



## Appeal Decision

Site visit made on 7 March 2006

by **Chris Anscombe** BTP DMS MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail enquiries@planning-  
inspectorate.gsi.gov.uk

Date

18 MAR 2006

**Appeal Ref: APP/D1780/A/05/1196007**

**Woolston and Sholing Conservative Club, 74 St Anne's Road, Woolston, Southampton SO19 9FF**

- 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 Cresta Homes plc against the decision of Southampton City Council.
- The application Ref 05/01265/FUL, dated 25 August 2005, was refused by notice dated 2 November 2005.
- The development proposed is the demolition of the existing club and the erection of a new purpose built club facility and the erection of 43 (1 & 2 beds) flats adjacent to the new club.

**Summary of Decision: The appeal is dismissed.**

### Planning Obligation

1. On 13 February 2006 the owners and the developer (the appellant company) entered into a unilateral undertaking as a planning obligation (the "obligation") under Section 106 of the Town and Country Planning Act 1990 (as amended). By this deed they undertook to make financial contributions towards off site highway works, sports facilities, public open space improvements and play facilities, to implement and promote a travel plan first approved by the Council and to identify and secure 11 units of affordable housing within the proposed development. The Council had previously indicated that entering into such an obligation would overcome its objections to the development set out in the third, fourth, fifth and sixth reasons for the refusal of planning permission in its decision notice. I consider that this obligation meets the tests set out in Annex B of Circular 05/2005: *Planning Obligations* and will give it significant weight in my decision.

### The Description of the Proposed Development

2. The description of the development was changed by the Council to, "*Redevelopment of the site. Demolition of the existing building and erection of a three-storey block of 43 flats with associated car parking and a new three-storey club facility with basement level adjoining the residential accommodation*". This amended description was used by the Council in its publicity and consultation processes for the application and has been adopted by the appellants in this appeal and in the obligation set out above. In the circumstances, despite two small parts of the block of flats being proposed to be only two storeys in height, for consistency I will also use this amended description in my decision.

### Main Issues

3. Having regard to the obligation set out in paragraph 1 above I consider that the three remaining main issues are:

- a) the effect of the proposed development on the living conditions of adjoining occupiers in Portsmouth Road, with particular reference to visual impact and privacy;
- b) the effect of the proposed development on the character and appearance of the surrounding area; and
- c) whether appropriate provision would be made for car parking within the site.

### **Planning Policy**

4. The development plan includes the City of Southampton Local Plan (1995). Policy GP1 sets out general principles for development including being sympathetic in scale and character, both in itself and in relation to adjoining buildings, providing adequate car parking and not causing danger to road users. With regard to townscape Policy ENV3 discourages development which would be inappropriate in terms of scale, design or character with the surrounding area. Policy H12 includes similar considerations in respect of residential development, but requires that the amenities of adjoining uses are safeguarded. Policy T2 relates to access and highway safety.
5. I have also been referred to the Local Plan Review, which has been the subject of a public inquiry and proposed modifications in response to the Inspector's report were published in June 2005. In this emerging Local Plan Policy SDP 1 seeks development which does not harm the amenity of the city and its citizens but respects and improves the quality of the built and natural environment. Policy SDP 3 protects the safety of the transport network. Policy SDP 9 relates to scale, massing and appearance. Policy H 3 states that the maximum use of underused land for residential development will be made provided that, amongst other things, the land does not make a valuable contribution to the character or amenity of the area and the location of any development would not have a significantly detrimental effect on the amenity of occupiers on adjoining land. In view of the advanced stage in the preparation of the emerging Local Plan I will attach considerable weight to these policies in my decision due to the likelihood that they will soon be adopted without significant change.

### **Reasons**

#### ***Living Conditions of Adjoining Occupiers***

6. The appeal site is located on the south side of Portsmouth Road (the A3025, a main route into the city from the east), and to the east side of St Anne's Road. The original two storey Victorian club building is sited close to the northern end of the site facing, but elevated above, Portsmouth Road and behind a wall screening the forecourt parking area. The access is from St Anne's Road to the side and it also serves a car park along that frontage and another parking area at the southern end of the site. On the eastern side of the club there is a single storey wing and a snooker room under a hipped roof with a lantern light at its ridge. To the rear is a modern, flat roofed, single storey extension overlooking a lawn extending to the bottom car park. There are a number of protected mature trees on the site, particularly around the side and bottom car parks, which give a sylvan quality to the St Anne's Road frontage.
7. The need to retain the existing trees has dictated the siting of the proposed replacement buildings. The block of flats would have an 'L' shaped plan and be sited adjacent to the northern and eastern boundaries of the site. The new club building would be sited in the



south-east corner. Much of the remainder of the site, adjacent to St Anne's Road, would be laid out as car parks to the proposed flats and club, broken up by the retained trees standing within landscaped areas.

8. The adjoining occupiers that would be most affected by the proposed development are those in the adjoining bungalows to the east, Nos.114 and 116 Portsmouth Road. These properties are some 3m lower than the ground level of the appeal site and separated by a 4m wide ramped access to disused tennis courts to their rear (to the east of the appeal site). No.114 has a bedroom window in its side elevation facing the appeal site. The existing club buildings closest to the eastern boundary are single storey but with relatively high eaves compared to modern buildings, particularly the snooker room. However, because of their elevation, their hipped roofs and the 1.8m high enclosing wall at the top of the steep bank by the access ramp, the effect that these existing buildings have on the rear gardens to the adjoining bungalows is limited. There is also a high level of privacy enjoyed within these gardens at present as there are no overlooking windows.
9. The proposed development would significantly alter the living conditions enjoyed by these adjoining occupiers. The proposed building would be predominantly three storeys in height. Although that would be little higher than the main two storey Victorian building, the section adjacent to No.114 Portsmouth Road would replace single storey buildings. That three storey section would be set back some 8m from the retained enclosing wall, but the top two storeys would contain the main elevations to flats 16 and 27.
10. Even if the balconies shown were omitted (as offered by the appellants) the rear gardens of Nos.114 and 116 would still be overlooked from the bedroom and living room windows of those flats. This main elevation of the building would be about 15m from the western boundary of No.114 but, in my view, the overbearing impact and sense of privacy loss, made worse by the difference in levels, would be unacceptable. I consider that the proposed tree planting would do little to mitigate these impacts but, in time, would be likely to become a source of complaint from the future occupiers of flats 16 and 27 as they would obstruct their outlook.
11. Just beyond the line of the rear boundary to No.114, adjacent to the tennis courts, the proposed building would step forward 4m. On this corner the proposed building would be reduced in height to two storeys but the living room window of the first floor flat (flat 19) would be only about 11m from the bottom corner of the adjacent garden to No.114, adding to the overlooking and loss of privacy.
12. Beyond this corner the building would step up to three storeys again for a length of 28m before returning to two storeys for the end units. There would then be a 6m gap to the rear elevation of the proposed club building. Both that part of the proposed block of flats and the club would be erected on the part of the site that is presently open and laid out as either a garden or car park behind the enclosing 1.8m high wall. Viewed from the rear of properties in Temple Gardens to the east (on the other side of the tennis courts) the new buildings would be quite imposing on the skyline. However, given the separating distance of some 60m between buildings, I consider this would be acceptable despite the elevated nature of the site.
13. Whilst the effect of the proposed development on the occupiers of Temple Gardens would be acceptable, on the first main issue I conclude that the effect on the living conditions of

adjoining occupiers in Portsmouth Road would be unacceptable, with particular reference to visual impact and privacy. In these respects the proposal would conflict with Policies GP1 and H12 of the Local Plan and Policies SDP 1, SDP 9 and H 3 of the emerging Local Plan.

#### ***Character and Appearance of the Area***

14. The proposed development would introduce a three storey building on the Portsmouth Road frontage. However the site is directly opposite commercial premises at the end of a block of buildings fronting Station Road and diagonally opposite a large and rather imposing school block. It would be acceptable in this street scene around the road junction, notwithstanding the bungalows to the east and semi-detached two storey houses to the west.
15. In St Anne's Road the character of existing development is predominantly two storey housing. However, the majority of the development would be set to the back of the site behind retained and protected trees. It would not be too imposing in this street scene.
16. On the second main issue I conclude that the proposed development would not harm the character or appearance of the area. In these respects it would not conflict with Policies GP1, ENV3 or H12 of the Local Plan or Policies SDP 1, SDP 9 and H 3 of the emerging Local Plan.

#### ***Car Parking***

17. The proposed car parking provision would be 47 spaces for the 43 flats and 16 spaces for the club. I note that, when consulted on the application, the Highway Engineer commented that the appeal site was located in an area of medium accessibility near Woolston with its major transport links into Southampton. He stated that the proposed modifications to the emerging Local Plan have reduced the car parking requirements for residential development and the maximum parking standard for the proposed flats would be 31 spaces. I also note that, at present, there are no parking restrictions on the majority of St Anne's Road away from the Portsmouth Road junction. If parking on this street were to become a highway safety issue then such restrictions could be introduced.
18. The reduced maximum car parking standard would appear to be in accordance with the advice on reviewing parking standards in Planning Policy Guidance Note 3: *Housing* (PPG3) at paragraphs 59-62. I also note that there is a proposed modification to paragraph 2.15 of the reasoned justification for the sustainable transport policies in the emerging Local Plan. That paragraph set out a number of measures to ensure that alternative choices of travel to the car will be genuinely attractive. The modification inserts the additional measure: "*Provides parking at as low a level as possible, having regard to the needs of the development*" (Proposed Mod No.SDP/PM2).
19. In my opinion the provision of 47 spaces would be unlikely to encourage occupation of the proposed flats by non-car users or the use of other modes of transport. As advised in PPG3, "*Developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street car parking when there is no need, particularly in urban areas where public transport is available*".
20. The maximum parking standard for the proposed club would be 14 spaces. However, as two of the proposed 16 spaces would be for disabled drivers this provision would be acceptable. I acknowledge that the existing club has far more car parking at present but it



would appear that this is rarely fully utilised. I am advised that the existing bottom car park is presently used informally during the day for parking cars used by teachers at the nearby school. In my view the school should make appropriate arrangements for car parking on its own site, which could include a green travel plan for its staff. Local car parking standards have reduced significantly in accordance with Government policy and I consider that the proposed parking provision for the club would be acceptable.

21. On the third main issue I conclude that, whilst an appropriate provision would be made for car parking in respect of the proposed club, the provision to be made for the proposed flats would be excessive in this area of medium accessibility and contrary to the advice in PPG3 and the sustainable transport strategy in the emerging Local Plan.

***Other Matters***

22. I have noted the crime prevention design comments of the Hampshire Constabulary in its letter dated 28 September 2005. It is clear that not all of the previous comments raised have been properly addressed in the design and layout of the proposed development. In particular point 1 relates to the security of the proposed cycle store at the western end of the proposed flats fronting Portsmouth Road where a new public access is shown. This would appear to conflict with Policy SDP 10 of the emerging Local Plan. I consider that the suggested condition requiring a lockable gate at the proposed access would be an inadequate measure to overcome this issue. I also agree with the criticism of the proposed layout of the club car park in point 2 of that letter. If I were to allow this appeal I would impose conditions requiring these aspects of the layout to be redesigned.

***Overall Conclusions***

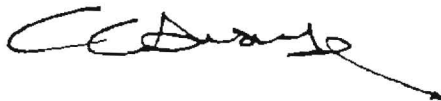
23. Although the proposed development would not harm the character and appearance of the surrounding area, the effect on the living conditions of adjoining occupiers in Portsmouth Road would be unacceptable. In addition an excessive amount of car parking is proposed to serve the block of flats. For these reasons planning permission should be withheld.
24. I have considered whether I should split my decision and allow the proposed club building. However, in my view the club is an integral part of the redevelopment of the whole site and should not be approved in the absence of a satisfactory scheme for the residential element.

***Conclusion***

25. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

***Formal Decision***

26. I dismiss the appeal.



INSPECTOR