

Decision maker: Planning Committee

Subject: Planning appeal decisions for the month of May

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Wards affected: Charles Dickens, Central Southsea, Milton, St. Jude, Drayton & Farlington and Eastney & Craneswater

1. Purpose of report

To advise the Planning Committee on the outcome of recent appeal decisions concluded in May 2017.

2. Recommendations

That individual Inspectors decisions are noted.

3. Summary

Appeal Site	Proposal	PCC Decision	Inspectors Decision	Costs
The Cabman's Rest, 1 Plymouth Street Southsea PO5 4HW (Charles Dickens)	Change of use from Public House to Sui-Gen HMO (11 People)	Refusal	Allowed-Permission Granted	Award of costs-Refused
3 Nelson Terrace, Victory Road, PO1 3DR (Charles Dickens)	Change of use C3 to C4-HMO	Refusal	Dismissed-Permission refused	N/A
165a Francis Avenue, Southsea, PO4 0EP (Central Southsea)	Conversion of basement to form a self-contained flat and construction of new roof.	Refusal	Dismissed-Permission refused for conversion, but construction of roof allowed	N/A
Appeal Site	Proposal	Officers Recommendation	Inspectors Decision	Costs
75-77 Goldsmith	Vehicle	Refusal	Dismissed-	N/A

Avenue, Southsea PO4 8DX (Milton)	Crossover		Permission refused	
24 Merton Road, Southsea, PO5 2AQ (St. Jude)	Change of use from C3 to Sui-Gen HMO	Refusal	Allowed-Permission granted	TBC
46a Lealand Road, Portsmouth PO6 1LZ (Drayton & Farlington)	Construction of 6 semi-detached houses and single coach house	Refusal	Dismissed-Permission refused	N/A
26 Nettlecombe Avenue, Southsea, PO4 0QW (Eastney & Craneswater)	Construction of single storey outbuilding	Refusal	Dismissed-Permission refused	N/A

4. Decisions in Focus

Two of the Inspectors decisions are detailed below to highlight points of interest.

The Cabman's Rest, 1 Plymouth Street Southsea PO5 4HW-

The main issue considered in allowing this appeal was whether the proposal would provide acceptable living conditions for the future occupiers in regards to room sizes, access to ablution facilities and waste storage.

The applicant proposed five bedrooms and three W/C's at ground floor with six bedrooms and three bathrooms at first floor. The inspector offered the view that all eleven rooms varied in size but satisfied the minimum floor areas required for single bedrooms as identified in the Nationally Described Space Standard (March 2015). Having regarded ablution facilities the inspector opined *"Based on an individual occupying each bedroom, this would equate to each WC being shared by around two people, with the shower and bathroom facilities each shared between roughly three people. Therefore, the number of people sharing the ablution facilities would not be unusually large. The level of sharing of such facilities would not be dissimilar to that commonly experienced by occupiers of single family dwellings."*

Having examined the evidence, the inspector offered the view that the proposal would not result in an over-intensive use of the building as it would not provide unusually cramped or restricted living accommodation and that given the nature of the previous use, the proposal would not result in a significant increase in noise, disturbance, anti-social behaviour or crime.

Costs

The applicant made an application for costs on the basis that the Council refused permission because of local opposition and as a result the refusal reason is contrived and it has no policy basis.

The Inspector offered the view that in its written statement; the Council identified a number of matters which it considers would result in a poor standard of living accommodation that would give rise to poor living conditions for future occupiers.

The Inspector concluded *"there is nothing vague or generalised about the Council's reason for refusal; it is underpinned by a body of evidence and it has a basis in the Development Plan. Consequently, in my view the Council was able to substantiate its case at appeal."*

46a Lealand Road, Portsmouth PO6 1LZ-

The main issues considered in dismissing the appeal were threefold and can be summarised as follows:

1. The effect on the living conditions of neighbouring occupiers.
2. Whether the proposal would result in an unacceptable risk of flooding
3. The effect the proposal would have on the character and appearance of the surrounding area.

The applicant proposed to demolish existing buildings on the site and replace these with three pairs of two-storey semi-detached houses and a first floor flat above undercroft parking. In addition to this the proposal included a total of thirteen car parking spaces, refuse and recycling storage.

Having regard to the impact the development would have on the living conditions of neighbouring occupiers, the Inspector offered the view that the brick wall of the proposed units 1 & 2 would project above the existing boundary fence and its height, width and lack of articulation would result in the outlook from No's 1 & 3 Central Road being dominated by a large, bulky and blank timber clad wall and further to this would introduce a significant sense of enclosure. Concluding on the impact on living conditions, the Inspector opined: *"In this context I consider that the introduction of a building of this scale, bulk and height would appear both un-neighbourly and overbearing. Even though the separation distances between the proposal and the existing dwellings are generous, I am not persuaded that they would offset the harmful loss of outlook and sense of enclosure that would arise."*

In considering the risk from flooding on the site, the Inspector noted that the property lies within Floodzone 3 and the area has experienced flooding in the past, however the evidence submitted did not conclude that this flooding had penetrated people's homes. Having considered the evidence available, the Inspector offered the view that the most likely cause of flooding in the area is the combined effects of the inability of the area to absorb surface water and for the surface water sewers to take it away. Taking all the factors into account the Inspector concluded: *"the development would not result in an unacceptable residual risk of flooding on the site or increase the risk of flooding elsewhere."*

Taking into account the effect the proposed development would have on the character and appearance of the surrounding area, the Inspector offered the view *"the proposed development would be totally different from any of the surrounding residential dwellings. Nevertheless, as the*

site is self-contained and does not have strong visual links with nearby development, I consider that it could accommodate a bespoke design using an innovative layout."

In conclusion the Inspector was of the view that issues relating to flood risk and the effects on the character and appearance of the area were not substantial enough to warrant dismissing the appeal, however the impact the proposed development would have on the amenity of neighbouring occupiers, particularly those residing in No's 1 & 3 Central Road would be severe and would not merit the granting of planning permission in this instance.

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:

Title of document	Location
Planning application: 16/01601/FUL (The Cabman's Rest 1 Plymouth Street PO5 4HW)	Planning Services
Appeal decision: APP/Z1775/W/17/3166600 (The Cabman's Rest 1 Plymouth Street PO5 4HW)	Planning Services

Planning application: 16/00396/FUL (3 Nelson Terrace, Victory Road, PO1 3DR)	Planning Services
Appeal decision: APP/Z1775/W/16/3160581 (3 Nelson Terrace, Victory Road, PO1 3DR)	Planning Services
Planning application: 16/00661/FUL (165a Francis Avenue, Southsea, PO4 0EP)	Planning Services
Appeal decision: APP/Z1775/W/16/3166153 (165a Francis Avenue, Southsea, PO4 0EP)	Planning Services
Planning application: 16/00923/HOU (75-77 Goldsmith Avenue, Southsea PO4 8DX)	Planning Services
Appeal decision: APP/Z1775/W/16/3161541 (75-77 Goldsmith Avenue, Southsea PO4 8DX)	Planning Services
Planning application: 16/01532/FUL (24 Merton Road, Southsea, PO5 2AQ)	Planning Services
Appeal decision: APP/Z1775/W/16/3165136 (24 Merton Road, Southsea, PO5 2AQ)	Planning Services
Planning application: 15/01671/FUL (46a Lealand Road, Portsmouth PO6 1LZ)	Planning Services
Appeal decision: APP/Z1775/W/16/3161911 (46a Lealand Road, Portsmouth PO6 1LZ)	Planning Services
Planning application: 16/01445/HOU (26 Nettlecombe Avenue, Southsea, PO4 0QW)	Planning Services
Appeal decision: APP/Z1775/D/16/3164348 (26 Nettlecombe Avenue, Southsea, PO4 0QW)	Planning Services