



Appeal Decision

Site visit made on 23 June 2009

by **Christopher Thomas BSc(Hons) Dip
TP MRTPI**

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

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**Decision date:
16 July 2009**

Appeal Ref:APP/D1780/A/09/2101524

Land rear of 7 Cranbury Terrace, Bevois Valley, Southampton, SO14 0LH

- 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 Trendloop Limited against the decision of Southampton City Council.
- The application (Ref.08/01366/FUL), dated 10 September 2008, was refused by notice dated 2 December 2008.
- The development proposed is erection of 3 no. two bed flats, with pedestrian access from Rockstone Lane.

Decision

1. I allow the appeal, and grant planning permission for erection of 3 no. two bed flats, with pedestrian access from Rockstone Lane at land rear of 7 Cranbury Terrace, Bevois Valley, Southampton, SO14 0LH in accordance with the terms of the application, Ref. 08/01366/FUL, dated 10 September 2008 and the plans and drawings submitted with it subject to the conditions set out in the Annex to this decision.

Main issue

2. I consider the main issue in this appeal is whether the proposal would enhance or preserve the character or appearance of the Cranbury Place Conservation Area and its effect on the setting of adjacent listed buildings.

Reasons

3. Whilst the appeal site lies at the rear of No.7 Cranbury Terrace it bounds onto the south side of Rockstone Lane which forms part of the northern boundary of the Cranbury Place Conservation Area. Nos 4-11 Cranbury Terrace are Grade 2 listed buildings. The Southampton (Cranbury Terrace-Rockstone Lane) Tree Preservation Order, 1964 covers trees within the appeal site.
 4. The land within the appeal site is generally at a higher level than Rockstone Lane. For the length of the north side of Rockstone Lane, but only on the south side of the road from beyond a warehouse building towards the junction with Onslow Road, the street is characterised by terraces of modest sized properties erected in the Victorian era. On the east side of the appeal site is an access and turning area which serves the rear of adjacent properties. The appeal site, together with the land to the rear of Nos.4, 5 and 6 Cranbury Terrace acts as a visual backdrop to the rear of the frontage properties whilst the combined area primarily forms part of the street scene of Rockstone Lane.
 5. The development plan for the area includes saved policies SDP1 (Quality of Development), SDP7 (Context), SDP9 (Scale, Massing and Appearance), HE1 (New Development in Conservation Areas) and HE3 (Listed Buildings) of the City
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of Southampton Local Plan Review (March 2006) [LP]. The Council's *Residential Design Guide – making better places for living* [SPD] was adopted in September 2006 as a supplementary planning document, but I do not know the extent to which it was the subject of public consultation and therefore I have given it only limited weight.

6. The Cranbury Place Conservation Area Brief (1986) [the Brief] contains an appraisal of the Conservation Area which states that its inherent character lies in its simple but dignified Georgian styled terraces. The Council aims to maintain and enhance the residential character and use of the Conservation Area. The document also sets out a brief for identified sites with redevelopment potential. One of these sites, B3, which includes the appeal land, is said to be suitable for additional residential accommodation. It indicates, however, that individual access from Rockstone Lane would not be permitted and consideration would only be given to comprehensive proposals involving common access and rationalisation of property boundaries. Despite the age of this supplementary guidance and the changes that have taken place in the conservation area since it was formulated the Council regards it as having continuing relevance and I therefore accord it a substantial degree of weight.
7. Appeal decision APP/D1780/A/1062834 allowed the erection of a new house at the rear of No.6 Cranbury Terrace. Subsequent permissions have been granted for this adjacent site by the Council, the most recent being for a similar building and use to the appeal proposal under reference 08/01367/FUL. The Council takes the view, however, that the cumulative impact of allowing the current appeal proposal, in addition to development on the adjacent site, would result in an overdevelopment of this part of the Rockstone Lane frontage. In its opinion, this would be detrimental to the Conservation Area and the setting of the listed buildings on Cranbury Terrace.
8. Whilst the elevation of the appeal site above Rockstone Lane would emphasise the proposed building's height, nevertheless I consider that its position set well back into the site would help to reduce the visual impact of this effect. Furthermore, the design of the proposed dwelling as evidenced in its height, scale and bulk reflects the character and appearance of the houses in Cranbury Terrace and similar properties throughout the conservation area. In this respect, therefore, I consider the proposal seeks to preserve and enhance the Georgian character and appearance of the Conservation Area. It also seems to me that in view of its location behind Cranbury Terrace the proposal would not harm the most important aspect of the setting of these listed buildings which is their relationship to Cranbury Place. Accordingly, the proposal complies with LP policies HE1 and HE3.
9. The Council is concerned about the relationship of the proposal to the street scene of Rockstone Lane in terms of the cumulative impact with the development which has been permitted on the adjacent site. In the light of the fact that the principle of residential development on the adjacent site has been established and that a building of similar design and in the same visual relationship to Rockstone Lane has been granted permission I consider that there would be no materially greater harm in terms of views into the Conservation Area as a result of allowing this appeal proposal. Indeed, it is my opinion that in combination with the development of the adjacent site the

proposal would result in something akin to the form of comprehensive development envisaged in the Brief for site B3.

10. Although the difference in building form and appearance from the properties in Rockstone Lane would be evident in the street scene, in this case I consider the material consideration of the extant permission for the adjacent site outweighs the more general guidance in the SPD relating to design matters. For this reason I apply to this appeal site the view expressed by my inspector colleague in relation to the earlier appeal on the adjacent site that development of a house here would "strengthen the residential character of the area, enliven the street scene and provide a sensitive transition between the pattern and scale of development in the Conservation Area and the smaller scale development along Rockstone Lane."
11. In the light of this conclusion I consider that the proposal would satisfy the requirements of LP policies SDP1, SDP7 and SDP9 to respect and improve the quality of the city's built environment, not to cause material harm to the character and appearance of the area by respecting the existing layout of buildings within the streetscape and by displaying a high quality of building design.
12. In my judgement whilst the existing trees on the site have some amenity value, nevertheless, through the approval and implementation of a comprehensive landscaping scheme for the site their replacement would achieve a satisfactory outcome which in the long term would enhance the appearance of the area.
13. I have concluded on the main issue, therefore, that the proposal would preserve and enhance the character and appearance of the Conservation Area and would not harm the setting of the listed buildings. It would be consistent with LP policies SDP1, SDP7, SDP9, HE1 and HE3 and with the relevant parts of the Brief.
14. Residents of properties in Rockstone Lane have raised concerns relating to the effect on residential amenity, but I note that satisfactory separation distances would be achieved. Because the site is in a highly accessible area the lack of on-site parking space would be acceptable. The type of residential accommodation to be provided is not a matter the Council has raised objection to. Satisfactory access for emergency vehicles and personnel would be achievable. None of these other matters, therefore, has persuaded me otherwise than in accordance with the conclusion I have reached that this appeal should be allowed.
15. I have considered the list of suggested conditions put forward by the Council. I am in agreement with the Council that a period of 3 years for commencement of development is appropriate in this case in order to reduce uncertainty.
16. I agree with the appellant that details of materials have been indicated on the submitted drawings. Accordingly I have replaced the Council's suggested condition with one that requires samples to be submitted to and approved by the Council, in the interests of the appearance of the area.

17. I am satisfied that conditions relating to landscaping and boundary treatment are necessary in the interests of the appearance of the area. The provision of the amenity area and refuse storage facilities prior to occupation are required in the interests of the living conditions of future occupiers. A condition requiring the submission and approval of bicycle storage details is necessary in the interests of appearance of the site. I have amended the suggested condition to delete reference to the storage of ancillary equipment which it seems to me is inappropriate.
18. Conditions relating to access and storage for construction purposes and hours of working during the construction operations are necessary in order to prevent harm to the living conditions of residents in Rockstone Lane. I agree with the appellant that the suggested condition regarding wheel cleansing is impractical and potentially unenforceable.
19. I also agree with the appellant that the suggested condition regarding the incorporation of sustainable design measures would be unnecessary given the control over such matters exercised under the Building Regulations.
20. Conditions securing the carrying out of an archaeological investigation and the implementation of arboricultural protection measures during the course of construction are necessary to ensure both matters are adequately addressed.
21. I agree with the appellant that a condition restricting bonfires on site would be unenforceable and that the matter can be dealt with in any event under other legislation. The suggested conditions regarding the carrying out of a land contamination assessment and the use of uncontaminated material on site have been rendered unnecessary by the appellant's study which has been accepted by the Council as demonstrating that the development of the site does not present any risk to human health.
22. I have taken into account all other matters raised in the representations but for the reasons I have given above this appeal has been successful.

Christopher Thomas
Inspector

Annex

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No building works shall be commenced until samples of all bricks, tiles and other materials to be used in the external elevations 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) Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the local planning authority. The

landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for-one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site. Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the local planning authority gives its written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

- 4) Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the local planning authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.
- 5) The external amenity area serving the development hereby approved, and the pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.
- 6) Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the local planning authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The refuse and recycling storage facilities shall be carried out in accordance with the approved details prior to first occupation of the development and shall be retained whilst the building is used for residential purposes.
- 7) Prior to the first occupation of the development details and plans of a covered, enclosed and secure bicycle parking compound (including elevational and material details) shall be submitted to and approved in writing by the local planning authority. The bicycle compound, which shall provide for a minimum of 3 bicycles, shall be carried out in accordance with the approved details prior to first occupation of the development and shall not be used other than for the purposes for which it is provided.
- 8) Prior to works commencing on the site details of the means of access for construction and demolition of the structures on the site shall be submitted to and agreed with the local planning authority. Such details

shall indicate any areas of equipment and material storage during the work period and any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

- 9) All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of Monday to Friday 0800 hours to 1800 hours (8.00 am to 6.00 pm)
Saturdays 0900 hours to 1300 hours (9.00am to 1.00pm)
And at no time on Sundays and recognised public holidays.
Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the local planning authority.
- 10) The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority before the development commences.
- 11) No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and may include details of:
Induction and personnel awareness of arboricultural matters;
Identification of individual responsibilities and key personnel;
Statement of delegated powers;
Timing and methods of site visiting and record keeping, including updates;
Procedures for dealing with variations and incidents.