

**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