

Appeal Decision

Site visit made on 2 February 2016

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 01 March 2016

Appeal Ref: APP/D1780/W/15/3137227

Land to the rear of 174 Manor Road North, Southampton, SO19 2DY.

- 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 B Watts against the decision of Southampton City Council.
 - The application Ref.15/00111/FUL, dated 10 January 2015, was refused by notice dated 29 April 2015.
 - The development proposed is the erection of a two storey building containing 2 one bedroom flats with associated parking, amenity space, and cycle and bin stores following demolition of the existing workshop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties fronting Manor Road North; the effect on highway safety and whether the proposal mitigates the effects of the additional housing on the Special Protection Areas of the Solent Coastline.

Reasons

Background

3. The appeal site comprises an 'L' shaped single storey workshop building which is vacant at the moment and which lies to the rear of properties fronting Manor Road North and also alongside an un-metalled track that provides rear access to garages in this road and a neighbouring one. The track has access to Wodehouse Road. It is proposed to demolish the workshop building and erect a two storey building covering a slightly smaller footprint and provide two small amenity areas for the flats. It is also proposed to have two parking spaces located between the flats and Wodehouse Road.

Effect on living conditions

4. At my site visit I considered the relationship of the proposed flat building with the rear aspect of the existing housing and took into consideration the orientation of the site and the likely effects of overshadowing from the new building. I also noted that many of the properties in the terrace comprising 174 to 180 (even No's) in Manor Road North appeared to have been extended and

that a number of windows at first floor level appeared to light bathrooms as the windows were glazed with obscure glass.

5. The submitted plan 1693/09 02B reasonably shows the cross section between the existing terraced houses and the rear gardens and the flats building. While some of the existing terraced houses may lose some sunshine during the morning, I am satisfied that the additional building bulk would not have a significantly harmful effect on the living conditions of these houses and their gardens by causing undue loss of natural light or outlook. In terms of the gardens, the plan and cross-section show the difference in visual terms between the existing single storey form of the workshop building and the top of the two storey pitched roof and I judge the difference not to be a material one. In assessing this I have borne in mind the general setting of the site in an area characterised by a fairly dense pattern of terraced houses. The demolition of the existing warehouse and the erection of the new building would also be an improvement to the appearance of the area as the existing building is showing signs of decay.
6. Overall on this issue, I am satisfied that the new replacement flats would accord with the requirements of saved policies SDP7 and SDP 9 of the City of Southampton Local Plan Review, and generally accord with policy CS13 of the Council's Core Strategy (2015) on 'design', and the development would not be materially at odds with the Council's Residential Design Guide SPD.
7. I have noted the other appeal decisions referred to by the Council but these do not seem to involve the same circumstances as apply at the appeal site and I have considered this proposal on its individual merits and from my observations at my visit.

Effect on pedestrian safety

8. In terms of the effect on pedestrian safety, the Council considers that the two parking spaces shown on the layout plan do not meet the standard of 5m by 2.4m set out in the Parking SPD (2011). Further the Council also says it seeks a splay of 2m by 2m on each side of the parking bays, which although not currently part of the local standards, the Council says such a splay is used by other specified Councils to provide a safe environment for pedestrians.
9. The two parking spaces shown on the submitted layout plan do not have a dimension of their length specified but appear marginally short of the recommended standard. Nevertheless, I should also take into consideration that the present workshop building appears to have a parking and/or loading facility in the same space and enclosed by walls, together with a dropped kerb. Therefore, users of the footpath are likely to have had restricted visibility of vehicles leaving the existing workshop premises.
10. The submitted layout plan also shows the 2m splays and although these are not within the application site, on the one side the splay utilises the rear access track which is an open area and likely to remain so. On the other side, much of the splay is formed by the open pedestrian rear access to the adjacent houses. As such, although the Council supplementary guidance does not require such splays, in practice the movements of vehicles into and out of the spaces would be visible to most users of the pavement.

11. I have also taken into consideration that the site lies in a sustainable location and the proposal makes provision for secure cycle parking for each flat.
12. Overall, on this issue, given that the proposal is for the replacement of an existing workshop building, I do not consider that the slight shortfall in the length of the parking spaces necessitates the rejection of the scheme, and I am satisfied that the circumstances of the site mean that the proposal would not be harmful to pedestrian safety.

Effect on Special Protection Areas

13. The effects from new development on the recognised habitats of the Solent are dealt with by Policy CS22 of the Council's Core Strategy. It is established policy and practice that the effects of development on the Special Protection Areas can be mitigated by a specified contribution from the developer to the Solent Disturbance Mitigation Project.
14. The original appeal documents include a written agreement signed by the appellant that he will make the specified contribution towards the costs of measures to mitigate the impact of the residential development on the Solent Special Protection Areas in accordance with the above policy. However, at the time of finalising my decision on this appeal, the Council has confirmed that no payment has been received nor is there any other formal mechanism before me to secure such a contribution. I therefore have to find that the proposal does not make reasonable provision for the mitigation of the adverse effects on the Solent Special Protection Area and accordingly the proposal conflicts with this policy in the development plan.

Planning balance

15. Bringing together my conclusions on the main issues, I have found that the redevelopment of the existing warehouse with a two storey building comprising two small flats would not materially harm the living conditions of the occupiers of adjacent terraced properties by loss of natural daylight and outlook including the use of their gardens. The proposal would also improve the appearance of the area by the demolition of a building which is vacant and in decay. As such I have found that the nature of the proposed development reasonably meets the requirement of the relevant policies in the development plan. Although the parking spaces are slightly below standard, with conditions regulating the enclosure of these spaces, I am satisfied that their use would be unlikely to be harmful to highway safety and especially the safety of pedestrians on the pavement.
16. Nevertheless, while I have found that the local impact of the development on the environment of the site is acceptable, the proposal does not properly mitigate the wider effects of additional development on the sensitive habitats around the Solent. This conflicts with the specific policy of the development plan.
17. Although new housing would be created by the redevelopment of previously developed land in a built up area, I find that the proposal does not meet the environmental dimension to sustainable development as defined in the National Planning Policy Framework. I therefore conclude that the conflict with the development plan and the main adverse effect are not outweighed by any other consideration.

Conclusions

18. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR