



Appeal Decision

Hearing held on 7 July 2009
Site visit made on 7 July 2009

by **Richard J Maile BSc FRICS**

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

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Decision date:
24 July 2009

Appeal ref: APP/D1780/A/08/2081638

Land to the rear of 88 Shirley Avenue, Southampton, Hampshire, SO15 5NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice, within the prescribed period, of a decision on an application for planning permission.
- The appeal is made by DASD Property Services Ltd against Southampton City Council.
- The application, ref: 08/00768/FUL, was dated 16 May 2008.
- The development proposed is erection of new four bedroom house with integral garage.

Application for costs

1. At the hearing an application for costs was made by DASD Property Services Ltd against Southampton City Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Preliminary Matters

3. I have been provided with a copy of a Section 106 Unilateral Undertaking dated 4 June 2009, which provides for the appellants to widen the footpath as indicated on Drawing No 207.37/02 and, in conjunction with the owner of 86 Shirley Avenue, to ensure that the visibility splays shown on the drawing shall be kept free of structures above 600mm in height.

Main Issues

4. From my inspection of the appeal site and surrounding area and consideration of the representations made at the hearing and in writing, I am of the opinion that the principal issues in this case are:
 - a) The likely impact of the proposed dwelling upon the character and appearance of the surrounding area.
 - b) The acceptability of the proposed means of access in terms of highway safety and the free flow of traffic.
 - c) The likely effect of the proposal upon the living conditions of nearby residents.

Reasons

a) Impact

5. The Development Plan comprises the adopted City of Southampton Local Plan Review (2006). Policy SDP 1 (Quality of Development) seeks, amongst other matters, to ensure that development respects and improves the quality of Southampton's built environment. Policy SDP 7 (Context) states that development which would cause material harm to the character and/or appearance of an area will not be permitted. Proposals should respect the existing layout of buildings within the streetscape and the scale, density and proportion of existing buildings. Policy SDP 9 (Scale, Massing and Appearance) states that planning permission will only be granted where the building design is of a high quality. Proposals should respect their surroundings in terms of scale, massing and visual impact, the quality and use of materials and that of architectural detailing.
6. The Council has also approved a Residential Design Guide (September 2006) following public consultation. Paragraph 3.9.5 states that the scale, massing and appearance of a dwelling or a group of dwellings should create a balanced composition in relation to each other and be in harmony with existing nearby development. However, paragraph 3.9.6 acknowledges that features which are not consistent with the height of eaves, parapets, ridges and window sills in the locality can add variety to what could be a monotonous elevational composition.
7. National guidance in PPS 3 (Housing) encourages the best use of land without compromising the quality of the environment. Design is seen as a key issue.
8. At the hearing Mr Goodall, on behalf of the Council, acknowledged the principle of residential development of the appeal site; preferably, however, as part of a more comprehensive scheme to include some of the other rear gardens of 78-90 Shirley Avenue and that to the rear of 119 St James Road. I agree with Mr Goodall that there may be scope for some development of these rear gardens. However, I also note that they are in separate ownerships and a comprehensive development may be hard to achieve.
9. On behalf of the various objectors Mr and Mrs Wiseman pointed to the open aspect to the rear of the houses in Shirley Avenue and to the benefits of retaining such family houses with their large gardens in a sustainable location close to local amenities. These arguments, however, need to be balanced against the somewhat unattractive street scene created by the tall brick walls and entrance gates that front Howards Grove and by the need to make effective use of urban land which falls within the definition of previously developed land as contained in Annex B to PPS 3.
10. The scheme before me is a full application on a single plot. Whilst I see no objection to some development of this site, it would be preferable to explore the possibility of including other nearby land to create a more unified approach to development. I am aware from the planning history that there has been a failed attempt to develop land to the rear of 86 and 88 Shirley Avenue and that an earlier scheme for development of the appeal site was

dismissed on appeal (ref: APP/D1780/ A/07/2047462 dated 22 October 2007). In arriving at my decision based upon design issues I am aware that the previous Inspector was silent in this regard. Nevertheless, that is not of itself an indication that he was satisfied on this topic. Furthermore, that scheme related to a different proposal involving the erection of a pair of three bedroom semi-detached houses.

11. In my judgement the detailed proposals before me in terms of their scale, height and proximity to the north boundary would be out of keeping with surrounding development. The introduction of a prominent dormer window would appear as an alien feature which would be out of context with the houses opposite. Given its isolated frontage to Howards Grove, the overall design of the dwelling would appear unrelated to any other townscape feature in the locality. For these reasons it would be at odds with the thrust of Policy SDP 7 (iii) and (iv) and that of Policy SDP 9, to which I have referred above. It would also be in conflict with certain of the objectives of the Council's Residential Design Guide.
12. I am aware that the submitted drawings have been amended on a number of occasions as a result of ongoing discussions with the Council Officers and that they were generally satisfied with the design of the proposed dwelling and its impact upon the character and appearance of the surrounding area. Indeed, they suggested it would enhance the appearance of this section of Howards Grove, particularly as it would replace high, unattractive boundary fencing and establish a traditional street scene with dwellings on both sides of the road. Such views are necessarily subjective. In my opinion, the erection of a single dwelling in this location would not achieve the suggested benefits and would appear as somewhat of an incongruous feature in the street scene.

b) Access

13. Mr and Mrs Wiseman have rightly pointed me to the section in the Council's adopted Residential Design Guide relating to access and parking.
14. Paragraph 5.1.14 of the guide states that adequate turning space must be provided for vehicles within a development. However, such provision is not always possible and, of course, the Design Guide is principally concerned with larger scale developments where such provision can be made. There are numerous examples within the locality, including in Shirley Avenue and Howards Grove, where on-site turning is not provided. Indeed, the property opposite (121 St James Road) has a car port with no on-site turning facility. It is also material that there is an established vehicular access from the appeal site to Howards Grove; likewise with several of the other houses in Shirley Avenue with frontage also to Howards Grove.
15. The professional evidence before me, including a report commissioned by the City Council, concludes that the proposal would generate little traffic; the existing zero accident trend would not be exacerbated by the proposed development and any development of the appeal site should seek to maximise intervisibility within the property and highway boundaries.

16. At the hearing Mr Mason, an experienced traffic engineer, stated that the proposed access would not affect highway safety. Furthermore, the pavement of Howards Grove would be widened to 2m and visibility splays of 2m x 39m provided in both directions. The car parking provision accords with the Council's standards. The site is located approximately 20m from the junction of Howards Grove and St James Road, such that traffic speeds are well below the permitted limit of 30mph, possibly even below 20mph. Table 7.1 of "*Manual for Streets*" suggests that at such speeds the stopping sight distance is between 20 and 23m.
17. The objectors have referred to the narrowness of Howards Grove. This was measured on site and found to be 4.9m, sufficient for two cars to pass with ease. I am also satisfied that the intervisibility between emerging cars and pedestrians is adequate given the improvements that would be carried out as part of the development. Paragraph 7.7.7 of "*Manual for Streets*" also suggests that a minimum figure of 2m may be considered in some very lightly trafficked and slow-speed situations.
18. In arriving at my conclusions that the proposed means of access is acceptable I am aware from the representations made that Howards Grove is regularly used by children attending Wordsworth Infant School.

c) Effect

19. Policy SDP 1 states that planning permission will only be granted for development which does not unacceptably affect the amenity of the City and its citizens, whilst Policy SDP 9 requires developments to respect their surroundings, including the impact on surrounding land uses and local amenity. Likewise, paragraph 2.2.1 of the Design Guide states that new housing should ensure access to natural light, outlook and privacy is maintained for existing occupants and their neighbours. Paragraph 2.2.4 sets out suggested minimum back-to-back distances.
20. As part of my site visit I was able to gain access to the gardens and interior of 84 and 88 Shirley Avenue. I agree that the gardens to these dwellings and their rear-facing living room and bedroom windows benefit from the openness to the rear towards Howards Grove.
21. The height and bulk of the proposed dwelling would be particularly detrimental to the outlook from No 88; much less so from No 84. There is unlikely to be any loss of privacy or daylight/sunlight arising from the scheme before me. Nevertheless, the scale of the proposal will be at odds with the requirements of Policy SDP 9 (v) by failing to respect local amenity. The prominent dormer window to the front roof slope is also likely to adversely affect the privacy of 121 St James Road given its elevation above street level and the actual or perceived overlooking that would be apparent from within the rear garden and patio area of that property.
22. On their own these concerns may not have been sufficient for me to withhold permission. They nevertheless add weight to my conclusion on the principal issue as to the impact of the detailed scheme before me upon the character

and appearance of the surrounding area arising from the bulk, scale and height of the proposed dwelling.

R. J. Maile

INSPECTOR

Documents:

1. List of persons present at the hearing.
2. Letter of notification of arrangements for hearing and list of persons circulated.
3. Written evidence produced by Mr and Mrs Wiseman.
4. Copy of email dated 1 February 2009 from Police Officer Mark Barker.
5. Costs application on behalf of DASD Property Services Ltd.
6. Costs award rebuttal by Southampton City Council.

Plans:

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| A1 | Drawing No 207.37/01 Rev C: | Scheme proposal to various scales. |
| A2 | Drawing No D.035/02: | Proposed site access from Howards Grove prepared by D M Mason, Engineering Consultants. |
| B1 | Drawing No P01: | Scheme for pair of semi-detached houses on the appeal site. |
| B2 | Drawing No 207.37/01 Rev B: | Scheme proposals as originally submitted for a single dwelling. |