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# Appeal Decision

Site Visit made on 2 November 2012

**by E C Grace DipTP FRTPI FBEng PPIAAS**

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

**Decision date: 30 November 2012**

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**Appeal Ref: APP/D1780/A/12/2177575**

**53 Shaftesbury Avenue, Southampton SO17 1SE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Dr J Jenkinson against the decision of Southampton City Council.
  - The application Ref 12/00080/FUL, dated 17/1/12, was refused by notice dated 25/4/12.
  - The development proposed is: erection of a two storey rear extension to facilitate conversion of the existing house into 1x5 bed and 1x4 bed semi-detached houses with associated parking and cycle/refuse storage (Use Class C3/C4).
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are whether the proposed development would result in harm to a) the living conditions of neighbouring residents and b) the character of the area.

## Reasons

3. The appeal property is a large Victorian semi-detached house positioned at the junction of Shaftesbury Avenue with Holyrood Avenue. It is currently in use as a House in Multiple Occupation (HMO) and it is occupied by 9 student tenants. Vehicular and pedestrian access is from the return frontage to Holyrood Avenue and, at the time of my visit, there were 4 cars parked within the garden either side of the detached garage, which has led to the grassed areas becoming very rutted and muddy. The proposal provides for the use of the building either as a pair of family houses or two separate HMOs, each with its own garden area.
4. The adjoining house in the pair (No 51) remains in use as a family dwelling and I was afforded the opportunity of gauging the impact of the proposal upon its occupants both from within the property and in its garden. In the refusal notice, the Council particularly cite the tunnelling effect of the proposed rearward two storey extension upon the outlook from the adjacent first floor bedroom window. However, I saw that due to the rearmost part of the extension being staggered away from the boundary, it would not in fact be visible from that window. Nevertheless, I consider that detail confers the extension with a contrived asymmetric form. Furthermore, the considerable increase in the building's bulk and height due to the rear extension would be manifestly evident and overbearing in appearance both in views from the garden of No 51 and in the street scene on Holyrood Avenue.

5. I consider the subdivision of the garden is again contrived, with the rearmost amenity area out of sight and remote from the unit it is intended to serve, being reached by a path leading from the kitchen and running alongside the boundary with No 51, making it unsuitable in connection with use as a family home. Alternatively, it would concentrate activities of coming and going at the HMO close to the shared boundary at various times of the day and night and thus be likely to lead to increased noise and disturbance to residents in No 51.
6. In addition, just 2 off-street car parking spaces would be provided, which, in spite of no objection being raised by the Council, would inevitably place greater pressure upon kerbside parking in the area. Understandably, this adds to the concerns expressed by local residents who maintain it is already congested due to the number of properties with no off-street parking facilities in the area.
7. These factors lead me to conclude the proposal would result in harm to the living conditions of neighbouring residents and not respond positively with its local surroundings thereby contravening Local Plan Policy SDP1.
8. Turning to the second issue, determination of the application closely followed the coming into force of a city-wide Article 4 Direction removing permitted development rights to change a C3 dwelling house to a C4 HMO and their adoption of a Supplementary Planning Document (SPD) relating to HMOs. The SPD sets a threshold of no more than 10% HMOs in the northern wards of the city. Accordingly, as the Council indicate that the 10% level prescribed in the SPD is already exceeded, they maintain the introduction of a further HMO here would compound this breach of the SPD guideline leading to an imbalance in the housing mix and an overconcentration of HMOs that would harm the character of the area. Although the appellant disputes the Council's findings, the numerous representations submitted in connection with the proposal demonstrate the problems which arise from HMOs for the residents in surrounding houses and serves to explain the reason why the Council found it necessary to introduce greater control over such uses.
9. The atypical garden arrangement reinforces my view that the property is unsuited for conversion to create two large houses, whether for use as family dwellings or separate HMOs. Although the appellant refers to the site as being "underused", it is apparent that at least 9 people are residing there, whereas the adjacent similarly sized property is occupied as a family house. I do not therefore accept that contention.
10. On balance therefore, I conclude the establishment of a further separate HMO at the appeal site would contravene the recently adopted SPD and fly in the face of the Council's aims, resulting in impairment of the character of the area and harm to the living conditions of residents in surrounding dwellings. The SPD is part of the Local Development Framework supporting the development plan and particularly Core Strategy Policy CS16 which seeks to ensure there is a mix of housing types and more sustainable and balanced communities. It prescribes that control will be exercised over HMOs, particularly those which provide accommodation for students.
11. For the reasons given above I conclude that the appeal should be dismissed.

*Edward Grace*

Inspector