



Appeal Decision

Hearing held on 17 December 2008

Site visit made on 17 December 2008

by **R J Marshall** LLB Dip TP MRTPI

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

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Decision date:
12 January 2009

Appeal Ref: APP/D1780/A/08/2076721

64, Swift Road, Woolston, Southampton, SO19 9FN

- 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 Val Serbatoio against the decision of Southampton City Council.
- The application Ref 08/00260/FUL, dated 13 February 2008, was refused by notice dated 13 May 2008.
- The development proposed is a two storey extension and conversion of resultant building into four flats.

Application for costs

1. At the Hearing an application for costs was made by the Mr Val Serbatoio against Southampton City Council. This application is the subject of a separate Decision.

Decision

2. I allow the appeal, and grant planning permission for a two storey extension and conversion of resultant building into four flats at 64, Swift Road, Woolston, Southampton, SO19 9FN in accordance with the terms of the application, Ref 08/00260/FUL, dated 13 February 2008, and the plans submitted with it, subject to the conditions in the attached schedule.

Main issues

3. The main issues in this appeal are:

first, the effect of the proposed development on the character and appearance of the surrounding area; and

second, whether the level of car parking proposed accords with Policies on discouraging the use of the car, and if it does, whether such benefits would be outweighed by an increase in on-street parking detrimental to public amenity.
4. The second issue differs slightly from that given at the hearing in light of all I heard.

Reasons

Character and appearance

5. The appeal property is a not unattractive semi-detached house with a fully hipped roof. It is located on the southern side of Swift Road, a predominantly
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residential street. Properties on the same side of the road are mainly detached or semi-detached dwellings, although to south-west of the site is a group of 2-storey flats that look not unlike semi-detached houses. On the northern side of Swift Road there is, in the main, terraced housing. It is a generally not unpleasing residential environment.

6. It is proposed to extend to the side and rear of the appeal property. Only the side extension would be readily visible from the road. The extension to the side would be narrower than the main dwelling, have a lower ridge height and be set back from the front elevation. As a result it would appear subservient to the main dwelling to an extent that would ensure that its attractive appearance would be retained. The use of a fully hipped roof and fenestration to match that of the existing property would further assist in this regard. Visually the extended property would look not dissimilar to an enlarged house. It would thus accord with the appearance of other properties in the road.
7. There are concerns that the provision of flats would introduce an alien feature with greater levels and concentration of activity than houses and with a more transient occupancy. However, given the modest scale of the proposed development, and the fairly high density of housing in the vicinity, any increase in levels of activity would have a minimal effect on the character of the area. As for a different form of occupancy, there are already flats in the area and Government Guidance in Planning Policy Statement 3 (PPS3) Housing encourages the creation of mixed communities.
8. A particular concern of the Council, especially as 4 flats would result in a need for 8 refuse bins, is the proposed location of a refuse bin collection point in the front garden of the appeal property. However, given the proposed location of a covered bin store in the rear garden I see no reason why, other than on collection days, this should lead to refuse bins being kept in the open in the front garden. It is not uncommon for residents to need to transfer bins from rear gardens to the front of properties for collection and then return them to their main storage area.
9. I conclude that the proposed development would be of an acceptably good quality design that would respect the character and appearance of the surrounding area. In this regard there would be no conflict with Policies SDP 1, SDP 7 and SDP 9 of the City of Southampton Local Plan Review (2006) read as a whole and in the context of Government Guidance. Nor would there be any conflict with the Council's Residential Design Guide.

Parking and public amenity

10. The proposed development would provide 2 on-site car parking spaces. The Council considers that this would be inadequate and would lead to on-street car parking detrimental to local residents' amenity. In particular reference is made to noise and disturbance and that existing residents may be unable to park close to their houses. The Council's concern relates in particular to the fact that occupants of the proposed development may seek to park in 2 nearby residential cul-de-sacs that do not have the same parking restrictions as Swift Road and other nearby streets. Swift Road, which I saw as being heavily parked up, has parking limited to one side of the road only. On that side of the road where parking is permitted it is limited in the main to permit holders and

in places to a restricted period. It is not the Council's policy to provide new development with additional parking permits, so the proposed development would be provided with only one parking permit. No car parking figures were provided for the 2 cul-de-sacs, but when I saw them one at least was heavily parked up.

