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## Appeal Decision

Site visit made on 21 October 2013

**by Kenneth Stone BSc(Hons) DipTP MRTPI**

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

**Decision date: 19 November 2013**

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**Appeal Ref: APP/D1780/A/13/2198912**  
**Former Telephone Relay Station, Garfield Road, Bitterne, Southampton**  
**SO19 4DA**

- 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 JPA Retirement Benefits Scheme (Mr John Pardey) against the decision of Southampton City Council.
  - The application Ref 12/01676/FUL, dated 30 October 2012, was refused by notice dated 2 May 2013.
  - The development proposed is Demolition of existing building once used as a spiritualist church and development of site for 4 no. two bedroom flats, together with associated parking.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of 240a Bitterne Road West, with particular reference to privacy, outlook and enclosure.

### Reasons

3. The appeal site is situated at the end of Garfield Road, adjacent to 55, and currently contains a vacant single storey building with brick façades and a tiled roof which is sited close to its southern and western boundaries. The area is predominantly characterised by two storey detached and semi-detached inter war housing. Garfield Road terminates in a cul-de-sac that is separated from the adjacent main road, Bitterne Road West, by a significant change in levels and substantial retaining walls that include a ramped pedestrian access route. 240a Bitterne Road West is a small infill bungalow to the west of the appeal site set at the lower level and which fronts onto the main road. The properties in Garfield Road including the appeal site and its neighbour 55 result in a significant degree of enclosure to the south and east of 240a created by their existing retaining structures, garden fences and landscaping. The Ash trees on the appeal site along its western boundary are the subject of a Tree Preservation Order (TPO).
4. The living conditions of the occupiers of 240a are already significantly compromised by the relationship with the surrounding development and the

limited plot size of that property. The external areas around the bungalow are reasonably private and not significantly overlooked at present. The emergency access door from the existing building on the appeal site does afford some degree of direct overlooking of this private space however this would only have a limited use. The proposed development would introduce a form of development that includes large areas of glazing in a west facing elevation and that accommodates raised platforms extended to the rear of the building to serve the ground floor units. These would significantly increase the sense of being overlooked for the occupants of 240a. Whilst there are limited openings in the flank wall of 240a the main entrance and principal private space to the side and rear of the property would be visible from these locations. I note the tree screen that would separate these areas is the subject of a TPO which affords a greater degree of confidence in its retention. However these are deciduous trees and when not in leaf would not afford a good degree of screening or protection from this loss of privacy and sense of overlooking.

5. Similarly the additional scale, bulk and mass of the two proposed buildings over the very modest existing small single storey building on site would introduce a dominating and overbearing built form very close to the top of the existing bank. The screening effect of the trees would only provide relief from that overbearing and oppressive relationship for the period when the trees were in leaf and it is then that the occupiers of 240a presently would have some relief from the existing oppressive impact of those trees. The proximity of the proposed buildings to the flank wall of the bungalow, the height of the proposed elevations (emphasised by the gable ends) and the elevated position of the buildings would all contribute to the creation of a significant and harmful sense of overbearing and enclosure in relation to 240a.
6. I note the appellant's contention that the proposed alignment and siting of the development would open up the aspect for the occupants of 240a by moving the built form away from the south west corner of the site reducing the enclosure created by the existing structure. The appellant describes this as a small improvement, of which I am not convinced, however I am firmly of the view that even if there was some slight improvement this would be significantly outweighed by the harm I have identified.
7. These matters are in essence the kind of concerns the Council identifies in its Residential Design Guide – Making Better Places for Living (Final Approved Version) – September 2006 (RDG) at paragraphs 2.2.18 and 2.2.19 and which developments should seek to avoid.
8. I accept that the existing conditions result in an impact on daylight and sunlight presently enjoyed by the occupants of 240a that would not be made substantially worse by the proposed development given the orientation and relationship between the properties. The limited openings in the flank wall of 240a would mean that any further reduction in lighting would predominantly impact on the outdoor space and relatively early in the day. However given the existing compromised living conditions for the occupants of this property even that reduction would raise some concerns in my mind.
9. The orientation of the main outlook from 240a is to the front and rear of the property and the proposed development would not be readily visible from within the main habitable rooms. In this regard I am satisfied that the development would not compromise the direct outlook from within the main

living areas of the property. However this is not sufficient to overcome the real and significant harm I have identified in relation to the overbearing and oppressive impact nor the actual and perceived loss of privacy for the occupants of that property.

10. In consequence, given that I have identified that the development would result in harm to the living conditions of the adjoining occupier of 240a Bitterne Road West the proposals would therefore conflict with policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and Policies SDP1, SDP7, SDP9 and H2 of the City of Southampton Local Plan Review (Adopted) – March 2006 and the RDG which seek to protect the amenity of surrounding occupiers and ensure development does not compromise their living conditions by virtue of scale, massing and visual impact. These policies are consistent with the National Planning Policy Framework and in particular paragraphs 17 and 56 which emphasise the importance to be attached to good design, its integration with the existing built environment and the protection of the living conditions of occupiers of surrounding development.

#### *Other Matters*

11. The Council have made reference to the development being out of keeping with the spatial character of the area and linked that directly to consequences related to the impact on the living conditions of the occupants of 240a Bitterne Road West. The appellant has suggested that this means that the Council have implicitly accepted the design approach adopted positively contributes to the character and appearance of the area. However whilst the issue of the impact on the character and appearance of the area has not been promoted as a significant issue the form, scale, bulk and mass of the development are materially different from that of surrounding properties and it is these elements that would result in significant material harm to the living conditions of the occupants of the adjoining property. I do not thereby accept that the development would positively contribute to the character of the area given the direct negative impacts resultant from it.
12. The benefit associated with the additional units of housing provided and seeking to provide a development at the highest possible densities are matters that need to be considered both in the context of the application of policy and the weight to be given to the particular merits of a case. However in this instance these factors do not outweigh the material harm to the living conditions of the occupants of 240a resultant from the proposed development.
13. Reference is made to potential alternative solutions to the development of this site however I have not been provided with any details and in any case I must consider the appeal before me. I have therefore not considered or commented on any alternative suggestion.
14. For the reasons given above I conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR