
Appeal Decision

Site visit made on 12 December 2013

by Megan Thomas BA Hons in Law, Barrister

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

Decision date: 3 January 2014

Appeal Ref: APP/D1780/A/13/2200905

13 Bassett Green Road, Southampton SO16 3DJ

- 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 J Ahmed against the decision of Southampton City Council.
 - The application Ref 13/00428/FUL, dated 18 January 2013, was refused by notice dated 28 May 2013.
 - The development proposed is "conversion of existing dwelling to 2No. studios, 1No. 1 bed flat and 1No. 3 bedroom flat, extending the existing dwelling to side & rear."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the future occupants of the proposed studios and flats with particular regard to outlook, privacy and amenity space; whether the proposed 3 bedroomed flat would provide a suitable family unit; and the effect of the proposed additional front hardstanding on the character and appearance of the streetscene.

Reasons

Living conditions of future occupants

3. The appeal site is a semi-detached dwelling in the Swaythling area of Southampton, which is primarily residential. Bassett Green Road is a reasonably wide road with mainly two storey detached and semi detached dwellings along it. No.13 is on the north side and is a dwelling with three bedrooms at first floor level and two habitable rooms and a kitchen at ground floor level. Its semi-pair is no.11. There is a forecourt at the front and some landscaping. No.15 is a detached house to the west with a door in the flank wall facing the appeal site.
 4. The development scheme includes the erection of a part two storey, part single storey side and rear extension. The scheme would leave a passageway between the common boundary with no.15 and the new flank wall to the side of no.13. The part of the scheme directly adjoining the common rear boundary with no.11 would be single storey in height. There would be 4 self-contained
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units of accommodation. Unit A would be a ground floor studio utilising the bay window at the front of the property. Unit B would be a ground floor studio with patio doors facing the rear garden. Unit C would be a ground floor 1 bedroomed flat with patio doors facing the rear cycle store, a bathroom window and a window in the new flank wall facing no.15 (that latter window is not shown on the submitted elevation drawing). Unit D would be the upper floor unit with 3 bedrooms, a lounge, bathroom and kitchen.

5. Unit A would have a floorspace of about 13sqm. This would not in my view provide adequate living space for a studio unit. It would have one window which would allow extensive views into the unit by those using the two car parking spaces located near to the window and by those entering the communal external door for units B and C.
6. Unit C would have patio doors at the rear of the building that would allow views into the bedroom by other occupants of the scheme using the cycle store and the communal garden. Furthermore, those same occupants would be using the passage adjacent to no.15 to access those areas and they would also have views into the ground floor flank window of unit C which would serve the primary living area for that flat. Accordingly, I consider that there would not be adequate privacy for the occupants of unit C. Furthermore, unit C would rely for its principal outlook on the relatively narrow passageway formed by the common boundary with no.15. Whilst the window would not currently look directly onto a building within the plot of no.15, that could change in the future and the occupants of no.15 could, for example, erect a higher boundary fence than exists at present. Whether or not that would occur, I am not convinced on the evidence before me that the occupants of unit C would have an outlook of sufficient quality from the primary living area of that proposed flat.
7. Policy CS16 of the Southampton City Council Core Strategy (adopted 2010) 'CS' defines family homes as dwellings of 3 or more bedrooms with direct access to useable private amenity space or garden for the sole use of the household. The upper floor unit, unit D, would have 3 bedrooms and could accommodate a family. It would have no private amenity space. In order for the occupants to reach the communal garden area, it would be necessary to exit the flat on the ground floor near to the front of the property and walk to the rear garden. It therefore does not meet the requirements of a family dwelling in the CS. I have considered whether there are any grounds or factors which might warrant a relaxation of the policy definition of a family unit in this case. The communal garden would be visible from unit D but this would be from a bedroom rather than a room usually used in the daytime. This would not sufficiently mitigate for the fact that the garden would not be directly accessible, would not be for sole use and would be in very close proximity to the patio doors of units B and C. The appellant has highlighted in his evidence that the Council have granted planning permission in other locations for family units which would not have direct access to amenity space. However, without full details and the approved drawings for those schemes and without knowledge of whether space was segregated for sole use by the family, I can only give limited weight to that evidence. Accordingly on the information before me, I conclude that the proposed scheme would not provide appropriate private amenity space for the family unit contrary to policy CS16 of the CS and the living conditions of the future occupants of unit D would not be of an adequate standard.

8. On this issue therefore, notwithstanding that saved policy H1 of the Southampton Local Plan Review (2006) encourages the supply of more housing through the use of conversions of existing properties, I conclude that the proposed development would result in undue harm to the living conditions of future occupants of unit A owing to inadequate living space and loss of privacy, unit C owing to loss of privacy and inadequate outlook and unit D owing to inadequate private amenity space.

Loss of a family dwelling

9. Given the finding above, the proposed scheme would not meet the terms of policy CS16 to ensure that there would be no net loss of family homes on the site. There are no overriding policy considerations justifying the loss in this case and the appellant has not sought to argue otherwise. The policy is an up-to-date one and I attach substantial weight to it and to the need to maintain the supply of family homes. Accordingly, I consider that the scheme would result in harm from the loss of a suitable family unit contrary to policy CS16 of the CS.

Character & appearance

10. The Council consider that the loss of the front garden area to hardstanding to provide parking for the scheme would have an urbanising impact on the character and appearance of the streetscene. I agree that the scheme as shown on drawing A3/13BGR/02/RevA would result in a stark appearance for the street as no landscaping is shown and the bin store would be prominent in the view, which would also detract from the existing character of the area. However, given that the provision of two parking spaces is not a minimum requirement, there is potential in my view for a planning condition to overcome the harm to the character and appearance of the area. For example, a condition requiring the provision of landscaping might be imposed. I therefore conclude on this issue that reason for refusal no.3 relating to harm to the streetscene would not warrant the refusal of planning permission on its own in this case.

Conclusion

11. I have borne in mind that there is a need to make effective and efficient use of land especially in urban and suburban areas such as Swaythling and I am mindful that it is suggested that the units could achieve code level 4 of the Code for Sustainable Homes and that the location has good sustainability credentials. However those factors do not outweigh the harm I have identified above to the living conditions of the future occupants of some of the units and from the loss of a suitable family unit on this site.
12. Having taken into account all representations made, I dismiss the appeal.

Megan Thomas

INSPECTOR



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010

Mr Balbinder Heer
64 Marlborough Gardens
Hedge End
Southampton
SO30 2UT

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: **Erection of a part 2-storey, part single storey side/rear extension to facilitate conversion of existing house into 4 flats (1 x 3-bed, 1 x 1-bed and 2 x studio) with associated parking and cycle/refuse storage. (resubmission of 13/00076/FUL, reduction to amenity space).**

Site Address: **13 Bassett Green Road Southampton SO16 3DJ**

Application No: **13/00428/FUL**

For the following reason(s):

01.REFUSAL REASON - Failure to Provide Genuine Family Housing

Although a three bedroom flat is retained it fails to provide safe and convenient access to a private amenity space and, as such, the proposal would result in the loss of an existing family dwellinghouse undermining the delivery of a mix of different house types in the City contrary to the objectives of Section 6 the National Planning Policy Framework (2012), Policy CS16 of the adopted LDF Southampton Core Strategy (2010) and saved policy H1 of the Southampton Local Plan Review (2006) as supported by Part 6 of the Council's approved Residential Design Guide SPD (2006).

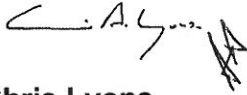
02.REFUSAL REASON - Impact on Amenity and Quality of Living Environment

The proposed development, by reason of its layout, would result in an over-intensive use of the site affording its proposed occupiers cramped living conditions and unacceptable levels of outlook, privacy and usable amenity space therefore creating an unsatisfactory residential environment contrary to Section 6 of the National Planning Policy Framework (2012), saved policies H1 and SDP1 of the Southampton Local Plan Review (2006) and Section 2 of the Residential Design Guide Supplementary Planning Document (2006).

03.REFUSAL REASON - Impact of Driveway

The proposal will result in the loss of a front garden area to hardstanding to provide parking for the development, this would have a stark and urbanising impact which would be

detrimental to visual amenity and out of keeping with the street scene contrary to saved policy SDP7 of the adopted Southampton Local Plan Review (2006).



Chris Lyons
Planning & Development Manager

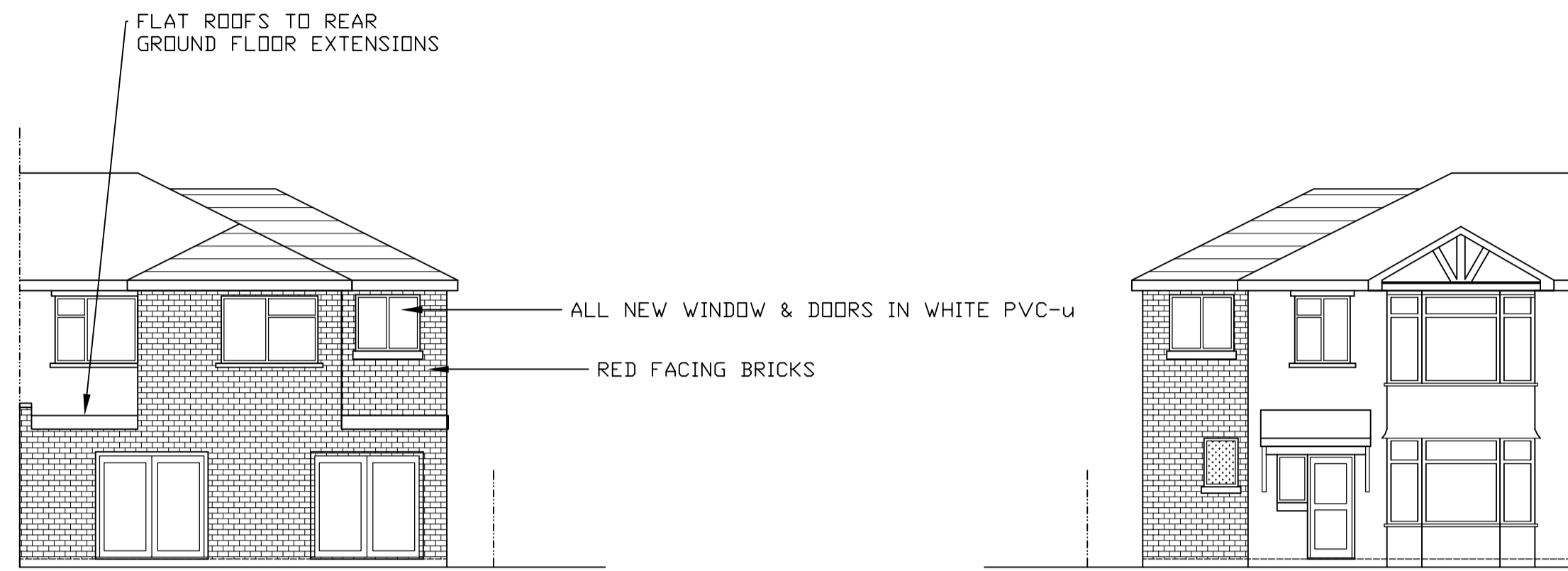
28 May 2013

For any further enquiries please contact:
Jo Moore

IMPORTANT NOTE TO APPLICANT

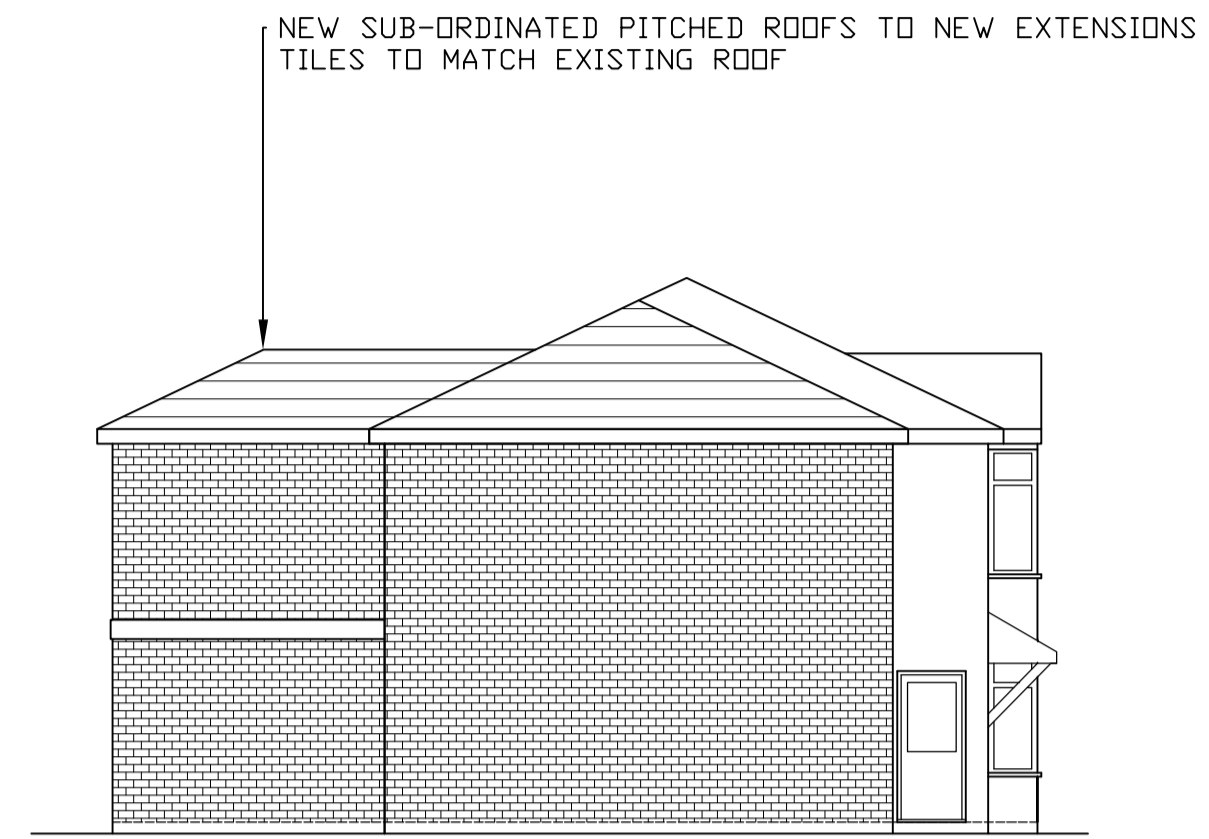
This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
A4/13BGR/06		Roof Plan	11.03.2013	Refused
A4/13BGR/02	a	Floor Plan	11.03.2013	Refused
A4/13BGR/04	a	Block Plan	11.03.2013	Refused
A4/13BGR/05	a	Site Plan	11.03.2013	Refused
A4/13BGR/03		Elevational Plan	11.03.2013	Refused

