



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 29 JANUARY 2014 AT 2.00 PM

COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to Lucy Wingham 023 9283 4662

Email: lucy.wingham@portsmouthcc.gov.uk

Planning Committee Members:

Councillors David Fuller (Chair), Les Stevens (Vice-Chair), Darron Phillips, Jacqui Hancock, Margaret Foster, Sandra Stockdale, Ken Ellcome, Frank Jonas, John Ferrett and Lee Mason

Standing Deputies

Councillors Donna Jones, April Windebank, Luke Stubbs, Rob Wood, Ken Ferrett, Leo Madden, Eleanor Scott, Gerald Vernon-Jackson, Hugh Mason and Neill Young

(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

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 are accepted. Contact: Julie Watson 023 9283 4826 or planning.reps@portsmouthcc.gov.uk

AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of Previous Meeting of Planning Committee - 8 January 2014**
(Pages 1 - 10)

The minutes of the Planning Committee meeting held on 8 January 2014 are attached.

RECOMMENDED that the minutes of the Planning Committee held on 8 January 2014 be agreed and signed by the chair as a correct record.

4 Updates provided by the City Development Manager on previous planning applications

5 Planning appeal decision relating to 12 St John's Road

A planning application was considered by the Planning Committee at its meeting on 9th October 2013. The application, for the retention of an outbuilding in the rear garden of the dwelling, was recommended by officers for permission. This recommendation was overturned and the planning application was refused with the reason for refusal relating to the outbuilding having an unneighbourly and overbearing impact on the living conditions of the occupiers of neighbouring properties.

The Inspector noted that due to a difference in levels between St Johns Road and Walberton Avenue, the outbuilding is more pronounced than might otherwise be the case. The Inspector also noted that the position of the outbuilding is such that visibility of it is limited from neighbouring properties. The Inspector opined that "the separation distance between the window and the outbuilding, combined with the oblique angle of view, ensures that the outlook from the front room of the house has not been significantly affected and there has not been a material increase in the sense of enclosure". The Inspector also took the view that "as the garden of No 12 lies to the north, there is no loss of light or overshadowing of the house or front garden of No 25 caused by the presence of the outbuilding" and that "in any event the front garden is not a useable private amenity space, so any increase in the sense of enclosure is a matter to which I can only attribute limited weight".

The Inspector concluded that "the outbuilding has not resulted in unacceptable visual intrusion that gives rise to material harm to the living conditions of the occupants of No 25" and "therefore complies with Policy PCS23 of the Portsmouth Plan, which seeks to protect the living environment for neighbouring occupiers of development".

The appeal was allowed and planning permission granted. An associated application for a full award of cost against the Council on the grounds of unreasonable refusal and failure to provide evidence was refused.

RECOMMENDED that the report be noted.

Planning applications

6 13/01506/PLAREG- Abbeville 26 Nettlecombe Avenue Southsea (Report Item 1) (Pages 11 - 46)

Retention of existing garage/home office to include reduction of barn hip to half hip to west roofslope (amended scheme to application 13/00093/PLAREG)

7 13/01507/PLAREG - Abbeville 26 Nettlecombe Avenue Southsea (Report Item 2)

Retention of existing garage/home office to include reduction of barn hip to full hip to west roofslope and removal of south facing dormer (amended scheme to application 13/00093/PLAREG)

8 13/01478/HOU - 5 Marmion Avenue Southsea (Report Item 3)

Construction of dormer windows to front and rear roof slopes.

9 13/01510/HOU - 44A Craneswater Park Southsea (Report Item 4)

Construction of dormer windows to front and rear roofslopes and single storey extension to front/side elevation to garge (Resubmission of 13/01202/HOU).

10 13/01220/FUL - Crescent Snooker Club 136-138 Kingston Road Portsmouth (Report Item 5)

Construction of part single, part two storey extension to form 7 flats above retained ground floor following demolition of existing first floor and alterations to ground floor to provide cycle & refuse stores.

11 13/01450/VOC - Petrol Station 144-160 Milton Road Portsmouth (Report Item 6)

Application to remove condition 1 of planning permission 13/00604/VOC to allow premises to remain open 24hrs daily.

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 8 January 2014 at 2.00 pm in the Council Chamber - The Guildhall

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

Present

Councillors David Fuller (Chair)
Les Stevens (Vice-Chair)
Darron Phillips
Jacqui Hancock
Margaret Foster
Sandra Stockdale
Ken Ellcome
John Ferrett
Lee Mason
Luke Stubbs (Standing Deputy for Frank Jonas)

Also in attendance

Councillors Michael Andrewes, Peter Eddis, Jason Fazackarley and Rob Wood

Welcome

The chair welcomed members of the public and members to the meeting, in particular Councillor Lee Mason to his first meeting of the Planning Committee.

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)

Apologies for absence were received from Councillor Frank Jonas. His standing deputy, Councillor Luke Stubbs was in attendance.

2. Declaration of Members' Interests (AI 2)

Councillor Ken Ellcome declared a personal but non-prejudicial interest relating to items 2 and 3 in the applications list - Annesley House, Queens Crescent, Southsea - in that he knows the applicant, Mr Charlie Stunell because they had worked together.

Councillor David Fuller declared a personal but non-prejudicial interest relating to item 1 in the applications list - 287 New Road, Portsmouth - in that he had spoken with the applicant but only to advise them to speak with the planning officer. He had

also spoken with an objector but had suggested they contact the planning department. He had not made any comments relating to the application.

3. Minutes of the Planning Committee meeting held on 4 December 2013 (AI 3)

(TAKE IN MINUTES)

Councillor Darron Phillips wished to make an amendment to minute 147 - 156, 158 and land to rear of 154-172 Southampton Road, Portsmouth - in that members had moved and voted on the removal of the right hand turn but this had not been reflected within the minutes. It was agreed that an amendment be made accordingly.

RESOLVED that the minutes of the meeting of the Planning Committee held on 4 December 2013 be agreed and signed by the chair as a correct record subject to the amendment above.

4. Updates provided by the City Development Manager on previous planning applications (AI 4)

There were no updates.

5. Planning appeal decision at Petrol Station, Holbrook Road, Portsmouth (AI 5)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

RESOLVED that the report be noted.

Planning applications (AI 6)

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

6. 13/01176/PLAREG - 287 New Road, Portsmouth (Report item 1) (AI 6)

The Planning Officer reported that this application seeks retrospective planning permission for the use of part of the dwelling for dog boarding. The business has two elements, day time boarding (day care) and overnight boarding.

The City Development Manager reported in the supplementary matters list that six further letters of support had been received from residents in the city, current and intended customers of the dog boarding business and from the applicant's daughter.

A deputation was heard from Ms B Murphy, objecting to the application, who included the following points in her representations;

- Live next door to the premises;
- Dogs bark, whine and howl throughout the day;
- There was a 2-week period when 2 dogs were unwell and cried all day;
- Had up to 12 dogs in the garden at one time;
- Noise even at night time from a plastic holder attached to the railings which bangs against the railings, especially in the wind;
- Premises are open all year round;
- They don't check on the dogs;

- One dog came into my garden, through the conservatory and into my home which was very frightening;
- One weekend a dog escaped which had no lead. It took them 15minutes to catch it;
- The support for this application is huge and that shows how many people use it;
- I feel intimidated and uncomfortable outside of my property;
- The owners are still posting unkind comments about me on their Facebook page even though the Police and the Anti-Social Behaviour Unit have advised them not to;
- Am worried about repercussions from this;
- Police have told me to install CCTV and to keep collecting evidence;
- You cannot stop a dog from barking;
- Not against the business but do object to the constant noise and disturbance and just want to have my life back.

Deputations were also heard from Mr Millard (in support) and Mrs Standen (the applicant). Mr Millard included the following points in his representations;

- Am a customer of the premises;
- Agree that dogs do bark;
- Don't believe enough mediation has taken place;
- There is a need for this service;
- Do help to walk the dogs occasionally.

Mrs Standen included the following points in her representations;

- Have been treated unfairly and not offered mediation;
- Feel we've been victimised;
- Do dog grooming from my son's place;
- Have downsized our business and couldn't afford the mortgage last month;
- Always tried to be a good neighbour;
- Been unfairly treated by the planning department;
- Will do anything to keep the business open;
- Took the doorbell off as someone kept ringing the bell and starting the dogs off;
- Dogs do not bark at night as I sleep downstairs with them;
- I am too frightened to go out now as people take photos of me;
- Have tried everything to prevent noise to the neighbour, including anti bark devices, insulation, removing the doorbell;
- Have been so unfairly treated all because my neighbour works for the council;
- My husband is unwell and can no longer work.

A deputation was also heard from Councillor Jason Fazackarley who included the following points in his representations;

- Took this case on from ward Councillor Eleanor Scott;
- The business has been in operation for several years until the recent complaint;
- Environmental Health took readings and then the applicant took steps to address this;
- She removed the bell, insulated the property, put a fence up and installed anti barking devices so has tried;
- This is the first time I have been made aware that there are 17 objections;
- Livelihood is not a material consideration but there is no reason why a business should not operate in this location;
- When I visited the premises there were only 6 dogs;
- Anyone can own 6 dogs but do appreciate that this is a business;
- Cannot see what the objection is;
- Work with the applicant and use mediation;
- Attach conditions and then monitor the situation;

- Steps have been taken, the applicant does not want to upset the community and the neighbours;
- Please look at granting permission and attaching conditions;
- The level of complaints have gone down.

The City Development Manager explained to members that the planning officer had looked at appropriate conditions but there are none which could be imposed which would address the issue of noise and disturbance to the adjoining property.

Members' questions

Members sought clarification as to whether there were similar businesses operating in residential areas, the timescale involved from when the complaint was first received by Environmental Health, how long the recording equipment was installed for, the peak noise times, the number of objections received and what insulation works had been undertaken.

In response, the Environmental Protection officer responded by saying that recordings had been taken for a week and described the results taken, including barking from 6-8 in the mornings. He was not aware of any insulation works being undertaken at the property. He explained that it would be very difficult to fully insulate a party wall in a terrace house. The party wall would take up about 6 inches of space and also had a staircase attached to it which would make it even more difficult to insulate.

Members' comments

Members explained that concerns had been expressed at a previous meeting for a similar application in a light industrial area because of the noise from barking dogs which can be extremely annoying to neighbours. Members felt that they themselves would not want to be in the position of the neighbour and be subject to noise from barking dogs, throughout the day but particularly early in the morning.

RESOLVED that;

I: planning permission be refused for the reason outlined within the City Development Manager's report.

II: that authority be granted to the City Development Manager to pursue formal enforcement action to resolve the breach of planning control associated with the unauthorised use of the property.

7. 13/01182/HOU - Annesley House, Queens Crescent, Southsea (Report item 2) (AI 7)

This application was brought to the committee at the request of Councillor Rob Wood.

The City Development Manager reported in the supplementary matters list that objections had been received from Councillor Wood and seven local residents regarding the safety of the proposed access, its proximity to a blind bend and increased danger to road users and pedestrians, especially children. A letter of support had been received from a Transport Consultant.

The submission of support had been considered by the Highway Engineer who had advised that its content does not justify allowing the access with poor visibility and maintains their objection to the proposal on highway safety grounds.

A deputation was heard from Mr Stunell, the applicant, who included the following points in his representations;

- Referred to the letter of support from a friend and highway engineer;
- Permission was granted to No 1 Sussex Terrace for an access and vehicles reverse onto the highway;
- Permission was also granted to No 6 Sussex Terrace to allow vehicles to reverse onto the highway;
- How can it be acceptable for one and not another?
- Undertook a traffic survey myself - 28 vehicles between 0800 and 0900 - peak time;
- Vehicles are only travelling at 10mph;
- Afternoon peak time was less than the morning peak;
- Could change the gates to wrought iron;
- Have lived in this property for 20years and the access will be for my benefit.

A deputation was also heard from ward Councillor Rob Wood who included the following points in his representations;

- Not acceptable for people to be put in danger;
- Children are going to and from school every day;
- Increasing the chance of an accidents as the proposed entrance is right on the bend;
- St Thomas ward councillors were not notified of the application initially;
- Permission was granted to convert the property into two dwellings with a shared access;
- The issue of a separate access was withdrawn from the previous application as they knew permission would not be granted for an access onto Sussex Terrace;
- Residents in Sussex Terrace are concerned about the danger;
- Applicant agreed to use shared driveway and should continue to do so.

Members' questions

Members sought clarification as to whether any accidents had been recorded in Sussex Terrace and why No 1 Sussex Terrace had been granted permission for an access which meant that vehicles had to reverse onto the highway.

The Highways Engineer explained that permission had been granted for an access with the difference being that the entrance is much wider so visibility is better and there is adequate room on site for a vehicle to turn.

Members' comments

Members were mixed in their views in that some members felt that the safety risk in Sussex Terrace to pedestrians outweighed the personal benefit to the applicant to have their own access. Other members felt that Sussex Terrace is not a main thoroughfare and that due to the nature of the road drivers tend to drive slower and with more caution and therefore felt that the access would be acceptable.

RESOLVED that permission be granted.

8. **13/01183/LBC - Annesley House, Queens Crescent, Southsea (Report item 3) (AI 8)**

This application was brought to the committee at the request of Councillor Rob Wood.

The City Development Manager reported in the supplementary matters list that objections had been received from the occupiers of six neighbouring properties regarding the safety of the proposed access, its proximity to a blind bend and increased danger to road users and pedestrians, especially children.

The objections relate to highway safety matters which fall outside of the scope of this application for Listed Building Consent.

RESOLVED that conditional consent be granted subject to the conditions outlined within the City Development Managers report.

9. 13/01179/FUL - 130-136 Elm Grove, Southsea (Report item 4) (AI 9)

The City Development Manager reported that in July 2013 the Planning Committee refused permission for the conversion of the building to a student halls of residence by reason of its over-intensive nature, would give rise to an unacceptable level of noise and disturbance harmful to the residential amenities of the occupiers of neighbouring residential properties. In July 2013 it was also considered that the proposed alterations to the building would also fail to complement or enhance the appearance of the existing building, and failed to make adequate provision for the storage of cycles and refuse/recyclable storage.

The City Development Manager reported in the supplementary matters list that the applicant had submitted a draft planning obligation, the terms of which are considered acceptable. The applicant had advised that a completed undertaking would be submitted promptly after a positive resolution by the committee.

A deputation was heard from Ms Stewart, objecting to the proposal, who included the following points in her representations;

- Live in Stafford Road;
- Re-submission completely disregards the previous objections;
- Proposal represents an inappropriate location;
- Elm Grove library was converted into university accommodation and there is constant anti-social behaviour associated with it;
- Are proposing the same high density without addressing residential amenity issues;
- Environmental Health recommend non-opening windows;
- There is no on site management;
- There is no change to the 53 student rooms;
- This will create a massive imbalance and is not part of the 'city campus';
- Should have fixed shut, frosted windows;
- This would provide residents with a degree of privacy;
- Will allow 24-7 access to the rear of the property;
- There is inadequate car parking provision;
- Proposal smacks of development greed;
- Profit before people by cramming them in;
- Fails to satisfy conservation area and residential amenity.

A deputation was also heard from Mr Upton, on behalf of the applicants, who included the following points in his representations;

- Environmental Health had recommended mechanical vents for the protection of the occupiers of the building from noise from the adjacent pub and road;
- Car parking and overlooking were not reasons for the previous refusal;
- Room numbers have been reduced and are a standard size;
- Timber cladding softens the appearance and fits in with the University accommodation across the road, and looks better than what is there now;
- There are four spaces for staff and deliveries;
- The spaces are only to be used for drop off/pick up times at the start and end of term;
- A tenant management plan will be implemented;
- This has been implemented across the road and since then there have been no complaints;
- There is pressure to convert family homes into student accommodation.

A deputation was also heard from Councillor Jason Fazackarley, objecting to the application as the cabinet portfolio holder for Traffic and Transportation, who included the following points in his representations;

- Fundamental proposals have not changed;
- Applicant will impose a tenancy agreement to restrict vehicle use;
- This will mean students cannot park within 3km of the building - who will enforce this?
- This is un-workable;
- Cannot believe that 53 students will not have cars;
- We all support education and the expansion of the university but not to the detriment of local residents;
- Noise does affect people's lives;
- This is an extremely intensive development;
- It is totally out of keeping in the area and inappropriate;
- Noise and parking are a problem.

Deputations were also heard from ward Councillors Peter Eddis and Michael Andrewes, who included the following points in their representations;

- No one living south of Elm Grove is entitled to residents parking permits for north of the road;
- Parking is already a major problem and this will only exacerbate this;
- Made worse with St Johns teachers and boarders;
- Environmental Health clearly state that no significant levels of attenuation can be achieved;
- Applicant says they will restrict cars but can't see how they will do that;
- Noise, over-development and parking - all an issue;
- Agent threatened social housing but actually probably better suited to the area and building as less intensive;
- Would ask you to be consistent with the previous decision;
- This proposal is not the same as having an office working away quietly 9-5;
- Students have radios, tvs and music systems on throughout the day and night;
- The minor change to the restriction of the opening of the windows does not address the overlooking issue;
- Would like to see student accommodation where like they used to have a senior student living on site;
- Not suitable to cram 53 students on to this site;
- Should have closed windows and an internal mechanical ventilation system;
- The tenancy management agreement is unenforceable.

The City Development Manager reminded members of the committee that the number of bedrooms had not changed from the previous application.

Members' questions

Members sought clarification on the tenancy management agreement and in particular the 3km restriction.

Members' comments

Members felt that the level of noise and disturbance would be the same as from the previous 2013 application because the number of study bedrooms had not been reduced and that no effort had been made by the applicant to address the issue of over-intensive use of the building in a residential area.

RESOLVED that permission be refused for the following reason:

The proposed conversion would, by reason of its over-intensive nature, give rise to an unacceptable level of noise and disturbance harmful to the residential amenities of the occupiers of neighbouring residential properties. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

10. 13/01169/FUL - 39 Palmerston Road, Southsea (Report item 5) (AI 10)

The City Development Manager reported in the supplementary matters list that an additional objection had been received on the grounds that there is no need for a further coffee shop, there are too many already and that it will impact on the flower stall which operates to the front of the adjacent unit.

A deputation was heard from Mr Gooch, the applicants agent, who included the following points in his representations;

- Accept all of the proposed conditions;
- The design will make a positive improvement within the shopping centre;
- Objections seem to relate to it being a coffee shop;
- External seating is a matter for the highway authority and have submitted an application;
- Seating has been referred to as a public safety issue but other establishments have outside seating;
- Will work alongside the flower seller.

A deputation was also heard from ward Councillor Peter Eddis, commenting on the application, who included the following points in his representations;

- The premises are technically vacant on the ground floor;
- The previous tenant - The Discount Store - had his lease terminated even though he agreed to pay an increase in rent;
- Understand that the owners wanted a change of use;
- There is not a single empty unit in Palmerston Road which is good but sad that a retail unit is going to be replaced by a coffee shop;
- Cannot see why the flower seller cannot continue to sell as he has an amenity licence;
- Feel it would be in applicant's interest to accommodate the flower seller;
- Outside seating is not a planning consideration;
- Please restrict this use to the applicant and this use only.

A deputation was also heard from ward Councillor Michael Andrewes, objecting to the application, who included the following points in his representations;

- There does need to be retail units for people to visit a shopping centre rather than having all coffee shops;
- Could it be conditioned to be A1 use only and personal to the applicant?

The City Development Manager explained to the committee that there would be no planning justification to personalise the permission in this instance.

Members' comments

Members were surprised to see that someone would want to open up another coffee shop within the Palmerston Road shopping precinct but accepted that it seems to be 'the culture' and that coffee shops are popular.

RESOLVED that conditional permission be granted subject to the conditions outlined within the City Development Managers report.

The meeting concluded at 4.55 pm.

Signed by the Chair of the meeting
Councillor David Fuller

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Agenda Item 6

PLANNING COMMITTEE 29 JANUARY 2014

**2 PM COUNCIL CHAMBER,
2ND FLOOR, GUILDHALL**

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*, *Article 6- Right to a fair hearing* 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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ABBEVILLE 26 NETTLECOMBE AVENUE SOUTHSEA**RETENTION OF EXISTING GARAGE/HOME OFFICE TO INCLUDE REDUCTION OF BARN HIP TO HALF HIP TO WEST ROOFSLOPE (AMENDED SCHEME TO APPLICATION 13/00093/PLAREG)****Application Submitted By:**

Pickup Town Planning

On behalf of:

Mr S Gladston

RDD: 17th December 2013**LDD:** 12th February 2014

This application relates to a similar proposal at the same address (13/01507/PLAREG) which has been called to the Planning Committee at the request of Eastney & Craneswater Ward Member Councillor Hall.

SUMMARY OF MAIN ISSUES

The key issue relating to this application is whether an existing unauthorised outbuilding, with some limited alteration now proposed, adequately overcomes the previous refusal of planning permission in April 2013 (ref 13/00093/PLAREG), subsequently dismissed at Appeal, by reason of design including its impact on the character and appearance of the 'Craneswater and Eastern Parade' Conservation area and amenity of the adjoining residential occupiers.

The site and surroundings

This application relates to a large and prominent detached two-storey Edwardian dwelling located to the corner of Nettlecombe Avenue and Bembridge Crescent. The building's distinguished appearance and detailing makes a positive contribution to the 'Craneswater and Eastern Parade' Conservation Area (No29) in which it is located. Interesting architectural features including an angled double-height square bay and elaborate door surround acknowledge the building's prominence and corner position. The application site would have been more spacious than others within the surrounding area and previously provided some relief and visual interest within the street scene, which was an important characteristic of this part of the conservation area. The site is also located within the indicative flood plain (Flood Zone 2).

The surrounding area is predominantly residential in nature and characterised by a mix of attractive Edwardian detached, semi-detached and terraced properties. Typically corner properties onto Bembridge Crescent occupy larger plots with terraced dwellings located to the north of the application site. These include a number of original features including two-storey bays, half-timbered gables, boundary walls, glazed panelled doors and tiled paths giving the area its own sense of place. The northern side of Bembridge Crescent is lined by red brick, two-storey semi-detached dwellings of differing designs presenting an equally interesting and pleasant street scene. Immediately to the north a detached garage, of reduced scale compared to that at the application site, is situated within the side garden of No52 Bembridge Crescent. This garage is also set back from its access onto Bembridge Crescent by a 6.5 metre long driveway.

The proposal

Permission is sought for the retention of an existing garage/home office to include the reduction of a barn hip to the western elevation to a half hip. A separate application (13/01507/PLAREG) for a similar proposal accompanies this application.

Relevant planning history

Planning permission was granted in September 2002 (ref: A*10707/AA) for the change of use of the property from a hotel to a single dwellinghouse.

Planning permission was refused in September 2003 (ref: A*10707/AB) for the construction of a detached double garage with a workshop/store in the roof after the demolition of a smaller existing garage. The reason for refusal was as follows: - 'The double garage with work shop/store by its excessive size and relationship to the neighbouring property to the west represents an unsympathetic and unneighbourly form of development detrimental to the amenities of the occupiers of the adjoining property'.

Notwithstanding this refusal, a detached garage of approximately the same design, scale, form and position as that refused in 2003 has recently been constructed. A subsequent application for the retention of the garage/home office as built, incorporating a dormer window to the side roof slope, was refused in April 2013 (ref. 13/00093/PLAREG). The reason for refusal was as follows:-

"The outbuilding is of an excessive scale and bulk and has an overbearing relationship with the adjacent properties and gives rise to an unacceptable sense of enclosure and overshadowing and loss of outlook to the detriment of the residential amenities of the occupiers of the adjoining properties. Furthermore, the proposal is overly prominent in relation to the street scene and as a result does not preserve or enhance the character and appearance of the 'Craneswater and Eastern Parade' Conservation Area (No. 29) and is not in accordance with the associated development guidelines. The proposal is therefore contrary to policy PCS23 (Design and Conservation) of the Portsmouth Plan."

An appeal against this decision (13/00093/PLAREG) was dismissed on the 29th July 2013 (ref: APP/Z1775/D/13/2198522, a copy of which is attached as an appendix to this report). The Inspector considered that "The new building would be seen in close context with the main house; this proximity would lead to an impression of a too bulky assemblage of buildings within the formerly spacious plot. From other viewpoints, it would be seen as a sprawling extension to the main house or to the adjacent garage. The bulk and height of the building would exceed that of an ancillary building to the extent that it would compete, visually, with the main house. Thus the building would reduce the gap in the street scene which is worthy of retention. The filling of this open area would erode the open appearance and character of this corner plot and would appear cramped as a result. For these reasons, the scheme would not preserve the character or appearance of the Conservation Area". In respect of impact on amenity the Inspector continued "The building is sited alongside the flank boundary wall of the garden to No28. Together with the garage to No52, the height and bulk of the building leaves very little in the way of an open view along the boundary with the appeal property. As a consequence, it creates the feeling of being 'hemmed in' and enclosed by development with the occupiers' outlook from the garden being significantly restricted."

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk) and PCS23 (Design and Conservation). Regard is also made to the 'Craneswater and Eastern Parade' Conservation Area Guidelines.

CONSULTATIONS

None.

REPRESENTATIONS

At the time of writing this report six letters of representation had been received from neighbouring owners/occupiers and Ward Member Councillor Hall raising objection on the following grounds: (a) previous buildings on the application site did not show any large extent over the adjoining wall of the house immediately to the west of No26 Nettlecombe Avenue; (b) the height of the new building should be greatly reduced and should not impose as it does to the neighbouring dwellings; (c) the garage remains noticeable higher and bulkier than the adjacent garage and therefore appear at odds, competes visually with the main house and therefore does not preserve or enhance the character and appearance of the Conservation Area; (d) the height and bulk of the building still leaves very little in the way of an open view along the boundary with No28 Nettlecombe Avenue and, as a consequence, the feeling of being 'hemmed in' and enclosed by development remains and the outlook from the adjoining garden will continue to be significantly restricted; (e) the height of the structure will cause sunlight to be blocked from the neighbouring property; (f) The development sets a very poor planning precedent; (g) The development could cause a sewer with the rear gardens of No26-No38 to collapse and cause future problems for neighbours.

COMMENT

The determining issues in the application are:

1. Design, including impact on the character and appearance of the 'Craneswater and Eastern Parade' Conservation Area, and
2. Impact on residential Amenity
3. Others including matters raised in representations and flood risk

Design including impact on the conservation area

Permission is sought for the retention of a large garage/home office located within the rear garden of No26 Nettlecombe Avenue, adjacent to the common boundaries with No28 Nettlecombe Avenue (west) and No52 Bembridge Crescent (north). This comprises a two-storey building measuring approximately 6.7 wide by 6.4 metres deep which is topped with a dual-pitched roof forming gables to the east and west elevations and measuring 6.2 metres at the ridge. The building incorporates a dormer window within the south facing roof slope, a single window within the east facing gable and large garage doors to the eastern elevation accessed from Bembridge Crescent.

When considered in isolation, the building has been sensitively designed both in terms of its appearance and use of materials. Fine architectural detailing, which has been carried out to a high standard, would also be in keeping with the Edwardian character of the main dwelling immediately to the south. However, a previous application to retain the building in its present form (ref:13/00093/PLAREG) was refused in 2013 and a subsequent Appeal was dismissed. In both instances it was considered that, notwithstanding its positive attributes, when viewed within its context the outbuilding was noticeably higher than the adjacent garage at No52 Bembridge Crescent and appeared much bulkier. As the building was seen in close context with the main house, its proximity gave the impression of a far too bulky assemblage of buildings within a formerly spacious plot. It was also considered that from other viewpoints, the building was seen as a sprawling extension to the main house and to the adjacent garage. The bulk and height of the building exceeded that typical of an ancillary building to the extent that it competed visually with the main house, and reduced the gap in the street scene which was worthy of retention. On

that basis it was considered that the infilling of the open area to the rear of No26 Nettlecombe Avenue had eroded the open appearance and character of the corner plot which now appears cramped as a result. As such it was considered that the outbuilding, in its current form, did not preserve or enhance the character and appearance of the 'Craneswater and Eastern Parade' Conservation Area.

In an attempt to overcome the harm identified by both the Local Planning Authority (LPA) and the Planning Inspector, the applicant now proposes the retention of the outbuilding following the replacement of the barn hip to the western elevation with a half hip. The outbuilding in all other respects would remain identical to the scheme previously refused (ref:13/00093/PLAREG) and dismissed at Appeal.

It is considered that the impact of effectively slicing one metre from the western roof slope of the outbuilding would not detract from the integrity of the original design quality of the building when considered in isolation. However, given the very modest nature of the proposed alteration, the overall scale and appearance of the outbuilding, particularly when viewed from Bembridge Crescent would remain virtually unchanged. On that basis, it is considered that the proposed alterations would not overcome the previous harm identified by the LPA and the Planning Inspector in respect of the buildings scale, bulk, relationship with the main dwelling and impact on the previously open/spacious corner plot and the character and appearance of the conservation area. Therefore, the proposal remains contrary to the aims and objectives of policy PCS23 of the Portsmouth Plan which seeks to ensure that new development is of an appropriate scale and layout, in relation to its particular context, and that it protects and enhances the historic townscape.

Impact on residential amenity

The outbuilding is positioned immediately adjacent to the common boundaries with No28 Nettlecombe Avenue (west) and No52 Bembridge Crescent (north). The rear garden of No28 is approximately 8 metres in depth and faces towards the north. It is already enclosed by a relatively tall boundary wall to the east and north, with the existing garage at No52 already representing a dominant feature. When considering the previous appeal the Inspector concluded that: "The building is sited alongside the flank boundary wall of the garden to No28. Together with the garage to No52, the height and bulk of the building leaves very little in the way of an open view along the boundary with the appeal property. As a consequence, it creates the feeling of being 'hemmed in' and enclosed by development with the occupiers' outlook from the garden being significantly restricted."

As highlighted above, the applicant has also sought to address concerns in respect of residential amenity by replacing the barn-hip to the western elevation, bounding No28, with a half hip. This would effectively reduce the height of the west facing gable by approximately 0.9 metres, with the remainder of the west facing roof slope increasing in height as it moves away from the neighbouring garden. Whilst any reduction in height would represent a slight improvement in terms of its impact on the adjoining occupiers, it should be noted that the eaves of the roof on the western elevation would still measure some 4.35 metres in height, taller than the ridge of the adjoining garage. The garage would also occupy more than 6 metres of the common boundary and the dormer to the southern roof slope would increase the relative bulk of the structure and its impact on the adjoining occupiers. Therefore, whilst the very modest reduction in height is noted, the remaining height and bulk of the proposed outbuilding would still result in significant harm to the amenity of the adjoining occupiers at No28 in terms of loss of outlook and increased sense of enclosure.

The application is again accompanied by a solar study to demonstrate that the proposed outbuilding would not significantly overshadow the adjoining gardens. Having regard to the position of the outbuilding to the east of No28, the northern orientation of the gardens and the presence of the detached garage at No52 Bembridge Crescent, it is considered that the building

would have little material difference to the extent of overshadowing beyond that cast by existing structures.

It is considered that there is a sufficient degree of separation between the proposed out building and properties at No30 Nettlecombe Avenue, No5A Parkstone and No52 Bembridge Crescent, so that there would be no unreasonable loss of outlook, daylight or sunlight to these properties that would be harmful to the living conditions of their occupiers. This does not, however, outweigh the identified harm to the living conditions of the occupiers of No28.

Attention is drawn to the fact that there were previously a number of detached buildings located to the rear of both the application site and No28. Since these structures are no longer present, nor have they been for some time, they do not form part of the existing character and appearance of the Conservation Area. Therefore, the existence of these previous structures can be afforded limited weight. Whilst there are a few details of the size and height of these previous structures, it is clear that they were not of a comparable scale to the outbuilding which has been constructed or proposed within this application.

In respect of both design and amenity issues, careful regard has been given to the 'fall back' position (development that could take place without the express permission of the LPA utilising the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) - i.e. permitted development). However, given that the outbuilding as proposed would be significantly greater in scale than anything that could be constructed as permitted development, only limited weight can be offered to the fall-back position.

Other matters

It is considered that the proposal would not increase the risk of flooding at the site.

Representations raise concern over the potential impact of the proposal on the local sewer network within rear gardens of the neighbouring properties. However, this would be a private interest matter for residents and Southern Water (falling within the Building Control regime).

In conclusion it is considered that the very modest alterations proposed to the existing unauthorised outbuilding would not adequately overcome the concerns raised in the previous refusal of planning permission and subsequent dismissed Appeal in respect of design and impact on the character and appearance of the Conservation Area and residential amenity.

RECOMMENDATION Refuse

The outbuilding including the modifications proposed would, by virtue of its excessive height and bulk, represent an overly prominent form of development which would compete visually with main dwellinghouse and reduce an important gap within the built form, failing to preserve or enhance the character and appearance of the 'Craneswater and Eastern Parade' Conservation Area (No29). Furthermore the outbuilding would have a significant adverse impact on the amenity of the occupiers of the adjoining dwelling at No28 Nettlecombe Avenue in terms loss of outlook and increased sense of enclosure. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and 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, the details of the application did not accord with pre-application advice and the application has been refused for the reasons outlined above.

ABBEVILLE 26 NETTLECOMBE AVENUE SOUTHSEA**RETENTION OF EXISTING GARAGE/HOME OFFICE TO INCLUDE REDUCTION OF BARN HIP TO FULL HIP TO WEST ROOFSLOPE AND REMOVAL OF SOUTH FACING DORMER (AMENDED SCHEME TO APPLICATION 13/00093/PLAREG)****Application Submitted By:**

Pickup Town Planning

On behalf of:

Mr S Gladston

RDD: 17th December 2013**LDD:** 12th February 2014

This application has been called to the Planning Committee at the request of Eastney & Craneswater Ward Member Councillor Hall.

SUMMARY OF MAIN ISSUES

The key issue relating to this application is whether an existing unauthorised outbuilding, with some limited alteration now proposed, adequately overcomes the previous refusal of planning permission in April 2013 (ref 13/00093/PLAREG), subsequently dismissed at Appeal, by reason of design including its impact on the character and appearance of the 'Craneswater and Eastern Parade' Conservation area and amenity of the adjoining residential occupiers.

The site and surroundings

This application relates to a large and prominent detached two-storey Edwardian dwelling located to the corner of Nettlecombe Avenue and Bembridge Crescent. The building's distinguished appearance and detailing makes a positive contribution to the 'Craneswater and Eastern Parade' Conservation Area (No29) in which it is located. Interesting architectural features including an angled double-height square bay and elaborate door surround acknowledge the building's prominence and corner position. The application site would have been more spacious than others within the surrounding area and previously provided some relief and visual interest within the street scene, which was an important characteristic of this part of the conservation area. The site is also located within the indicative flood plain (Flood Zone 2).

The surrounding area is predominantly residential in nature and characterised by a mix of attractive Edwardian detached, semi-detached and terraced properties. Typically corner properties onto Bembridge Crescent occupy larger plots with terraced dwellings located to the north of the application site. These include a number of original features including two-storey bays, half-timbered gables, boundary walls, glazed panelled doors and tiled paths giving the area its own sense of place. The northern side of Bembridge Crescent is lined by red brick, two-storey semi-detached dwellings of differing designs presenting an equally interesting and pleasant street scene. Immediately to the north a detached garage, of reduced scale compared to that at the application site, is situated within the side garden of No52 Bembridge Crescent. This garage is also set back from its access onto Bembridge Crescent by a 6.5 metre long driveway.

The proposal

Permission is sought for the retention of an existing garage/home office to include the reduction of a barn hip to the western elevation to a full hip and the removal of the south facing dormer. A separate application (13/01506/PLAREG) for a similar proposal accompanies this application.

Relevant planning history

Planning permission was granted in September 2002 (ref: A*10707/AA) for the change of use of the property from a hotel to a single dwellinghouse.

Planning permission was refused in September 2003 (ref: A*10707/AB) for the construction of a detached double garage with a workshop/store in the roof after the demolition of a smaller existing garage. The reason for refusal was as follows: - 'The double garage with work shop/store by its excessive size and relationship to the neighbouring property to the west represents an unsympathetic and unneighbourly form of development detrimental to the amenities of the occupiers of the adjoining property'.

Notwithstanding this refusal, a detached garage of approximately the same design, scale, form and position as that refused in 2003 has recently been constructed. A subsequent application for the retention of the garage/home office as built, incorporating a dormer window to the side roof slope, was refused in April 2013 (ref. 13/00093/PLAREG). The reason for refusal was as follows:-

"The outbuilding is of an excessive scale and bulk and has an overbearing relationship with the adjacent properties and gives rise to an unacceptable sense of enclosure and overshadowing and loss of outlook to the detriment of the residential amenities of the occupiers of the adjoining properties. Furthermore, the proposal is overly prominent in relation to the street scene and as a result does not preserve or enhance the character and appearance of the 'Craneswater and Eastern Parade' Conservation Area (No. 29) and is not in accordance with the associated development guidelines. The proposal is therefore contrary to policy PCS23 (Design and Conservation) of the Portsmouth Plan."

An appeal against this decision (13/00093/PLAREG) was dismissed on the 29th July 2013 (ref: APP/Z1775/D/13/2198522, a copy of which is attached as an appendix to this report). The Inspector considered that "The new building would be seen in close context with the main house; this proximity would lead to an impression of a too bulky assemblage of buildings within the formerly spacious plot. From other viewpoints, it would be seen as a sprawling extension to the main house or to the adjacent garage. The bulk and height of the building would exceed that of an ancillary building to the extent that it would compete, visually, with the main house. Thus the building would reduce the gap in the street scene which is worthy of retention. The filling of this open area would erode the open appearance and character of this corner plot and would appear cramped as a result. For these reasons, the scheme would not preserve the character or appearance of the Conservation Area". In respect of impact on amenity the Inspector continued "The building is sited alongside the flank boundary wall of the garden to No28. Together with the garage to No52, the height and bulk of the building leaves very little in the way of an open view along the boundary with the appeal property. As a consequence, it creates the feeling of being 'hemmed in' and enclosed by development with the occupiers' outlook from the garden being significantly restricted."

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk) and PCS23 (Design and Conservation). Regard is also made to the 'Craneswater and Eastern Parade' Conservation Area Guidelines.

CONSULTATIONS

None.

REPRESENTATIONS

At the time of writing this report, five letters of representation had been received from neighbouring owners/occupiers raising objections on the following grounds: (a) previous buildings on the application site did not show any large extent over the adjoining wall of the house immediately to the west of No26 Nettlecombe Avenue; (b) the height of the new building should be greatly reduced and should not impose as it does to the neighbouring dwellings; (c) the garage remains noticeable higher and bulkier than the adjacent garage and therefore appear at odds, competes visually with the main house and therefore does not preserve or enhance the character and appearance of the Conservation Area; (d) the height and bulk of the building still leaves very little in the way of an open view along the boundary with No28 Nettlecombe Avenue and, as a consequence, the feeling of being 'hemmed in' and enclosed by development remains and the outlook from the adjoining garden will continue to be significantly restricted; (e) the height of the structure will cause sunlight to be blocked from the neighbouring property; (f) The development sets a very poor planning precedent; (g) The development could cause a sewer with the rear gardens of No26-No38 to collapse and cause future problems for neighbours.

One letter of support has been received from the current occupiers of No28 Nettlecombe Avenue immediately to the west of the application site. They consider that "The removal of the dormer and revised garage roof shown in the amended plan has been significantly reduced and now is angled away from the garden of No28. Therefore permitting sufficient light and space in the rear garden". It is noted that whilst a letter of support has been received from the current occupiers/tenants of No28, a letter of objection has been received from the owner/landlord of the property. This objection is included within the representations detailed above.

Two additional letters of support (three in total from local residents) have been received from the occupiers of residential properties to the north of the application site. Their comments can be summarised as follows: (a) the outbuilding (as amended) would be of a sympathetic design which is in proportion with the plot and the character of the local area; (b) the proposal would provide off-road parking facilities; (c) alternative designs may not be in keeping with the architectural style and character of the surrounding area; (d) the only people that would be affected by the proposal would be those that reside at No28.

Councillor Hall has also written in support of the proposal stating "I believe that the second application (13/01507/PLAREG), with the removal of the dormer to the south, represents a considerable improvement on the original application. As the heritage statement by Mr John Pike says the original design concept was agreeable to the Inspector and indeed considerable time and cost has been expended in producing a high quality building sympathetic to the Conservation area in terms of architectural detailing and materials. The revised application mitigates the overbearing impact of the previous application."

COMMENT

The determining issues in the application are:

1. Design, including impact on the character and appearance of the 'Craneswater and Eastern Parade' Conservation Area, and
2. Impact on residential Amenity
3. Others including matters raised in representations and flood risk

Design including impact on the conservation area

Permission is sought for the retention of a large garage/home office located within the rear garden of No26 Nettlecombe Avenue, adjacent to the common boundaries with No28 Nettlecombe Avenue (west) and No52 Bembridge Crescent (north). This comprises a two-storey building measuring approximately 6.7 wide by 6.4 metres deep which is topped with a dual-pitched roof forming gables to the east and west elevations and measuring 6.2 metres at the ridge. The building incorporates a dormer window within the south facing roof slope, a single window within the east facing gable and large garage doors to the eastern elevation accessed from Bembridge Crescent.

When considered in isolation, the building has been sensitively designed both in terms of its appearance and use of materials. Fine architectural detailing, which has been carried out to a high standard, would also be in keeping with the Edwardian character of the main dwelling immediately to the south. However, a previous application to retain the building in its present form (ref:13/00093/PLAREG) was refused in 2013 and a subsequent appeal was dismissed. In both instances it was considered that, notwithstanding its positive attributes, when viewed within its context the outbuilding was noticeably higher than the adjacent garage at No52 Bembridge Crescent and appeared much bulkier. As the building was seen in close context with the main house, its proximity gave the impression of a far too bulky assemblage of buildings within a formerly spacious plot. It was also considered that from other viewpoints, the building was seen as a sprawling extension to the main house and to the adjacent garage. The bulk and height of the building exceeded that typical of an ancillary building to the extent that it competed visually with the main house, and reduced the gap in the street scene which was worthy of retention. On that basis it was considered that the infilling of the open area to the rear of No26 Nettlecombe Avenue had eroded the open appearance and character of the corner plot which now appears cramped as a result. As such it was considered that the outbuilding, in its current form, did not preserve or enhance the character and appearance of the 'Craneswater and Eastern Parade' Conservation Area.

In an attempt to address the concerns of both the Local Planning Authority (LPA) and the Planning Inspector, the applicant now proposes the retention of the outbuilding following the replacement of the barn hip to the western elevation with a full hip and the removal of the dormer to the southern elevation. The outbuilding in all other respects would remain identical to the scheme previously refused (ref.13/00093/PLAREG) and dismissed at Appeal.

Whilst resulting in a slightly unusual roof form, it is considered that the impact of the proposed alterations would not detract from the integrity of the original design or quality of the outbuilding when considered in isolation. Furthermore, it is accepted that the removal of the dormer to the southern roof slope and the inclusion of a full hip to the western elevation would undoubtedly reduce the bulk of the outbuilding when viewed from the west.

However, the proposed amendments would not address the overall height of the structure, would do little to reduce its bulk within the street scene when viewed from Bembridge Crescent or its effect on the previously open/spacious garden area to the rear of the main dwellinghouse. On that basis, it is considered that, whilst representing a slight improvement, the proposed alterations to the existing unauthorised outbuilding would not sufficiently overcome the previous concerns expressed by the LPA and the Planning Inspector in respect of the building's scale, bulk, relationship with the main dwelling, impact on the previously open/spacious corner plot and the character and appearance of the conservation area. Therefore, the proposal remains contrary to the aims and objectives of policy PCS23 of the Portsmouth Plan which seeks to ensure that new development is of an appropriate scale and layout, in relation to its particular context, and that it protects and enhances the historic townscape.

Impact on residential amenity

The outbuilding is positioned immediately adjacent to the common boundaries with No28 Nettlecombe Avenue (west) and No52 Bembridge Crescent (north). The rear garden of No28 is approximately 8 metres in depth and faces towards the north. It is already enclosed by a relatively tall boundary wall to the east and north, with the existing garage at No52 already representing a dominant feature. When considering the previous Appeal the Planning Inspector concluded that: "The building is sited alongside the flank boundary wall of the garden to No 28. Together with the garage to No52, the height and bulk of the building leaves very little in the way of an open view along the boundary with the appeal property. As a consequence, it creates the feeling of being 'hemmed in' and enclosed by development with the occupiers' outlook from the garden being significantly restricted."

As highlighted above, the applicant has also sought to address concerns in respect of residential amenity by replacing the barn-hip to the western elevation, bounding No28, with a full hip and the removal of the south facing dormer. Whilst the alterations would represent an improvement in terms of its impact on the adjoining occupiers, it should be noted that the height of the eaves would remain at 3.15 metres above ground level with the ridge line at 6.2 metres. Given that the outbuilding would also occupy more than 6 metres of the common boundary, it is considered that the proposal would still result in significant harm to the amenity of the adjoining occupiers at No28 in terms of loss of outlook and increased sense of enclosure, and would not sufficiently overcome the concerns previously raised by the LPA and the Planning Inspector.

Regard is also made to the refused planning application in 2003 (ref: A*10707/AB) which was for a very similar structure as proposed by this application. Whilst the 2003 application also proposed the inclusion of a much smaller dormer to the southern roof slope, it was to incorporate a fully hipped roof to the western elevation as proposed by the current application. It is considered that while failing to address the concerns of the LPA and the Planning Inspector in respect of planning application 13/00093/PLAREG in 2013, the current proposal also fails to address the initial concerns in respect of amenity raised by the 2003 refusal, prior to the construction of the current unlawful building.

The application is again accompanied by a solar study to demonstrate that the proposed outbuilding would not significantly overshadow the adjoining gardens. Having regard to the position of the outbuilding to the east of No28, the northern orientation of the gardens and the presence of the detached garage at No52 Bembridge Crescent, it is considered that the building would have little material difference to the extent of overshadowing beyond that cast by existing structures.

It is considered that there is a sufficient degree of separation between the proposed out building and properties at No30 Nettlecombe Avenue, No5A Parkstone and No52 Bembridge Crescent, so that there would be no unreasonable loss of outlook, daylight or sunlight to these properties that would be harmful to the living conditions of their occupiers. This does not, however, outweigh the identified harm to the living conditions of the occupiers of No28.

Attention is drawn to the fact that there were previously a number of detached buildings located to the rear of both the application site and No28. Since these structures are no longer present, nor have they been for some time, they do not form part of the existing character and appearance of the Conservation Area. Therefore, the existence of these previous structures can be afforded limited weight. Whilst there are a few details of the size and height of these previous structures, it is clear that they were not of a comparable scale to the outbuilding which has been constructed or proposed within this application.

In respect of both design and amenity issues, careful regard has been given to the 'fall back' position (development that could take place without the express permission of the LPA utilising the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) - i.e. permitted development). However, given that the outbuilding as proposed

would be significantly greater in scale than anything that could be constructed as permitted development, only limited weight can be offered to the fall-back position.

Other matters

It is considered that the proposal would not increase the risk of flooding at the site.

Representations raise concern over the potential impact of the proposal on the local sewer network within rear gardens of the neighbouring properties. However, this would be a private interest matter for residents and Southern Water (falling within the Building Control regime).

In conclusion it is considered that the alterations proposed to the existing unauthorised outbuilding would not adequately overcome the concerns raised in the previous refusals of planning permission (2003 and 2013) and subsequent dismissed Appeal (2013) in respect of design and impact on the character and appearance of the Conservation Area and residential amenity.

RECOMMENDATION Refuse

The outbuilding including the modifications proposed would, by virtue of its excessive height and bulk, represent an overly prominent form of development which would compete visually with main dwellinghouse and reduce an important gap within the built form, failing to preserve or enhance the character and appearance of the 'Craneswater and Eastern Parade' Conservation Area (No29). Furthermore the outbuilding would have a significant adverse impact on the amenity of the occupiers of the adjoining dwelling at No28 Nettlecombe Avenue in terms loss of outlook and increased sense of enclosure. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and 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, the details of the application did not accord with pre-application advice and the application has been refused for the reasons outlined above.

03 13/01478/HOU

WARD:ST JUDE

5 MARMION AVENUE SOUTHSEA

CONSTRUCTION OF DORMER WINDOWS TO FRONT AND REAR ROOF SLOPES

Application Submitted By:

BJC Planning Solutions

On behalf of:

Mrs N Parnell

RDD: 12th December 2013

LDD: 11th February 2014

This application has been brought to Committee at the request of Councillor Peter Eddis.

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposed dormer windows would be acceptable in design terms, including their impact upon 'Owens Southsea' Conservation Area; and whether they would be acceptable in terms of their impact upon the residential amenities of adjoining occupiers.

The Site and surroundings

The application site is a two storey, end of terrace dwellinghouse on the western side of Marmion Avenue. This property is located within the 'Owen's Southsea' Conservation Area.

Proposal

Permission is sought for the construction of dormer windows to the front and rear roofslopes.

The proposed front dormer is relatively small in scale and would be set back from the eaves of the main roofslope by approximately 0.9m. It would measure approximately 1.3m in width and would have a dual pitched roof measuring approximately 1.7m in height.

The proposed rear dormer would be set back from the eaves of the main roofslope by approximately 0.7m. It would measure approximately 1.9m in width and would have a flat roof measuring approximately 1.8m in height.

Relevant planning history

In 2005, an application for the construction of a dormer window to the rear roofslope (ref.A*35274/AC) was refused. This application however, sought permission for a dormer that was much larger than the one included within this proposal.

POLICY CONTEXT

In addition to the NPPF, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

Also of relevance are the Conservation Guidelines for 'Owen's Southsea' Conservation Area.

CONSULTATIONS

None.

REPRESENTATIONS

One representation objecting to this proposal has been received from a neighbouring resident. This is based upon the grounds that; a) The proposed front dormer would overlook the rear garden/amenity space of the neighbouring property located at 20 Nelson Road; and b) The proposed front dormer would spoil the character of Marmion Avenue.

COMMENT

The main considerations in the determination of this application are:-

1. Design, including the impact of the proposal on the character and appearance of 'Owen's Southsea' Conservation Area.
2. Impact on residential amenity.

Design

In this part of 'Owen's Southsea' Conservation Area, the picturesque character has been created by the unique way in which the buildings, walls, trees and shrubs are laid out around roads of varying widths. As a result, Thomas Ellis Owen has successfully managed to combine high density development with an open and spacious feel.

This property is located within a wider terrace of 5 dwellinghouses, all displaying a relatively uniform appearance. To the front, each property comprises a single storey bay feature at ground floor level and a small front forecourt surrounded by a low boundary wall. To the rear, each property has a large, two storey projection extending outwards into the rear garden.

To the front, the proposed dormer window would relate appropriately with the existing fenestration, lining up with both the existing window at first floor level and the central panel of the ground floor bay window. This would ensure that a symmetrical appearance would be maintained. Due to its relatively small scale, the proposed dormer would relate sympathetically with both the recipient dwellinghouse and the wider streetscene and its pitched roof design would introduce an additional level of interest to the front of this property. Whilst the 'Owen's Southsea' Conservation Area Guidelines discourage the construction of dormer windows to front roofslopes, the design quality of the proposed front dormer is considered to be sufficiently high to ensure that it would preserve the character and appearance of the 'Owen's Southsea' Conservation Area.

To the rear, the location of the proposed dormer is constrained by the presence of an existing two storey rear projection. The proposed rear dormer would however, be positioned in line with the existing window at first floor level in order to relate appropriately with the existing fenestration. Its small scale would ensure that it would relate sympathetically with both the recipient dwellinghouse and the rear of this wider terrace of properties.

Both dormers would be constructed using materials to match those of the recipient dwellinghouse. Whilst the Conservation Area guidelines discourage the installation of UPVC framed windows, the presence of existing UPVC windows at both this property and a number of properties within the wider terrace would ensure that the UPVC windows would be appropriate for this location. Having regard to these issues, this proposal is considered acceptable in design and heritage terms in accordance with policy PCS23 of the Portsmouth Plan.

Impact on residential amenity

The proposed front dormer would face out onto Marmion Avenue. Immediately facing this property, on the opposite side of Marmion Avenue, is a four storey block of flats whilst to the north, the rear of the properties along Nelson Road back onto Marmion Avenue. The objection to this application raises concerns relating to an increase in overlooking of the rear of the properties located along Nelson Road. Having regard to the scale and siting of the proposed front dormer, in addition to the existing degree of overlooking that exists from the window at first floor level, it is not considered that this element of the proposal would give rise to any significant increase in overlooking of the rear of the properties along Nelson Road or on the opposite side of Marmion Avenue.

The proposed rear dormer would look out onto the rear garden of this property and would be located a significant distance away from the nearest property to the rear. It would be effectively screened by the existing two storey rear projection and would not therefore, give rise to any additional overlooking of the rear of the properties located to the north, along Nelson Road. Having regard to the scale and siting of the proposed rear dormer, it is not considered that this element of the proposal would give rise to a significant increase in overlooking of the adjoining property at No.4 Marmion Avenue.

Conclusion

The proposed front and rear dormer windows are considered acceptable in design and heritage terms and would not give rise to any adverse impacts on the occupiers of any adjoining properties.

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; D8413 25/52 P3; D8413 28/53 P2; D8413 28/51 P1; and D8413 28/60 P2.
- 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.

04 13/01510/HOU

WARD: EASTNEY & CRANESWATER

44A CRANESWATER PARK SOUTHSEA

**CONSTRUCTION OF DORMER WINDOWS TO FRONT AND REAR ROOFSLOPES AND
SINGLE STOREY EXTENSION TO FRONT/SIDE ELEVATION TO GARAGE
(RESUBMISSION OF 13/01202/HOU)**

Application Submitted By:
Ken Ross RIBA & Associates

On behalf of:
Tillisent Ltd

RDD: 18th December 2013
LDD: 13th February 2014

This application has been referred to the Committee by Councillors Terry Hall and Matthew Winnington

SUMMARY OF MAIN ISSUES

The main issues are whether the proposed roof alterations and extension would relate appropriately to the recipient building, and preserve or enhance the character and appearance of the conservation area, and whether those alterations would affect the living conditions of adjoining and nearby residents.

Site and surroundings

This application relates to a two-storey detached house situated on the west side of Craneswater Park north of its junction with St Helens Parade. The house is set within a comparatively modest plot that backs onto the landscaped communal area within Craneswater Mews. The latter comprises a pair of staggered terraces of two- and three-storey houses with steeply pitched roofs leading off an access from Craneswater Avenue.

The property falls within the Craneswater and Eastern Parade Conservation Area. The conservation area extends from Whitwell Road in the west to where Eastern Parade meets St Georges Road to the east and, reflecting differing periods of development, comprises areas with distinct characteristics. The central part, bounded by Craneswater Avenue to the west and Festing Road to the east is characterised by both modern and older styles of development. Much of the east side of Craneswater Park was redeveloped in the 1960/70s with six-storey blocks of flats with open frontages. The west side of the road has a mixture of inter-war houses and post-war blocks of flats. Craneswater Mews and the four detached houses onto Craneswater Park, which replaced a pair of large pre-war houses represented a modern intervention with steeply pitched roofs over facebrick elevations articulated with bay windows. The layout of the Craneswater Mews development provided a private triangular shaped communal area opening out from the Craneswater Avenue frontage giving views of the rear of the houses fronting Craneswater Park.

Proposal

The applicant seeks permission for the construction of three dormer windows to the rear roof slope, each 2.2m wide and 1.05m to the eaves of a hipped roof with an overall height of 2.5m; a pair of dormer windows to the front roof slope of similar dimensions; and the construction of a side/front extension to enlarge the integral garage. As originally submitted the proposed dormer windows projected a further 0.3m outwards towards the eaves giving a window height of 1.35m and overall height of 2.8m.

Relevant planning history

This development dates from 1978 when permission was granted for the redevelopment of the area of land between Charminster and No.40 Craneswater Park to provide two terraces of four houses and four detached houses. The applicant previously proposed more significant alterations to the rear roof slope in 2013 although subsequently withdrew the application.

POLICY CONTEXT

In addition to the National Planning Policy Framework the relevant policy within the Portsmouth Plan would include PCS23 (Design and Conservation) which seeks to achieve high quality design and ensure that the proposed development would not adversely affect the living conditions of the occupiers of the adjoining and nearby residential properties.

The document 'Eastern Parade and Craneswater Southsea CA 29 - Guidelines for Conservation' notes that dormer windows are a feature of some properties in this area for example on the southern side of Whitwell Road which displays both original dormers and modern additions. In more recent times there has been a tendency to create larger dormer windows although fortunately they are few in number in this area. These can have an adverse effect on the appearance of a group of properties and large dormers that dominate the roofscape and are out of proportion with the scale of the property will be discouraged.

The City Councils Design Advice Note in relation to roof alterations, first published in 1994, advocates dormer windows of a size that would relate appropriately to the roofscape.

CONSULTATIONS

None.

REPRESENTATIONS

At the time of preparing this report six representations had been received from the occupiers of the adjoining and nearby houses objecting to the proposed dormer windows to the rear roof slope as originally submitted. The grounds of objection are that;

- (a) the proposals are out-of-keeping and out-of-scale with the surrounding properties,
- (b) the changes to the roofscape will be overbearing and dominating,
- (c) the dormer windows to the rear of property will not only overlook the front gardens of the 8 properties comprising Craneswater Mews significantly impacting upon the privacy of those residents but will also intrude upon the internal privacy of at least one of these properties i.e. No 53,
- (d) the uniform appearance of the development will be lost, and
- (e) querying the future use of the property.

Objections have also been submitted by Councillors Terry Hall and Matthew Winnington on the grounds that the proposed development;

- (a) would be totally out-of-keeping and out of scale with other similar properties,
- (b) will result in a change to the roofscape, and
- (c) will be overbearing and dominating leading to overlooking and loss of privacy.

Local residents were re-notified of the amended details for the proposed dormer windows and any further representations will be reported on the Supplementary Matters List.

COMMENT

The key issues are:-

- 1) design quality,
- 2) whether the proposals would preserve or enhance the character and appearance of the conservation area, and
- 3) impact on residential amenity .

Design and visual impact on the conservation area

Whilst this and the adjoining property are of identical design the detached houses to the north and south are of a different appearance and contribute to an overall variation in the street scene with a combination of architectural styles and building sizes. The property to the south has a row of three half-inset dormer windows to the front roof slope. The middle two houses in that row have a staggered frontage and a break in both the roof line and roof plane.

Both of the proposed dormer windows to the front roof slope are considered to be comparatively modest in scale and relate appropriately to the existing building. One would align with the existing projecting bay, and the other would be off-set from the centre of the recessed section of roof slope. When viewed from Craneswater Park it is considered that, in the context of the street scene, the proposed dormer windows would, by virtue of their size and position within the roof, represent visually acceptable features in the street scene. Having regard to the significant variation in architectural styles and articulation to those buildings it is considered that the proposed front dormers would preserve the character and appearance of the conservation area. The proposed alterations to the ground floor would involve the extension of the lean-to roof above the existing porch across the front of the existing garage with a return to the side elevation above a side extension 1.2m in width by 5.5m in length. The adjoining house has a side extension with a similar lean-to roof and a lean-to roof to a porch and garage. It is considered that the proposed alterations to enlarge the garage and provide a wrap-around lean-to roof would, in forming a subservient feature, relate satisfactorily to the existing building and in terms of its contribution to the street scene would preserve the character and appearance of the conservation area.

The proposed dormers to the rear roof slope would be set approximately 1.8m up the roof slope from the eaves and, with separation distances of 1.3m and 1.1m, would appear as clear insertions into the roof slope. The northernmost dormer window would be situated above the existing two-storey bay while the southernmost dormer would be aligned over a first floor window. The ridge line of the central dormer window, which would be obscure glazed, would be aligned with the junction between the upper and lower ridge lines of the existing roof. The roof to the dormer windows would be set 0.6m below the lower ridge line.

By virtue of the layout of Craneswater Mews the rear of this property is visible from the public realm in addition to the occupiers of the adjoining and nearby houses. In terms of the roofscape of Craneswater Mews, of which the four houses fronting Craneswater Park is integral, there have been no dormer additions. That would not, however, preclude such alterations in principle. Their specific exclusion from the provisions of the General Permitted Development Order by virtue of the location in a conservation area brings them within planning control.

In the context of the rear elevation of the house the proposed dormers would be considered to represent visually acceptable features and would be of proportions that would sit comfortably within the roof slope and relate appropriately to the existing first floor windows. Although alterations to the roofscape adjacent to Craneswater Mews have been limited to rooflights, in a wider context the proposed dormers would nevertheless be considered to represent a form of development that meets the objectives of policy PCS23 of the Portsmouth Plan and the design guidelines for the conservation area. Overall, it is considered that the proposed dormers are of sufficient design quality to preserve the appearance of the conservation area.

Amenity impact

The proposed dormers to the front roof slope would face the front of the six-storey block of flats on the opposite side of Craneswater Park across a distance of approximately 38m. The proposed relationship would be no different than existing first floor bedroom windows. It is, therefore, considered that the living conditions of the occupiers of the properties on the opposite side of Craneswater Park would not be adversely affected.

The ground floor extension to the garage and extension to the lean-to roof to the front elevation would, in terms of its physical relationship have no effect on outlook or sense of enclosure. It is therefore considered that this element of the proposals would be acceptable.

Craneswater Mews to the rear comprises two staggered terraces some 27m apart adjacent to the Craneswater Park houses reducing to 8.5m adjacent to the Craneswater Avenue frontage. Those three-storey properties have habitable room windows that face each other across the Mews. Of the three dormer windows to the rear roof slope, two serve bedrooms that are also lit

by dormers to the front roof slopes and the third, centrally located, dormer would serve a bathroom and would be obscure glazed. Those windows would face west across Craneswater Mews and their relationship to the windows in the adjoining and nearby houses fronting the Mews would be similar to the relationship of the existing first floor windows that also serve bedrooms and a bathroom. The physical relationship between the houses fronting Craneswater Park and those facing the Mews is such that mutual overlooking already exists and, in these circumstances, it is considered that the proposed dormer windows would not significantly affect that situation. Notwithstanding the perceived increase in overlooking by the residents of Craneswater Mews it is considered that the proposed dormer windows would not have such an adverse impact in terms of overlooking to justify withholding permission.

Conclusion

Other than a concern in relation to the future use of the property the matters raised by local residents have been addressed as part of the main issues. This application relates to the construction of dormer windows which would facilitate the provision of two additional bedrooms and a bathroom to a family home. Any conjecture in relation to the future use of the property would not be a material consideration. It is considered that taken on their individual merits the applicant's proposals would be capable of support.

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: Hooda/Craneswater Southsea/2013/02A.
- 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

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.

CRESCENT SNOOKER CLUB 136-138 KINGSTON ROAD PORTSMOUTH**CONSTRUCTION OF PART SINGLE, PART TWO STOREY EXTENSION TO FORM 7 FLATS ABOVE RETAINED GROUND FLOOR FOLLOWING DEMOLITION OF EXISTING FIRST FLOOR AND ALTERATIONS TO GROUND FLOOR TO PROVIDE CYCLE & REFUSE STORES****Application Submitted By:**

Style Front Ltd

On behalf of:

Mr Edwards

RDD: 1st November 2013**LDD:** 6th January 2014**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 is appropriate in design terms, whether it relates appropriately to neighbouring properties, whether it would provide an appropriate standard of amenity of future occupiers and whether it would comply with policy requirements relating to parking, sustainable design and construction and cycle storage.

The site and surroundings

The application site relates to the curtilage of number 136-138 Kingston Road which comprises an amusement arcade to the ground floor with a vacant snooker club above. The site extends rearwards to St Stephens Road and has a servicing/delivery entrance between numbers 19 and 27 St Stephens Road. The existing building on the site is predominantly two storeys and covers the entire site. The site is located within the Kingston Road Local Centre.

Proposal

This application seeks planning permission for the construction of a part single, part two storey extension over the retained amusement arcade to form 7 (one, two and a three bedroom) flats (following the removal of the existing first floor) and for alterations to the ground floor to provide cycle & refuse stores. The proposed flats would be accessed from both Kingston and St Stephens Roads with the storage facilities being accessed from St Stephens Road at the rear.

Relevant planning history

A*14206/AF - Permission in August 2004 for the construction of first and second floors to Kingston Road frontage (to form three-storey building) and first floor to St Stephens Road frontage (following demolition of existing building above ground floor level) to form 8 flats with roof terrace, cycle and refuse storage. This permission was not implemented and expired in 2009.

A*14206/H - Permission allowed on appeal in 1982 for a change of use from wholesale warehouse to leisure complex. Condition restricted the use of amusement centre to the front half of the ground floor between the hours of 10 am and 10 pm on weekdays only with the use of the first floor being restricted to a snooker club only with hours of operation restricted to between 10 am to 11 pm daily.

A*14206/M - Permission allowed on appeal in June 1989 to for the ground floor amusement centre to operate between 11 am and 6 pm on Sundays.

A*14206/AA - Permission in April 1992 for an extension of opening hours of the first floor snooker club until 2 am (variation of condition 10 of planning permission A*14206/H).

A*14206/AB - Permission in April 1996 to vary condition 10 attached to planning permission A*14206/H as amended by permission A*14206/AA to enable the first floor snooker club to operate 24 hours a day and 7 days a week.

A*14206/AC - Permission in January 1997 to vary condition 10 of planning permission A*14206/H as varied by permission A*14206/M to enable the ground floor of the premises to remain open on a Sunday from 10 am until 10 pm.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation), PCS18 (Local shops and services).

The National Planning Policy Framework and the Residential Car Parking Standards, Sustainable Design & Construction and Housing Standard SPDs are also relevant to the proposed development.

