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# Appeal Decision

Site visit made on 16 July 2013

**by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI**

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

**Decision date: 15 August 2013**

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**Appeal Ref: APP/D1780/A/13/2190531**

**Grosvenor Rest Home, 13 Grosvenor Road, Southampton, SO17 1RU**

- 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 H Singh against the decision of Southampton City Council.
  - The application Ref 12/01449/FUL, dated 20 September 2012, was refused by notice dated 22 November 2012.
  - The development proposed is conversion of existing building into 5 flats with associated parking, cycle and refuse stores.
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## Decision

1. I dismiss the appeal.

## Main issues

2. The main issues in this appeal are:
  - noise and disturbance
  - parking effects
  - living conditions of future occupiers
  - the character of Grosvenor Road

## Reasons

### *Noise and disturbance*

3. The appeal site is located on the west side of Grosvenor Road, and is flanked by substantial detached and semi-detached houses. Nos 13 and 11 were previously linked in connection with their joint use as a nursing home, but in recent years the two properties have been separated and planning permission has been granted for their use as two houses. During the years as a nursing home a large single storey extension was added at the rear of no 13.
4. In recent years no 13 has been used as a House in Multiple Occupation (HMO) and it appears that many of the rooms may have been subdivided at that stage to facilitate that unauthorised use. At one point an interim injunction was granted to prevent occupation by up to 15 students but was not renewed. Following the issue of an enforcement notice, a subsequent appeal was dismissed on three grounds, including because the use of the property was over-intensive and resulted in harm and disturbance to neighbouring occupiers.

5. The development before me is for a different configuration of accommodation, namely 5 self-contained flats, 2 being 3 bed units, 2 of 2 bed size and one a 1 bed flat. But I do not consider it probable that these 11 bedrooms would result in the building being occupied by up to 22 people, as suggested by the Council and local residents. Firstly, the submitted plans show a total of 16 bed spaces and the size of several of the proposed single bedrooms is such that it would be almost impossible for them to accommodate a double bed and other furniture. Secondly, the Council's *Planning Obligations Supplementary Planning Document* (PO-SPD) indicative occupancy levels referred to by the appellant suggest that units of the size and mix proposed would be likely to result in only around 10 or 11 persons in the converted house. Therefore, despite its proximity to the University, which no doubt makes this road attractive to students seeking accommodation in the vicinity, it seems to me that the fears of this building being occupied by as many or more people than the 15 when it was in use as an HMO are unlikely to be realised.
6. Nevertheless, the proposed conversion would probably attract young professional couples such as first time buyers, and it maybe that some of the units would also contain one or two lodgers. But no evidence has been produced to indicate that occupiers of the 5 proposed flats would be likely to be especially noisy or be likely to cause more noise and disturbance than if the building were used for its authorised purpose as a single family dwelling. A building of the size of no 13, with some 18 rooms, could provide for occupation by an extended family with perhaps several teenage or grown-up children living at home, many with noisy sound systems or similar. The parental controls and pressures referred to by the Council in the case of single family use are in my view just as likely to be employed by couples to manage the behaviour of their lodgers in order to avoid trouble with neighbours, while on the other hand extended families may be as likely as young couples to hold large and noisy parties for friends and relations.
7. Therefore, whilst I accept that in the former HMO use with around 15 occupiers the building was the source of much noise and disturbance, that was a very different arrangement where each individual could be characterised as constituting a separate household with a differing lifestyle and subject to little or no overall restraint. By contrast, the arrangement now proposed is, as the Council acknowledge, spacious internally and externally, with a good layout and plenty of access to natural light. Hence it is likely, by reason of its larger unit size and better living conditions, to be able to command higher prices and be more attractive to those who seek to avoid the problems associated with the less favourable living arrangements of an HMO occupied by students.
8. It also seems to me that the layout of the proposed flats and their points of access are less likely to give rise to noise and disturbance to neighbours and to one another by comparison to that which I understand was the case when the building was in use as an HMO. Though the side entrance would remain facing no 11, it would be used solely by the occupiers of the proposed Flat G.02, and the occupiers of the other four flats would all use the front door as their only point of access to the building. Although access to the shared rear garden would result in the occupiers of those 4 flats passing close to the side of no 11, it seems to me this access would largely be used in the daytime. Hence it would be improbable that occupiers accessing the communal rear garden to put out washing, enjoy the space or carry out other garden activities would create any significant noise or disturbance to occupiers of no 11.

9. I thus, conclude on the first main issue that the proposals would not cause unacceptable noise and disturbance to adjacent occupiers and hence cannot be considered a noise-generating development within the terms of saved Policy SDP16(i) of the adopted *City of Southampton Local Plan Review 2006* (LPR). For similar reasons the development would not conflict with the aims of saved LPR Policy SDP 1(i) which seeks to ensure that development does not unacceptably affect the amenity of the city and its citizens. Neither do I find conflict with a core aim of the *National Planning Policy Framework* (the Framework) which seeks development providing a good standard of amenity for existing and future occupiers of the building<sup>1</sup>. Though referred to by the Council in the decision notice, I do not find saved LPR Policies H2 and H4, which deal with, on the one hand, vacant, derelict and underused land, and on the other hand with HMOs, to be material to my conclusions on this issue.

### *Parking*

10. The Council's parking policy is contained in its Parking Standards Supplementary Planning Document PD (P-SPD) adopted in October 2011 and is part of the adopted Local Development Framework Core Strategy (LDF-CS); it thus attracts substantial weight. Although not referred to in the reason for refusal, I have been provided with this as part of the appeal documentation and because the appellant and the third parties are aware of its content no disadvantage would result if it is taken into account in my decision.
11. For residential development the P-SPD sets out maximum parking standards for Class C3 development which in this case seeks a maximum of 9 spaces for the proposed 5 units. The P-SPD says that this may be provided by both on- and off-street parking but that the latter should make up the majority of parking provision for larger developments. Whether the appeal proposals fall into this latter category is unclear but in any event two further considerations have to be taken into account.
12. Firstly, for schemes providing more than five bedrooms across all developments, some off-street parking is expected, and secondly, developers must demonstrate that the amount of parking provided will be sufficient, whether they provide the maximum or a lower figure. In this case the submitted plans show 3 parking spaces on the forecourt to the building, which would satisfy the first provision, but the appellant has produced no evidence to show that this would be sufficient to cater for the vehicular traffic likely to be generated by the 5 flats.
13. Therefore, although the Council may have made assumptions about the probable occupiers of the flats and the P-SPD may not provide typical traffic generation figures to be applied to planning proposals, the onus is plainly on the appellant to demonstrate adequacy of parking provision. This is supported by the response of the Highways Officer who, when consulted on the appeal proposals, would not give a formal reply until a parking survey had been undertaken to assess the situation in Grosvenor Road. The absence of such a survey thus weighs against the proposals.
14. Furthermore, in November 2012 a Residents Parking Zone (RPZ) was designated for Grosvenor Road and the surrounding area and, according to the Highfield Residents Association, this grants two on-street parking permits to

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<sup>1</sup> National Planning Policy Framework paragraph 17

each household in the Zone. This would result in the issue of 10 parking permits to the occupiers of the proposed conversion which means that, together with the on-site spaces, up to 13 vehicles could be lawfully parked on and around the appeal premises. By way of comparison, if the building were used for its lawful use as a single dwellinghouse, no more than 5 vehicles could be parked lawfully on- and off-site.

