



Appeal Decision

Site visit made on 14 January 2014

by **C J Leigh BSC(HONS) MPHIL MRTPI**

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

Decision date: 6 February 2014

Appeal Ref: APP/D1780/A/13/2208545

253 Portswood Road, Southampton, SO17 2NG

- 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 M S & R Ahmed and Singh against the decision of Southampton City Council.
 - The application Ref 13/01206/FUL, dated 30 July 2013, was refused by notice dated 23 October 2013.
 - The development proposed is the subdivision and conversion of existing ground floor from Class A1 (Retail) to Class A2 (Financial and Professional Services) and Class A3 (Restaurant and Café) use and installation of two new shop fronts, alterations to the building and conversion of the upper floor to provide two four-bedroom residential units (Class C4 use), with front and rear access, and associated cycle/refuse store.
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Preliminary matters

1. Since the date of refusal of planning permission, two grants of permission have subsequently been granted by the Council for the use of part of the ground floor of the appeal premises for A2 use with new shopfront and new door to rear (ref. 13/01744/FUL), and part of the ground floor for A3 use with new shopfront (ref. 13/01745/FUL).
2. I consider the Council's description of the proposed development as contained on the decision notice to be an accurate wording, so have determined the appeal on that basis and as set out above.

Decision

3. The appeal is allowed and planning permission granted for the subdivision and conversion of existing ground floor from Class A1 (Retail) to Class A2 (Financial and Professional Services) and Class A3 (Restaurant and Café) use and installation of two new shop fronts, alterations to the building and conversion of the upper floor to provide two four-bedroom residential units (Class C4 use), with front and rear access, and associated cycle/refuse store at 253 Portswood Road, Southampton, SO17 2NG in accordance with the terms of the application, ref 13/01206/FUL, dated 30 July 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

- 3) A scheme showing the approved development will achieve at least 20% reduction in CO2 emissions over Part L of the Building Regulations, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the approved development and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 4) Before the A3 use hereby permitted begins, equipment to control the emission of fumes and smell from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 5) The ground floor A2 and A3 units hereby approved shall not be open for customers outside the following hours: 0700-2100 Monday to Sunday.
- 6) Access to the refuse and cycle storage areas shall be permanently retained for both the commercial and residential uses hereby approved.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 8309-01, 8309-02C and 8309-03C.

Main issue

4. The main issue in this appeal is whether the proposed development would provide a satisfactory standard of accommodation for future occupants.

Reasons

Standard of accommodation

5. I saw at my site visit that the first floor of the premises is a large area, with very deep floor-plate, which I understand was formerly the store and office space for the previous retail use on the ground floor. The conversion works to form the proposed residential units would see the creation of relatively narrow bedrooms, in order to utilise existing windows and (in the rear elevation) through the creation of new windows.
6. I was able to effectively gauge the proportions and size of these units on site, and in my view the bedrooms would be of acceptable size and dimensions, and would display reasonable outlook and levels of light. I note the Council have no planning policies relating to minimum room sizes, but they inform me the sizes are in excess of mandatory HMO licensing requirements. This supports my view that the bedrooms would be of a good standard.
7. The proposed layout shows communal areas for the new accommodation to be provided within an entirely internal room, with no windows but with a large skylight. In this instance, I consider such a solution to be acceptable. Due to the size of the bedrooms and their each having natural light and outlook, I consider such rooms to offer good accommodation and likely to be the rooms primarily used by occupants. The communal room and kitchen will, although not having windows, still be well-lit by natural light. I saw at my site visit that there is currently one room at first floor which is only lit by a skylight – which appeared smaller than those now proposed – and the level of natural light in that room was acceptable.

8. I concur with the appellants that the matter is to some degree one of balance: the very deep floorplan of the building indicates the centre of the first floor only being able to be lit by skylights (if artificial light is not to be solely relied upon). Based on what I have read and seen, I therefore think that the provision of communal rooms lit in this way would be appropriate and would provide an acceptable standard of accommodation. Similarly, given the central location of the property, well placed for facilities within a commercial area, in this instance I consider the absence of open amenity space to be acceptable, and would not lead to an unsatisfactory standard of accommodation.
9. Access to the proposed accommodation would be via a new staircase from the Portswood Road frontage and from the rear access lane. The drawings show the provision of a cycle store to the rear of the property, which would be accessed via the existing rear service lane that serves the Portswood Road buildings. I noted that this is largely an unmade lane. However, the distance from its junction with Highfield Lane is short, and the service lane is evidently used regularly. I see no sound reason to doubt that future occupants of the proposed accommodation would similarly be able to use this lane to access the cycle store.
10. On the main issue it is therefore concluded that the proposed development would provide a satisfactory standard of accommodation for future occupants. Thus, the proposal would be consistent with Policy C13 of the Southampton Core Strategy 2010, Policies SDP1 and H4 of the City of Southampton Local Plan Review 2006, and guidance contained in the Council's Houses in Multiple Occupation Supplementary Planning Document 2012 and Residential Design Guide Supplementary Planning Document 2006, the general thrust of which includes seeking to ensure new development provides a reasonable standards of living conditions for future occupants, including in proposals for Houses in Multiple Occupation.

Other considerations

11. The use of the first floor as residential accommodation would see the alteration of windows in the rear elevation of the building and insertion of a new window. The houses to the north of the appeal site are around 30m distant, which would be sufficient to ensure no unreasonable loss of privacy to those houses. The gardens to the Abbotts Way properties are large, and would be visible from the proposed new accommodation. However, this would be over the distance of the access lane and then primarily to the end of those gardens. The Abbotts Way gardens currently display a fair degree of mutual overlooking from adjoining properties, and the outlook from the proposed accommodation would not materially affect the degree of privacy or overlooking experienced by those gardens. I am therefore satisfied there would not be material harm to the living conditions of existing occupants, and so no conflict with the policies and guidance referred to above.
12. The submitted drawings show appropriate provision for refuse storage for the ground floor commercial uses, separated from the first floor use.
13. The proposed housing is well-located for modes of transport other than the private car, and is close to a wide range of facilities. Cycle storage is proposed within the development. The absence of car parking is therefore acceptable in this instance.

14. I note comments relating to the provision of HMO accommodation in the Portswood area. The Council inform me that their strategy relating to HMO provision is to meet HMO demand within the district centre so as to reduce the pressure for such use within suburban, family housing areas. I therefore agree with the Council that the provision of HMO accommodation at this location accords with this general strategy and would not conflict with the policies referred to earlier.
15. The proposed use and works to the buildings would be appropriate to the character of the surrounding area, and would preserve the setting of the adjoining Portswood Residents Gardens Conservation Area.

Conclusions and conditions

16. For the reasons given, and having regard to all other matters raised, it is concluded that the appeal should succeed.
17. The Council have suggested a number of conditions in the event of the appeal being allowed. I have attached conditions relating to the use of matching materials to ensure a satisfactory appearance to the development, and conditions relating to the hours of use for the commercial premises and the installation of extract equipment, to ensure the living conditions of adjoining occupiers are preserved. These conditions have been modified in the interests of precision, relevance to the development being permitted, and enforceability, and having regard to the conditions attached to the recent grant of permission 13/01745/FUL.
18. I have attached a condition requiring the provision of the bin store and cycle store, to ensure the permanent retention of these facilities. I have modified the wording of the suggested condition since the submitted drawings already show the required details. I have also attached the suggested condition requiring the provision of measures to reduce energy usage, in accordance with the objectives of the development plan, though I have modified the wording in the interests of precision and enforceability.
19. The Council have suggested a condition that seeks to specify the design of windows, in the interests of protecting occupants from traffic noise. However, I find the wording of the condition vague since, whilst reference is made to dimensions of glazing, there is no clear and precise definition as to the levels of noise attenuation sought, nor what difference is sought from the control which would exist through building regulations. This makes the condition imprecise and difficult to enforce, and therefore fails the tests of Circular 11/95. Due to the limited nature of external works to the property, I see no need to attach a condition relating to hours of work for demolition, clearance and construction; such a condition would not be relevant to the development permitted.
20. Finally, a condition specifying the approved drawings is necessary in order that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

C J Leigh

INSPECTOR