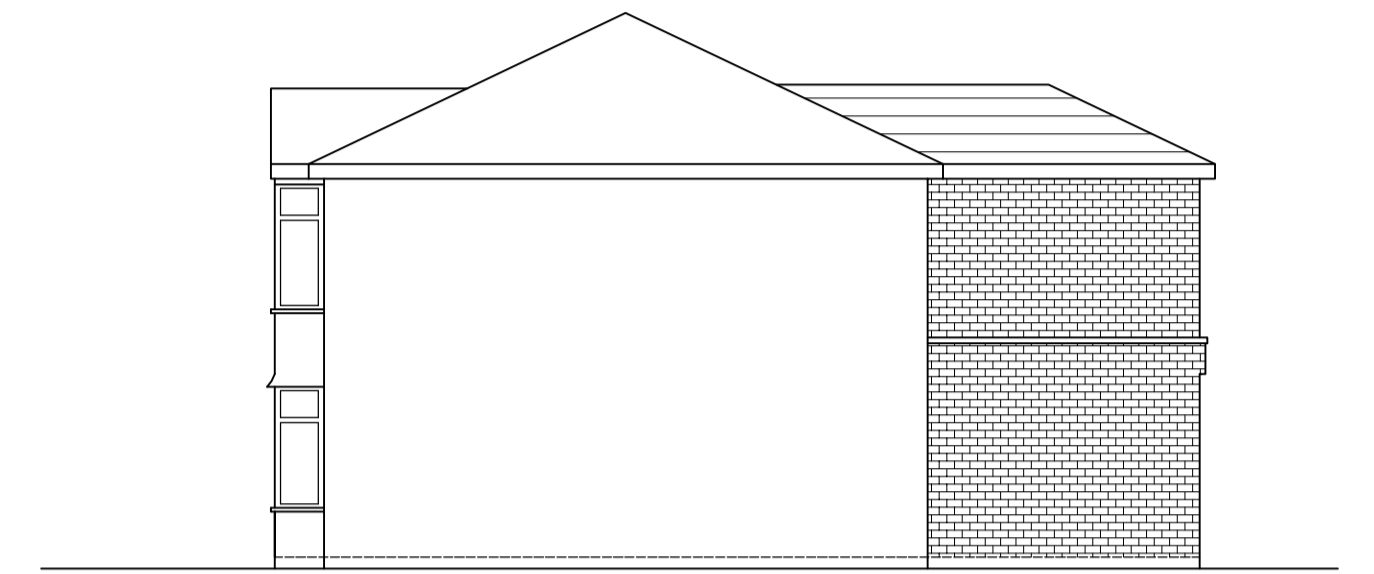


PROPOSED NORTH EAST ELEVATION

PROPOSED SOUTH WEST ELEVATION



PROPOSED NORTH WEST ELEVATION



PROPOSED SOUTH EAST ELEVATION



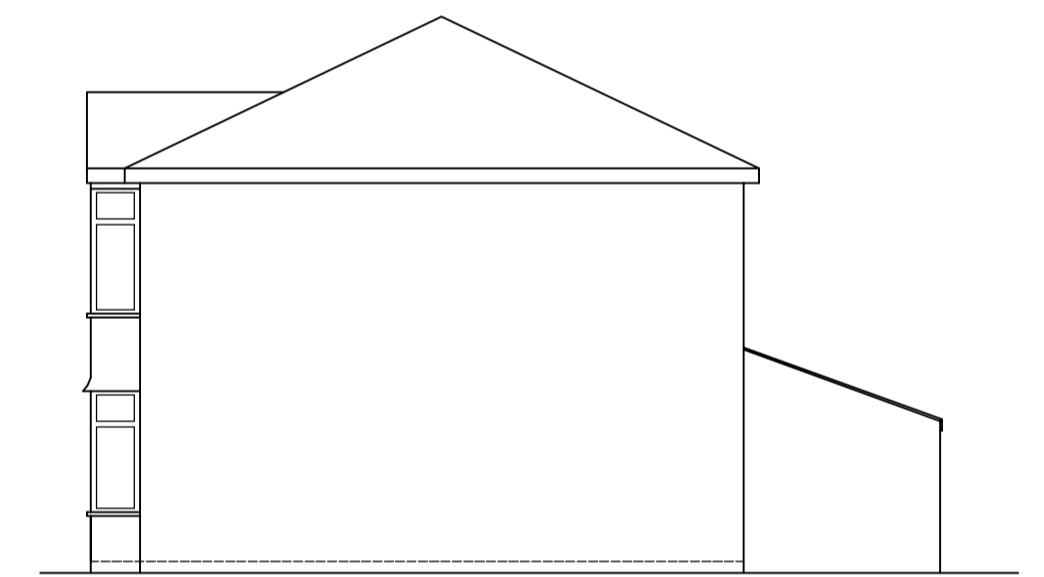
EXISTING NORTH EAST ELEVATION



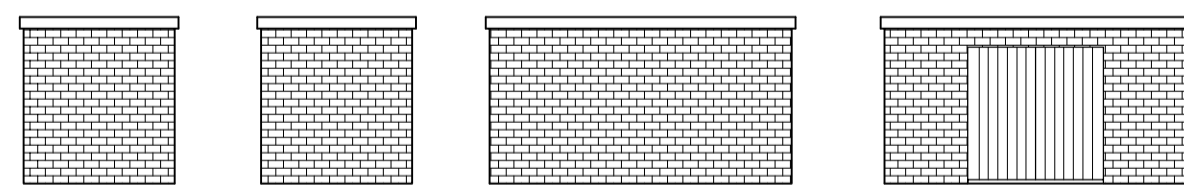
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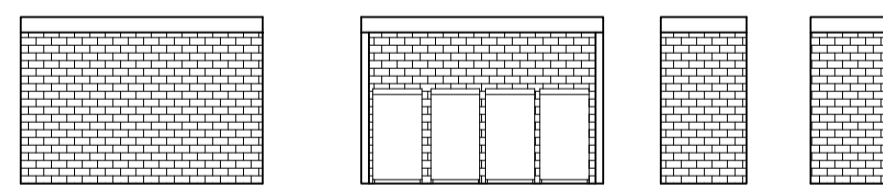
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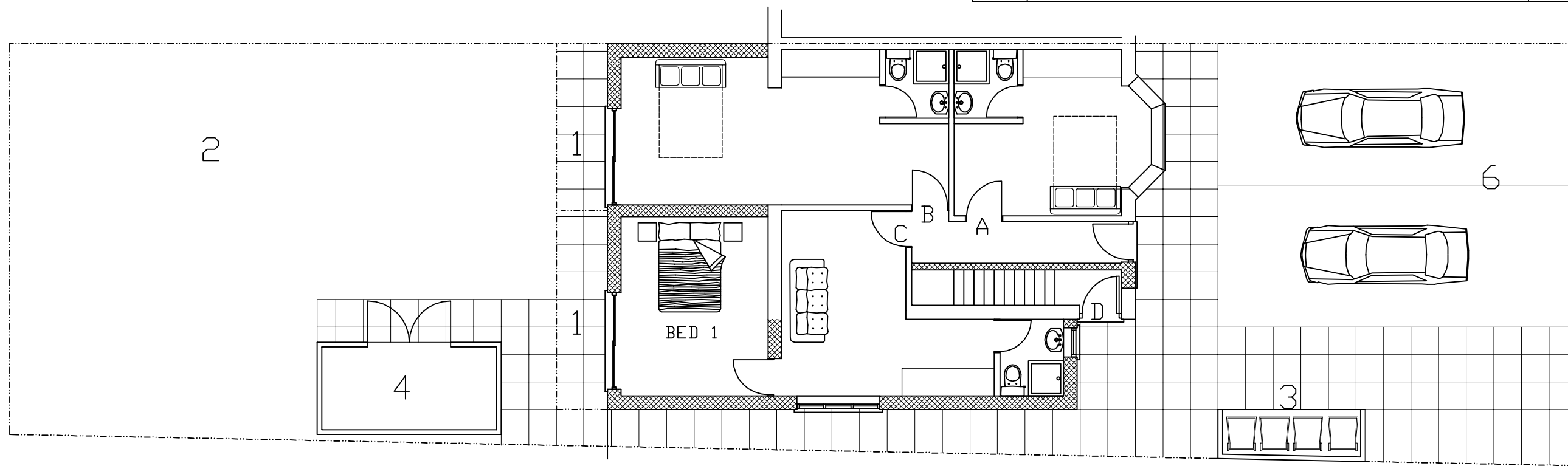
EXISTING SOUTH EAST ELEVATION



