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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 8 MARCH 2017 AT 1.00 PM

CONFERENCE ROOM A, FLOOR 2 OF THE CIVIC OFFICES, PORTSMOUTH

Telephone enquiries to Lucy Wingham 02392 834662  
Email: [lucy.wingham@portsmouthcc.gov.uk](mailto:lucy.wingham@portsmouthcc.gov.uk)

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

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### Planning Committee Members:

Councillors Frank Jonas (Chair), Scott Harris (Vice-Chair), Jennie Brent, Yahiya Chowdhury, Ken Ellcome, Colin Galloway, Suzy Horton, Lee Hunt, Hugh Mason and Steve Pitt

### Standing Deputies

Councillors Steve Hastings, Stephen Morgan, Gemma New, Darren Sanders, Lynne Stagg, David Tompkins, Gerald Vernon-Jackson CBE, Tom Wood and Rob Wood

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(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests to [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4826

## AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of the previous meeting - 8 February 2017 (Pages 5 - 14)**

RECOMMENDED that the minutes of the Planning Committee held on 8 February 2017 be confirmed as a correct record and signed by the chair.

**4 Updates on previous planning applications by the Assistant Director of Culture and City Development**

**5 Planning appeal decision at Anstey Hotel, 116-118 Clarendon Road, Southsea, PO4 0SE (Pages 15 - 18)**

Purpose

To advise the Committee of the outcome of the appeal that was allowed.

RECOMMENDED that the report be noted.

**6 Planning appeal decision at 11 Malvern Road, Southsea, Portsmouth, PO5 2LZ (Pages 19 - 22)**

Purpose

To advise the Planning Committee of the outcome of the appeal that was allowed by the Planning Inspector.

RECOMMENDED that the report is noted.

**7 Planning appeal decision at 149a Albert Road, Southsea, PO4 0JW (Pages 23 - 28)**

Purpose

To advise the Committee of the outcome of the appeal that was allowed.

RECOMMENDED that the report is noted.

**8 Planning appeal decision at 37 Margate Road, Southsea, PO5 1EY (Pages 29 - 32)**

Purpose

To advise the Committee of the outcome of the appeal that was allowed.

RECOMMENDED that the report is noted.

**9 Planning appeal decision at 11 Baileys Road, Southsea, PO5 1EA (Pages 33 - 36)**

Purpose

To advise the Committee of the outcome of the appeal that was allowed.

RECOMMENDED that the report is noted.

**Planning applications**

- 10 16/01656/HOU - 2 Villiers Road, Southsea, PO5 2HQ**  
Construction of basement and ground floor extension to include external stairs to basement level terrace; relocation of stable block; further alterations to include associated landscaping and amendments to boundary wall to include new gates & re-siting of vehicular access (after partial demolition and relocation of existing structures) (re-submission of 15/01673/HOU).
- 11 16/01657/LBC - 2 Villiers Road, Southsea, PO5 2HQ**  
Construction of basement and ground floor extension to include external stairs to basement level terrace; relocation of stable block; further alterations to include associated landscaping and amendments to boundary wall to include new gates & re-siting of vehicular access (after partial demolition and relocation of existing structures) (re-submission of 15/01720/LBC).
- 12 16/02027/HOU - 25 Woodpath, Southsea - PO5 3DX**  
Construction of a part single part two storey extension to rear and side elevation.
- 13 16/02087/FUL - 48 Stubbington Avenue, Portsmouth, PO2 0HY**  
Change of use to five flats with external alterations to include; changes to windows and doors, construction of rear dormer and formation of vehicle hardstanding (re-submission of 16/01258/FUL).
- 14 16/02125/HOU - 62 Woodville Drive, Portsmouth, PO1 2TG**  
Construction of single storey rear extension.
- 15 17/00014/FUL - 69 Lyndhurst Road, Portsmouth, PO2 0EE**  
Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house).
- 16 17/00019/FUL - 121 Powerscourt Road, Portsmouth, PO2 7JQ**  
Change of use from house in multiple occupation (Class C4) to 8 person 8 bedroom house in multiple occupation (sui generis).

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 8 February 2017 at 1.00 pm in the Conference Room A - Civic Offices

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

### Present

Councillors Frank Jonas (Chair)  
Scott Harris (Vice-Chair)  
Jennie Brent  
Yahiya Chowdhury  
Ken Ellcome  
Colin Galloway  
Lee Hunt  
Hugh Mason  
Steve Pitt  
Lynne Stagg

### Welcome

The chair welcomed members of the public and members to the meeting.

### Guildhall, Fire Procedure

The chair, Councillor Fuller, explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

#### 1. Apologies (AI 1)

Councillor Horton sent her apologies for absence and Councillor Stagg deputised for her.

#### 2. Declaration of Members' Interests (AI 2)

##### Item 7

Councillor Stagg declared a non-prejudicial interest in that she is a member of the Milton Neighbourhood Plan that opposes some development there.

##### Item 6

She will make a deputation on this item and then leave the proceedings.

#### 3. Minutes of the previous meeting - 7 December 2016. (AI 3)

**RESOLVED** that the minutes of the meeting held on 7 December 2016 be confirmed as a correct record.

#### 4. Updates on previous planning applications by the Assistant Director of Culture and City Development. (AI 4)

There were no updates.

**5. 16/01140/FUL- 117-127 Fratton Road, Portsmouth PO1 5AJ. (AI 5)**

The Assistant Director of Culture and City Development presented the application.

Ms Danielle St Pierre, the agent included the following points in her deputation:

- The application was amended in response to members' recommendations.
- It would not be feasible to provide parking. There is a railway station nearby and bus stops outside.
- Tenants would not be eligible for parking permits if the area were to become a Residential Parking Zone (RPZ).
- One flat is suitable for a wheel chair user.
- The refuse storage would be serviced by the new loading bay in Fratton Road. A waste management professional would take the bins out and return them. Contact details would be provided in case of any concerns.

Members' Questions

Members sought clarification regarding the location of the nearest RPZs, the distance between the flats and the nearest houses and the possible need for a light assessment.

Members' Comments.

Members expressed concern that the appearance was not in keeping with the street scene and stated that they wanted better design standards throughout the city. However, members commented that it was a sensible use of the site and would have no detrimental impact to neighbouring properties.

They thanked the agent for listening to the points raised by members at the previous meeting.

**RESOLVED that the application be approved subject to the conditions set out in the officers' report.**

**6. 16/01241/FUL - 57-58 High Street, Portsmouth PO1 2LU. (AI 6)**

The Assistant Director of Culture & City Development presented the application and referred members to the Supplementary Matters sheet regarding an additional representation that had been received which expressed relief that the original concerns had been largely addressed. The comment also referred to

*An annotation of an amended ground floor plan as a "Plant Room" (as opposed to store on the previous plan) that is, more or less directly below the bedrooms of the residents of 1 Grand Parade and so it is hoped that, in continuation of our earlier concerns regarding noise pollution, due consideration will be given to preventing such pollution as the plans do not show any ventilation opening(s) etc. which would be normal for such enclosed machinery spaces. A rear gate into the garage of 1 Grand Parade has been increased in width; it is claimed to be a party wall but no consent or approach to adjoining owners has been made.*

*The amended plans have been reviewed by Environmental Health, who advise that their original consultation advice remains appropriate and recommendation of a planning condition for noise control covers all plant and/or equipment. The condition requires the developer to submit a scheme assessing the noise impacts and*

*requiring works to attenuate where necessary. The issue of ownership of a party wall/widened rear gate has been raised with the applicants but represents a private interest matter.*

Members' Questions

There were no questions.

Members' Comments.

Members commented that the issues had been addressed and that there would be no detrimental impact on the neighbouring properties. They also said that it was a nice design.

**RESOLVED that the application be granted subject to the conditions set out in the officers' report.**

**7. 16/01955/FUL - St James Hospital, Locksway Road, Southsea PO4 8LD. (AI 7)**

The Assistant Director of Culture and City Development presented the application.

Mr Geoff Lewis, Project Manager for Solent NHS Trust included the following points in his deputation:

- The Estates Plan rationalised services over a number of years and a number of services were subsequently relocated. The removal of the buildings would lead to a saving of £3m in running costs.
- The Limes and Orchards facilities would remain on the site but would require a substation and standby generator.
- In this amended application, there are no proposals to fell any trees or lose any shrubs.
- He is happy to accept the amended conditions regarding noise pollution controlled through opening hours.
- The existing storage yard has a permeable surface so liquids can go through.

Members' Questions.

Members sought clarification regarding the distance between the service yard and the nearest house, the operating hours, the use, access, the size of the vehicles that would use it and the condition of the nearby trees. They also commented that if a member brings an application to the committee, the committee expected them to attend the meeting.

Members' Comments.

Members discussed the importance of restricting the operating hours of the service yard in order to minimise disturbance to nearby residents.

**RESOLVED that the application be granted subject to the conditions in the officers' report with the following amendment to no. 7:**

The use of the service yard and buildings hereby permitted shall operate between Monday to Sunday and closed and vacated outside of the hours 07:30 and 5.30pm unless otherwise required for hospital emergency purposes.

**8. 16/01612/FUL - 1 Elm Lodge, St Peter's Grove, Southsea PO5 1LS. (AI 8)**

The Assistant Director of Culture & City Development presented the application.

Ms Theresa Lau included the following points in her deputation, on behalf of the applicant:

- Mr Tang, the applicant had taken extra care to minimise noise and disturbance.
- His mobile number is on the door of the premises for people to contact him if they have any concerns about the work.
- It is not economical for tenants to keep a car.

Members' Questions.

Members sought clarity regarding the number of this type of applications received and the checks taken by the planning officers to verify what type of properties there are.

Members' Comments.

Members noted that it seemed a sensible use of the building.

**RESOLVED that conditional permission be granted.**

**9. 16/01869/FUL - 36 Heidelberg Road, Southsea PO4 0AS. (AI 9)**

The Assistant Director of Culture & City Development informed the committee that this application had been withdrawn from the agenda for delegated decision.

**10. 16/01957 FUL - 15 Stubbington Avenue, Portsmouth PO2 0HP (AI 10)**

The Assistant Director of Culture & City Development introduced the application and referred members to the Supplementary Matters sheet regarding an amended red line plan that had been submitted extending the application site to include the rear garden showing refuse/recycling provision and cycle storage. Amended floor plans had also been received showing the addition of en-suite bathroom facilities for the ground floor bedroom and identification of the communal area for use by the occupants.

Mr Bhakad included the following points in his deputation:

- There is a dropped kerb, one allocated space and room for one more.
- Bus stops are located less than 5 minutes' walk away.
- The proportion of HMOs in within a 50m radius is less than 10%

Members' Questions.

Members sought clarity regarding the changes that were proposed to the property and that statues of the unauthorised conversion to 5 bedsits.

Members' Comments.

Members noted that the proposed changes were not clear.

The Assistant Director of Culture & City Development proposed a change to the officers' recommendation and moved to defer the application due to the lack of information available regarding remedial work and the need to further consider the mechanism to ensure that were planning permission granted there was clarity on the



rigger of commencement of the change of use and the interior alterations necessary to ensure that the unauthorised use had ceased.

**RESOLVED that a decision be deferred.**

**11. 16/02009/FUL - 239 Powerscourt Road, Portsmouth PO2 7JJ. (AI 11)**

The Assistant Director of Culture & City Development presented the application.

Ms Joann Robertson included the following points in her deputation:

- The HMO database HMO is 60% inaccurate so there is probably only a 5% saturation in a 50m radius.
- Copnor has the worst roads in Portsmouth for parking.
- Having a HMO in this location would breach residents' human rights and would not be in keeping with the character of the area.
- HMOs are generally poorly maintained.
- There is a shortage of family houses in the city.

Mr Alex Venebles, a co-owner included the following points in his deputation:

- Potential tenants would be thoroughly vetted to ensure they are professional people.
- The design meets or exceeds the HMO regulations.
- His sister company has managed HMOs for more than 8 years.
- Weekly checks will be made on the property and a cleaner will clean the communal areas every week.
- Any issues will be addressed as soon as they arise.
- He will continue to work with the neighbours.

Councillor Neill Young included the following points in his deputation:

- This premises borders both Copnor and Fratton wards.
- Parking is a problem in this part of the city. The extra cars in the area would have a knock on affect to neighbouring roads.
- He questioned how the noise from up to 14 people would be controlled.
- It would be a shame to lose another family house.
- He questioned whether there is space for both cycle storage and bin sheds in the forecourt.

Members' Questions.

Members sought clarification regarding the possibility of adding a condition to prohibit tenants from owning a car, the accuracy of the HMO database, the possibility of having a protected residential area and whether applications would be on the database

Members' Comments.

Members noted that there would be no violation of the parking standards, there were very few HMOs in the area and that HMOs play an important role in providing accommodation for people leaving home for the first time. However, they also discussed the detrimental impact this property would have on the amenities of the neighbouring properties, the noise and disturbance and the loss of a family house.

**RESOLVED that this application be refused.**

#### REASONS

In the opinion of the Local Authority, the proposed use of the property would result in unacceptable noise and disturbance to residents in the surrounding area.

In the opinion of the Local Planning Authority, the proposed use of the property as a HMO would result in significant additional demand and increased pressure for parking in an area that is over-capacity with limited on-street parking and in the absence of off-street parking would result in further unacceptable pressure for parking to the detriment of local residents.

#### **12. 16/02075/FUL - 103 Ophir Road, Portsmouth PO2 9ER. (AI 12)**

The Assistant Director of Culture & City Development presented the application.

Mr Mark Fisher included the following points in his deputation:

- The HMO database is inaccurate and unfit for purpose.
- The council does not investigate adequately when it is informed of a suspected unregistered HMO.
- The area's parking problems would be exacerbated.
- This application would have a detrimental impact on the quality of life of nearby residents.

Ms Lin Smith included the following points in her deputation:

- There are two unregistered bedsits behind her property.
- There is also a possible unregistered HMO in Ophir Road.
- The houses were built in 1911 and have very poor insulation. She requested that sound proofing be installed in this property if it is granted planning permission to become a HMO.
- The shared kitchen would be dark and gloomy because of the lack of windows.
- There would be a detrimental impact on parking.

Mr Jason Cliffe, applicant included the following points in his deputation:

- He has over 25 years' experience in this field.
- In the other HMO that he owns he has not received any complaints about the tenants who are all professional. Only two tenants own a car.
- A cleaner will clean the communal areas weekly and a gardener will maintain the garden.
- There are good public transport links nearby.

#### Members' Questions.

Members sought clarification regarding the investigation of other possible HMOs in the area, sound proofing, the lack of a floor plan, the size of the bedrooms and parking.

#### Members' Comments.

Members discussed parking standards and controls within the area and the inspector's decision on a similar application.

## **RESOLVED**

**A decision was deferred on this application.**

### **13. 16/01998/FUL - 12 Victoria Road South, Southsea PO5 2DB. (AI 13)**

Mr Olafsson included the following points in his deputation on behalf of the agent:

- The extension had been removed from the original application.
- The student accommodation would be more closely managed than rented flats would be.
- There would only be tenants during the school year.
- This is a small scale development and would preserve the character of the area.

Councillor Linda Symes included the following points in her deputation:

- The premises was previously a GP surgery and is next door to an office.
- The parking problems in this area would be exacerbated. Students are notorious for leaving cars on residential roads for weeks on end.
- It would be a lottery as to whether the tenants would be noisy or not.
- The town centre is more appropriate for student accommodation.

#### Members' Questions.

Members sought clarification on why the management plan was not available, the involvement of the university, the distance between the windows of this property and the neighbouring one, the communal space at the rear, the difference between HMOs and student shared accommodation and whether there was a policy which encouraged retaining a mixture of sized houses.

#### Members' Comments.

Members expressed concern about the possibility of developers circumnavigating the restrictions on HMOs by building student accommodation instead and their ability to approve the application without seeing the management plan. They also discussed the potential impact on the neighbours, the need for student accommodation outside of the city centre, the impact on parking, the high quality of the design and the possibility of other tenants living there outside of term times.

**RESOLVED that the application be refused.**

#### **REASONS**

In the opinion of the Local Planning Authority, the proposed use of the property as a 10 bed student halls of residence would result in significant additional demand and increased pressure for parking in an area that is over-capacity with limited on-street parking and in the absence of off-street parking would result in further unacceptable pressure for parking to the detriment of local residents.

In the opinion of the Local Planning Authority, the proposed location of the windows in close proximity to ground floor windows in the adjoining property (No.4/4a Herford Road) would result in unacceptable outlook to the detriment of current and future occupiers. The proposal is not therefore in accordance with policy PCS23 ((Design and Conservation)) of the Portsmouth Plan.

In the opinion of the Local Authority, the proposed use of the property would result in unacceptable noise and disturbance to residents in the surrounding area.

**14. 16/01937/FUL - 29 Marmion Road, Southsea PO5 2AT (AI 14)**

The Assistant Director of Culture and City Development presented the application.

Mr Ian Knight, the agent included the following points in his deputation:

- He welcomed the conditions that have been proposed by officers.
- The residents above the premises are fully protected.
- The nearby supermarket is open every day until 9pm and has 320 parking spaces.
- There will be no seating outside on the pavement.
- There is no reason why there should be any disturbance.

Members' Questions.

Members sought clarification regarding the reason why the matter had been brought to the committee if the deputation has withdrawn, possible odour nuisance, the maintenance of the extraction equipment required and the bin storage.

Members' Comments.

There were no comments.

**RESOLVED that the application be granted subject to the conditions set out in the officers' report.**

**15. 16/02027/HOU - 25 Woodpath, Southsea PO5 3DX. (AI 15)**

The Assistant Director of Culture and City Development presented the application.

Ms Tania Bastow included the following points in her deputation:

- The proposed extension would have a significant detrimental impact on her amenities as it would enclose her garden.
- Her property is quite low and number 25 is above natural floor level.
- There is a protected tree in the garden which creates a large shadow and a sense of enclosure. The proposal might involve the removal of this tree.
- She would not be able to look out to the right or the rear of her garden.
- It would have a detrimental impact on the conservation area.

Ms Linda Prior included the following points in her deputation:

- She bought her grade 2 listed property in 1987
- The extension would have a detrimental impact on her outlook, peace and privacy.

Ms Annette Conway, the applicant included the following points in her deputation

- There are eight occupants: her and her husband, their two children and her parents. There is currently only one small bathroom for their four bedrooms.
- As she does shift work, it would be easier to have a downstairs bathroom so as not to disturb her family early in the morning. The extension would also give her more privacy as the neighbours' views are into her garden.
- They are committed to the local area.

- There is already a 5 foot wall between her garden and number 27 so the extension would not lead to any loss of privacy.
- The windows of number 27 are opaque.

Mr Olafsson included the following points in his deputation on behalf of the applicant:

- The extension would provide a better layout and facilities. The bedrooms are small and there is minimal storage.
- The extension would be modest. The materials would match the existing materials.
- There would be no loss of privacy or light to the neighbouring property as there are no windows on the side elevation.
- The extension is of a modest size.

#### Members' Questions.

Members sought clarification as to why planning permission was required, the height of number 37, whether there was a tree preservation order on the tree, the distance between the extension and the tree, why no site visit had been arranged for the committee nor light diagrams provided and questioned the difference in levels with no. 25.

#### Members' Comments.

Members discussed the potential overbearing nature of the extension and expressed concern about the lack of maps and light diagrams.

**RESOLVED that the decision be deferred.**

#### **16. 16/02056/TPO - 21 Siskin Road, Southsea PO4 8UG. (AI 16)**

The Assistant Director of Culture and City Development presented the application.

Ms Kimberly Barrett included the following points in her deputation:

- Residents care for the green spaces, the culture and the heritage of the area.
- There are no health and safety reasons for removing this tree.
- The tree is subject to a Tree Protection Order.
- The council could consider carrying out a crown lift or thinning.
- A Planning Inspector recently upheld the council's decision to refuse permission to fell a nearby tree.
- Trees produce significant amounts of oxygen.

Councillor Lynne Stagg included the following points in her deputation:

- A number of trees have been felled over the last year. If these are diseased or damaged this is acceptable.
- Poplars are an important part of the character of this area. She appreciated that they are subject to disease and need maintaining.

#### Members' Questions.

Members sought clarification regarding the tree's height, age, condition, root system, the impact of the overshadowing of the other tree on any replacement tree and the possibility of simply removing the deadwood.

Members' Comments.

There were no comments.

**RESOLVED that the application be granted subject to the conditions set out in the officers' report.**

**17. 16/01820 FUL - Tipner Lake, Between Mountbatten Centre and Portsbridge Roundabout, Portsmouth (AI 17)**

The Assistant Director of Culture and City Development presented the application.

Members' Questions.

Members sought clarification regarding access to the site and the slipway, temporary parking arrangements, an alternative cycle route, the impact on Foxes Forest, the concessions on Hilsea Moat and drainage.

Members' Comments.

There were no comments.

**RESOLVED that the application be granted subject to the conditions set out in the officers' report.**

The meeting concluded at 7.15pm.

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Signed by the Chair of the meeting  
Councillor Frank Jonas

**Decision maker:** Planning Committee

**Subject:** Planning appeal decision at Anstey Hotel 116-118 Clarendon Road, Southsea, PO4 0SE

**Report by:** Claire Upton-Brown  
Assistant Director of Culture & City Development

**Ward affected:** Eastney and Craneswater

**Key decision (over £250k):** No

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**1. Purpose of report**

To advise the Committee of the outcome of the appeal that was allowed.

**2. Recommendations**

That the report is noted.

**3. Background**

A planning application was considered by the Planning Committee at its meeting on 17 August 2016 (16/00917/FUL). The application, for the change of use from hotel (Class C1) to 25 bedroom House in Multiple Occupation (Sui Generis) with cycle and refuse storage, was recommended by Officers for conditional permission. This recommendation was overturned and the planning application was refused for the following two reasons:

1. In the opinion of the Local Planning Authority, the proposed change of use of the building to a 25 bedroom house of multiple occupation would be likely to lead to an increase in activity resulting in an unacceptable degree of noise and disturbance to the detriment of the residential amenities of the occupiers of neighbouring properties. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

2. In the opinion of the Local Planning Authority the proposed change of use of the building to a 25 bedroom house of multiple occupation would be at odds with the prevailing character of the East Southsea Conservation Area, and would neither preserve nor enhance the character of the area. The proposal is

therefore contrary to the aims and objectives of the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.

The Inspector considered the main issues in the appeal to be the effect of the proposal on the:

- (i) living conditions of neighbouring occupiers, with regard to noise and disturbance, and
- (ii) character or appearance of East Southsea Conservation Area (ESCA).

Inspector's views on (i) living conditions of neighbours

The Inspector observed that "At the time of my site visit, some rooms within the appeal site were occupied and one of the kitchens was in use. It has, in the past, been used as a hostel for homeless people and a hotel/guest house. A Certificate of Lawful Development was granted in 2009 for its use as a hostel. Planning permission was granted for its use as a hotel/guest house within Class C1 in 2012. Both of those uses would generate activity, comings and goings of residents in addition to staff who would work there."

The Inspector continued: "... the comings and goings and general activity of the proposed use would not be materially different to the previous uses. As the proposed number of rooms would not be increased, even though it could be used as future residents' primary residential accommodation, it would not represent a more intensive use than previous uses. Whilst visitors, in association with the proposed use, would generate activity, this would not be materially greater, and in all likelihood less than the cumulative comings and goings of staff and residents of a hotel/guest house at the appeal site" and "Notwithstanding the comments from the Council's environmental health officer, and discounting the previous uses, I am unconvinced that the activity that would be generated by the proposed use would be greater than nearby uses and would have an adverse effect on the living conditions of neighbouring residents. This is because it would not be out of character in this locality."

The Inspector noted concerns of the Council and some local residents that the proposed use would result in a local concentration of anti-social behaviour including evidence of incidents and disturbance at the appeal site and the concern of neighbours that the appeal site has been a source of noise, disturbance and anti-social behaviour in the past and has resulted in a fear of crime in the locality. However, the Inspector held the view such matters are influenced by considerations such as the management of the HMO and the behaviour of the occupants that are not controlled under the planning regime (rather by other legislation) and made the decision on the basis of the planning merits alone.

In respect of living conditions and impact on neighbouring residents the Inspector concluded the appeal proposal would not adversely affect the living conditions of neighbouring occupiers, with regard to noise, disturbance and anti-social behaviour and thereby generally accord with Policies PCS20 and PCS23 of the Portsmouth Plan and para's 17 & 19 of the NPPF.



Inspector's views on (ii) the character and appearance of ESCA

The Inspector commented on the varied character and appearance of ESCA and mixed residential, including houses of various sizes, flats both in subdivided Victorian properties purpose built blocks and HMOs. The minor nature of alterations to the exterior of the appeal building was identified. The Inspector contended "It would not adversely affect the external decoration or remaining Victorian features. The proposed refuse collection arrangements would enable internal storage which would improve the cohesion of the appeal site frontage. Together, the alterations proposed would be minor and would generally preserve the character and appearance of the Conservation Area. Further, on the basis of my previous findings, the proposed use would not be out of character."

The Inspector concluded the appeal development would preserve the character and appearance of ESCA and would generally accord with Policy PCS23.

Other relevant matters - award of costs allowed

The appellant made an application for an award of costs. The Inspector found that unreasonable behaviour resulted in unnecessary or wasted expense, and a full award of costs to be justified.

**4. Reason for recommendations**

For information to the Planning Committee.

**5. Equality impact assessment (EIA)**

None.

**6. Head of legal services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

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Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Planning application 16/00917/FUL	Planning Services
Planning appeal decision APP/Z1775/W/16/3159492	Planning Services
Appeal costs decision (APP/Z1775/W/16/3159492)	Planning Services

**Decision maker:** Planning Committee

**Subject:** Planning appeal decision at 11 Malvern Road, Southsea, Portsmouth, PO5 2LZ

**Report by:** Claire Upton-Brown  
Assistant Director of Culture & City Development

**Ward affected:** St. Jude

**Key decision (over £250k):** No

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**1. Purpose of report**

To advise the Planning Committee of the outcome of the appeal that was allowed by the Planning Inspector.

**2. Recommendations**

That the report is noted.

**3. Background**

A planning application was considered by the Planning Committee at its meeting on 20<sup>th</sup> July 2016 (16/00839/FUL). The application, for the change of use of the property to a 9-bed House in Multiple Occupation (Sui Generis) and the construction of new garage to the rear, was recommended by Officers for conditional permission. This recommendation was overturned and the planning application was refused for the following reasons:

1. In the opinion of the Local Planning Authority, the continued use of the building as a House in Multiple Occupation would, by reason of the level of activity and anti-social behaviour associated with it, be likely to have an adverse impact on the viability of the operation of neighbouring hotels to the detriment of the economic growth and needs of the city. The proposal is therefore contrary to the aims and objectives of paragraphs 17 and 19 of the National Planning Policy Framework; and

2. Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the

Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

In considering the appeal the Inspector opined that: "Houses in the locality are large and could accommodate large families. Some are subdivided into flats and there are some hotels and commercial uses. Whilst the proposed use would be likely to generate more activity than a typical family, it would be roughly the same as that for a large family. Moreover, on the basis of the mix of uses in the locality and the juxtaposition of some hotels, flat conversions and HMOs next to single family dwellings, I am not convinced that the comings and goings and general activity that would be generated by the appeal site in use as an HMO would be harmfully out of place in this locality. Furthermore, for the same reasons, I am not persuaded that the appeal development would result in a harmful increase in noise and disturbance, such that the living conditions of neighbouring residents would be adversely affected".

In considering evidence presented by local residents regarding noise, disturbance and anti-social behaviour associated with the unlawful use of the property as a HMO, the Inspector continued: "I have noted the evidence before me of incidents of anti-social behaviour and noise and disturbance at the appeal site and the concern of neighbours and local hotels that the appeal site has been a source of noise, disturbance and anti-social behaviour in the past and has resulted in a fear of crime in the locality. However, such matters are a consequence of the behaviour of the occupants, which is a matter that is not controlled under the planning regime. The behaviour of future occupants is controlled by other legislation and I am making a decision on the basis of the planning merits of the appeal alone. If those matters were controlled through the appropriate legislation, the appeal development could contribute towards promoting safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion as set out in paragraph 69 of the National Planning Policy Framework (the Framework)".

In respect of living conditions and impact on neighbouring residents the Inspector concluded: "the appeal proposal would not adversely affect the living conditions of neighbouring occupiers, with regard to noise, disturbance and anti-social behaviour. For this reason, it would generally accord with Policy PCS20 of The Portsmouth Plan (2012) and paragraphs 17 and 19 of the Framework. These, together, seek to encourage HMOs which do not result in negative social, environmental and economic impacts of high concentrations of HMOs on communities and to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings".

In terms of the economic impact of the development, the Inspector concluded that: "I acknowledge the contribution that hotels make to the local economy, in particular small boutique hotels such as those close to the appeal site. I also note the evidence of further growth in demand for hotel accommodation before me. The appeal site is located close to a number of small hotels and I accept the evidence of the impact that anti-social behaviour and noise and disturbance

at the appeal site has had on those businesses in the recent past. However, that impact has been due to the behaviour of the occupants, rather than the use of the appeal site as an HMO in itself. The behaviour of future occupants is controlled under other legislation and is not a matter for me. On the basis of my previous findings, I am unconvinced that the use of the appeal site as an HMO would adversely affect local hotel businesses and thereby the economic growth of the City. The appeal would, therefore, generally accord with paragraph 19 of the Framework, which supports sustainable economic growth.

The Inspector also concluded that the proposed accommodation would provide an acceptable standard of living environment for future occupiers, and the use and proposed garage to the rear would preserve the character and appearance of the 'East Southsea' Conservation Area. The matter of SPA mitigation was resolved through a Section 111 Agreement and contribution of £176 before the appeal was heard by the Inspector.

An application for an award of costs, made by the appellant, was submitted out of time and was not considered by the Inspector.

**4. Reason for recommendations**

For information to the Planning Committee.

**5. Equality impact assessment (EIA)**

None.

**6. Head of legal services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

.....  
Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Planning application 16/00839/FUL	Planning Services
Planning appeal decision APP/Z1775/W/16/3158162	Planning Services

**Decision maker:** Planning Committee

**Subject:** Planning appeal decision at 149a Albert Road, St Jude, Southsea, PO4 0JW

**Report by:** Claire Upton-Brown  
Assistant Director of Culture & City Development

**Ward affected:** Central Southsea

**Key decision (over £250k):** No

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**4. Purpose of report**

To advise the Committee of the outcome of the appeal that was allowed.

**5. Recommendations**

That the report is noted.

**6. Background**

A full planning application was considered by the Planning Committee at its meeting on 25<sup>th</sup> May 2016 (16/00422/FUL). The proposal was for a change of use of first floor from Class D2 premises (former conservative club) to a lap dancing venue (sui generis) (amended scheme to 14/00854/FUL) and was recommended by officers for conditional permission. This recommendation was overturned and the application was refused for the following two reasons:

1. In the opinion of the Local Planning Authority, the proposal would represent an inappropriate use in this location, out of keeping with the established character of the Albert Road and Elm Grove District Centre. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.
2. In the opinion of the Local Planning Authority, the proposal would be likely to have an adverse affect on the vitality and viability of existing premises within the Albert Road and Elm Grove District Centre. The proposal is therefore contrary to the aims and objectives of Policy PCS8 and to PCS23 of the Portsmouth Plan.

In allowing the appeal, the Inspector made reference to Policy PCS8 of the Portsmouth Plan stating: "For Albert Road and Elm Grove it advocates that at least 50% of the primary frontage must remain in use as shops and highlights that anti-social behaviour from the evening uses towards the west of Albert Road is jeopardising the amenity of nearby residents. Policy PCS23 requires that all new development must be well designed and seeks active frontages in town centres."

The Inspector pointed out that from the evidence presented at the Appeal Hearing, it was clear that: "the proposed use would have a very limited physical impact on the District Centre as, given the previous leisure use of the site and the fact that the use would be located at first floor, it would not alter the current composition of the primary frontage. Furthermore, the site is located outside of the area where there are concerns regarding anti-social behaviour. "

Offering further clarification on PCS 8 of the Portsmouth Plan the Inspector concluded: " I agree with the Council that the proposal is a use that would be found in a town centre and as a result consider that the proposal would not conflict with any of the general or site specific criteria listed in policies PCS8 and PCS23 of the Core Strategy."

Having regard to the potential effect on the character, vitality and viability of the District Centre, the inspector identified the concerns of local residents stating: "It was considered, by local residents in particular, that locating a lap dancing venue in this location would discourage people from visiting the area and raised concerns about safety particularly for women and children. If people were deterred from visiting the centre or felt unsafe, it was advocated, that this could adversely affect local businesses and therefore the character and vitality and viability of the District Centre."

Addressing these concerns, the Inspector offered the following view: "I acknowledge that the presence of a lap dancing venue may deter some people from visiting this part of Albert Road. However, as already highlighted due to its first floor location the proposed lap dancing venue would have a very limited physical presence on the street. Being a late night venue the proposed use would not operate at the same time as the majority of the daytime businesses and retail uses and as I observed at both my site visits the area is thriving and characterised by an eclectic mix of both day and night time uses. For these reasons I consider that the proposal would not be out of character and while some people may be deterred from visiting, this number is unlikely to be sufficient to adversely affect the vitality and viability of the District Centre as a whole."

Fears about safety were raised and the Inspector offered the view that this was capable of being a material planning consideration so long as there was a reasonable evidential basis for this fear. To support their claim, interested parties submitted a copy of an appeal decision where, amongst other reasons, concerns about safety had led that Inspector to conclude that the proposal



would have a detrimental effect on the vitality and viability of the retail frontage. On this matter the Inspector offered the opinion that: "the circumstances for that appeal are materially different to the scheme before me as that area had a long standing reputation as a red light district; there were a number of other sex related uses already established within the area and the concerns about safety arose from the concentration of such uses and finally it was for a ground floor unit in a retail parade where due to high vacancy rates there were pre-existing issues regarding vitality and viability. None of those concerns apply in this case."

Reference was also made to research showing links between lap-dancing venues and an increase in sexual violence. On this matter, the inspector stated: "I also note that for this proposal the representative for the Police and Crime Commissioner advised that they had no comments. At the Hearing the appellant outlined their positive working relationship with the police and advocated that in their experience from operating similar venues elsewhere because of the presence of door staff the security of areas in which they operated had improved."

As stated under Section 72 of the Town and Country Planning Act 1990 and the Planning Practice Guidance (PPG) permission can be granted for a temporary period if it is appropriate to allow a trial run in order to assess the effect of a development in an area. On this matter the Inspector stated: "Given the concerns raised regarding security and the lack of conclusive evidence to either support or refute the claims made by the parties I consider that allowing the use for a temporary period would enable the Council to monitor the effect of the use and enable them at the end of that period to assess the effect of the proposal on the character and vitality and viability of the District Centre based on empirical evidence. On this basis I conclude that, subject to such a condition, the proposal would not adversely affect the health of the District Centre and would be in accordance with policies PCS8 and PC23 of the Core Strategy."

Local residents raised concerns relating to a rise in noise and disturbance as a result of this use and that this would affect their living conditions. In respect of this the Inspector concluded that "However, I note that the previous Inspector considered that a similar proposal would have limited negative impact on nearby residents and that the Council's Environmental Health advisors did not object to the current proposal. I have not read or heard any evidence submitted for this appeal that would lead me to an alternative view to the previous Inspector or the Council's specialist advisors."

Parking and highways concerns were identified due to the proposed opening hours and the reduction in on-street parking. The Inspector stated: "I note from the Statement of Common Ground that the Council consider that there are no highway issues which is further reinforced by the advice from the Council's Highways Advisors contained within the original Committee report. Whilst I agree that most visitors to the site would travel by car I have not read or heard any evidence that would lead me to form a different view to the Council on highway safety or parking issues. "

It was advocated that the proposal would be contrary to the Councils Sex Establishment Licensing Policy however the Inspector took the view that "at the start of the Hearing the Council confirmed that the introduction of a licensing regime for lap dancing venues had not been formally adopted by them and that the 'Sex Establishment Licensing Policy – responses to public consultation' (2012) document submitted with the appeal, which sought views on the adoption of such a licensing regime was not a planning policy document and therefore was not a material consideration when determining the appeal. I have therefore considered the appeal on this basis."

Concerns were raised relating to the appropriateness of advertising leaflets and how these would be distributed. On this matter the Inspector advocated that "the content of leaflets and how or when they are distributed is not a matter that is controlled by planning legislation."

Allegations were also raised about illegal activities associated with Lap Dancing Venues and that lap dancing is linked with other forms of sexual exploitation. The Inspector concluded: "To support this Interested Parties made reference to evidence given by a former worker of the appellant in relation to drug use at lap dancing venues. However, how a use operates is a matter for the relevant licensing authorities and the Police."

In relation to conditions, the Inspector stated that minor adjustments have been made to wording where appropriate and in the interests of proper planning, a condition has been applied that requires the development to be carried out in accordance with approved plans.

Other conditions are outlined below:

- In addition to the standard time limit for implementation for the reasons I have already outlined I consider that a condition granting the use for a temporary period is necessary. At the Hearing the appellant agreed that such a condition would not be unreasonable but considered, given the investment needed, that a period of five years would be appropriate. The Council suggested two. Having regard to the concerns of all the parties I consider that five years would be too long for a temporary permission. Whilst I acknowledge that some investment would be required to implement the use, having visited the premises, this would be the case for any use. However, I recognise that the scheme needs to be economically viable to warrant its implementation. As a result I consider that a three year (36 month) period would be sufficient to enable the effect of the use to be satisfactorily assessed but warrant the investment. As refurbishment work will need to be undertaken and other licences and permits obtained before the use could commence I have worded the condition so that the temporary period would run from the opening of the venue.

- An hours of use condition is considered necessary to ensure that the use would be operated in the terms it was applied for.
- At the Hearing concerns were raised that advertisements and signage at the premises would detract from the character and appearance of the District Centre. In the main these concerns related to the potential content and appearance and that it would increase the visibility of the use within Albert Road. Whilst I understand the concerns raised, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 does not control the content of signage or advertisements. However, given the concerns about the effect on the character of the District Centre limiting the amount and type of external signage/advertising would help reduce the physical presence of the use within the streetscene further. Whilst I agree with the appellant that no signage would be unreasonable I consider a condition giving the Council control over the amount and location of signage would be appropriate.

In respect of the conditions outlined above and for the details discussed, the Inspector concluded that the appeal should be allowed.

As there is a temporary permission in place there will be a need to monitor the impact of the use within the area over the period of the temporary permission. A monitoring regime will be established for the period of the temporary permission, traders within Albert Road will be contacted as will residents and asked to report any events of the use having an adverse effect of the character of the area. The information and monitoring evidence collected of the temporary period will provide evidence of the impact to enable a fully assessment should a subsequent application be submitted for a permanent permission, following the expiry of the temporary permission.

**4. Reason for recommendations**

For information to the Planning Committee.

**5. Equality impact assessment (EIA)**

None.

**6. Head of legal services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

.....  
Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Planning application 16/00422/FUL	Planning Services
Appeal decision APP/Z1775/W/16/3153456	Planning Services

**Decision maker:** Planning Committee

**Subject:** Planning appeal decision at 37 Margate Road, Southsea PO5 1EY

**Report by:** Claire Upton-Brown  
Assistant Director Culture & City Development

**Ward affected:** St Thomas

**Key decision (over £250k):** No

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**1. Purpose of report**

To advise the Committee of the outcome of the appeal that was allowed.

**2. Recommendations**

That the report is noted.

**3. Background**

A full planning application was considered by the Planning Committee at its meeting on 14<sup>th</sup> September 2016(16/01211/FUL). The proposal was for a change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) to 7 bedroom house in multiple occupation (sui generis) and was recommended by officers for approval. This recommendation was overturned and the application was refused for the following reason:

"The proposed change of use would result in an increase in concentrated, and intensified use of the property. This would lead to a significant reduction in the extent of the communal space available for residents and the corresponding amenity it offered. Given the setting of the property, in an already imbalanced community, the increased intensity of use, and concentration of uses of this nature, would exacerbate the imbalance to the community, contrary to the provisions of PCS20."

In allowing the appeal, the Inspector commented that "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 1 additional bedrooms, making a total of 7 bedrooms; however, this would not change the nature of the use."

In reference to Policy PCS20 of the Portsmouth Plan the inspector offered the following view;" the policy is clear in that it states 'for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in sui generis use will be considered to be HMOs'. Consequently, as the appeal property already has consent for a C4 use, the proposal could not result in an increase in concentration of HMOs in the City."

An argument was put forward by the Council that the use of the property as a Sui Generis HMO would require a licence but that this would only secure the bare minimum standard for human habitation and would not address the wider impacts of the use on surrounding land uses/users. The inspector addressed this point stating; "there is no substantive evidence before me that demonstrates that the amenity space proposed is below the amenity space required for a HMO of this size. Further, whilst I note that the existing shared lounge and study would be converted to bedrooms the communal lounge/kitchen area, which given its layout would provide an adequate useable communal residential environment. Therefore the proposal would not result in material harm to the living conditions of existing and future occupiers of No 37 Margate Road."

Regarding the sites urban location and the density of housing in the area the inspector notes "such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area. In reaching this conclusion I have carefully considered the representations from local residents, however, I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 1 additional bedrooms, would result in material harm to their living conditions or unbalance the local community."

The inspector concluded that the condition relating to implementing approved plans should remain and that all other matters raised have been carefully considered therefore the appeal should be allowed.

**4. Reason for recommendations**

For information to the Planning Committee.

**5. Equality impact assessment (EIA)**

None.

**6. Head of legal services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

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Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Planning application 16/01211/FUL	Planning Services
Appeal decision APP/Z1775/W/16/3159992	Planning Services





**Decision maker:** Planning Committee

**Subject:** Planning appeal decision at 11 Baileys Road, Southsea PO5  
1EA

**Report by:** Claire Upton-Brown  
Assistant Director Culture & City Development

**Ward affected:** St Thomas

**Key decision (over £250k):** No

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**1. Purpose of report**

To advise the Committee of the outcome of the appeal that was allowed.

**2. Recommendations**

That the report is noted.

**3. Background**

A full planning application was considered by the Planning Committee at its meeting on 14<sup>th</sup> September 2016 (16/01209/FUL). The proposal was for a change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) to 8 bedroom house in multiple occupation (sui generis) and was recommended by officers for approval. This recommendation was overturned and the application was refused for the following reason:

"The proposed change of use would result in an increase in concentrated, and intensified use of the property. This would lead to a significant reduction in the extent of the communal space available for residents and the corresponding amenity it offered. Given the setting of the property, in an already imbalanced community, the increased intensity of use, and concentration of uses of this nature, would exacerbate the imbalance to the community, contrary to the provisions of PCS20."

In allowing the appeal, the Inspector commented that "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use."

In reference to Policy PCS20 of the Portsmouth Plan the inspector offered the following view;" the policy is clear in that it states 'for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in sui generis use will be considered to be HMOs'. Consequently, as the appeal property already has consent for a C4 use, the proposal could not result in an increase in concentration of HMOs in the City."

An argument was put forward by the Council that the use of the property as a Sui Generis HMO would require a licence but that this would only secure the bare minimum standard for human habitation and would not address the wider impacts of the use on surrounding land uses/users. The inspector addressed this point stating; "there is no substantive evidence before me that demonstrates that the amenity space proposed is below the amenity space required for a HMO of this size. Further, whilst I note that the existing shared lounge and study would be converted to bedrooms the communal lounge/kitchen area, which given its layout would provide an adequate useable communal residential environment. Therefore the proposal would not result in material harm to the living conditions of existing and future occupiers of No 11 Baileys Road."

Regarding the sites urban location and the density of housing in the area the inspector notes "such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area. In reaching this conclusion I have carefully considered the representations from local residents, however, I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their living conditions or unbalance the local community."

The inspector concluded that the condition relating to implementing approved plans should remain and that all other matters raised have been carefully considered therefore the appeal should be allowed.

**4. Reason for recommendations**

For information to the Planning Committee.

**5. Equality impact assessment (EIA)**

None.

**6. Head of legal services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

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Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Planning application 16/01209/FUL	Planning Services
Appeal decision APP/Z1775/W/16/3159989	Planning Services

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# Agenda Item 10

## **PLANNING COMMITTEE 8 MARCH 2017**

**1 PM CONFERENCE ROOM A,  
2<sup>ND</sup> FLOOR, CIVIC OFFICES**

### **REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS**

#### **ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS**

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc., and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

#### **REPORTING OF CONSULTATIONS**

The observations of Consultees (including Amenity Bodies) will be included in the City Development Manager's report if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

#### **APPLICATION DATES**

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

#### **HUMAN RIGHTS ACT**

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property, and Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

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**2 VILLIERS ROAD SOUTHSEA PO5 2HQ**

**CONSTRUCTION OF BASEMENT AND GROUND FLOOR EXTENSION TO INCLUDE EXTERNAL STAIRS TO BASEMENT LEVEL TERRACE; RELOCATION OF STABLE BLOCK; FURTHER ALTERATIONS TO INCLUDE ASSOCIATED LANDSCAPING AND AMENDMENTS TO BOUNDARY WALL TO INCLUDE NEW GATES & RE-SITING OF VEHICULAR ACCESS (AFTER PARTIAL DEMOLITION AND RELOCATION OF EXISTING STRUCTURES) (RE-SUBMISSION OF 15/01673/HOU)**

**Application Submitted By:**

Head Office 3

**On behalf of:**

Brock

RDD: 5th October 2016

LDD: 9th December 2016

**SUMMARY OF MAIN ISSUES**

The determining issues are whether the design of the proposed development is acceptable in design terms in relation to the recipient building, the surrounding area and whether there would be any significant harm to heritage assets, whether there would be a significant impact on protected trees at the site and whether there would be a significant impact on residential amenity. Other considerations are whether there would be a significant impact on the local highways network.

*The Site*

This application relates to a substantial sized detached dwellinghouse located within its own grounds on the south side of Villiers Road. The dwelling is Grade II listed and within the 'Owens Southsea' Conservation Area (No.2). There are several trees protected by preservation order No.42 within the curtilage of the property. The dwelling is located within flood zone three.

*The Proposal*

The applicant seeks permission for the construction of basement and ground floor extension to include external stairs to basement level terrace; relocation of stable block; further alterations to include associated landscaping and amendments to boundary wall to include new gates & re-siting of vehicular access (after partial demolition and relocation of existing structures) (Re-submission of 15/01673/HOU).

*Relevant Planning History*

The relevant planning history for this site relates to the construction of basement and ground floor extension to include external stairs to basement; relocation of stable block and construction of new garden room; new raised decking with associated landscaping and alterations to boundary wall to include new gates & re-siting of vehicular access (after partial demolition and relocation of existing structures) that was withdrawn in November 2015 ref. 15/01673/HOU.

There is a concurrent application for listed building consent ref. 16/01657/LBC.

## **POLICY CONTEXT**

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include PCS12 (Flood Risk), PCS13 (A Greener Portsmouth) and PCS23 (Design and Conservation).

## **CONSULTATIONS**

### **Tree Officer**

A site visit was last undertaken on 13 July 2016 by the Arboricultural Officer and Mr Adam Breacher an Implementation Officer for PCC.

The weather conditions were overcast with light rain.

The purpose of this visit was to discuss with Mr Brock the property owner replacement tree planting across the site following tree removals granted consent ref 14/00145/TPO:

5. Sycamore trees T.60, T.64, T.65, T.67, T.68, T.69, T.70, T.71, T.72 and T.73 shall be felled to ground level and the stump of each removed.
  
6. Four replacement trees (the size to be a minimum of half-standard as specified in British Standard 3936 Part 1 specification for nursery stock), shall be planted at least 3m from the foot of the perimeter brick garden wall within the first planting season (November-March) following removal of the trees hereby permitted to be felled. The replacement trees shall include *Sorbus aria* (Whitebeam), *Sorbus intermedia* (Swedish Whitebeam), *Crataegus laevigata* (Midland Hawthorn), *Crataegus monogyna* (Common Hawthorn), *Malus spp.* (Crab Apple), *Prunus avium* (Wild Cherry) or *Prunus cerasifera* (Purple Leafed Plum) or such other species, size, position or time period as may be agreed in writing by the Local Planning Authority.

And the removal of T63:

13/00012/DD: Remove and replacement of tree T63 within Tree Preservation order 42.

A further site visit has been programmed for 23 November 2016 when Mr Breacher will confirm the replacement plantings have been undertaken, these trees are the five Whitebeam identified on the current application.

### *Observations*

TPO 42 T58 a mature Holm Oak is located adjacent to the access point to the southern extent of the site where the proposed development will be undertaken and falls within approx. 6m of the development.

The proposal does not include measures to be undertaken in order to establish and maintain a root protection area (RPA) around T58.

Of the trees within the southern aspect of the property several have been felled to stumps through failure or disease, the remainder although within a conservation area are of low quality and there is no objection to their felling.

### *Recommendations*

Before the proposal be given further consideration the applicant be invited to submit an Arboricultural Impact Statement and Tree Protection Plan or detail of protection measures to be undertaken in order to mitigate any root damage in respect of T58.



### **Historic England**

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **Contaminated Land Team**

From a review of information held by the Contaminated Land Team it is apparent that the property is adjacent to a former Motor car agents & dealers present from c.1921-c.1958 and in close proximity to a current garage site with a history as a Motor car garages, motor engineers, motor car fittings, and garage services from c.1925 to the present day. Both have a history of petroleum storage, and as such the potential for contamination to exist on this site should not be discounted. I therefore request that a watching brief informative is given to the developer inviting them to contact this office if unusual ground conditions are encountered:

In the event that any signs of pollution such as poor plant growth, odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean soilwater, or actual remains from a past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS10175: 2011. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

### **Highways Engineer**

The application site is located on a quiet residential street with mainly large detached and semi-detached houses. Villiers Road is subject to a 20mph limit as a consequence the appropriate visibility splay is 2.4m x 22m in each direction. There is no on-street parking available due to the narrow width of the road. Direction of travel outside the application site is restricted to east-west only.

The application does not propose to intensify the use of the premises and as such will not result in an increase in traffic movements.

The application proposes to create a new site access at the far west of the site. Currently there is an existing access at the Eastern side of the site close to the existing property. It also appears that an unconsented access has been created by removing a panel of the boundary wall. It should be noted that the boundary wall is to be rebuilt in full under this proposal.

Villiers Road is mostly straight however there is a sharp southward turn at the western end which the applicant site's boundary follows. Therefore the proposed new access is located around the bend making visibility for both emerging vehicles and those travelling along Villiers Road poor; I would estimate that a maximum of 10m is achievable at present presuming the vehicle is fully across the footway. This is half the required standard and therefore unsafe. Access should be re-sited along the boundary to a position where appropriate visibility standards are achievable. It should be noted that agreement with the Highway authority will be required before carrying out any works on the Highway.

Portsmouth's Parking Standards give the expected level of parking provision for new residential developments. This application does not look to intensify the use and therefore would not be obligated to provide any further parking provision. Equally, the number of cycle parking spaces that should be provided at the proposal site would not increase.

As the application stands I would wish to raise a Highways objection on the grounds of the proposed access having insufficient visibility to oncoming traffic and as such poses a risk to Highway safety.

## REPRESENTATIONS

One deputation has been received from a resident of Palm Court requesting the application be determined by planning committee.

Three comments have been received in support of the application including one from Councillor David Briscoe on the grounds of: a) proposal would enhance property; b) design allow building to be used in a modern way and would have a soft impact; c) the plans represents a way of preserving a building that has deteriorated over past five years; d) proposal would tastefully enhance building and would not impact on its historic nature; e) slow speed limit of road unlikely to result in a collision; f) streetscene not harmed by proposal; g) proposal replaces dilapidated modern additions; and, h) owner is currently restoring existing house sympathetically.

## COMMENT

The determining issues are whether the design of the proposed development is acceptable in design terms in relation to the recipient building, the surrounding area and whether there would be any significant harm to heritage assets, whether there would be a significant impact on protected trees at the site and whether there would be a significant impact on residential amenity. Other considerations are whether there would be a significant impact on the local highways network.

### *Other Matters*

The submitted drawings indicate that several ground source heat pumps would be installed as part of the works. However, as no part of these would require physical connection to the listed building or be located above ground, these could be installed as permitted development and would not require planning permission or listed building consent.

### *Design and Impact on Heritage Assets*

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

### *Single Storey Extension with Basement*

The applicant seeks permission for the construction of a single storey extension with basement following the demolition of the existing dilapidated structures to the south of the property. This extension would be a high-quality modern infill and would have a similar footprint to the original property. In terms of scale, the extension at the deepest point would be some 9.1 metres that would be adjacent to the east common boundary with approximately 5.1 metres being visible from Villiers Road with a height of 3.5 metres. Whilst the extension area would rival that of the villa in terms of footprint, it is considered the original property is of substantial proportions in terms of its height and depth. Its features give it a strong presence when viewed from the streetscene with its natural flint elevations highlighting the uniqueness of this property. To ensure the extension does not detract from this villa, a pastiche addition would not be constructed but instead a high-quality modern alternative that would present the extension as a subservient addition in relation to the listed building. The height of the extension at 3.5 metres would prevent important views of windows being interrupted on the existing building. A section of small glass roof would run along the entire southern aspect of the elevation to provide a break of 0.4 metres from the old to the new. A slim aluminium roof would be constructed that would be no more than 0.4 metres in depth. To further ensure the building line of the original building is

emphasised, the extension would be set in from the western side elevation of the building by some 1 metre.

Part of the single storey extension would be sunken into the ground to allow for the construction of a basement area with stairs from the grounds leading down to this area with a staircase access point off the western elevation. The base of the extension would be constructed in flint to have some connection back to the listed building.

Located on the roof would be three aluminium framed rooflights that would have a horizontal emphasis and given their position on the eastern part of the roofslope and being as flush as possible, they would not be greatly visible when viewed from Villiers Road. It is therefore considered that these additions are acceptable.

The extension would include a high-quality sliding glass wall with aluminium frames. From the details provided in the supplementary information it is considered that these frames would have slender profiles and frames and would not appear as bulky or thick and would appear as 'more glass than frames', an important feature in ensuring the extension remains subservient to the listed building. Given the scale of the existing listed villa and the spacious nature of the plot, it is considered that the construction of a single storey extension would be a subservient addition that would not result in harm to any features of special architectural or historic interest of this listed building or the setting of other identified heritage assets and would preserve the character and appearance of the conservation area.

#### *Wall and Tree*

Along the northern boundary of the site facing Villiers Road the existing high boundary wall at some 2 metres has substantial cracks close to the pedestrian entrance of the property. The root pressure of a large Holm Oak tree that is sited adjacent to the wall has caused the wall to crack and as part of the development, the applicant proposes to retain this substantial tree and rebuild the wall. Part of the wall to be lost would be bridged by fitting railings with one new pillar construction with reclaimed bricks that would allow the pressure exerted by the tree to be minimised. Whilst conservation areas are often principally designated for the architectural quality of buildings, boundary walls and trees often form an important part of their character and appearance. In this case, the loss of a section of boundary wall is considered to result in less than substantial harm to its character and appearance and to the setting of listed heritage assets. As such, regard has been given to paragraph 134 of the NPPF that states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

This scheme has been through significant revisions and pre-application discussions with the local planning authority none of which have resulted in a scheme that has been supportable since the initial application in October 2015. This revised scheme and application has undergone three amendments during its determination and now presents a scheme that results in the least harm to any of the identified heritage assets. Whilst the loss of the wall is regrettable, if it was left untreated the wall could collapse and the authority may have to make an assessment as to whether the wall or substantial tree has greater significance. In this case, the scheme would allow for the retention of a substantial tree and a significant proportion of the boundary wall. It is therefore considered that the loss of a small section of a boundary wall that would allow retention of the tree is acceptable.

