



Appeal Decision

Site visit made on 28 October 2015

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 3 November 2015

Appeal Ref: APP/D1780/W/15/3039086
65 Radstock Road, Southampton SO19 2HT

- 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 Martin Garrahan (Swift House Ltd) against the decision of Southampton City Council.
 - The application Ref 14/01598/FUL, dated 23 September 2014, was refused by notice dated 26 November 2014.
 - The development proposed is to construct a new two storey 3 bedroom dwelling with facing brickwork to match adjacent properties and concrete interlocking roof tiles.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed dwelling on the character and appearance of the area and on the living conditions of neighbours and its own occupiers.

Reasons

Character and Appearance

3. This area of the city is mainly residential although there is a large primary school including pre-school to the north on Bishops Road, which otherwise accommodates two storey twentieth century housing. Radstock Road itself contains late nineteenth century two storey houses, either of a detached nature such as No 69, or in semi-detached pairs such as Nos 65 and 67. These dwellings generally have long narrow rear gardens.
4. No 65 is sited on the corner of Radstock Road and Bishops Road. The proposal is to sever most of the rear garden to create the proposed new dwelling plot. The appellant claims that this would be no different in principle to the development at No 85 at the corner of Millais Road to the east where three two-storey houses have recently been erected.
5. However, No 85's plot is considerably wider than that at No 65; the three new dwellings have reasonably sized rear gardens backing onto the side boundary of No 83. This would not be the case for the proposed dwelling here, which would be only about 1m from No 67's side boundary. Its only useable garden would be to its side. The two storey dwelling would also project beyond the building line of the nearest dwellings in Bishops Road and that of the side

elevation of No 65 and its northern gable would be very close to 2 Bishops Road. It would hence be very prominent in the streetscape.

6. The overall effect of the proposal would result in the new dwelling giving the appearance of being shoe-horned into an area of existing garden land that is too small to satisfactorily accommodate it, at odds with the suburban grain and character of the area. That is not the case for the development to the rear of No 85 for the above reasons.
7. The general design of the dwelling including its asymmetric roofline is unobjectionable and similar to that on the development at No 85 but, for the above reasons, I conclude that the proposal would be harmful to the character and appearance of the area.
8. Policies SDP 7 and SDP 9 of the City of Southampton Local Plan Review (2006) (LP) together require, amongst other things, development to respect the existing layout of buildings in the streetscape and their density, scale and visual impact. Policy CS13 of the amended Core Strategy (Partial Review March 2015) (CS) essentially requires good design. For the above reasons the proposed dwelling would fail to comply with these adopted Policies in the development plan and would also fail to comply with paragraphs 3.7.7 and 3.7.11 of the Council's *Residential Design Guide* (RDG).

Living Conditions

9. The Council is concerned that the main living space of the new dwelling would have a limited outlook onto the cramped and enclosed external amenity space. This would not be ideal because the living room patio doors would look out onto a 1.8m close boarded fence across a garden area that would only be about 4m deep.
10. However, I am more concerned that these patio doors and the dwelling's main garden space would be directly overlooked by a rear first floor window in the host dwelling at No 65. The proposal would fail to comply with the minimum separation distance of 12.5m between habitable room windows and the side (gable end) of another house as set out in paragraph 2.2.7 of the RDG, which is required to prevent to such overlooking. It would also be contrary to paragraphs 4.4.3 and 4.4.4 of the RDG, which state that private gardens should not be overlooked.
11. The leftover garden area to No 65 would also be dominated by the proximity of the two-storey gable of the new house, which further emphasises the cramped size and nature of the proposed plot.
12. No 67's rear garden would be even more dominated by the new dwelling which would be sited only approximately 1m west of its boundary. As such the proposed two-storey building would block out sunlight to large parts of No 67's garden especially on winter afternoons and summer evenings significantly compromising the garden's usability. Its proximity to this boundary would also be oppressive and harm the outlook from No 67's garden and rear windows, and to a lesser extent the outlook from No 69's garden and rear windows.
13. For these reasons I conclude that the proposed dwelling would significantly harm the living conditions of the above neighbours and its own occupiers. As well as being contrary to those parts of the RDG set out above it would fail to comply with the objectives of Policy SDP 1(i), which requires development not

to unacceptably affect the health, safety and amenity of the city and its citizens.

Other Matters

14. In relation to the Council's third refusal reason I accept the Council's arguments that new residential development can still provide improved energy and water efficiency measures in accordance with Policy CS20 of the CS¹. But since these matters could easily be addressed by a condition similar to the one suggested by the Council they would not prevent planning permission being granted.
15. In relation to its fourth refusal reason the Council has confirmed that the appellant has entered into a Section 111 agreement to provide the £172 contribution towards the Solent Disturbance Mitigation Project (SDMP). I understand that this money will be used to part fund measures designed to reduce the impacts of recreational activity on the Solent and Southampton Water Natura 2000 sites. This appears to meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. This financial contribution overcomes the Council's fourth refusal reason and so is no bar to approving the proposed development.

Conclusion

16. However, irrespective of these other matters I have concluded that the appeal fails on the two main issues for the reasons set out above and it is therefore dismissed.

Nick Fagan

INSPECTOR

¹ As set out in Planning Practice Guidance Reference ID: 56-001-20150327

