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# Appeal Decision

Site visit made on 26 November 2013

**by Michael Lowe BA(Hons) BTP MPA MRTPI**

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

**Decision date: 16 January 2014**

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**Appeal Ref: APP/D1780/A/13/2204466**

**78 Malmesbury Road, Southampton SO15 5FQ**

- 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 S Chhatwal against the decision of Southampton City Council.
  - The application Ref 13/00443/FUL, dated 20 March 2013, was refused by an undated decision notice.
  - The development proposed is Proposed first floor extension and conversion of 3 bedroom dwelling into 4 self-contained flats with communal garden and bike store and bin store.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I noted at my site visit that the appeal development has been implemented and the flats have been occupied.
3. Secondly, the Council have suggested that the proposed "South-West (Side) – As Proposed" elevational drawing is incorrect. However, when compared with the application Ordnance Survey location plan this is the correct annotation for this drawing.

## Main Issues

4. The main issues are :
    - (i) the acceptability of the loss of a family house from the local housing stock;
    - (ii) the effect of the development on the living conditions of the existing and future occupants of the flats within the appeal site, No 78 Malmesbury Road, with particular regard to the standard of internal living and external garden space; and
    - (iii) the living conditions of the occupants of No 76 Malmesbury Road with particular regard to outlook.
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## Reasons

5. The application drawings show the previous pre-commencement layout of the appeal building as a 3 bedroom dwelling. The appeal development has involved the conversion of this dwelling into 4 self-contained flats with a communal garden area at the rear.

### *(i) Loss of Family Housing*

6. Policy CS16 of the Local Development Framework Core Strategy Development Plan Document (Core Strategy) 2010 states that the Council will provide a mix of housing types through, amongst other criteria, ensuring there are no net loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss.
7. Policy Background/Justification paragraph 5.2.11 applies this categorically to the conversion of one family home into a greater number of self-contained units as delivered by the appeal development. Policy Background/Justification paragraph 5.2.10 further explains that residential conversions of family homes may be acceptable if the redevelopment delivers other planning objectives contained within the Development Plan.
8. The appellant has emphasised that 80% of the increase in households in Southampton during the plan period to 2026 will be single person households inferring that the flats provided within the appeal scheme are suitable towards meeting this objective. However the appellant has not accompanied this evidence with additional information on how the Council's housing supply targets are being met and whether the provision of single person accommodation is currently a greater need than that for family accommodation.
9. I therefore do not consider that the appellant has demonstrated overriding policy considerations to justify the loss of the 3 bedroom family unit and as such the appeal scheme conflicts with policy CS16 of the Core Strategy.

### *(ii) Living Conditions of those living at No 78*

10. The communal garden is located towards the rear of the property and is accessed from a narrow path which adjoins the living/bedroom and kitchen windows of Flat 2 and a bedroom window to Flat 1. I consider that there are significantly harmful overlooking opportunities from this path and the garden area at the rear into these habitable room windows which unacceptably harm the living conditions of the existing and future occupants of these two flats.
11. The Residential Design Guide 2006 (RDG) states that 20 square metres (sq. m.) of garden area should be provided for each flat. The appellant has stated that the communal garden area is approximately 55 sq. m. in size which is significantly below the 80 sq. m. RDG standard for this type of development. The appellant has argued that the needs of the occupiers of the 4 small flats for garden space is unlikely to be greater than that of a 3 bedroom dwelling. The appellant has not accompanied any evidence to support this assertion and with this in mind and the significant shortfall in provision against the RDG standard, I do not consider that the size of the amenity space is acceptable to serve the existing and future occupiers of the 4 flats.

12. The kitchen/living room which serves Flat 4 has been provided without a window to provide natural light and ventilation. I agree with the Council that this represents a sub-standard form of accommodation and that the living space created is oppressive and unsatisfactory for the existing and future occupiers. I do not consider that this matter could be satisfactorily be remedied via condition as there are potentially conflicting issues of overlooking and outlook that would need to be resolved which I am not yet convinced can be successfully overcome.
13. I therefore consider that the living conditions of existing and future occupiers of No 78 are unacceptably harmed by the appeal development and consequently conflict with saved policy SDP1 City of Southampton Local Plan Review 2006 (Local Plan) and the RDG which seeks to ensure that development does not unacceptably affect the amenity of its citizens.

*(iii) Living Conditions of those living at No 76*

14. As part of the appeal development a first floor rear extension has been erected at the rear of the property which forms the bedroom for Flat 4. The Council has not identified which specific window within No 76 they consider is affected by this extension nor have I seen any evidence from either party to demonstrate compliance of the scheme or otherwise with the 45 degree guideline set out within the RDG.
15. At the site visit I visited No 76 and viewed from the bedroom served by a single aspect window and a ground floor kitchen with a single aspect door/window. Due to the limited projection of the proposed extension and the juxtaposition of these two properties, I do not consider that the outlook and perception of character at the rear of this property would be significantly diminished by the extension. Consequently, this aspect of the scheme complies with saved policies SDP1, SDP7 and SDP9 of the Local Plan and the RDG which, amongst other criteria, seek to ensure that development does not unacceptably affect the amenity of its citizens, retains outlook for existing neighbours and respects its surroundings.

**Conclusion**

16. Although I have concluded that the first floor extension would not unreasonably harm the living conditions of the occupiers of No 76, this does not outweigh the harm I have identified to the existing and future occupiers of the flats within No 78 and from the loss of a family house within the context of the Council's housing strategy.
17. For the above reasons and having taken all matters before me into consideration, the appeal is dismissed.

*Michael Lowe*

INSPECTOR