ELEVATIONS TO CYCLE STORE

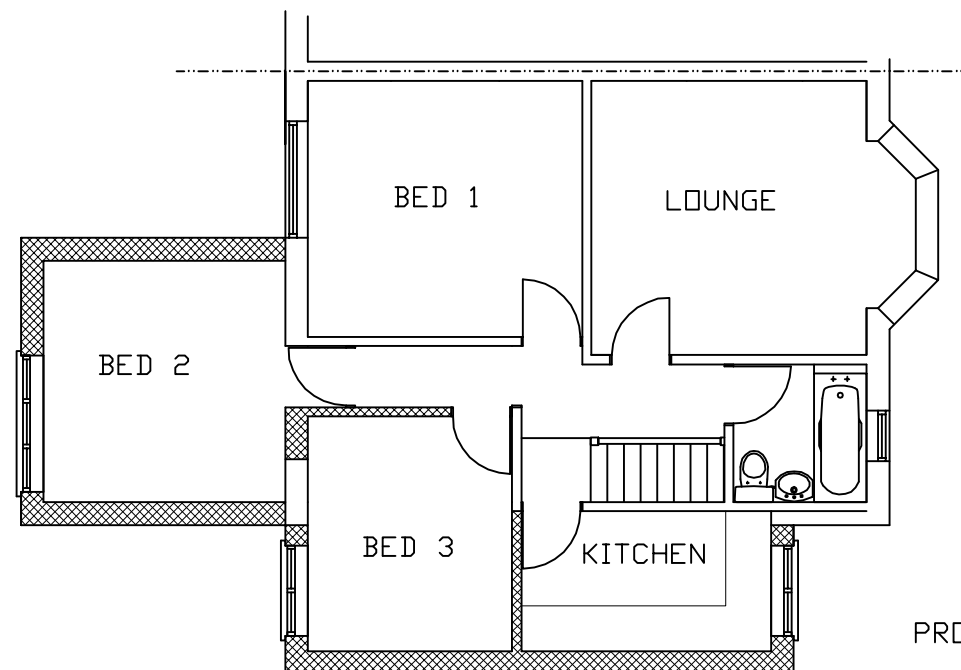


ELEVATIONS TO BIN STORE



PROPOSED GROUND FLOOR PLAN

- 1 DEFENSIBLE SPACE
- 2 112m² COMMUNAL AMENITY AREA
- 3 REFUSE STORE
- 4 SECURE CYCLE STORE
- 5 HARD LANDSCAPING
- 6 OFF ROAD VISITOR PARKING PROVISION



PROPOSED FIRST FLOOR PLAN

- A STUDIO FLAT
- B STUDIO FLAT
- C 1 BED FLAT
- D C4 3 BEDROOM DWELLING

Drawing Title: PROPOSED FLOOR PLAN	Filename A3/13BGR/02/RevA	Date Mar 2013	Scale 1:100
	Client Details:		