#### *Wall for Vehicular Access*

The applicant has demolished part of the wall in the north-west corner of the villa without permission or consent to allow for the formation of - off-road parking spaces in the grounds. The

space created in the wall is approximately 3.5 metres in width. As highlighted above, the boundary wall forms an important part of the character and appearance of the conservation area but in this case, the applicant intends to install high boundary gates that would be some 1.8 metres in height and constructed of timber. Whilst no specific details have been provided regarding the colour, it is considered that the use of timber rather than stainless steel or other material would be appropriate in this location. Given the height of the boundary wall, it is considered that the gate would appear as a sympathetic addition that would not result in any significant harm to the character or appearance of the conservation area, or the setting or any features of special architectural or historic interest of the listed building or other identified heritage assets.

The Highways Engineer raised concerns regarding the sightline eastwards along Villiers Road for vehicles leaving the property from the newly formed off-road parking area. Representations received from residents of Palm Court also raised concerns regarding the potential highways safety impact for vehicles leaving their dedicated off-road parking area. The Highways Engineer states:

'Villiers road is mostly straight however there is a sharp southward turn at the western end which the applicant site's boundary follows. Therefore, the proposed new access is located around the bend making visibility for both emerging vehicles and those travelling along Villiers Road poor; I would estimate that a maximum of 10m is achievable at present presuming the vehicle is fully across the footway. This is half the required standard and therefore unsafe. Access should be re-sited along the boundary to a position where appropriate visibility standards are achievable.'

Whilst due regard has been given to these comments, it was noted on site visit that there is a pinch point for vehicles leaving Villiers Road (two bollards located either side of the road) that forces drivers to reduce the speed to fit through this small gap. The speed of the road is also limited to 20 m.p.h. From the setback position of the gated access to No.2 Villiers Road, it is considered that any vehicles leaving would have adequate visibility for vehicles heading westwards along Villiers Road towards Palmerston Road although this takes a contrary view to the Highways Engineer and the minimum visibility distances.

The unobstructed visibility for residents of Palm Court looking towards the gated access of No.2 is considered sufficient to prevent any significant highway safety concerns. The applicant has subsequently worked with the residents of Palm Court to agree some highway improvements that could be implemented and one of the two objections has now been withdrawn.

The re-siting of the boundary wall would have a substantially greater impact on the character and appearance of the conservation area and setting of listed building(s).

The application does not propose to intensify the use of the premises and as such will not result in an increase in traffic movements.

Portsmouth's Parking Standards give the expected level of parking provision for new residential developments. This application does not look to intensify the use and therefore would not be obligated to provide any further parking provision. Equally, the number of cycle parking spaces that should be provided at the proposal site would not increase.

#### *Relocated Stable Block*

As part of the development, the stable block currently located on the south side of the property and likely forming a part of the original building, would be relocated to a boundary wall to the south-west neighbouring the car park of Palm Court. The stable block is currently in disrepair and as part of the demolition; several of the original features would be salvaged including windows, doors, bricks and lintels for reuse.

The relocated stable block along the boundary of the property and given that the original windows and bricks would be reused from the existing, it is considered that it would be a sympathetic addition and use of materials. In terms of scale, the stable block would be of similar size in terms of height, depth and width to the original being approximately 4.8 metres to the ridge of the hipped roof by 4 metres in width. Projecting from the south side of the stable block would be a single storey flat roofed modern extension that would be some 4.1 metres in length and would include a high-quality sliding glass wall with aluminium frames. From the details provided in the supplementary information it is considered that these frames would have slender profiles and frames and would not appear as bulky or thick.

Although the single storey extension to the stable block would be a modern extension of a stable block that would have a traditional appearance, it is considered that whilst a pastiche design could be used, a high quality modern design and approach would allow the addition to be viewed as a subservient feature in relation to the stable block and its original reclaimed features. It is therefore considered that the stable block and single storey extension would be an appropriate in this context that would preserve the character and appearance of the conservation area and would preserve the setting of and any features of special architectural or historic interest of this Grade II listed building and other heritage assets in the immediate area.

#### *Impact on Protected Trees*

Located in the site are several trees that are protected by a tree preservation order. Whilst an arboricultural assessment and amendments have been submitted for approval during the application, the proposed protection measures have not been considered acceptable. The applicant and agent have however confirmed that a pre-commencement condition would be acceptable to allow the local planning authority to suggest suitable protection measures as part of a discharge of conditions post determination of this application.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing:  
Location Plan A007  
Proposed Site Plan A100 Rev 06  
Proposed Basement Plan A101 Rev 03  
Proposed Ground Floor Plan Rev 03  
Proposed Elevations Sheet 1 Rev 04  
Proposed Elevations Sheet 2 Rev 03
3. No development or demolition shall take place until a detailed scheme has been submitted to and approved in writing by the local planning authority, methods for protecting the canopy, trunk and root protection areas of the trees in the grounds of No.2 Villiers Road protected by preservation order No. 42. The approved measures shall then be implemented and retained during all works associated with this permission.
4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building unless has otherwise been agreed in writing with the local planning authority.

**The reasons for the conditions are:**

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. In the interests of preserving the high amenity value of this protected tree and to preserve the character and appearance of the 'Owens Southsea' Conservation Area and the setting of the listed building and others in the immediate area.
4. In the interests of visual amenity and to preserve the character and appearance of the 'Owens Southsea' Conservation Area and the setting or any features of special architectural or historic interest of the listed building and others in the immediate area in accordance with policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the pre-application process to achieve an acceptable proposal without the need for further engagement.

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**2 VILLIERS ROAD SOUTHSEA PO5 2HQ**

**CONSTRUCTION OF BASEMENT AND GROUND FLOOR EXTENSION TO INCLUDE EXTERNAL STAIRS TO BASEMENT LEVEL TERRACE; RELOCATION OF STABLE BLOCK; FURTHER ALTERATIONS TO INCLUDE ASSOCIATED LANDSCAPING AND AMENDMENTS TO BOUNDARY WALL TO INCLUDE NEW GATES & RE-SITING OF VEHICULAR ACCESS (AFTER PARTIAL DEMOLITION AND RELOCATION OF EXISTING STRUCTURES) (RE-SUBMISSION OF 15/01720/LBC)**

**Application Submitted By:**

Head Office 3

**On behalf of:**

Brock

**RDD:** 5th October 2016**LDD:** 9th December 2016**SUMMARY OF MAIN ISSUES**

The determining issues are whether the proposed development would preserve the setting of or any features of special architectural or historic interest of this listed building.

*The Site*

This application relates to a substantial in size detached dwellinghouse located within its own grounds on the south side of Villiers Road. The dwelling is Grade II listed and within the 'Owens Southsea' Conservation Area (No.2). There are several trees protected by preservation order No.42 within the curtilage of the property. The dwelling is located within flood zone three.

*The Proposal*

The applicant seeks permission for the construction of basement and ground floor extension to include external stairs to basement level terrace; relocation of stable block; further alterations to include associated landscaping and amendments to boundary wall to include new gates & re-siting of vehicular access (after partial demolition and relocation of existing structures) (Re-submission of 15/01720/LBC).

*Relevant Planning History*

The relevant planning history for this site relates to the construction of basement and ground floor extension to include external stairs to basement; relocation of stable block and construction of new garden room; new raised decking with associated landscaping and alterations to boundary wall to include new gates & re-siting of vehicular access (after partial demolition and relocation of existing structures) that was withdrawn in November 2015 refs. 15/01673/HOU and 15/01720/LBC.

There is a concurrent application for planning permission ref. 16/01656/HOU.

**POLICY CONTEXT**

In addition to Chapter 12 of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include PCS23 (Design and Conservation).

## **CONSULTATIONS**

### **Historic England**

This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

### **Ancient Monuments Society**

None.

### **Council for British Archaeology**

None.

### **SPAB**

None.

### **The Georgian Group**

None.

### **The Victorian Society**

None.

### **Twentieth Century Society**

None.

### **The Portsmouth Society**

None.

## **REPRESENTATIONS**

One deputation has been received from residents of Palm Court requesting the application be determined by planning committee.

## **COMMENT**

The determining issues are whether the proposed development would preserve the setting of or any features of special architectural or historic interest of this listed building.

### *Other Matters*

The submitted drawings indicate that several ground source heat pumps would be installed as part of the works. However, as no part of these would require physical connection to the listed building or be located above ground, these could be installed as permitted development and would not require listed building consent.

### *Design and Impact on Heritage Assets*

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.



### *Single Storey Extension with Basement*

The applicant seeks permission for the construction of a single storey extension with basement following the demolition of the existing dilapidated structures to the south of the property. This extension would be a high-quality modern infill and would have a similar footprint to the original property. In terms of scale, the extension at the deepest point would be some 9.1 metres that would be adjacent to the east common boundary with approximately 5.1 metres being visible from Villiers Road with a height of 3.5 metres. Whilst the extension area would rival that of the villa in terms of footprint, it is considered the original property is of substantial proportions in terms of its height and depth. Its features give it a strong presence when viewed from the streetscene with its natural flint elevations highlighting the uniqueness of this property. To ensure the extension does not detract from this villa, a pastiche addition would not be constructed but instead a high-quality modern alternative that would present the extension as a subservient addition in relation to the listed building. The height of the extension at 3.5 metres would prevent important views of windows being interrupted on the existing building. A section of small glass roof would run along the entire southern aspect of the elevation to provide a break of 0.4 metres from the old to the new. A slim aluminium roof would be constructed that would be no more than 0.4 metres in depth. To further ensure the building line of the original building is emphasised, the extension would be set in from the western side elevation of the building by some 1 metre.

Part of the single storey extension would be sunken into the ground to allow for the construction of a basement area with stairs from the grounds leading down to this area with a staircase access point off the western elevation. The base of the extension would be constructed in flint to have some connection back to the listed building.

Located on the roof would be three aluminium framed rooflights that would have a horizontal emphasis and given their position on the eastern part of the roofslope and being as flush as possible, they would not be greatly visible when viewed from Villiers Road. It is therefore considered that these additions are acceptable.

The extension would include a high-quality sliding glass wall with aluminium frames. From the details provided in the supplementary information it is considered that these frames would have slender profiles and frames and would not appear as bulky or thick and would appear as 'more glass than frames', an important feature in ensuring the extension remains subservient to the listed building. Given the scale of the existing listed villa and the spacious nature of the plot, it is considered that the construction of a single storey extension would be a subservient addition that would not result in harm to the setting of or any features of special architectural or historic interest of this listed building.

### *Wall and Tree*

Along the northern boundary of the site facing Villiers Road the existing high boundary wall at some 2 metres has substantial cracks close to the pedestrian entrance of the property. The root pressure of a large Holm Oak tree that is sited adjacent to the wall has caused the wall to crack and as part of the development, the applicant proposes to retain this substantial tree and rebuild the wall. Part of the wall to be lost would be bridged by fitting railings with one new pillar construction with reclaimed bricks that would allow the pressure exerted by the tree to be minimised. Whilst conservation areas are often principally designated for the architectural quality of buildings, boundary walls and trees often form an important part of their character and appearance. In this case, the loss of a section of boundary wall is considered to result in less than substantial harm to its character and appearance and to the setting of listed heritage assets. As such, regard has been given to paragraph 134 of the NPPF that states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

This scheme has been through significant revisions and pre-application discussions with the local planning authority none of which have resulted in a scheme that has been supportable since the initial application in October 2015. This revised scheme and application has undergone three amendments during its determination and now presents a scheme that results in the least harm to any of the identified heritage assets. Whilst the loss of the wall is regrettable, if it was left untreated the wall could collapse and the authority may have to make an assessment as to whether the wall or substantial tree has greater significance. In this case, the scheme would allow for the retention of a substantial tree and a significant proportion of the boundary wall. It is therefore considered that the loss of a small section of a boundary wall that would allow retention of the tree is acceptable.

#### *Wall for Vehicular Access*

The applicant has demolished part of the wall in the north-west corner of the villa without permission or consent to allow for the formation of - off-road parking spaces in the grounds. The space created in the wall is approximately 3.5 metres in width. As highlighted above, the boundary wall forms an important part of the character and appearance of the conservation area but in this case, the applicant intends to install high boundary gates that would be some 1.8 metres in height and constructed of timber. Whilst no specific details have been provided regarding the colour, it is considered that the use of timber rather than stainless steel or other material would be appropriate in this location. Given the height of the boundary wall, it is considered that the gate would appear as a sympathetic addition that would not result in any significant harm to any features of special architectural or historic interest of the listed building.

#### *Relocated Stable Block*

As part of the development, the stable block currently located on the south side of the property and likely forming a part of the original building, would be relocated to a boundary wall to the south-west neighbouring the car park of Palm Court. The stable block is currently in disrepair and as part of the demolition; several of the original features would be salvaged including windows, doors, bricks and lintels for reuse.

The relocated stable block along the boundary of the property and given that the original windows and bricks would be reused from the existing, it is considered that it would be a sympathetic addition and use of materials. In terms of scale, the stable block would be of similar size in terms of height, depth and width to the original being approximately 4.8 metres to the ridge of the hipped roof by 4 metres in width. Projecting from the south side of the stable block would be a single storey flat roofed modern extension that would be some 4.1 metres in length and would include a high-quality sliding glass wall with aluminium frames. From the details provided in the supplementary information it is considered that these frames would have slender profiles and frames and would not appear as bulky or thick.

Although the single storey extension to the stable block would be a modern extension of a stable block that would have a traditional appearance, it is considered that whilst a pastiche design could be used, a high quality modern design and approach would allow the addition to be viewed as a subservient feature in relation to the stable block and its original reclaimed features. It is therefore considered that the stable block and single storey extension would be an appropriate addition in this context that would preserve the setting of and any features of special architectural or historic interest of this Grade II listed building.

## RECOMMENDATION

## Conditional Consent

### Conditions

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing:  
Location Plan A007  
Proposed Site Plan A100 Rev 06  
Proposed Basement Plan A101 Rev 03  
Proposed Ground Floor Plan Rev 03  
Proposed Elevations Sheet 1 Rev 04  
Proposed Elevations Sheet 2 Rev 03
3. No development or demolition shall take place until a detailed scheme has been submitted to and approved in writing by the local planning authority, methods for protecting the canopy, trunk and root protection areas of the trees in the grounds of No.2 Villiers Road protected by preservation order No. 42. The approved measures shall then be implemented and retained during all works associated with this permission.
4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building unless has otherwise been agreed in writing with the local planning authority.

### The reasons for the conditions are:

1. To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
2. To ensure the development is implemented in accordance with the permission granted.
3. In the interests of preserving the high amenity value of this protected tree and to preserve the character and appearance of the 'Owens Southsea' Conservation Area and the setting of the listed building and others in the immediate area.
4. In the interests of visual amenity and to preserve the character and appearance of the 'Owens Southsea' Conservation Area and the setting or any features of special architectural or historic interest of the listed building and others in the immediate area in accordance with policy PCS23 of the Portsmouth Plan.

### PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the pre-application process to achieve an acceptable proposal without the need for further engagement.

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**25 WOODPATH SOUTHSEA PO5 3DX****CONSTRUCTION OF A PART SINGLE PART TWO STOREY EXTENSION TO REAR AND SIDE ELEVATION****Application Submitted By:**

Clifford Consultants  
FAO Mrs Kate Clifford

**On behalf of:**

Mr & Mrs Jason Conway

**RDD:** 7th December 2016

**LDD:** 2nd February 2017

*This application was deferred from the last Planning Committee (8th February 2017) for further work to be undertaken and to give the Planning Committee the opportunity to undertake a site visit prior to determining the matter.*

**SUMMARY OF MAIN ISSUES**

The determining issues in this application relate to the design of the proposal and whether it would relate appropriately to the recipient building and whether it would have a significant impact on the amenities of the surrounding occupiers. When determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposal is located within the 'Owens Southsea' Conservation Area, as such the impact that the proposal could have on the Conservation Area will be considered when determining this application. As the site is located within close proximity to a Grade II listed building, it would also be considered whether the proposal would have an impact on the nearby heritage assets.

*Site and Surroundings*

This application relates to a two storey semi-detached property which is located on the eastern side of Woodpath to the north of The Retreat and to the south of Elm Grove. The site is located within 'Owen's Southsea' Conservation Area.

The subject property is approximately 10 metres north of The Shrubbery, a grade II listed building. The subject property is approximately 5 metres north of Bay Tree Lodge' which is also a grade II listed building.

The surrounding area is characterised by a variety of different property styles, the property itself has a pitched roof with brick on the ground floor and a rendered first floor. The adjoining property (No 27) has a different appearance as it is a flat roofed rendered and brickwork property which was previously occupied as a coach house. Bay Tree Lodge is located to the rear of the adjoining property (No 27) and has a white render finish. To the north of the site are 70s style modern properties with rendered and pebble dash finish terrace properties located opposite.

## *Proposal*

The applicant seeks permission for the construction of a two storey rear extension. The proposal is to extend the existing ground floor from the living area creating a further 7.5m<sup>2</sup> internal floor area. The ground floor extension is approximately 3.0m x 2.5m, and does not extend beyond the rear building line of the existing property.

The proposal also seeks to extend the property at the first floor above the proposed ground floor extension, approximately 2.0m x 2.5m, creating a further 5.0m<sup>2</sup> internal floor space. The additional floor area at the first floor will enable an en-suite to be provided to Bedroom 1 while still retaining four bedrooms.

The proposed first floor extension does not extend to the rear building line of the existing property as the applicant wishes to retain light to one of the first floor bedrooms which benefits from an existing window on the southern elevation.

The proposed extension would have the same finishes as the existing property, render, windows and roof tiles.

The extension requires planning permission as it has more than one storey.

## *Planning History*

There is no relevant planning history for this site.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

## **CONSULTATIONS**

**None.**

## **REPRESENTATIONS**

Two letters of objection from neighbouring residents have been received. Their concerns are as follows: 1) Over dominant 2) loss of light 3) overshadowing 4) loss of privacy 5) impact on TPO 6) increasing build-up of surrounding area.

## **COMMENT**

The determining issues in this application relate to the design of the proposal and whether it would relate appropriately to the recipient building and whether it would have a significant impact on the amenities of the surrounding occupiers. When determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposal is located within the 'Owens Southsea' Conservation Area, so therefore the impact that the proposal could have on the Conservation Area will be considered when determining this application. As the site is located within close proximity to a Grade II listed building, it would also be considered whether the proposal would have an impact on the nearby heritage assets.

## *Design*

The proposal is to construct a two storey rear extension. The subject property has a kitchen which projects into the rear garden creating an L-shape rear building line. This is similar to two storey 1970s style properties within Woodpath. The proposed extension would infill the L shaped rear building line. It is proposed that the ground floor of the extension aligns with the existing rear building line, and that the first floor extension be approximately one metre shorter in length.

The purpose of the extension is to create additional accommodation off the kitchen and living areas on the ground floor and increase the floor area at first floor to accommodate an en-suite while retaining the number of bedrooms.

The two storey element would have a hipped roof to match the existing property. It would have a ridge height of approximately 7.0m and an eaves height of approximately 5.0m, which is consistent with the existing property.

As the first floor of the proposed extension is shorter in length than the proposed ground floor, the proposal includes a flat roof element for the ground floor which is approximately 1.0m in length, so that the ground floor extension aligns with the rear of the existing property.

The first floor element of the extension is shorter in length so that the existing window to Bedroom 3 which is on the southern elevation can be retained.

The proposal does not create any window openings to the southern elevation, thereby avoiding any direct overlooking to the properties to the south of the subject site. The proposal includes double doors and two windows on the ground floor which are on the eastern elevation orientated to the private open space of the subject site. On the first floor it is proposed to provide a window opening of the same size and proportions as exists on the first floor.

These windows would be similar in appearance as the existing property and would also include the detailing below the window ledge to match the detailing of the recipient property. The extension would be constructed of white render to match the existing property with a tiled roof.

Having regard to the appearance of the existing property and the other similar properties within Woodpath, it is considered that the proposal would be acceptable in design terms and would relate appropriately to the recipient building. In terms of the design outcome, the proposal is considered to be acceptable.

## *Impact on Heritage Assets*

The 'Owens Southsea' Conservation Area guidelines states that where extensions are permitted they should match existing properties in respect of design and materials, bulk or size and they should not overpower the original building. The proposed extension would have the same hipped roof design and would be constructed of white render to match the recipient property. The extension would be of an acceptable size and scale and it is not considered to overpower the recipient building. The proposal is therefore considered to preserve the character and appearance of 'Owens Southsea' Conservation Area.

Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

One of the listed properties relevant in this instance is The Shrubbery, grade II, which when measured building to building is approximately 10 metres south of the subject site. The

proposed extension will reduce this separation, building to building to approximately 7.0m. The Shrubbery does not share a common property boundary with the subject site.

Bay Tree Lodge is also a grade II listed property that is approximately 5m south of the subject site. The proposed extension will reduce this separation, building to building to approximately 3.0m on the shared boundary. Bay Tree Lodge shares a common property boundary with the subject site, and is built to the common boundary. The private open space for Bay Tree Lodge is located on its western side, and is limited in depth providing the siting of a protected tree.

The proposed extension will reduce the separation distances between the properties. The level of harm that would result on the setting and appearance of Bay Tree Lodge is considered to be greater than The Shrubbery. The Shrubbery is distanced from the subject site by the intervening private open space of No.27 Woodpath, boundary enclosures and domestic uses typical of rear private open space. The likely harm that would result to The Shrubbery is considered to be minimal and not of a significance to warrant refusal.

Bay Tree Lodge has limited private open space, and the proposed extension will alter the outlook and sense of enclosure of the property. Bay Tree Lodge has a borrowed separation by virtue of the subject sites rear yard.

This does not in itself justify the impacts on the listed building however it is noted that the proposed extension does not pass beyond the rear building line of the existing property, and that the subject site could by way of permitted development proliferate their rear private open space without buildings.

Bay Tree Lodge is impacted by the proposal, however the level and degree of that impact is not so harmful to warrant refusal.

#### *Impact on Amenity*

The siting of the proposed extension would not result in amenity impacts to the occupiers of No.23 Woodpath. There will be no changes in terms of overlooking or the like to No.23.

The proposed extension will share a common boundary to No.27 Woodpath. The extension is 3.0m in length on the ground floor and 2.0m in length on the first floor. The impact to No.27 Woodpath would be from the extension increasing the built form to the common boundary, and due to the difference in natural ground levels this would be perceived to be an increase in enclosure. As the subject site is to the north of No.27 Woodpath, the impacts would not include overshadowing, and as there are no proposed window openings, the impacts would not include overlooking.

When considering the impact on the amenity of No.27 Woodpath the harm of the increased enclosure has been balanced against the absence of light, shadow and privacy impacts.

There would be a distance of approximately 3m between the proposed ground floor element of the extension and Bay Tree Lodge. Presently the existing first floor window to the subject site is approximately 7.5m in distance from Bay Tree Lodge. The proposed first floor window would be closer and positioned approximately 5.0m from Bay Tree Lodge. Bay Tree Lodge already experiences mutual overlooking which will not be further aggravated by the proposed extension. Bay Tree Lodge will not be impacted by loss of light or overshadowing due to the siting and orientation of the proposed extension.

In considering the amenity impacts, the proposed extension would lead to an increase in enclosure to No.27 Woodpath, however the extent of that harm has been weighed against the absence of other amenity impacts. The level of amenity impact to Bay Tree Lodge has been assessed and considered in light of the existing mutual overlooking.

It is concluded that the degree of harm is not such that would warrant refusal on amenity grounds.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 16A\_056001, 16A\_056002, 16A\_056003, 16A\_056004, 16A\_056006, 16A\_056005 and 16\_A056007.

### **The reasons for the conditions are:**

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.

### **PRO-ACTIVITY STATEMENT**

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

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**48 STUBBINGTON AVENUE PORTSMOUTH PO2 0HY**

**CHANGE OF USE TO FIVE FLATS WITH EXTERNAL ALTERATIONS TO INCLUDE; CHANGES TO WINDOWS AND DOORS, CONSTRUCTION OF REAR DORMER AND FORMATION OF VEHICLE HARDSTANDING (RE-SUBMISSION OF 16/01258/FUL)**

**Application Submitted By:**

Martin Critchley Architect  
FAO Mr Martin Critchley

**On behalf of:**

Ferrata Ltd  
FAO Mr Jeremy Wormington

**RDD:** 16th December 2016

**LDD:** 6th March 2017

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it would provide an appropriate standard of living accommodation for future occupiers, whether it would affect the amenities of the occupiers of neighbouring properties and whether the proposed alterations and additions would be acceptable in design terms. Other issues to consider are whether the proposal meets policy requirements in respect of SPA mitigation, car parking and refuse/recyclable materials and bicycle storage.

*The Site*

This application relates to an uncharacteristically large detached property located to the southern side of Stubbington Avenue, just to the west of its junction with Balfour Road. The property is set back from the highway by a front garden/driveway and benefits from a series of outbuildings along the western boundary. Large extensions across the full width of the rear elevation open into a comparatively large rear garden. A dropped kerb onto Chichester Road provides access to the driveway and garage.

The surrounding area is predominantly residential in character with a mix of two-storey semi-detached and terraced properties laid out in a regular grid pattern.

*The Proposal*

Planning permission is sought for the change of use of the property to form five flats with external alterations to include; changes to windows and doors, the construction of a rear dormer and the formation of a vehicle hardstanding (re-submission of 16/01258/FUL).

*Planning History*

An application for the change of use of the property to form two flats (1 x 4-bed and 1 x 5-bed) for use within Class C4 (house in multiple occupation) and one flat (7-bed) for use as a Sui Generis HMO (house in multiple occupation) with alterations to include the construction of an additional single-storey link extension to the west elevation was refused in May 2016 (ref. 16/00449/FUL). The reasons for refusal were as follows:

1. The use of the property as a House in Multiple Occupation (HMO) for more than 7 persons (sui generis) with eight [correction 7] bedrooms and two further HMOs is likely to result in an over intensive use that would have a significant detrimental impact on the residential amenities of the occupiers of adjoining and nearby properties in terms of increased activity, noise, disturbance and likely to increase demand for limited on-street parking provision to the detriment of the area. The proposal is therefore contrary to policies PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.
2. The proposed extension would, by reason of its inappropriate flat roof design and excessive bulk, constitute an incongruous and unsympathetic addition that would fail to relate appropriately to the recipient building. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Frameworks and to policy PCS23 of the Portsmouth Plan.

Planning permission was granted in 1952 (ref A\*18872) for the change of use of the property from a dwellinghouse to a social centre, with accommodation for a residential caretaker. This permission included a condition stating that on discontinuance of the approved use, the property would revert back to its former use as private residence. As such the lawful use of the property is considered to be a dwellinghouse within Class C3.

## **POLICY CONTEXT**

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS8 (District Centres), PCS13 (A Greener Portsmouth), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes) and PCS23 (Design and Conservation). The Parking Standards SPD, the Housing standards SPD and the Technical housing standards - nationally described space standards are also relevant to the proposed development.

## **CONSULTATIONS**

### **Environmental Health**

Environmental Health can confirm there are no objections to the proposed development.

### **Contaminated Land Team**

Given the limited ground works and site history, no conditions relating to land contamination are requested for this change of use.

### **Natural England**

The above application is within 5.6km of Portsmouth Harbour SPA and will lead to a net increase in residential accommodation. Natural England is aware that Portsmouth City Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

### **Highways Engineer**

The Highways Authority (HA) have reviewed the additional information and make the following observations which should be considered in addition to the earlier memo dated 6th January 2017, with particular reference to area experiencing high parking pressure.

The HA repeat that a development of this size should provide the following parking spaces:

1 x 3 bed - 1.5 car spaces and 2 bicycle spaces  
1 x 2 bed - 1.5 car spaces and 2 bicycle spaces  
3 x 1 bed - 3 car spaces and 3 bicycle spaces  
Total - 6 car spaces and 7 bicycle spaces

Car parking - The applicant has made changes which results in a proposal for 5 car spaces on site. This has been made possible with a new driveway, as a result of the removal of the garage and a bay window and part of the front boundary wall which has increased the access to 4.6 m. This results in the existing dropped kerb being retained with no loss of on-street parking.

Having assessed the car parking spaces against the Parking Standards & Transport Assessments SPD (July 2014) the HA note that all but Space A are undersized and there is an under provision by one space.

Space A	5.2 m x 2.6 m (as shown) - 5 x 2.4 m (required)
Space B	5.2 m x 2.2 m (as shown) - 5 x 2.4 m (required)
Space C	5.6 m x 2.2 m (3m) (as shown) - 6 m x 2 m with a 3 m aisle (required)
Space D	5.7 m x 2.2 m (3m) (as shown) - 6 m x 2 m with a 3 m aisle (required)
Space E	4.8 m x 2.2 m (3m) (as shown) - 6 m x 2 m with a 3 m aisle (required)

The HA can see from drawing 1615-412F that Space A is wider than Space B due to the need to avoid the bay window of Flat 2. As a result the vehicle will not be 'straight' in the space and this could only work if both vehicles were considerably parked.

It is vital that vehicles parked in spaces A & B do not overhang the internal paths and prevent pedestrian access to the front door. Access to the refuse bins must be maintained for residents and refuse collectors.

Spaces C, D and E are too short and are only required to be 2 m wide. Realistically it is only possible to provide 2 compliant spaces of 6 m x 2 m on the drive with the existing configuration of outbuildings/stores. This further reduces the shortfall in spaces from 1 to 2.

That said, the HA believe that should the bike store be relocated into the retained outbuilding, the use of which is unclear, space would be freed up to allow the parking bays to be shifted further back into the site. This would allow for three 6x2m bays whilst retaining a 3m aisle width as is required by SPD standards. The HA would however suggest the space nearest the dropped access be kept at a shorter 5m to encourage the user to leave as much clearance as possible between the parked vehicle and the access point.

The HA believe that it may also be beneficial to relocate the communal bins to the retained outbuilding. This would allow the two spaces located on the forecourt to be shifted eastwards and thus giving more room for the vehicle using the inside space to negotiate the outer parked car and bay window. This will of course depend on the refuse arrangements however believe it would be benefit to the scheme to have the extra space and certainly make the driveway space more usable.

Turning diagrams show that vehicles can move in and off the site in a forward gear and still have visibility of pedestrians on the footway and is therefore not detrimental to Highway safety.

It is important that the number of vehicles parking on the site at any time is restricted as the turning area and aisle must be kept free.

Cycle parking - The HA also remind the applicant that vertical cycle parking is not generally acceptable and that 7 cycle parking spaces are required for a development of this size. The proposed cycle store shows 6 vertical stands at 0.4 m apart. Apart from this being an under provision by 1 space, closely placed vertical stands such as these are practically unusable as handlebars / pannier racks make it difficult to place a bike in every space. This reduces the

number of storage spaces that are actually used, effectively reducing the number that the applicant is providing which results in lack of compliance with the SPD Parking Standard requirements. It is strongly advised that vertical cycle parking is avoided and if the applicant were minded to provide it they should make sure the space between them is much wider. A larger store with Sheffield stands with 1 m between them allows cycles to be easily used by all and reduces risk of damage to bikes.

Should the above recommendation to remove the bike store currently proposed be followed; the cycle storage could be accommodated in the retained outbuilding which has sufficient space to provide adequate stands that comply with SPD standards.

The applicant has thus far complied with the requests of the Highway Authority to ensure a viable development that meets current policy can be delivered. It is my opinion that the provision of 5 parking spaces provided as per the above recommendation would be sufficient. Despite being one space less than that required by the SPD, given the type and mix of dwellings within the development, I am satisfied that one space per dwelling would ensure that no further pressure is placed upon the parking capacity in the local area.

As the application stands, the HA would not wish to raise a Highways objection and would request that the following conditions were secured;

- Cycle parking is provided to the standard and number required by Portsmouth planning policy prior to occupation of the development and should thereafter be retained.
- Vehicle parking spaces for 5 vehicles to be provided on site and to be arranged as to comply with the recommendation of the LHA detailed in this representation in order to comply with the Portsmouth Parking SPD and thereafter retained for use by residents.

## **REPRESENTATIONS**

At the time of writing eight letters of representation had been received from local residents objecting on the following grounds: a) The area cannot sustain further development; b) Impact on the family orientated character of the area; c) Impact on parking within the area; d) Loss of a family home; e) the proposal is effectively for a House in Multiple Occupation; and f) no details of the HMO have been submitted.

## **COMMENT**

The determining issues in this application are whether the proposal is acceptable in principle, whether it would provide an appropriate standard of living accommodation for future occupiers, whether it would affect the amenities of the occupiers of neighbouring properties and whether the proposed alterations and additions would be acceptable in design terms. Other issues to consider are whether the proposal meets policy requirements in respect of SPA mitigation, car parking and refuse/recyclable materials and bicycle storage.

### *Principle of the Development*

Planning permission is sought for the sub-division of the property to form five flats. At ground floor this would comprise one 2-bedroom flat and one 3-bedroom flat each with access to private rear gardens. The first floor would comprise two one-bedroom flats with the final one-bedroom flat positioned within the roof space. All of the flats would be accessed from a central hallway and staircase. In the absence of any site specific policy restrictions, and on the basis that the original building would have had a gross floorspace of more than 140 sq.m. as required by the Housing Standards SPD, it is considered that the proposal is acceptable in principle.

### *Living Conditions and Residential Amenity*

The National Planning Policy Framework states at paragraph 9 that "pursuing sustainable development involves seeking positive improvements ... in people's quality of life, including ... improving the conditions in which people live ... and widening the choice of high quality homes". Paragraph 17 states that one of the core planning principles is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.

All of the proposed units would exceed the minimum size standards set out within the SPD with units 1 and 2 at ground floor level benefitting for good sized rear gardens. Overall it is considered that the proposal would provide an appropriate standard of living conditions for future occupiers with access to a good degree of natural light and outlook.

It is noted that the upper floor units would not benefit from any private external amenity space. However, it is considered that the benefits arising from the number and mix of units (1, 2 and 3 bedroom units) achieved at the site, which would contribute towards the city's identified housing need, would outweigh the absence of these facilities. It is also noted that the proposal relates to the conversion of an existing building where private amenity space for all is difficult to achieve.

Having regard to the lawful use of the building and previous use of the site, it is considered that the proposal would not have a significant adverse impact on the amenity of adjoining occupiers.

### *External Alterations*

In order to facilitate the conversion, a number of minor alterations and additions are proposed to the building. This would primarily involve changes to the fenestration at ground floor level but would also include the construction of a small dormer window to match an existing feature on the rear roof slope. An existing conservatory to the rear elevation and a series of structures along the western boundary would also be removed.

Overall the proposed alterations and additions are considered to be acceptable in design terms and would not have a significant adverse impact on the amenity of adjoining occupiers. The removal of structures along the western boundary would improve the site's relationship with side windows to the neighbouring property (No.46 Stubbington Avenue).

### *Car Parking and Bicycle Storage*

The application site currently benefits from an access onto Stubbington Avenue via a dropped kerb, with a small area of hardstanding and a pitched roof garage to the side of the main building. In order to address the initial concerns of the Highways Authority in respect of on-road parking capacity within the surrounding area, the applicant has made changes to the proposal which results in the creation of 5 on-site parking spaces. This would include adequate space to manoeuvre within the application site and approach the Highway in a forward gear with sufficient visibility of pedestrians on the footway.

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and would place a requirement of 6 off-road parking spaces for the five units proposed. The alternative parking layout has been considered by the Highways Authority (HA) who confirm that with minor alterations to the layout, the site could safely accommodate 5 off-road parking spaces, although there would still be an under provision of one space. However, it is confirmed that the applicant has complied with the requests of the HA to ensure a viable development that meets current policy can be delivered at the site and

subsequently it is considered that the provision of 5 parking spaces would be sufficient in this instance.

Whilst the proposal would provide one space less than required by the SPD, having regard to the type and mix of dwellings within the development, the HA is satisfied that the provision of one space per dwelling would ensure that no further pressure is placed upon the parking capacity in the local area and as such, no objection on highways grounds is raised. The applicant has agreed to the changes recommended by the Highways Authority and amended drawings will be provided prior to determination.

The revised parking layout would result in vehicles parking and manoeuvring in close proximity to habitable room windows at ground floor level. Whilst this relationship is not considered to be ideal, it would not be significantly harmful given the urban character of the area and any potential impact could be minimised by allocating spaces nearest to ground floor windows to the corresponding unit of accommodation. Having regard to the width of the property and the position of the proposed parking spaces and the retention of much of the boundary wall, it is considered that the presence of parked vehicles at the site would not appear overly dominant in relation to the recipient building or the wider street scene.

In line with the advice of the HA adequate bicycle and refuse storage facilities can be provided within an existing large outbuilding and can be required through suitably worded planning conditions.

#### *SPA Mitigation*

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The development proposed is not necessary for the management of the SPA.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as £704 (4 x £176). The applicant has provided a contribution towards mitigation measures in accordance with the SPD and it is therefore considered that the proposal would not give rise to a significant effect on the SPAs.

#### *Other matters raised within representations*

Representations make reference to the use of the property as a House in Multiple Occupation and to the absence of details relating to the proposed HMO use. Whilst previous proposals at the site included HMOs, this application seeks planning permission for 5 dwellinghouses within Class C3, and has been considered on that basis. Should the applicant wish to use any of the units as HMOs in the future, such a change of use would require the submission of a formal planning application which would be considered against the relevant planning policies.

Reference is also made to the loss of a family home at the site. Whilst the lawful use of the building, following the departure of the Blind Association, is technically as a dwellinghouse, it is noted that the property has not been used as a dwellinghouse since at least 1952. The proposal would provide four additional units of living accommodation contributing towards the city's identified housing need as set out within Policy PCS19 of the Portsmouth Plan and would also incorporate a 3-bedroom dwelling which would meet the definition of a family dwelling as set out within the same policy.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 1615-101 Rev-A, 1615-512 Rev-D, 1615-512 Rev-G and 1615-413 Rev-A.
3. The materials to be used in the construction/alterations of the external surfaces the development hereby permitted shall match in type, colour and texture those on the existing building.
4. (a) Unless otherwise agreed in writing with the Local Planning Authority, development shall not commence until full details of the materials (non-migratory) to be used within the areas of hardstanding (parking and turning areas) hereby permitted have been submitted to and approved in writing by the Local Planning Authority.  
(b) The development shall thereafter be carried out in accordance with the details approved by Condition 4(a).
5. (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until the vehicular access and parking spaces (including markings) have been provided in accordance with the approved drawings.  
(b) The parking spaces approved by Condition 5(a) shall thereafter be permanently retained for the parking of vehicles associated with dwellings at No.48 Stubbington Avenue at all times.
6. (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until the approved bicycle storage facilities have been provided and made available for use in accordance with the approved drawings; and  
(b) The approved facilities shall thereafter be retained for the storage of bicycles at all times.
7. (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until the approved facilities for the storage of refuse and recyclable materials have been provided and made available for use in accordance with the approved drawings; and  
(b) The approved facilities shall thereafter be retained for the storage of refuse and recyclable materials at all times.

### **The reasons for the conditions are:**

1. To comply with Section 91 of the Town and Country Planning Act 1990.

2. To ensure the development is implemented in accordance with the permission granted.
3. In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
4. In the interests of visual amenity and highway safety in accordance with policy PCS23 of the Portsmouth Plan.
5. To ensure that adequate on-site parking facilities are provided in the interests of highway safety and the amenities of the area in accordance with policies PCS17 of the Portsmouth Plan and the aims and objectives of the adopted Residential Parking Standards SPD.
6. To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.
7. To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.

#### PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

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**62 WOODVILLE DRIVE PORTSMOUTH PO1 2TG****CONSTRUCTION OF SINGLE STOREY REAR EXTENSION****Application Submitted By:**

PWP Architects

FAO Mr Liam Watford

**On behalf of:**

Mr Rachel Scandling

**RDD:** 23rd December 2016**LDD:** 22nd February 2017**SUMMARY OF MAIN ISSUES**

This application has been called in to Planning Committee upon the request of Cllr Ryan Brent, Cllr Rob Wood and Cllr Tom Wood being the ward members for St. Thomas.

The application relates to a three-storey mid-terraced property located on Woodville Drive close to Pembroke Road. The area is entirely residential and is accessed via Croxton Road.

The proposal is for the construction of a single storey rear extension. The proposed extension would measure 4.9m in depth, 5.7m in width and a maximum height of 3.2m. The extension would have a flat roof and centrally located sky lantern which would be situated behind a parapet wall. The extension would be finished in matching brick work whilst the new bi-fold door and window would be finished in matching white uPVC.

In regards to relevant planning history, planning application reference; 16/01322/CPL, a Certificate of Lawful Development, was refused in October 2016 as the proposed single storey rear extension did not meet the size requirements of Permitted Development as identified in Schedule 2, Part 1 Class A1(j)(iii) of the Town and Country Planning (General Permitted Development) (England) Order 2015. Consequently this application has been submitted for the development of the rear extension.

**POLICY CONTEXT**

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

**CONSULTATIONS**

None.

**REPRESENTATIONS**

At the time of writing this report, nineteen representations have been submitted to the Local Planning Authority. Twelve representations have been received objecting to the development on the grounds of (a) the development would set a poor design precedent for the area, (b) would impact on the open plan nature of the area, (c) it would result in a loss of outlook from neighbouring occupiers, (d) The development would impact the existing streetscene, (e) the development would create a sense of enclosure, (f) increase in noise and disturbance (g) increase in odour, (h) the development would result in a loss of privacy, (i) the development

would result in the loss of existing views, (j) the development would impact on neighbouring safety in the area and would obstruct views (k) the development would cause annoyance to neighbours, (l) the development would result in a loss of natural light for adjoining properties.

In addition to this seven representations have been received supporting the development on the grounds of (a) a sympathetic design, (b) the development would be of an appropriate scale, (c) the development would not have a significant impact on neighbouring amenity in terms of a loss of light or outlook, (d) the design is in keeping with the recipient dwelling, (e) the development would not have a detrimental impact on the open plan character of the area, (f) the development would have a low visual impact due to natural screening and (g) the applicants have been forthcoming and considerate when discussing the development with neighbours.

## **COMMENT**

The determining issues in this application are whether the design of the proposed development is acceptable in relation to the recipient building. Furthermore consideration will be given to what impact the works would have upon the amenities of the adjoining occupiers on Woodville Drive and Chadderton Gardens.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

In terms of design, the proposed extension would measure 4.9m in depth, 5.7m in width and a maximum height of 3.2m. The extension would have a flat roof and centrally located sky lantern which would be situated behind a parapet wall. The extension would be finished in matching brick work whilst the new bi-fold door and window would be finished in matching white uPVC. The open plan nature of Woodville Drive means the rear of property no's 54-70 face on to Chadderton Gardens which is a Cul-de-sac accessed via Blount Road and as a result, the rear curtilages of these properties are highly visible. None of the other properties in this terrace have an extension to the rear, however setting precedent aside, the proposed extension by virtue of its limited scale and matching materials is considered to be a sympathetic alteration in keeping with the character and appearance of the recipient dwelling. In addition to this, the application site, over time has developed a moderate level of natural screening provided by trees and shrubs along the boundary of the rear garden plot which further helps to reduce the visual impact of the proposed development.

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

In regards to the amenity of neighbouring occupiers, the proposed development is not considered to create any new privacy or overlooking concerns. The proposed extension does not have any windows located on the side elevations and as such the privacy of adjoining occupiers will be protected. The location of the site in the centre of the terrace paired with the level of natural screening existing on the site would mean there would be a limited impact on the amenities of the closest occupiers of Chadderton gardens in particular No. 14. The proposed development is not considered to result in a loss of outlook, a heightened sense of enclosure or a significant reduction in the level of natural light entering adjoining properties.

The proposed development is therefore considered to be appropriate in relation to the policy objectives identified in Policy PCS23 of the Portsmouth Plan.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 2201 REV B, 2203 REV C, 2205 REV C, 2200 REV B, 2204 REV B, 2202 REV B.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

### **The reasons for the conditions are:**

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

### **PRO-ACTIVITY STATEMENT**

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

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**69 LYNDHURST ROAD PORTSMOUTH PO2 0EE****CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)****Application Submitted By:**

Town Planning Experts  
FAO Mr Jonathan McDermott

**On behalf of:**

Mr Trevor Wilcock

**RDD:** 4th January 2017

**LDD:** 2nd March 2017

**SUMMARY OF MAIN ISSUES**

This application has been called into Planning Committee as a result of a deputation request by a local resident.

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

*The Site*

This application relates to a two-storey mid-terraced dwelling located on Lyndhurst Road close to its intersection with Copythorn Road. The property is set back from the highway by a small front garden/ courtyard and benefits from a larger garden to the rear.

On street parking is located on Lyndhurst Road. The site is located in close proximity to a range of shops and services and is located 1.7 mile walk away from Hilsea Train Station and a few metres away from the nearest bus stop on Stubbington Avenue.

*The Proposal*

Planning permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 a city wide Article 4 Direction relating to HMOs came into force removing this permitted development right. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is currently as a dwellinghouse within Class C3.

*Planning History*

There is no planning history relevant for the determination of this application.

## **POLICY CONTEXT**

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

## **CONSULTATIONS**

### **Private Sector Housing**

The City Council's Private Sector Housing Team highlight that if the property was occupied by five or more individuals, a mandatory licence would be required from the City Council. In addition to ensuring adequate size standards, sanitary facilities and fire safety, the licence would allow the City Council's Private Sector Housing Team to assist should the property not be managed in an appropriate manner.

## **REPRESENTATIONS**

At the time of writing this report, twelve representations have been received objecting to the development on the grounds of; (a) reduction in on-street car parking, (b) the reliability of the Parking Standards and Transport Assessments SPD, (c) the reliability of the Houses in Multiple Occupation (HMO's) SPD, (d) potential future occupiers, (e) the development would be detrimental to the local community, (f) inaccuracy of the HMO database, (g) the development would affect the character of the area, (h) the car parking situation will have an impact on safety of school children in the area, (i) increased noise and disturbance, (j) increase in domestic rubbish build up, (k) poor maintenance of properties, (k) the development would increase pressure on existing services.

## **COMMENT**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and refuse and recyclable materials storage.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people share who share basic amenities such as a kitchen or bathroom.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

Based on information held by the City Council, of the 40 properties within a 50 metre radius of the application site, one is considered to be in lawful use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to 5%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.

As a response to communications from Local Ward Councillors regarding potential HMO's for checking, an analysis of No's 121 Stubbington Avenue, 75 Lyndhurst Road, 73 Lyndhurst Road and 68 Lyndhurst Road have been completed. To establish the lawful use of these properties (on the balance of probabilities) an examination of council tax records, licensing records, planning history records as well as a site visit where completed. It was concluded that three of the four properties in question were C3-Residential dwellings and therefore do not contribute to the overall density of HMO's within the 50m radius of the application site.

It should be noted that upon investigation, it is considered that No. 68 Lyndhurst Road is in use as a Class C4-HMO however there is no planning history on record to suggest that this change of use was completed lawfully. As a result of this, the property cannot be included in the count when determining this application as it is not a lawful use. The Planning Enforcement team have been notified of this finding and will pursue their investigation to require the use to cease or that an application is made to regularise the use. Further to this in the event the property is regularised it will then be included in any future HMO counts in this particular area.

In addition to this, a number of properties were identified for investigation in the representations. These included No's 14 Lyndhurst Road, 60 Lyndhurst Road, 68 Lyndhurst Road and 177 Laburnum Grove. After conducting further investigations it is considered that No. 177 Laburnum Grove and No. 14 Lyndhurst Road are outside of the 50m radius and therefore cannot be included in the count. No. 60 Lyndhurst Road is a lawful HMO and has been included in the count, whilst No.68 Lyndhurst Road has been passed to the Planning Enforcement Team for further investigation as detailed above.

Representations refer to the potential increase in noise, disturbance and anti-social behaviour resulting from the use of the application dwelling as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. Indeed this issue has been considered in previous appeal decisions where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - 7th January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this individual property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area and an objection on the grounds of increased noise and disturbance or anti-social behaviour could not be sustained.

The Houses in Multiple Occupation SPD is supported by an assessment of the supply, demand and community impacts of shared housing in Portsmouth. Paragraphs 9.1-9.10 discuss the negative impacts upon local communities resulting from concentrations of Class C4 HMO uses. However, given that there is only one other HMOs within the surrounding area, it is considered that the impact of one additional HMO would not be significantly harmful at this particular point in time.

Whilst concerns are raised in respect of the personal circumstances of future occupiers, it should also be noted that this application must consider the desirability of the proposed use and not the future user/s. Stepping away from the planning merits of the proposal, having regard to the layout of the property across three floors, the City Council's Private Sector Housing Team highlight that if the property was occupied by five or more individuals, a mandatory licence would be required from the City Council. In addition to ensuring adequate size standards, sanitary facilities and fire safety, the licence would allow the City Council's Private Sector Housing Team to assist should the property not be managed in an appropriate manner.

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be two off-road spaces. Whilst the concerns of local residents in respect of parking are noted, in light of the requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on car parking standards could not be sustained. It should be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

The submitted drawings do not indicate the provision of bicycle storage facilities in line with the Parking Standards SPD. However, on the basis that access could be provided into the rear garden, the provision and retention of suitable bicycle storage facilities can be required through a suitably worded planning condition. The storage of refuse and recyclable materials would remain unchanged.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan, Site Plan.
3. Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

### **The reasons for the conditions are:**

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

### **PRO-ACTIVITY STATEMENT**

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

121 POWERSCOURT ROAD PORTSMOUTH PO2 7JQ

**CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO 8 PERSON 8 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)**

**Application Submitted By:**

The Town Planning Experts  
FAO Mr Keith Oliver

**On behalf of:**

JJM Property Investments Ltd

**RDD:** 5th January 2017

**LDD:** 13th March 2017

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

*The Site*

The application relates to a three-storey (including accommodation within the roof space) mid-terraced property located to the northern side of Powerscourt opposite its junction with Pink Road. The property is set back from the highway by a front forecourt and comprises two bedrooms, a kitchen and a lounge at ground floor level, with six bedrooms across the first and second floors. All of the bedrooms are en-suite with no communal sanitary facilities. The surrounding area is predominantly residential in character with a mix of two and three-storey terraced dwellinghouses.

*Proposal*

This application seeks planning permission to use the property as an 8 person house in multiple occupation (Sui Generis). The property currently benefits from a planning permission allowing its use to change between a Class C4 House in Multiple Occupation, where between 3 and 6 unrelated individuals share some form of communal facilities, and a Class C3 dwellinghouse. At the site visit, it was confirmed that the property is currently occupied by seven individuals.

*Relevant Planning History*

Planning permission was granted in July 2016 (ref.16/00785/FUL) for the change of use from a dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house).

**POLICY CONTEXT**

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.



## CONSULTATIONS

None.

## REPRESENTATIONS

At the time of writing, four letters of representation had been received from a local residents including the Minister for North End Baptist Church objecting on the grounds of: a) To many HMOs within this part of the city; b) Loss of family homes; c) Impact on the character of the area; d) Increased population density; e) The HMO database inaccurate; f) Impact on Parking; g) City Council's housing policy; and h) Loss of property value.

The application is brought to the Planning Committee as part of a request from Members for all planning applications relating to the change of use from Class C4 (HMOs) to Sui Generis HMOs to be referred to the Committee for determination.

## COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and parking.

### *Principle of the Use*

Planning permission is sought for the use of the property as an eight bedroom, eight person Sui Generis HMO. The property currently benefits from a lawful use as a Class C4 HMO as granted by planning permission 16/00785/FUL in 2016 which also gives flexibility to revert to and from a Class C3 Dwellinghouse. In considering the previous application it was determined that of the 82 properties located within a 50m radius of the application site, only two were considered to be in lawful use as HMOs. As the granting of planning permission only increased the proportion of HMOs to 3.6%, it was considered that the community would not have been imbalanced by the proposed HMO use.

Having regard to the current lawful use of the property as a Class C4 HMO, the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD. In considering a recent appeal at 11 Baileys Road (Appeal ref. APP/Z1775/W/16/3159989, February 2017) which related to a similar development, the Inspector opined that: "Policy PCS20 of The Portsmouth Plan seeks to avoid concentrations of HMOs within the city. However, the policy is clear in that it states 'for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in sui generis use will be considered to be HMOs'. Consequently, as the appeal property already has consent for a C4 use, the proposal could not result in an increase in concentration of HMOs in the City".

Concerns have been raised in respect of the intensification of use at individual HMO properties and the cumulative impact of similar developments in significantly increasing the number of occupants within a given area. However, having regard to the existing concentration of HMOs within the surrounding area (3.6%), it is not considered that impact of the current development or the cumulative impact if repeated at other HMOs in this area would be significantly harmful to the prevailing residential character of the surrounding area to sustain a reason for refusal.

### *Impact on Residential Amenity*

The proposal involves the use of rooms previously identified as a study and a bathroom within planning permission 16/00785/FUL as bedrooms. Whilst the accommodation of additional

occupants would lead to a more intensive occupation of the property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to six unrelated persons or by a family of an unrestricted size.

In considering the appeal at 11 Baileys Road the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... Furthermore, having regard to the site's urban location and the density of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area. In reaching this conclusion I have carefully considered the representations from local residents, however, I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their living conditions or unbalance the local community".

In light of the decision above, it is considered that there is insufficient evidence to demonstrate that the occupation of a given property by eight individuals rather than six would result in any significant increase in noise and disturbance or that it would be likely to have a significant additional impact on the amenity of the occupiers of adjoining or nearby properties. It is also noted that the application site is located in an area of the city that does not have a significant concentration of HMOs unlike Baileys Road where there is a greater potential for cumulative impacts to occur.

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately. In addition, other legislation is available beyond the planning system to address concerns relating to any anti-social behaviour at the property.

### *Parking*

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained.

In addition, the City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city. It is noted that the number of parking spaces required for a Sui Generis HMO with four or more bedrooms, is the same as would be required for a Class C4 HMO with four or more bedrooms or a Class C3 dwellinghouse with four or more bedrooms.

### *SPA Mitigation*

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature

will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

Other matters raised within representations

As the property already benefits from a lawful use as a Class C4 HMO, the proposal would not result in the loss of a family dwelling within the city. It would however, contribute towards the identified need for more shared housing as set out within policy PCS20.

Representations question the accuracy of the City Council's HMO database. However, in light of the view that the property already benefits from a lawful use as a Class C4 HMO, the provisions of Policy PCS23 of the Portsmouth Plan which seeks to maintain mixed and balanced communities would not be applicable in this instance. Therefore, whilst the LPA has taken all reasonable steps to ensure the accuracy of the HMO database, any inaccuracies would not affect the conclusions reached above.

Impact on property value is not a material planning consideration.

**RECOMMENDATION A:** That delegated authority be granted to the Assistant Director of Culture and City Development to grant **Conditional Permission** subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

**RECOMMENDATION B:** That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within two weeks of the date of the resolution pursuant to Recommendation A.

### **Conditions**

1. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan & 02 Proposed FP.

### **The reasons for the conditions are:**

1. To ensure the development is implemented in accordance with the permission granted.

## PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

NB This permission is granted in accordance with the provisions of Section 73 of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

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Assistant Director of Culture & City Development  
27<sup>th</sup> February 2017