



# Appeal Decision

Hearing held on 29 April 2009  
Site visit made on 29 April 2009

by **John Chase** MCD Dip Arch RIBA MRTPI

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

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**Decision date:**  
**20 May 2009**

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## Appeal Ref: APP/D1780/A/09/2093507

### Land to the rear of 7 and 8, Furzedown Road, Southampton, SO17 1PN

- 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 S K Ohri against the decision of Southampton City Council.
- The application Ref 08/01110/FUL, dated 17 July 2008, was refused by notice dated 22 September 2008.
- The development proposed is the erection of two, three bedroom, semi-detached dwellings (two storeys high with accommodation in the roof space) with associated car parking.

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### Application for costs

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

### Decision

2. I allow the appeal, and grant planning permission for the erection of two, three bedroom, semi-detached dwellings (two storeys high with accommodation in the roof space) with associated car parking at land to the rear of 7 and 8 Furzedown Road, Southampton, SO17 1PN in accordance with the terms of the application, Ref 08/01110/FUL, dated 17 July 2008, and the plans submitted with it, subject to the following conditions:
    - 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 building hereby permitted 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 occupation of either unit the approved facilities for the storage, removal and recycling of refuse from the premises and the storage of cycles shall be provided and kept available for their designated use thereafter.
    - 4) Before occupation of either unit the parking spaces shown on the approved plans shall be made available for use and thereafter kept available for their designated purpose.
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- 5) Before commencement of development a hard and soft landscaping scheme, including details of enclosure, shall be submitted to and approved in writing by the local planning authority. The means of enclosure and hard landscaping shall be carried out in accordance with the approved details prior to occupation of either unit. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of either of the dwellings or the completion of the development, whichever is the sooner.
- 6) Demolition, clearance, or construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 09.00 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays, except that any works outside the permitted hours shall be confined to internal work that shall not be audible outside the building.

### **Main issue**

3. I consider that the main issue is the effect of the proposal on the character and appearance of the area.

### **Reasons**

4. The major point of difference between the main parties is the effect of the introduction of two storey houses into the middle of a street frontage which is otherwise occupied by low sheds, garages, and boundary enclosure. I recognise the Council's concern in this regard: the new building would be significantly higher than any adjoining development on this side, so that its flank walls would become prominent features of the street, especially when viewed from the opposite footpath in Hawthorn Road. On the other hand, there are a number of mitigating factors. There is some vegetation along the street frontage which would soften the effect of the new development; there is a small group of two storey dwellings immediately opposite the site; and I noted that the end buildings in the crossing streets also present isolated flank walls to the Hawthorn Road frontage.
5. Policies SDP1, 7 and 9 of the Local Plan Review, adopted 2006, reinforced by the *Residential Design Guide*, 2006, include provisions to ensure that new development should respect the prevailing character of the streetscape. I recognise that this does not necessarily indicate that new development should be of the same form as its surroundings, which would otherwise prevent evolution to meet changing needs, but that it should not cause unacceptable harm to the present environment. In this case, Hawthorn Road has a disparate character, with a mix of building types and open space, and the frontage surrounding the appeal site has the appearance of a rear service area for the houses in Furzedown Road, with open parking areas alongside sheds and fences. I consider that there is sufficient variety, and not such distinctive character, as to enable the introduction of a new building without harming either the immediate environment, or the wider area, which includes the parkland to the north west.
6. I therefore conclude on the main issue that the proposal would not be detrimental to the character and appearance of the area, in conformity with the identified development plan policies.

### **Other Matters**

7. My attention has been drawn to the objective of making the best use of existing urban land, contained in Government guidance as well as development plan policies. Whilst this would not justify unacceptable environmental harm, I have concluded that the proposal would be satisfactory in this respect, and I take account of the benefit of maximising the use of the land.
8. I recognise the concern of adjoining residents, and particularly those at No 9 Furzedown Road, from whose garden I viewed the site, about the introduction of a new house at the rear of their properties in terms of loss of outlook and privacy. However, whilst there would be a third storey in the roof space, I accept that the building would have a two storey form, and the angle of the rooflights, combined with the limited headroom around them, would diminish the effect of overlooking, so that the separation distance for two storey dwellings shown in the *Residential Design Guide* would be adequate in this instance. I consider that the proposal would meet normal development standards in this regard, and would not unduly affect the living conditions of adjoining residents.

### **Conditions**

9. I have considered the conditions put forward by the Council in the light of Circular 11/95. I shall retain the three year period in the standard time condition, which was introduced to avoid a build up of unimplemented permissions. I do not accept that the present economic climate would justify a longer period in this instance. Materials and landscaping conditions will be imposed for the benefit of the appearance of the development. In the latter case, the impact of the dwelling in the street would be sufficient to require control over the appearance of its external areas.
10. Conditions are necessary to require the provision and retention of bin and recycling areas, for the benefit of the appearance of the locality, and for cycle storage to facilitate alternative modes of transport. I noted that the street is heavily parked, so that on-site parking should be provided to diminish the likelihood of dangerous or illegal parking which would affect highway safety. I shall apply a condition to limit construction working hours to avoid undue disturbance in this residential area. Having regard to the nature of the site, and the absence of identified risk, I consider that a condition concerning ground contamination, even if only precautionary, would not be necessary.

*John Chase*

INSPECTOR

