

Agenda item:

Decision maker: Planning Committee

Subject: Planning appeal decisions concluded up to December 2017

Report by: Claire Upton-Brown
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Wards affected: Eastney & Craneswater, Nelson and Charles Dickens

Key decision (over £250k): No

1. Purpose of report

To advise the Planning Committee on the outcome of recent appeal decisions concluded up to December 2017.

2. Recommendations

That individual Inspectors decisions are noted.

3. Summary

Appeal Site	Proposal	PCC Decision	Inspectors Decision	Costs
57 Eastern Parade Southsea PO4 9RE (Eastney and Craneswater)	Construction of new roof extension, including front gable with balcony, and dormers. Numerous other external alterations.	Officers Recommendation: Conditional Permission Committee Decision: Refusal	Allowed- Permission Granted	N/A
Land to the rear of 76 Chichester Road Portsmouth PO2 0AD (Nelson)	Construction of single storey dwelling house with associated cycle and refuse storage	Refusal	Dismissed- Permission refused	N/A
11-14 Clock Street Portsmouth PO1 3EP (Charles Dickens)	Outline application for construction of 4/5-storey building to form a 35 bed student hostel.	Refusal	Dismissed- Permission refused	N/A

Appeal Site	Proposal	PCC Decision	Inspectors Decision	Costs
12 Victoria Road South Southsea PO5 2DB (St. Jude)	Change of use of building from doctor's surgery (Class D1) to 10-bedroom student halls of residence.	Officers Recommendation: Conditional Permission Committee Decision: Refusal	Allowed- Permission Granted	N/A

4. Decisions in Focus

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

57 Eastern Road, Southsea, PO4 9RE-

The main issue considered in allowing this appeal was whether the proposal would preserve or enhance the character or appearance of the Craneswater and Eastern Parade Conservation Area and the setting of the Seafront and Eastney Barracks Conservation Areas.

The inspector made note that the Council had raised particular concern with regard to the height and bulk of the proposal, which it maintained would not respect the design and appearance of surrounding properties. In addressing this increase in bulk the inspector concluded: *"However, I observed that there are, nonetheless, other dwellings a very short distance to the west, along Eastern Parade, that are of a similar height and scale to that proposed. I am also mindful that the appeal site benefits from a generous plot size and the building to plot coverage would be similar to its neighbouring properties. It would therefore not appear cramped or out of keeping with the pattern or density of development in the immediate area. Further, it would follow the existing building line along Eastern Parade."*

Some of the representations received had raised concern in relation to the contemporary nature of some of the proposed alterations, the inspector opined: *"However, as set out above, there is a wide variation of architectural styles in the surrounding area and there are other examples of contemporary modifications to properties along Eastern Parade."* Further to this and in relation to the impact on the Conservation Area, the Inspector noted: *"I conclude that the scheme would preserve¹ the character and appearance of the Craneswater and Eastern Parade Conservation Area, and the setting of the Seafront and Eastney Barracks Conservation Areas."*

Land to the rear of 76 Chichester Road, PO2 0AD

The main issue considered in dismissing this appeal were the effect on: (i) the character and appearance of the area; and (ii) living conditions for occupiers at neighbouring properties, in terms of outlook.

Under delegated authority, the Council had sought to refuse planning permission for the development on design and amenity grounds. In a brief description of the site the inspector noted the character of the area; *"The locality is characterised predominantly by Victorian two storey terraced housing, built on a 'grid' road layout, creating a dense and tight-knit feel."*

In considering the siting of the dwelling in land to the rear of No. 76 Chichester Road it was interpreted that the development would be "shoehorned" into the site. Further to this the inspector noted: *"There would be limited separation to the existing host building. A significant section of the front elevation would directly abut the back edge of the pavement, in contrast with the set back of the terraced dwellings in Drayton Road. All these features would accentuate the restricted and confined impression of the dwelling within this constrained site."*

Picking up on the design and appearance of the dwelling, the Inspector took the view that the development would; *"be strikingly different from the other more traditional terraced houses nearby, and would appear discordant in this location."* Further to this, the Inspector made reference to the impact backland development can have on the urban grain of a particular area: *"The position of this new dwelling on rear garden land would jar with the existing urban grain of the area. Its unsympathetic juxtaposition with the neighbouring rear garden would not be in keeping with the local pattern of development and would appear visually incongruous, eroding the locality's character."*

In respect of neighbouring amenity, the Inspector took the view that the proposed development would significantly impact the residents of two flats located at No. 74 Chichester Road; *"The proposal's height and proximity means it would create an overbearing and oppressive effect at No 74, especially within the rear garden, resulting in a 'hemmed in' feeling, increasing the sense of enclosure, and harming the outlook of existing residents at that neighbouring property."*

11-14 Clock Street, Portsmouth PO1 3EP-

The main issue considered in dismissing this appeal was whether the development would preserve or enhance the character or appearance of the HM Naval Base and St Georges Square Conservation Area, and preserve the setting of listed buildings.

In introducing the appeal, the Inspector acknowledged the sites location in close proximity to a number of designated heritage assets, *"the immediate locality has a varied character, with a range of buildings of different ages, designs, heights and uses. This diversity creates an attractive mix of styles, rather than a unified and homogenous character. However, there is no doubt that because of the Conservation Area designation and presence of statutorily listed buildings, this is a sensitive site."*

The Inspector advised that whilst illustrative drawings had been submitted displaying a contemporary style building, as this was an outline planning application, only matters relating to access, layout and scale were relevant. In respect of the bulk and form of the proposal the inspector had raised some *"serious concerns about the scheme"* and noted: *"The building's block-like form and scale, rising to five storeys, pays little attention to its surroundings. The overall mass of the building would give the impression of an unduly bulky and dominant building."*

In relation to the sensitivities of the area and its distinctive heritage assets, the inspector opined: *"I see the site as forming an intrinsic component of the group of statutorily listed buildings on either side where a careful and sensitive approach is required. I do not consider the more recent developments provide a justification for this scheme."* However the inspector also noted the opportunities the site offers: *"The redevelopment of this car park offers the opportunity to 'stitch back' the street pattern, and to restore the historic building line and original tight urban form. However, it is crucial that any building is of a high quality design, commensurate with its location within the Conservation Area and its proximity to listed buildings."*

Concluding on the outline application and the special character of the site the inspector advised: *"The relevant legislation relating to listed buildings requires that where considering whether to grant permission for development that affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. I consider the proximity of the various*

listed buildings identified above means that the proposal would adversely affect their setting. As such, I find that the proposal would fail to preserve the setting of these listed buildings, contrary to the relevant legislation and Policy PCS23 of the Portsmouth Plan."

12 Victoria Road South, Southsea, PO5 2DB-

The main issues considered in allowing this appeal were the effects of the development on the living conditions of the occupiers of neighbouring properties, particularly the flats in 4 Hereford Road and 12A Victoria Road South with regard to noise and disturbance.

The Planning Officers decision was overturned by the Planning Committee on the following grounds: *"In the opinion of the Local Planning Authority, the proposed development would, by reason of its intensive use as a Student Halls of Residence and close-knit relationship with adjoining properties, result in a significant increase in noise and disturbance which would have a detrimental impact on the amenities of the occupiers of neighbouring properties. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan."*

In reference to the built up nature of the area and the diversity of residential and commercial uses, in relation to matters raised about comings and goings, the inspector noted: *" Even though there would be noise associated with such comings and goings in the evenings and weekends, when the doctor's surgery was likely to have been closed, the extent of the noise would not be beyond that common in areas with a mix of residential and commercial properties."*

Elaborating further on concerns relating to noise and disturbance the inspector offered the view that: *"Given the detached nature of the building, noise from the normal use of the communal area would not result in any significant effects on neighbouring occupiers. It is likely that some noise would arise from the use of the garden, especially during periods of good weather. However a degree of noise associated with the use of a garden is to be expected and, in itself, not harmful."*

The inspector acknowledged that the development would give rise to some level of noise and disturbance however it was considered *"the small size of the garden area would go some way to limiting the number of people likely to use it at any one time and therefore have some effect on limiting the likelihood of noise and disturbance arising."*

The inspector made reference to information submitted alongside the appeal relating to a planning obligation that included the requirement for the occupation of the building to be subject to a Student Management and Community Liaison Plan (SM&CLP) and noted the purpose of the SM&CLP was to put management procedures in place and commit to providing local residents with a means of contacting the management team both during normal working hours and out of hours. IN respect of this commitment the inspector opined: *"With this safeguard in place I consider that unacceptable harm would not arise to the living conditions of the occupiers of the nearby residential properties. For the same reasons I consider that there would not be any undue impact on the operation of any of the nearby businesses."*

In addressing other matters relating to the impact on the Conservation Area the Inspector offered the view: *"This is in a discreet location and the works are appropriate to the character and appearance of the building. The existing fire escape would also be removed. Its appearance detracts from the rear of the property and so the removal of this feature would be a minor benefit of the scheme. Overall, the development would result in a modest enhancement to the character and appearance of the CA."*

Concerns raised regarding the dominance of student accommodation in the city were also addressed: *"There is some other student accommodation in the area, however I have no evidence*

that this is at a point where it is becoming an unduly dominant form of development or detrimental to achieving a suitable mix of uses in the area."

Concluding on the scheme the inspector noted: *"The development would accord with the development plan when it is considered as a whole. The concerns in respect of the development do not outweigh this. For the reasons given above, and having regard to all other matters raised, I conclude that 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:

Title of document	Location
Planning application: 17/00181/HOU (57 Eastern Parade Southsea, PO4 9RE)	Planning Services
Appeal decision: APP/Z1775/D/17/3177742 (57 Eastern Parade, Southsea, PO4 9RE)	Planning Services

Planning application: 17/00130/FUL (Land To Rear Of 76 Chichester Road, Portsmouth, PO2 0AD)	Planning Services
Appeal decision: APP/Z1775/W/17/3175360 (Land To Rear Of 76 Chichester Road, Portsmouth, PO2 0AD)	Planning Services
Planning application: 16/01479/OUT (11-14 Clock Street, Portsmouth, PO1 3EP)	Planning Services
Appeal decision: APP/Z1775/W/17/3175186 (11-14 Clock Street, Portsmouth, PO1 3EP)	Planning Services
Planning application: 16/01998/FUL (12 Victoria Road South, Southsea, PO5 2DB)	Planning Services
Appeal decision: APP/Z1775/W/17/3176847 (12 Victoria Road South, Southsea, PO5 2DB)	Planning Services