



Appeal Decision

Site visit made on 11 October 2006

by **Penelope Metcalfe** BA(Hons) MSc DipDBE DipUP
MRTPI IHBC
an Inspector appointed by the Secretary of State for
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Appeal Ref: APP/D1780/A/06/2018004

Land on the corner of Tamarisk Gardens, Southampton, SO18 4RA

- 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 Chrama Ltd against the decision of Southampton City Council.
- The application Ref: 06/00454/FUL/7353, dated 21 March 2006, was refused by notice dated 23 May 2006.
- The development proposed is construction of 3 bedroom chalet bungalow with study.

Decision

1. I dismiss the appeal.

Reasons

2. The appeal site is a roughly triangular plot which tapers from a maximum depth of nearly 16 metres at its western end to a point at the eastern end. It occupies a prominent position on rising land at the junction of Tamarisk Gardens and Midanbury Lane. It was formerly part of a school site, which has been redeveloped with two pairs of semi-detached houses to the west. The appellants state that it is part of the garden of 36 Tamarisk Gardens. There is now a timber fence and retaining wall separating the site from a small paved area forming a rear garden to No. 36.
3. Policies in the City of Southampton Local Plan Review 2006 (the local plan) seek to improve the quality of life of the City's citizens through good design. Policies SDP1, SDP9 and H2 in particular, expect development to protect the amenities of the occupiers of adjoining land and respect the surroundings in terms of visual impact.
4. Planning Policy Guidance Note 3: *Housing* (PPG3) advises that more efficient use should be made of previously developed land. However, it also stresses that this should not be at the expense of the quality of the environment. It states that new housing of whatever scale should not be viewed in isolation, and that considerations of design and layout must be informed by the wider context. Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) encourages Planning Authorities to plan positively for high quality design in all development, including individual buildings and private spaces.
5. The provision and safeguarding of adequate private amenity space is a proper consideration for Planning Authorities, and the Council's Supplementary Planning Guidance, *Residential Design Guide* April 2006 advocates the provision of private amenity space which is fit for purpose, and which will be assessed for quality and

usability. Although the Guide is in a draft consultation stage, it carries weight insofar as it reflects the advice in PPS1.

6. I consider that the proposed provision of amenity space would be unsatisfactory both for the proposed dwelling and for No. 36. The site slopes significantly upwards from south to north, and from west to east. This, together with the siting of the dwelling, would result in fragmented, cramped and inconvenient areas of garden, particularly at the rear. Notwithstanding the indication on the plans that there would be some trees planted to provide screening, I consider that the privacy of the area to the east would be limited due to overlooking from the flats above in High Point.
7. The private rear gardens of Nos. 34-36 are small, located to the north of the houses, and set down below the level of the appeal site and the land to the north. The appellants argue that the plot coverage and density of the appeal site are commensurate with this adjacent development, and that the rear garden as laid out at No. 36 and separated from the appeal site is acceptable. In my view, consideration of purely numerical densities should not be the only basis for judging the merits of a proposal. The nature of the site and the relationship between buildings and spaces are also important.
8. The Council states that the gardens of Nos. 33-35 do not meet the standards set out in the draft SPG. In my view, the existence of these dwellings with small gardens does not justify the repetition of a poor standard. I note that the appellants own No. 36, but I consider that the proposal would be harmful to present and future occupiers of No. 36, by perpetuating the restricted nature of the rear garden, and removing any future possibility of improvement. It would not therefore respect the wider context of the adjacent development.
9. For the reasons given above, I conclude that the proposal would harm the living conditions of existing and future residents, contrary to local plan policies SDP1, SDP9 and H2, and the advice in PPS1 and PPG3.
10. The proposed dwelling would incorporate two of its bedrooms in the roof, the ridge height of which would be approximately 6 metres. The appellants state that the proposal would not result in a loss of sunlight or daylight for the occupiers of the nearby flats in High Point to the north. They have centred the dwelling on the entrance and stairway of the flats. However, the plans indicate that windows in the two nearest flats are, in one case, less than 7 metres from the rear elevation of the proposed dwelling, and in the other less than 9 metres. I consider that, because of its bulk, width and dominant roof and its proximity to the flats, the proposal would have an unacceptable and overbearing impact on the outlook from them.
11. The proposed dwelling would be at a higher level than No. 36. I do not consider that it would adversely affect the living conditions of the occupiers within that property in terms of overlooking or loss of privacy, since there is adequate separation between the two side elevations.
12. The constraints of the site are such that the dwelling would be located at a maximum of 3 metres from the street. Although this compares favourably with Nos. 33-36 and some of the properties opposite, it is out of keeping with the character of other development in the area, where houses are generally set back further from the road and have a more open appearance. This would not, of itself be sufficient reason to dismiss the appeal,

and the dwelling would to some extent merge with the background of High Point. However, taken in conjunction with the densely built form of Nos 33-36, it would have a cumulative effect on the street frontage which would be detrimental to the character and appearance of this prominent and relatively open corner. I therefore conclude that in this respect it would be contrary to local plan policies SDP7 and H7.

13. I have taken account of the appellants' intention to respect the scale of development and improve the quality of design in the area, and their attempts to address the Council's objections to a previous scheme. However, this does not outweigh my conclusions as set out above. For these reasons, and having regard to all other matters raised, including the representations of local residents, I conclude that the proposal would result in an unacceptable form of development which would not improve the quality of this residential environment, and would be contrary to Council policies.

PAG Metcalfe

INSPECTOR