
Appeal Decision

Site visit made on 7 September 2015

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 29 September 2015

Appeal Ref: APP/D1780/W/15/3084359
248 Priory Road, Southampton SO17 2JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Homer & Pardy Developments against the decision of Southampton City Council.
 - The application Ref 14/01558/OUT, dated 17 September 2014, was refused by notice dated 16 December 2014.
 - The development proposed is demolish existing and construct a 3 bedroom detached house; a pair of 2 bedroom semi-detached houses; and a block of 7 flats (total 10 dwellings) with associated access, parking, gardens, bike and bin stores.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline with access, layout and scale for consideration at this stage. Landscaping and appearance are reserved for future approval. I have dealt with the appeal on that basis, treating the elevations as illustrative except insofar as they relate to the scale of the development.
3. Since determining the planning application the Council has adopted an amended version of its Local Development Framework Core Strategy Development Plan Document (Core Strategy). This incorporates the Core Strategy Partial Review March 2015. It has also published a 2nd revision of the City of Southampton Local Plan Review (2006) (LPR) to take account of the Core Strategy Partial Review. My determination of the appeal takes account of this policy context, although I note that the relevant policies have not been subject to any material changes.

Main Issues

4. The main issues in this case are:
 - a) whether, having regard to the Council's policies on housing mix, the proposal would provide an adequate level of family housing;
 - b) whether the development would provide acceptable living conditions for future occupiers, with particular regard to private amenity space;

- c) whether the proposal would make satisfactory provision for car parking; and
- d) whether any harm in respect of the above matters would be outweighed by the benefits of the scheme.

Reasons

Housing mix

5. Policy CS 16 of the Core Strategy seeks to provide a mix of housing types and more sustainable and balanced communities. One of the ways in which it will achieve this is through the provision of a target of 30% of total dwellings as family homes on sites of ten or more dwellings or which exceed 0.5 hectares. Family homes are defined as dwellings of three or more bedrooms with direct access to useable private amenity space or garden for the sole use of the household. The policy states that the appropriate percentage of family housing for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme.
6. Policy CS 16 pre-dates publication of the National Planning Policy Framework but its requirements are consistent with paragraph 50 of that document. The policy was derived from an up-to-date assessment of the sub regional housing market and was effectively justified by that evidence. I note that it was given strong support by the examining Inspector. In the absence of more recent evidence to support any changes to the market requirements, I consider that the policy remains relevant to the housing needs of the city.
7. The proposal is for a development comprising a single 3 bedroom detached house, a pair of 2 bedroom semi-detached houses and a block of seven flats. Only one of these units would fall within the Core Strategy definition of a 'family home'. This would equate to 10% of the total number of units.
8. It is put to me that the figure within the policy is a target and not an absolute requirement. I agree that the policy wording provides a degree of flexibility. Paragraph 5.2.10 of the supporting text indicates that a lower percentage of family homes may be justified where the proposed development can demonstrate the achievement of more important priorities for the site.
9. The appellant contends that a significant reduction in the overall number of units on the site would be necessary to achieve a very modest increase in the number of family homes. Two sketch schemes have been produced to illustrate this point. It is evident that there is a need to weigh the desire for housing numbers (and the efficient use of land) with the need for family homes to respond to market trends. Both are important considerations. However, to my mind the current scheme fails to strike the correct balance.
10. I noted during my visit that the local neighbourhood is predominantly characterised by medium density family housing. In my view any development on the site should reflect this. Therefore, in the absence of any evidence to show that a development incorporating a greater element of family housing would be unviable I consider that the proposal would be unacceptable. The fact that the policy requirement for family housing would not be triggered on a smaller scheme does not in itself justify the proposal. Neither am I persuaded that the site dimensions would preclude an alternative proposal with an increased number of 3 bedroom units.

11. For the above reasons I find that the proposal would conflict with Policy CS 16 of the Core Strategy in respect of the need to provide adequate levels of family homes in new housing schemes.