11. However, the Local Plan, through Policy SDP 5, seeks to discourage the use of the car by reducing car parking levels. It does this by saying that planning permission will only be granted where the new development provides no more car parking than the maximum in the adopted standards in Appendix 1. Those standards set a maximum car parking standard for development of the type proposed as 5 spaces in an area of low accessibility and 2.5 spaces in an area of medium accessibility. The Local Plan identifies areas of accessibility and the appeal site is on the line dividing medium and low areas. Regardless of the standard considered appropriate the proposed development would clearly not conflict with this Policy.
12. Other material considerations, if of sufficient weight, can lead to a decision contrary to the development plan. The site is some distance from local services. Nevertheless, the development of relatively small flats in an area better served by public transport than the Council's evidence suggests, notwithstanding some general observations on reduced services, should be reasonably attractive to those without a car. As for Swift Road being heavily parked up, if anything, limitations on parking on that road close to the appeal site would be a disincentive to car owners seeking accommodation.
13. Moreover, the proposed development would be of a fairly small scale. This would further reduce the likelihood of introducing a level of additional parking on other roads that would cause the harm to residents' amenity in the way suggested by the Council. Added weight is given to this view by the fact that any net additional increase would take into account the fact that the existing house has no on-site car parking. Whilst I note local concerns on precedent I consider it unlikely, from what I saw, that substantial other opportunities exist for similar development in Swift Road.
14. I conclude that the proposed level of the parking would accord with Local Plan Policy SDP 5 on discouraging the use of the car, and that the beneficial effect of this would not be outweighed by an increase in on-street parking detrimental to public amenity. There would thus be no conflict with Local Plan Policy SDP 1 in so far that it seeks to protect neighbours' living conditions.

Other matters

15. Concern was expressed that the boundary on one side of the appeal property had been incorrectly drawn and showed neighbour's land as being in the appeal site. Measurements on site confirmed the accuracy of the plans. The orientation of the proposed extension and the location of widows would ensure no unacceptable loss of privacy to those nearby.
16. Local residents concerns on car parking went beyond those referred to by the Council by referring to highway safety and the free flow of cars and emergency vehicles. However, I am satisfied, largely for the reasoning on the second issue, that such harm would not arise.

17. There is no substantial evidence to support local concerns on drainage. Nor, from what I saw are there substantial grounds to support views that loss of wildlife would justify dismissing the appeal.

Conditions

18. As I am minded to allow the appeal I have considered what conditions to impose in addition to the standard condition on the time limit for the commencement of development.

19. In the interests of the character and appearance of the area I shall require the submission and approval of: external materials and details of window reveals; the landscaping of the site; and the retention of the bin store. In the interests of sustainable development I shall require the retention of the cycle store. To ensure acceptable living conditions for future occupants of the proposed development the rear garden shall be a communal facility available for the occupants of all the flats. To protect the living conditions of neighbours I shall limit hours of building operations.

20. I see no need for a condition on a waste management plan. It would be in the interests of those occupying the property to store their bins safely in the store to be provided.

Conclusion

21. For the reasons given above, and with regard to all other matters raised such as extra carbon emissions and a need for larger properties, I conclude that the appeal should be allowed.

RJ Marshall

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr G Rogers MRICS MRTPI Of Luken Beck

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Gregory BSc Development Control Officer

INTERESTED PERSONS:

Mr and Mrs Johnson 62, Swift Road, Woolston, Southampton
Cllr Payne 25, Church Road, Woolston, Southampton

DOCUMENTS

- 1 Letter of notification of hearing and those notified.
- 2 Copy of Local Plan Policy SDP 5.
- 3 Copy of Local Plan Policy H 4.
- 4 Extract from Council's Residential Design Guide.
- 5 Extract from Local Plan.
- 6 Local Plan – Accessibility maps.

Conditions annexe

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted, and details of window reveals, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The cycle store and bin store shown on the plans hereby permitted shall be constructed and retained for that purpose.
- 4) The rear garden shall be retained at all times for the communal use of all those living in the permitted flats.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure and boundary treatment, hard surfacing materials and a landscape management plan.
- 6) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
- 7) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 8) If within a period of 3 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 9) No building works or ground works connected with the construction of the development hereby permitted shall take place outside the following times: 08.00 -18.00 hours Mondays to Fridays and 09.00 - 13.00 hours on Saturdays and at no times on Sundays and Public Holidays.