case. I therefore intend to vary the notice to this effect. Consequently, the two month period given by the notice falls short of what is reasonable and as a result ground (g) succeeds.

Formal Decision

28. It is directed that the enforcement notice is varied as follows:
- Section 6 – delete ‘*Two months*’ and replace with ‘*Six months*’.
29. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan

INSPECTOR

¹ Human Rights Act 1998, Equality Act 2010 (including Public Sector Equality Duty).