15. Whether or not either of these figures would be realised depends on the nature and wishes of the presently unknown occupiers and it would be difficult to forecast accurately, especially in the absence of a parking survey. The imposition of the RPZ thus reinforces the need for such a survey and adds weight to my conclusion on this matter in paragraph 13 above. I have also taken into account my observations of parking in Grosvenor Road at the time of the site inspection (around 1130 hrs) when there were many on-street parking spaces available. However, a single observation in the middle of the day does not seem to me a reliable basis on which to assess maximum or even typical parking stress in this road. That is supported by the observations of the Inspector who dealt with the enforcement appeal on this property in 2012 and also noted that spaces for on-street parking were readily available but added that this is likely to be subject to periods of fluctuating demand.
16. The best evidence on this issue is that of the Highfield Residents Association who say that on-street parking in the road is already greatly in demand due in part to its proximity to the University and the Portswood local centre. They report that cars are habitually parked close to dropped kerbs causing obstruction to vision for those drivers who, as I saw, are in many cases accessing properties with no turning facility and who must either reverse onto or from their forecourt parking spaces. Hence, by being unsighted due to on-street parking, reversing vehicles pose a potentially serious danger both to other vehicles travelling along the road and to pedestrians, and especially children, using the footway.
17. On this second main issue I therefore conclude that in the absence of a parking survey and contrary evidence, the greatly increased parking permit provision which would arise from permission for the proposed conversion would give rise to an unacceptable risk of serious inconvenience and danger arising from increased parking demand in Grosvenor Road. This adds further weight to my earlier conclusion and I find that the proposals conflict with the guidance in Section 4.2 of the P-SPD and thus with the aims of Policy CS19, "Car and Cycle Parking"<sup>2</sup> of the Southampton LDF-CS. Such guidance and policy is consistent with the Framework which supports locally appropriate parking standards and the minimisation of conflicts between traffic and pedestrians<sup>3</sup>. Accordingly, this issue weighs heavily against permission.

#### *Living conditions*

18. I have already noted that the Council concedes the proposed flats would be of a good size and layout with plenty of access to natural light and an adequate quantum of amenity space, and I have no reason to disagree with that analysis. Accordingly it appears to me that the proposed density of the development would not be excessive or inappropriate in this area and therefore not conflict with LDF-CS Policies CS 5 and CS 13. I have also concluded that

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<sup>2</sup> Parking Standards Supplementary Planning Document paragraph 2.1.1.1 refers

<sup>3</sup> National Planning Policy Framework paragraphs 35 and 39

the access to that part of the rear garden shared by 4 of the flats, though it would pass the bedrooms of the fifth flat, would not cause unacceptable noise and disturbance. Such an arrangement is not ideal, but in the case of conversions of existing property is often unavoidable due to the layout of the building.

19. In this case, the large rear extension, built when the property was in use as a nursing home, occupies most of the back of the original main building making access for any unit in the main building to the rear garden all but impossible without either passing through the flat in the rear extension or using the side access. To my mind the proposed arrangement using the side access is preferable to splitting the rear flat and would enable residents of the other 4 flats to share a separate access to a good-sized private garden. Though this access would be lengthy it is not unreasonably so and the proposed layout does not suggest that access problems would arise such that the conversion would be unacceptable.
20. Nor do I consider this arrangement would be unsafe for children playing in the shared rear garden. An occupier of any of the proposed flats who had young children would almost certainly be aware of the occupiers of the other flats and in a position to make a judgment as to the safety of his or her children in that context. Moreover, the close proximity of other occupiers in this and adjacent buildings makes it likely that there would be good natural surveillance so that any untoward event would be likely to be seen, with a high probability of intervention by an observer. In the case of very young children it is also not unreasonable to expect a close level of parental supervision, with one or both parents playing or being in the shared space at the same time, albeit engaged in other tasks.
21. Hence I conclude that the living conditions of future occupiers would not be seriously harmed by the appeal proposals, which comply with the aims of LPR Policy SDP 1(i) in that they would not unacceptably affect the health, safety and amenity of the city and its citizens. I also find that the quality of the development would comply with guidance in the Framework that seeks development that would function well in the long term<sup>4</sup>.

#### *Character of the area*

22. The appellant does not accept that Grosvenor Road is one of the few roads in this area which has managed to retain its family home character, and points to no 11 as an example of a nearby HMO, and he believes the area to be a mix of HMOs, flats and family houses. On the basis of what I saw during my site inspection, and in the absence of more precise evidence, it appears to me that the character of Grosvenor Road remains, as the Inspector in the 2012 enforcement appeal found, predominantly residential with a high proportion of family-occupied dwellings.
23. That being so, the changes which would be introduced by conversion to 5 flats would seem to be limited to some additional activity as a result of there being 5 separate households, plus the presence on the forecourt of a multiple bin store. The use of the left hand front room as a shared entrance and cycle store may also result in some change in appearance compared to use as for example, a lounge or dining room in family occupation. But though these

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<sup>4</sup> National Planning Policy Framework paragraph 58

changes would affect the character of no 13 as a building, they are not so substantial as to radically alter the character of the entire street. No 13 is only one of many dwellings in Grosvenor Road, and no cogent evidence has been produced to show why a change to the proposed use should significantly affect the character of the street as a whole.

24. Moreover, the considerable size of no 13 compared to other houses nearby suggests that any use, including as a single family dwelling, would create a character which would not necessarily reflect the levels of activity and appearance of the other houses. Thus an extended family occupying the house would be as likely to generate comings and goings throughout the day and late at night as 5 separate households in the 5 proposed flats. Similarly, in single family use many vehicles would probably occupy the forecourt and multiple refuse bins would be required, perhaps housed for convenience on the forecourt.
25. Accordingly, whilst I agree that the proposals would result in the character of no 13 being different to that of most of the other dwellings in Grosvenor Road, it seems to me that those differences would not be so substantial as to affect the character of the road as a whole, nor would they be significantly different to what the character of this building would otherwise be, even if it were in single family occupation. Hence I conclude that no serious harm would be caused to the character of Grosvenor Road and the proposals do not conflict with the aims of LDF Policy C5(1) or LPR Policy SDP7(5) which respectively seek to protect and enhance the character of existing neighbourhoods and prevent material harm to the character and appearance of an area. I also find that the development would encourage a strong, vibrant and mixed community as supported by the Framework<sup>5</sup>.

## Conclusions

26. In reaching my conclusions I have borne in mind that, despite assertions that the proposals amount to the formation of an HMO, what is before me is a proposal for conversion to 5 self-contained flats within Class C3, and that the change of use to an HMO in Class C4 within the Southampton City Council area constitutes development requiring planning permission. Given this context and the understandable close interest of local residents in this site, it would be highly improbable that any attempt to use the premises as an HMO, which in any case the appellant strongly denies, could succeed even in the short term. I also note that the Council say that the officers would be likely to recommend for approval the subdivision of this building into two Class C3 dwellings, so that at some point subdivision of no 13 may well occur.
27. Furthermore, as accepted by the Council, the provision of 4 additional units would contribute towards fulfilling housing needs in Southampton through the conversion of an existing building. It would thus be in accordance with LPR Policy H1 (iv).
28. I have found the proposals acceptable in terms of noise and disturbance, the living conditions of future occupiers and their effect on the character of the area. However, they pose an unacceptable risk of causing inconvenience and danger to drivers and pedestrians in Grosvenor Road due to the increased traffic which would be likely to be generated by the occupiers of the flats, given

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<sup>5</sup> National Planning Policy Framework paragraphs 7 and 69

the absence of evidence to the contrary in the form of a parking survey as required by the SPD in support of LDF-CS Policy CS19 and the recent designation of the RPZ in this area.

29. Therefore, for the reasons I have given and in the light of all other matters raised including the appeal decisions submitted as evidence, I dismiss the appeal.

*Sukie Tamplin*

INSPECTOR