Living conditions

12. Policy CS 16 of the Core Strategy stipulates that family homes should have direct access to a usable private amenity space or garden. This must be fit for purpose and also accord with specified minimum sizes. For detached properties the relevant standard is 90 square metres and for semi-detached homes the figure is 70 square metres.
13. Identical standards are also set out in the adopted Residential Design Guide Supplementary Planning Document (2006) (SPD) which supports saved Policy SDP 1 of the LPR. This seeks to ensure that planning permission is only granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens. A similar wording is included within Policy CS 13 of the Core Strategy.
14. The dwellings within Blocks A and B would each be provided with an area of garden measuring approximately 48 square metres. This would be significantly below the minimum standard set out in Policy CS 16 and the SPD. In my view the gardens would be too small to meet the everyday needs of the household. Given the nature of the properties – and block A in particular – there is a fair probability that they may accommodate families with children. This reinforces my view that the gardens would be inadequate and not fit for purpose.
15. I acknowledge that the scheme would include an area of communal open space on the riverside. This could in theory be used by the residents of Blocks A and B. However, even if this was likely (and the evidence fails to convince me on that point) it would not adequately compensate for the substandard private gardens being proposed for the individual units.
16. It is put to me that the dwellings in nearby Pettinger Gardens have gardens of similar size to that being proposed. However, these properties are terraced and as such would only be required to provide 50 square metres of private amenity space garden under the Council's standards. As such they are not directly comparable and do not set a precedent for substandard garden sizes.
17. Notwithstanding this, I accept the view that the scheme would not be materially harmful to the character and appearance of the area. There would thus be no conflict with the objectives of Policy SDP 7 of the LPR. However, this does not justify garden provision which is substantially below the minimum standards set out in the development plan. The aim of those standards is to ensure satisfactory living standards and not simply to secure development which is characteristic to the area.
18. I therefore conclude that the proposal would provide unacceptable living conditions for future occupiers, contrary to the objectives of Policies CS 13 and CS 16 of the Core Strategy and saved Policy SDP 1 of the LPR, and guidance contained in the SPD.

Parking

19. Policy CS 19 of the Core Strategy states that parking for all development must have regard to the Council's maximum car parking standards. These are set

out in the adopted Parking Standards Supplementary Planning Document (2011) (Parking SPD). The standard applicable to the appeal scheme is 18 spaces. The plans show provision for 11 parking spaces within the site which roughly equates to one per dwelling.

20. The Parking SPD makes clear that provision of less than the maximum parking standard is permissible, providing that developers demonstrate that the amount of parking provided will be sufficient.
21. The appellant has commissioned a parking assessment and survey which shows a surplus of approximately 36 kerbside parking spaces in the streets local to the site. The Council has expressed concerns regarding the methodology but presents no data of its own. The appellant's survey was carried out at times when most residents were likely to be at home and I am satisfied that it represents a true picture of the parking situation locally.
22. The findings of the report persuade me that any parking overspill from the development could be accommodated without detriment to local residents. I therefore consider the level of parking provision within the scheme to be acceptable. As such, I find no conflict with Policy CS 19 of the Core Strategy or the Parking SPD.

Planning balance

23. The Council did not request any affordable housing as part of the development. This was on the basis of national policy introduced in the Written Ministerial Statement dated 28 November 2014 and subsequently incorporated into the Planning Practice Guidance. However, these changes have been set aside by the courts¹. The parties now agree that the scheme would need to deliver 20% affordable housing in accordance with Policy CS 15 of the Core Strategy. Although there is no planning obligation before me, the policy indicates that a condition could be used to secure provision. The inclusion of affordable housing within the development would constitute a benefit which must be included in the overall planning balance.
24. The proposal would deliver both market and affordable housing on previously developed land and in a sustainable location. The Framework identifies the need to boost significantly the supply of housing. In this context, and against a backdrop of the Council's failure to meet delivery targets in recent years, the scheme would make a valuable contribution to the supply of housing in the city.
25. The scheme also has the potential to provide access to the waterfront by means of a walkway which could be dedicated to public use in future. This is a small benefit, but nonetheless one which weighs in favour of the scheme.
26. The above benefits must be weighed against the harm I have identified in respect of the housing mix and the living conditions for future occupiers. The issues are finely balanced. However, notwithstanding the significant benefits in terms of housing delivery, I consider that the arguments in favour of granting permission are outweighed by the need to secure larger family homes with gardens of an appropriate size. I therefore conclude the scheme to be unacceptable.

¹ *West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin)*.

Other Matters

27. My attention is drawn to a previous refused scheme for the site where the Council raised no objections to the quantum of amenity space being proposed. However, that proposal related to a development of 14 flats and therefore the schemes are not directly comparable. I have considered the appeal proposal on its merits.
28. I am told that there is currently another proposal before the Council for an alternative development of six dwellings on the appeal site. I do not have full details of that scheme and the planning application remains undetermined. It has therefore had no bearing on my decision.
29. The Council makes reference to the need for a financial contribution towards the Solent Disturbance and Mitigation Project. The appellant has provided an undertaking under Section 111 of the Local Government Act in relation to this matter. Notwithstanding this, it is unclear on the limited evidence before me how the proposal would impact upon European protected sites and thus why the contribution would be necessary in order to grant planning permission. However, since I am dismissing the appeal for other reasons my decision does not turn on this issue.

Conclusion

30. I have found that the proposed development would provide adequate parking on-site. However, the failure of the scheme to provide an acceptable level of family housing and appropriate garden sizes are both compelling reasons to dismiss this appeal. These harms are not outweighed by the benefits of the scheme.
31. I have considered all other matters raised, including the officer recommendation to grant planning permission, but these do not affect my findings on the main issues. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR