



Appeal Decision

Site visit made on 6 January 2021

by **S Edwards MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/D1780/W/20/3261090 7 Willis Road, Southampton SO16 2NS

- 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 Mrs G Kaur against the decision of Southampton City Council.
 - The application Ref 20/00672/FUL, dated 14 May 2020, was refused by notice dated 22 July 2020.
 - The development proposed is construction of single storey side, two storey rear extensions, alterations to existing roof and creation of two additional units (including accommodation within the roof space).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on protected trees;
 - Whether the proposal would provide satisfactory living conditions for future occupiers of the development; and
 - Whether the proposed car parking provision would be sufficient.

Reasons

Character and appearance

3. No 7 Willis Road forms part of an established residential area which includes different types of dwellings varying in size and design. Nevertheless, the properties, being typically set back from the road behind small front gardens, share a similar front building line, which gives the locality a pleasant suburban feel. The appeal site comprises a large two-storey detached building with additional accommodation within the roofspace and a sizable single storey outbuilding to the rear, set within a relatively spacious plot. The main building, which has a somewhat rundown appearance, has previously been subject to various alterations and extensions, and is currently subdivided into a number of residential units. The vast expanses of hardstanding, particularly to the front and rear of the site, provide a poor setting to this period property.
4. The proposed additions would increase the size of this already large property significantly and appear excessive within the context of this suburban street,

where buildings of a domestic scale prevail. This would also be exemplified by the bulky roof form of the development, which would include an extensive flat roof element, giving the building a top heavy and incongruous appearance. Furthermore, the design of the proposal would fail to reflect the original proportions, detailing and cues which characterise this historic property.

5. Although it is accepted that the proposed addition to the rear would not be widely visible within the street scene, it would still be highly noticeable from neighbouring properties. As a result of the proposal, the appeal building would, by reason of its excessive size and poor design, have a harmful effect on the character and appearance of the locality. The harm caused by the appeal scheme would be exacerbated by the lack of any form of landscaping to address the negative visual impact resulting from the extensive parking area along the site's frontage or provide some screening for the refuse storage area.
6. For the foregoing reasons, the proposed development would have a detrimental effect on the character and appearance of the area. It would therefore conflict with Saved Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (LP), Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (CS) and Section 2 of the Council's Residential Design Guide. These notably seek to ensure that development proposals causing material harm to the character and/or appearance of an area are not permitted.

Protected tree

7. The proposed single storey side extension would be constructed within proximity to a Yew tree protected by a Tree Preservation Order¹ (T1), which is situated in the adjacent garden of no 5 Willis Road. The tree, with its substantial canopy extending over the boundary shared with the appeal site, makes an important and positive contribution to the visual amenity of the locality.
8. The appellant's submissions are supported by an Arboricultural Survey Implications Assessment & Arboricultural Method Statement² (the Tree Report) as well as a Tree Constraints Plan³ and Tree Protection Plan⁴. The Council is concerned that the suggested Root Protection Area (RPA) does not take existing structures into account. As a result, it is more likely that the rooting system of the protected tree extends in fact further into the appeal site.
9. Whilst RPAs may be theoretical, a precautionary approach should be adopted in such circumstances, particularly as damage to the roots could harmfully affect the amenity value and lifespan of the tree. Although this approach would be consistent with the advice contained within BS5837:2012, this does not appear to have been appropriately reflected within the appellant's submissions.
10. There is insufficient evidence to enable me to ascertain whether the RPA as calculated by the appellant is correct and, if not, what size it should be. Should the rooting system of the Yew tree extend further into the appeal site than what is shown on the Tree Constraints Plan and Tree Protection Plan, the proposed extension could potentially be constructed within the RPA of this

¹ TPO no. T2-442.

² RMTTree Consultancy Ltd, Ref: RMT443.

³ Drawing No. RMT443-TCP.

⁴ Drawing No. RMT443-TPP.

protected tree. Having regard to the available information, there is no certainty that a condition requiring protection measures for the tree would be sufficient.

11. Although some tree works have been recently approved, it is of note that the extent of the works considered necessary to facilitate the development and provide sufficient clearance above ground level have been rejected by the Council. This adds to my concerns in respect of the Yew tree, as the appeal scheme would bring the extended building closer to its canopy and would in all likelihood subject the protected specimen to additional pressure for repetitive pruning works, which could adversely affect the health of the tree.
12. In the absence of sufficient information to the contrary, I am unable to conclude that the proposal could be accommodated without causing unacceptable harm to the long term longevity and wellbeing of the protected tree. Accordingly, the proposal would not accord with LP Saved Policies SDP1 (i), SDP7 and SPD12, CS Policy CS13, and Section 4.7 of the Council's Residential Design Guide SPD. These notably seek to ensure that development proposals are compatible with existing landscape features which contribute to the quality of the local environment.

Living conditions

13. The existing plans show that the appeal premises are subdivided into multiple residential units, including several self-contained flats and a number of units sharing some facilities, although it is unclear whether the present arrangement is lawful. The appeal scheme would result in the creation of two additional flats, and the living accommodation would be slightly improved, as all units would notably benefit from individual bathroom facilities.
14. However, many of the proposed flats would fall significantly short of the Government's Technical housing standards – nationally described space standard⁵. Whilst they have not been formally adopted by the Council, these national standards reflect the Government's aspirations in favour of high quality design. Such objectives are found in the Council's own policies to impact positively on the health, safety and amenity of the city of Southampton and its citizens. For these reasons, I have taken the nationally described space standard into account.
15. The size and configuration of the flats is an important consideration to assess the liveability of the proposed units and establish whether a good standard of accommodation would be provided to meet the basic living requirements of future occupiers. Whilst units providing shared kitchen, living and sleeping areas may not be unusual, I am unconvinced that adequate space would be available to meet the basic living requirements of future occupiers. By reason of the constrained sizes of units B, C, E and F in particular, the appeal scheme would create an unacceptably cramped standard of accommodation.
16. The appellant argues that the proposal would improve the existing standard of accommodation on the appeal site, and make a contribution towards housing supply and choice, albeit limited. However, the shortcomings of the premises do not, in my view, provide justification for a development which would provide a living environment of poor quality for future occupiers. Accordingly, the appeal scheme would conflict with LP Saved Policies SDP1(i) and H7, but also

⁵ Published March 2015.

Section 2 of the Council's Residential Design Guide which, amongst other things, seek to ensure that residential developments are provided with the highest standards of quality and design.

Car parking provision

17. As per the Council's Parking Standards Supplementary Planning Document (SPD), the appeal scheme would require the provision of a maximum of 10 car parking spaces. Concerns have been raised by the Council regarding the accessibility and size of the area for the provision of parking to the front of the site.
18. However, the appellant's submissions confirm that the kerb along the site's frontage has been dropped, which is consistent with my own observations. Furthermore, there appears to be sufficient space to the front of the site to ensure that vehicles do not encroach onto the highway, and no concerns have been expressed regarding the usability of the parking bays to the rear of the appeal building.
19. The provision of 10 car parking spaces, as shown on the proposed plans, would clearly accord with the Council's parking standards, and there are no reasons for me to conclude that the bays could not be used in a safe manner. Suitably worded conditions could be imposed to ensure that the provision of parking bays would meet appropriate standards. It is also of note that the proposal includes the provision of cycle parking, thus encouraging alternative modes of transport to the private car.
20. I appreciate the concerns raised by a number of interested parties regarding the existing car parking pressure in the area. However, on the basis that the demand generated by the proposal would be provided on site in a safe manner, there are no reasons why additional demand would be displaced on street, and I therefore see no justification for insisting that the appellant carries out a parking survey.
21. The level of car parking provided as part of the development would be adequate and would not unacceptably affect the amenity of local residents. Accordingly, I find no conflict with LP Saved Policies SDP1(i) and SDP7, CS Policies CS13 and CS19, the Council's Parking Standard SPD and Section 5 of the Residential Design Guide. These notably seek to ensure that development proposals have regard to the Council's maximum car parking and minimum cycle parking standards.

Other Matters

22. The appeal site lies within proximity to the Solent and New Forest Special Protection Areas, which are also designated as Special Areas of Conservation and Ramsar sites. These areas are recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance for supporting significant numbers of overwintering bird species.
23. It is agreed by the main parties that the appeal scheme would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects) notably by reason of additional recreational pressures, unless suitable mitigation is provided. As detailed within the Solent Recreation Mitigation Strategy (SRMS), residential development proposals are required to make a financial contribution towards mitigation

measures, which are normally secured through the completion of a planning obligation. A Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted during the course of the appeal, in order to secure financial contributions towards the SRMS.

24. Concerns have also been raised by the Council regarding the high levels of nitrogen and phosphorous entering the Solent catchment, which may stem from increased waste water from new residential development. This could also have a likely significant effect on the integrity of the protected sites.
25. As I am dismissing this appeal on other substantive grounds, these are not matters which need to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to undertake an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

26. The proposed development would contribute towards housing supply and choice within a sustainable location, but this is outweighed by the harm which I have identified. For the reasons detailed above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

S Edwards

INSPECTOR