



Appeal Decision

Hearing held on 7 October 2008

Site visit made on 7 October 2008

by **Richard Merelie** MSc DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
14 October 2008

Appeal Ref: APP/D1780/A/08/2066223 5 Crofton Close, Southampton, SO17 1XB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Kultar Singh Roath against the decision of Southampton Council.
- The application Ref. 07/01790/VC, dated 6 November 2007 was refused by notice dated 8 January 2008.
- The application sought planning permission for change of use of Oakmount House to 4 no. flats with the erection of a conservatory and redevelopment of remaining site by the erection of 33 no. houses with associated car parking, structured landscaping and open space at Oakmount School site, Brookvale Road, Highfield without complying with a condition attached to planning permission Ref. 900255/612/W dated 29 August 1990
- The condition in dispute is No. 16 which states that: The garages and parking spaces shown on the approved plans shall be used only for parking and for no other purpose by residents of dwellings which form part of the development hereby approved without the prior written consent of the Local Planning Authority.
- The reason given for the condition is: To ensure adequate on-site car parking provision for the approved dwelling units remains available for that purpose and to prevent parking on the adjoining highway.
- The proposal is described by the Council as: Retrospective application for the variation of Condition 16 of previous planning permission Ref. 612/900255/W to permit garage at 5 Crofton Close to be used as habitable accommodation including replacement of garage doors with windows (resubmission following appeal – single garage now retained).

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues in this appeal to be whether the proposal would harm the character and appearance of the locality and the amenities of nearby residents, and whether the proposal would set a precedent, if allowed.

Reasons

Background

3. The appeal property was built as a 5 bedroom detached house with double integral garage and forecourt parking for 2 cars in front of the garages.

4. An enforcement notice appeal and related planning appeal were dismissed on 12 September 2007, respectively, Refs. APP/D1780/C/07/2034863 & APP/D1780/A/06/2032456. They related to use of the double garage as habitable accommodation, in particular as a bedroom. Council officers had recommended that this proposal be approved.
5. The current appeal proposal is to use only one of the garages for habitable accommodation, again as a bedroom. Council officers recommended that this proposal be approved too. The Local Highway Authority raised no objection.
6. The appeal property is currently let to 7 students, two of whom share one of 6 bedrooms, the 6th bedroom being the converted original dining room.
7. According to local residents, the garage to be used as a bedroom was being used as a bedroom until a few days before the hearing. At the time of my visit, the proposed bedroom was vacant with no personal possessions, but contained a bed, a wardrobe, a chest of drawers and a tall cabinet with draws. There was a car in the other garage.
8. The Council accepted that the appeal property was being used as a shared house by 7 residents, under Class C3, and not as a House in Multiple Occupation. No change of use therefore was involved. Nevertheless, as the Council contended, it is self-evident that use by 7 adults could lead to significantly different travel habits and demand for car parking than that of a conventional family group.
9. Several of the arguments and concerns raised in connection with the previous appeals were raised again in relation to the current appeal. However, the proposal is different on this occasion in that only one garage parking space, as opposed to 2, would be lost. But there would still be an increase of one bedroom.

Character and amenity

10. Crofton Close was built in the 1990s. It was specifically designed within the framework of Development Guidelines as a low density estate of mainly large detached houses with on-site parking. Estate roads are narrow to discourage on-street parking. The appeal property itself is accessed from an even narrower private driveway, which serves 3 other detached houses. The estate has an open, attractive, landscaped suburban character, clearly cherished by local residents who have a strong sense of community. Indeed, some would like to see the property returned to family use.
11. From observation, it seems to me that on-street parking would erode that essential character and cause inconvenience and nuisance to other users of the highway, including pedestrians. I believe therefore that the condition in question was imposed for good reason. And whilst on-street parking may occur on occasion to varying degrees, I do not regard that as a sound basis for making matters worse.
12. The development brief indicated that the requirement for a house with 4 or more bedrooms was 3 parking spaces, whether in garages or in the open. In practice, the size of the forecourts varies. It also appears that at the time of construction some purchasers opted to have study rooms instead of integral

garages, though that was not cleared with the Council. Nevertheless, it is important to consider the integrity of the overall design philosophy, a point made similarly by the previous Inspector.

13. The Council's current parking standards for a house with 4 or more bedrooms requires the provision of a maximum of 2 spaces. PPG13 also advises that the amount of parking in the expansion of existing development should be reduced. However, the reality is that Crofton Close is within an area of low public transport accessibility. And car ownership on the estate appears to be high. So this does not seem to me to be a place where reducing on-site parking provision would be appropriate.
14. The appeal property is close to Southampton University, so walking and cycling are reasonable options. However, that does not allow for social activities beyond the University. Students at No. 5 have been known to go out late in the evening and return early in the morning by car, causing associated noise and disturbance.
15. The current group of students may be restricted by their lease to keep no more than 2 cars at No. 5. They have signed a declaration to that effect, dated 7 October 2008, the date of the hearing. However, those arrangements could easily change and they are not the subject of planning control. In any event, one of their cars, a white Ford Fiesta, is shown in the appellant's photographic evidence to be parked on the carriageway in Crofton Close, not on the appeal property, between 1900 and 2100 hours on 6 October 2008. That is the evening before the hearing.
16. Other cars are shown in the appellant's photographs taken that evening to be parked in Crofton Close, some with 2 wheels on the footway. Earlier photographic evidence included with the appellant's Grounds of Appeal shows a car parked at the end of the private driveway, just in front of No. 5. This may or may not be a car belonging to a student at No. 5, but it is certainly causing an obstruction in the very small turning head. Judging from the Council's visits to the appeal property, this does not seem to be an infrequent occurrence.
17. The current appeal proposal would obviously result in the loss of one garage parking space and, simultaneously, in an increase in residential accommodation. It is reasonably likely therefore that this would result in additional parking demand, which in all probability would be met on-street in my assessment. It may be physically possible to park another car in the front garden of the appeal property. However, allowing the appeal on that basis would lead to erosion of the verdant character of the locality. In any event, the space would be awkward to use.
18. From the above and based on what I saw, I am led to conclude that the proposal would be likely to harm the character and appearance of the locality and the amenities of nearby residents, contrary to policies SDP1 and SDP3 of the City of Southampton Local Plan Review, adopted March 2006. The former aims to protect the quality of the built environment and citizens' amenities. And the latter seeks to ensure that the travel generated by development can be accommodated without causing any material impact on the safety, efficiency and environment of the transport network.

Precedent

19. As the appellant pointed out, it is a well established principle that each proposal needs to be considered on its own merits in the particular circumstances. But there are occasions where allowing an appeal would make it difficult for a Council to resist similar proposals. This is the case here as there are several properties on the estate with integral garages, albeit that the house designs differ and that some properties have one and some have two garages.
20. Converting these garages to additional residential accommodation would be likely to increase demand for parking provision, even though some garages are apparently used for storage purposes and as games rooms at present, according to the appellant. The cumulative impact would be all the more significant.
21. Moreover, as one resident pointed out, the 5 bed-roomed houses on the estate have 3 bathrooms and a downstairs WC. Such properties lend themselves to occupation by several individuals and are particularly vulnerable to conversion to student accommodation being close to the University. In addition, it was claimed that the owners of 2 other properties on the estate had already been approached by the appellant with this in mind.
22. Overall, I conclude that if I were to allow the appeal it would very likely set an undesirable precedent. The previous Inspector came to a similar view. Even if the impact of the current proposal on character and amenity was judged not to be particularly significant on its own, the precedent argument would itself justify refusal in this instance.

Other matters

23. On the previous occasion it was indicated that the appellant's extended family intended to eventually occupy No. 5. At this hearing the appellant confirmed that that was now unlikely to occur in the foreseeable future.
24. I have noted residents' allegations concerning the appellant's disregard for the planning process. And I have also considered all the other matters raised, but found nothing to outweigh the conclusions leading to my decision.

Richard Merelie

Inspector

APPEARANCES

FOR THE APPELLANT:

Ian Donohue BA(Hons) MRTPI DMS	Associate Planner, Southern Planning Practice
Mr Harpal Roop Singh	Appellant's brother

FOR THE LOCAL PLANNING AUTHORITY:

Richard Plume BA DipTP	Major Projects Co-ordinator
Gavin Grayer	Enforcement Officer

INTERESTED PERSONS:

Phillip Hartley	6 Crofton Close
Susan Hartley	6 Crofton Close
Peter Johnson	31 Crofton Close (Secretary of Oakmount Management Ltd)
Jerry Gillen	Chairman, Highfield Residents' Association
Adrian Vinson	Planning Committee Member, Highfield Residents' Association
Cllr Jill Baston	Ward Councillor
Ramila Patel	4 Crofton Close
Anne Broderick	7 Crofton Close

DOCUMENTS SUBMITTED AT HEARING

- 1 Council's hearing notification letter & circulation list.
- 2 Note signed by tenants regarding car ownership, dated 7 October 2008.
- 3 Jerry Gillen's statement.
- 4 Phillip Hartley's statement.
- 5 Susan Hartley's documents.
- 6 Peter Johnson's statement & documents.
- 7 Undated, signed note from Mr Lakhani, 34 Crofton Close.
- 8 Photographs submitted by appellant; Nos. 5, 7 & 29 Crofton Close, and 4 of Crofton Close taken on 6 October 2008 between 1900 & 2100 hours.