The Planning Inspectorate

Appeal Decision

Site visit made on 19 October 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 14th November 2017

Appeal Ref: APP/W1715/W/17/3176347
Rivendale House, 38-40 Leigh Road, Eastleigh SO50 9DT

- 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 Riverdale Construction Ltd against the decision of Eastleigh Borough Council.
- The application Ref F/17/79817, dated 3 January 2017, was refused by notice dated 2 March 2017.
- The development proposed is "the creation of 3 no. flats within the roof space following the conversion of existing office space (B1a) on the ground and first floor to residential dwellings under permitted development with associated parking, cycle storage, bin storage and landscaping."

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Rivendale Construction Ltd against Eastleigh Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the proposal on the character and appearance of the surrounding area and (b) the living conditions of the occupiers of the new residential units, having regard to internal space, outlook and private outdoor space.

Reasons

Character and appearance

4. The appeal property is a two-storey building on Leigh Road and is Edwardian in character. The building originally formed a pair of semi-detached residential dwellings and has been extended at the rear. It's last use was an office and the building has been permitted to be converted into 8 residential flats under a prior approval consent. Planning permissions have also been granted for external alterations and first floor rear extension to increase the size of the new residential floorspace and for the creation of a further flat within the roofspace of the building.

5. The site lies within a mixed use area with both commercial and residential uses close to Eastleigh Town Centre. Many of the traditionally styled former

dwellings along the road have been converted into commercial uses, and there is a variety of differently designed dwellings, including more recent development.

6. The proposal would replace the original pitched roof of the building with a flat-roofed second floor storey which would be vertically clad in grey/blue material. A central part of the original roof would be higher than the flat-roof addition but the height of the side elevations would increase by approximately 2.5m whilst the roof would extend approximately 7m forward of the existing ridge of the hipped roof. Therefore, there would be significant differences in height between the existing roof and the rooftop addition. The existing roof is extensive in size but its impact is moderated by its sloping pitched roofs which the proposal would not replicate. In this regard, the second floor storey with its vertical facing walls and resultant box-like design would be of considerable bulk, massing and scale.

7. The former office resulted in extensive areas of hardstanding and signage which has resulted in a 'tired' looking building. However, it has still retained much of its Edwardian character and appearance by reason of its retention of two storey bays, porches and roof, with associated architectural detailing, and predominately red brick facing material. The plans show removal of some of the existing attractive architectural detailing but even with these alterations, the building would still retain Edwardian character and appearance through its bays remaining. The flat-roofed and vertically clad addition, along with frontage balcony, would result in contrastingly modern design which would jar awkwardly with this. There is a varied character and appearance to Leigh Road but there are no examples of buildings with such a mix of different designs. The building has no heritage designation but good design is not solely limited to such buildings, and for the reasons indicated, the proposal is poorly designed.

8. The appeal site lies within Eastleigh Town Renaissance Quarter where Policy 53.BE of Eastleigh Borough Local Plan Review (LP) 2001-2011 permits only appropriate 'people-intensive' redevelopment within such an area. Planning permission will be refused where the optimum use of the land is not made. Buildings should also be predominately 3 storey and residential densities at least 50 dwellings per hectare. The completed development would be three storeys with a development density of 120 dwellings per hectare.

9. However, this would not indicate that any high density development would be acceptable in this instance. LP Policy 59.BE of the LP, amongst other matters, requires development to take full and proper account of the context of the site including the character and appearance of the locality, and be appropriate in mass, scale, materials, density, design and siting, both in themselves and in relation to adjoining buildings, spaces and views. In this case, there would be significant harm to the character and appearance of the host building and surrounding area for the reasons indicated. Such harm would be noticeable in views along Leigh Road and Nutbeem Road and would more than outweigh any benefit and compliance of the proposal with LP policy 53.BE. Therefore, there would be an overall conflict with the development plan.

Living conditions

10. The Council's Quality Places Supplementary Planning Document (SPD) 2011 sets out that new homes must have enough internal space for residents to live comfortably. The internal spaces would be below that indicated in the optional Technical Housing Standards: the Nationally Described Space Standard (NDSS) 2015 (as amended). However, the plans show the reasonable sized bedrooms and living room space incorporating open plan kitchen and lounge, with access onto a balcony. Washing rooms are also sufficient in size to accommodate baths.

11. There is no development plan policy referring to the NDSS. Policy DM29 of the emerging Eastleigh Borough Local Plan 2011-2029 (Feb 2014) Revised Presubmission sets out minimum floor areas for flats which the three flats would be below. However, the plan has not advanced past an examination-in-public significantly limiting its weight. For all these reasons, the extent of deficiency below the NDSS would not be sufficient to give rise to cramped living conditions in this instance.

12. For each flat, the main day time living area would be the lounge which would have reasonable outlook over the front or rear of the building. Although such outlook would be over road/parking areas, it would be unobstructed and elevated above such areas. For the kitchens, two would have a more constrained outlook being located closer to the core of the building but each of them would be within a larger open plan space comprising a lounge. Most of the flat bedrooms face onto the rear or front of the building and would enjoy reasonable outlook. The exception is a bedroom for flat 11 which has a flanking window facing onto a neighbouring property. However, the diminished outlook would not be significant given such a room would be intended mainly for sleeping purposes.

13. Turning to the provision of private outdoor space, each flat would comply with the SPD requirements for private outdoor space. There would be no communal space provided but the SPD does allow some discretion in town centres. Given the site's proximity to the town centre, there is sufficient justification to set aside the SPD's communal space guidance in this instance.

14. In conclusion, the development would not result in harm to the living conditions of the flat occupiers. Accordingly, the proposal would comply with policy 59.BE of the LP in respect of living condition issues, which amongst other matters, requires full and proper account of the context of the site, and for development to be appropriate in layout and design. However, there would still be an overall conflict with this policy due to the significant harm on the character and appearance of the area for the reasons previously indicated and an overall conflict with the development plan as a whole.

Other matters

15. The provision of 1 and 2 bedroom flats would boost housing supply within the area and the five year housing provision within the borough. The development would make efficient use of a previously developed site in a location close to a town centre, with access to public transport, employment, services and facilities. It would be in an area where regeneration is

encouraged. The housing is proposed to be affordable but there is little evidence to support this so limiting the merits of this. Notwithstanding this, these considerations would give rise to economic, social and environmental benefits under the National Planning Policy Framework (the Framework).

16. There is a dispute as to whether the Council has a shortfall in its five year housing supply. However, the boost to housing supply from an additional three dwellings would be small. For the reasons indicated, the harm to the character and appearance of the area would be significant and therefore, the proposal does not represent good design. In this regard, the Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Therefore, even if I accepted an absence of the five year housing supply, the adverse impact of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development would not apply.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR