



Appeal Decision

Site visit made on 11 June 2013

by Nick Fagan BSc(Hons) DipTP MRTPI

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

Decision date: 19 July 2013

Appeal Ref: APP/D1780/A/13/2190798

11 Ardnave Crescent, Southampton SO16 7FL

- 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 Mr Bill Shanker against the decision of Southampton City Council.
 - The application Ref 12/01670/FUL, dated 24 October 2012, was refused by notice dated 19 December 2012.
 - The development proposed is the erection of dwelling at land to rear of 11 Ardnave Crescent with associated parking, cycle and refuse store.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the area, with particular regard to the likely effect on a protected beech tree.

Reasons

3. I agree with all the parties that the appeal site is in an area of predominantly large detached houses of individual designs on spacious plots with generous planting. I also agree with the previous Inspector's 2008 decision that the corner plots make a particular contribution to this, with their large rear/side gardens adjoining the road.
 4. However, the corner plots at Nos.21 & 23 lie at the base of this steeply sloping road and as a consequence their substantial gardens are on a similar level to that of those dwellings. In contrast, the appeal site is separated from the existing house by a substantial change in ground levels reinforced by the existing retaining wall that separates it physically from the house's rear garden.
 5. Although the Council says that the steps linking the upper part of No.11's rear garden with the lower part have not been provided contrary to conditions on a previous application no evidence has been adduced by the Council that this retaining wall itself is unauthorised. Given the topography I do not consider that the proposed house would erode the character of this corner plot, which is materially different from Nos. 21 & 23.
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6. The previous Inspector also stated that the house would lack the characteristic plot depth of other properties in the crescent. The plot depth of this proposal would also be less deep than other houses in the crescent, including the recently erected house at No.22A diagonally opposite. However, the proposed house is smaller and further forward than the one proposed in 2008 and so would occupy less of the site as well as providing a rear garden of satisfactory size for occupiers, and similar to the depths of the rear gardens of the houses in Cleek Drive. The new house would be set back from the street a similar distance to other houses in the crescent and I do not consider the relative lack of depth of rear garden to be so harmful to the character of the crescent that it warrants dismissal. The area's character, at least from the public realm, is more defined by the frontages.
7. The Council states the limited separation distance between the new house and the existing dwelling at No.11 is also at odds with the area's character. However it is clear this distance (about 10 metres) would be considerably more than that between No.22 and the recently completed house next door at No.22A, and this development does not look out of place in the street. I therefore consider the new dwelling would be a sufficient distance from the parent property.
8. There is also concern about the width of the proposed access and the amount of hardstanding to the frontage. Although this would be generally greater than most houses in the crescent there are some other houses which have equal or greater amounts, and an equal amount of soft landscaping would also be a feature of the frontage in this proposal. Consequently I do not agree that the design of the proposed frontage would be unacceptable.
9. Notwithstanding my findings above, this area is characterised by many high quality trees, some mature and some semi-mature. These trees are important to the verdant suburban character of the area. The Council considered the beech tree just over the site boundary at No.13 to be sufficiently important to protect it by issuing a Tree Preservation Order [TPO] immediately following the 2008 appeal decision. I agree this is an important tree that should be retained and allowed to grow to maturity.
10. The appellant's arboricultural impact assessment [AIA] concludes the development is achievable without detriment to this beech tree. However, the AIA also states that pruning will be required to the east side of its canopy in order to facilitate the construction of the house. It also recommends that a separation of 2 metres is created between the tree's canopy and the building, but it is clear from the plans that the canopy will be touching the house. I have no reason to disagree on the AIA's assessment of this tree's current root protection area, and that this would not be impinged by the western wall of the new house. However, the fact the canopy would touch it if it were not trimmed back causes concern especially because this is a healthy semi-mature specimen with a good shape that is likely to grow substantially in coming years, both taller and wider. There would inevitably be pressure to continue to prune the eastern side of its canopy as a result of the position of the new house, albeit there are no windows in its proposed western elevation.
11. I consider the proposal would therefore be detrimental to the future growth of this attractive tree, and in consequence to the character of the area. This

would be contrary to the Council's Local Plan Review Policies SDP1, SDP7, SDP9 and SDP12, which amongst other things generally aim to prevent material harm to the character and appearance of the area, and the objective of the LDF Core Strategy Policy CS13 to ensure that developments contribute to the 'greening of the city, incorporating landscape qualities'.

Other Matters

12. There is disagreement between the parties as to whether or not the Council can identify a 5-year supply of deliverable housing land and I find the evidence in this regard inconclusive. Nonetheless, even if there is not such a supply, I consider that the contribution this development would make towards addressing such undersupply of housing does not outweigh the harm the scheme would cause to the character of the area by its effect on the TPO tree. It is thus not sustainable development for which there is a presumption in favour. In reaching this conclusion I have borne in mind paragraphs 47-49 of the Framework as well as paragraph 17 that takes account of the different characters of different areas.

Conclusion

13. I have had regard to all other matters raised including the petition in support of the proposal. However, I find nothing to outweigh the development plan conflict or alter my conclusion that the appeal should be dismissed.

Nick Fagan

INSPECTOR

**DETERMINATION OF APPLICATION****TOWN AND COUNTRY PLANNING ACT 1990****Town and Country Planning (General Development Procedure) Order 1995**

Concept Design & Planning
Mr Rob Wiles
8 Carlton Place
Southampton
SO15 2EA

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: **Erection of a two storey dwelling to rear of 11 Ardnave Crescent with associated car parking and cycle/refuse storage (resubmission of 12/01187/FUL)**

Site Address: **11 Ardnave Crescent Southampton SO16 7FL**

Application No: **12/01670/FUL**

For the following reasons:

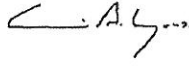
01. REFUSAL REASON - Harm to the character and appearance of the area

The proposed plot sub-division of 11 Ardnave Crescent and introduction of a dwelling house and hard surfacing within the rear garden, having regard to the limited depth of rear garden provided for the existing property, limited separation distance between the existing and proposed dwellings, and resultant site topography, would be out of keeping with the character and appearance of the area. This would be contrary to policies SDP1 (i), SDP7 (v) and SDP9 (v) of the City of Southampton Local Plan Review (March 2006) and policies CS5 (Criterion 1) and CS13 (11) of the Local Development Framework Core Strategy (January 2010) and Part 3 of the Council's Residential Design Guide SPD (September 2006), particularly paragraphs 3.1.2, 3.2.5, 3.3.1, 3.5.1 and 3.7.7.

02. REFUSAL REASON - Tree impact

The siting of the proposed dwelling in close proximity to the adjacent Beech tree within 13 Ardnave Crescent, which is covered by a Tree Preservation Order, would prejudice the future growth of this tree and create undue pressure for the tree to be removed or reduced. The

development proposal is thereby contrary to policies SDP1 (i), SDP7 (i)/(ii)/(v), SDP9 (v) and SDP12 (i) of the City of Southampton Local Plan Review (March 2006) and policy CS13 (6)/(7) of the Local Development Framework Core Strategy (January 2010).


JKL

Chris Lyons
Planning & Development Manager

19 December 2012

For any further enquiries please contact:
Andrew Gregory

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
C12/072.01	Rev B	Location Plan	23.10.2012	Refused
C12/072.05	Rev B	Floor Plan	23.10.2012	Refused
C12/072.06	Rev B	Elevational Plan	23.10.2012	Refused
C12/072.07	Rev B	Elevational Plan	23.10.2012	Refused
C12/072.08	Rev B	Sections	23.10.2012	Refused
C12/072.09	Rev B	Sections	23.10.2012	Refused
C12/072.02	Rev B	Block Plan	23.10.2012	Refused
C12/072.04	Rev B	Site Plan	23.10.2012	Refused
2842		Tree Survey	31.10.2012	Refused
C12/072.03	Rev B	Other Plans	23.10.2012	Refused
2842/JC/IMP/10/12		Arboricultural report	31.10.2012	Refused
31.7.2012		Sustainability assessment	23.10.2012	Refused
BREGLOBAL		Sustainability assessment	23.10.2012	Refused
OCTOBER 2012		Design and Access Statement	14.12.2012	Refused

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within the timescales set out below.

1. Appeals can be submitted on line and **must be registered within six months of the date of this notice at www.planning-inspectorate.gov.uk** or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority.
2. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
5. The applicant is recommended to retain this form with the title deeds of the property
6. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012)

Please address any correspondence in connection with this form, quoting the application No to: **Development Control Service, Southampton City Council, Civic Centre, SOUTHAMPTON, SO14 7LS**