CONSULTATIONS

Contaminated Land Team

No comments.

Public Protection

Offers comments relating to air quality and road noise and recommends imposition of conditions

Highways Engineer

The site was designed to accommodate a wholesale chemist and subsequently have undergone conversion to a ground floor amusement arcade and a first floor snooker club. There is a waiting facility to the front of the premises, allowing 1 hour's free parking. It operates Monday-Saturday 8am - 6pm to support the local business economy and improve parking opportunities for customers to local shops. Kingston Road a main distributor road, and the remainder is restricted with double yellow lines to facilitate traffic flow. Bus stops are located within easy walking distance of the site. St Stephens Road is unrestricted except at the junctions.

No car parking spaces have been provided for the occupants of the flats. The residential parking standards supplementary planning document (SPD) requires a minimum of 9 spaces for the development. The development of additional properties in this location without associated off street parking will be of concern to existing residents, as the on-street parking pressure in this area is significant. This is due to the narrow terraced housing stock without off-road parking facilities and the limited on-street parking available. St Stephens Road has approximately 45 on-street parking spaces and 63 addresses, meaning the available parking is already over-subscribed.

The applicant fails to provide suitable evidence as set out in paragraph 21 of the SPD that development with less than the expected level of parking provision may be regarded as acceptable if suitable evidence is provided, "factors might include proximity to bus and train services, cycle routes, availability of on-street or off-street public parking close by, tenure of prospective residents, proximity to local services. Parking surveys of adjoining roads should be carried out during evening and weekend periods to ascertain the parking available."

REPRESENTATIONS

Objections have been received from three local residents on the following grounds: increased demand for parking and exacerbation of existing parking problems; loss of light; loss of privacy; increased noise and disturbance and anti-social behaviour; and would be an eyesore.

COMMENT

The main considerations relevant to the determination of this application are:-

1. Principle of the development
2. Design
3. Impact on amenity
4. Access and parking
5. Other matters - sustainable design & construction and cycle/refuse storage.

Principle of development

The application site is located in the Kingston Road Local Centre where policy PCS18 (Local shops and services) of the Portsmouth Plan encourages residential uses at upper floor level. Permission has previously been granted (under reference A*14206/AF in August 2004) for the construction of extensions at first and second floor level to provide flats. Having regard to both the previous permission and the provisions of policy PCS18, the principle of extending the building to provide additional residential accommodation is acceptable.

Design

The existing building is somewhat utilitarian in appearance with the first floor fronting Kingston road being clad in white upvc with no windows above ground floor level. To the rear, the site presents a single-storey frontage to St Stephens Road with industrial style concertina doors to a large entrance.

To Kingston Road the proposal would result in the formation of a three-storey frontage of a scale to match the adjacent bingo hall, with the upper floors having a domestic appearance and architectural detailing which would complement the streetscene and significantly improve the appearance of the site. To the rear the proposal would create a two-storey infill between the existing terraced dwellings. To the ground floor a delivery/servicing entrance to serve the ground floor would be retained but be of a lesser scale than the existing. The rear would also provide access to the flats and to the proposed cycle and refuse/recyclables storage facilities. At the first floor level the elevation fronting St Stephens Road would have a residential appearance and include windows and detailing to match the existing terraced properties.

Impact on amenity

The existing building on the site is predominantly two-storey and presents blank elevations to neighbouring properties. As such the existing building, by reason of its scale and siting, has an overbearing impact on neighbouring residential properties.

The lawful use of the site allows the unrestricted use of the snooker club. In terms of the likely activity that could be associated with the operation of the snooker club, it is considered that the level of activity associated with seven flats would not be demonstrably greater.

The site is flanked to the north by the three-storey bingo hall which extends three-quarters of the depth of the application site with a two-storey dwelling fronting St Stephens Road to the rear. To the south of the site is a two-storey shop with storage above and to the rear, behind which is a two-storey dwelling fronting St Stephens Road. Having regard to the scale and bulk of the existing building and its relationship with neighbouring properties it is considered that the three-

storey element of the proposal would not have any significant effect on the occupiers of the adjoining commercial properties.

The two storey element of the proposal would replace a mainly two-storey building which by its siting and scale results in a strong sense of enclosure and restricts both light and outlook to the adjoining residential properties. The proposal would result in an overall development which would have no greater impact on amenity than the existing and would in places be of a lesser scale and is considered would result in an improvement to the living conditions of neighbouring residential occupiers. The proposal does include the provision of roof terraces, however these would be screened by walls which would prevent the overlooking of adjacent houses and gardens. Where it fronts St Stephens Road the proposal would be two-storey, whereas the existing building is single storey. Notwithstanding this, its scale would replicate that of the adjacent two-storey terraced properties. Accordingly it is considered that the proposal would not result in significant harm to the amenities of adjacent or facing properties.

Having regard to the relationship between the proposal and the neighbouring properties, it is considered that the proposal would not result in a significant loss of amenity from loss of light, loss of privacy or an increased sense of enclosure.

The proposed flats would all meet or exceed the minimum space standards set out in Policy PCS19 and are considered to each benefit from an appropriate level of light and outlook to main habitable rooms. Some of the flats would have private or semi-private roof terraces with the remainder having access to a communal roof garden. Overall it is considered that the proposal would provide a good standard of accommodation for future occupiers.

Access & parking

The site does not benefit from any off-street parking and none is proposed as part of this application. It should be recognised that the existing recreational uses of the building, especially the snooker club, would be likely to result in a demand for parking and that this would include in the evenings and at weekends. There is limited on-street parking on Kingston Road which is limited to one hour between 8 am and 6 pm Monday to Saturday. Parking is available on both sides of St Stephens Road which is unrestricted except at its junctions.

The Highway Engineer has highlighted the applicant's lack of any justification for a car free development with the representations demonstrating that there is a perceived parking issue amongst some local residents. In this case weight should be accorded to the level of demand for parking which could be associated with the existing lawful use of the site when considering whether a car free development is appropriate. The location of the site within a designated local centre and its proximity to a high frequency bus corridor must also be noted. Having regard to all of these factors it is considered that a car free development would be acceptable in this location and that a refusal on parking grounds could not be substantiated.

Other matters

The submitted drawings indicate provision being made for the secure and weatherproof storage of cycles as well as the storage of refuse/recyclables. These proposed facilities are considered to be of an appropriate size and be conveniently located for future occupiers.

The submission recognises policy requirements in respect of sustainable design and construction (policy PCS15) and confirms that the scheme will be policy compliant. As no substantive detail has been provided in this regard, it is considered necessary and appropriate to impose suitably worded planning conditions to secure the construction of the proposed flats to an appropriate level of sustainability.

Conclusion

The proposed development is acceptable in principle and would be of an appropriate design. Furthermore the scale of development is such that it would not result in a significant impact on the occupiers of neighbouring property. Having regard to the demand for parking which could be associated with the lawful use of the site it is considered a car free development is acceptable in this instance.

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: 200-PL-01; 200-PL-04; 200-PL-05; 200-PL-07; and 200-PL-08.
- 3) Development shall not commence until details of all external materials and finishes (to include walls, roofs, windows and rainwater goods) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) Development shall not commence until a scheme for insulating habitable rooms on the Kingston Road façade against road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full before first occupation of any of the flats hereby permitted and shall thereafter be retained.
- 5) Development shall not commence until a scheme for a mechanical ventilation system to serve residential dwellings on the Kingston Road façade of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full before first occupation of any of the flats hereby permitted and shall thereafter be retained.
- 6) Development shall not commence until written documentary evidence has been submitted to the Local Planning Authority proving that this element of the development will achieve a minimum of level 4 of the Code for Sustainable Homes, including nine credits from issue Ene 1, one credit in issue Hea 3 and two credits from issue Ene 8, which evidence shall be in the form of a Code for Sustainable Homes design stage assessment, prepared by a licensed assessor and submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.
- 7) Before any part of the new build element of the development is occupied, written documentary evidence shall be submitted to, and approved in writing by, the Local Planning Authority proving that this element of the development has achieved a minimum of level 4 of the Code for Sustainable Homes, including 9 credits from issue Ene 1, one credit from issue Hea 3 and two credits from issue Ene 8, which will be in the form of a post-construction assessment which has been prepared by a licensed Code for Sustainable Homes assessor and the certificate which has been issued by a Code Service Provider, unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the conditions are:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure the development has an appropriate appearance in the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To ensure appropriate living conditions are provided for future occupiers in accordance with Policy PCS23 of the Portsmouth Plan.
- 5) To ensure appropriate living conditions are provided for future occupiers in accordance with Policy PCS23 of the Portsmouth Plan.
- 6) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 7) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 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.

06 13/01450/VOC

WARD:MILTON

PETROL STATION 144-160 MILTON ROAD PORTSMOUTH

APPLICATION TO REMOVE CONDITION 1 OF PLANNING PERMISSION 13/00604/VOC TO ALLOW PREMISES TO REMAIN OPEN 24HRS DAILY

Application Submitted By:
Pegasus Group

On behalf of:
Rontec Watford Ltd

RDD: 4th December 2013
LDD: 3rd February 2014

SUMMARY OF MAIN ISSUES

The issue to be considered in the determination of this application to remove a condition to allow 24-hour opening would be any impact upon residential amenity of occupiers of surrounding properties.

The site and its surroundings

The application site comprises a petrol station, car wash facility, shop and external ATM (which is accessible for 24hr use) situated on the western side of Milton Road just south of the Mr Pickwick Public House and its car park at 142 Milton Road. The area is in mixed residential and commercial use; the nearest residential properties are located to the west in Maylands Road, to the south above a fish and chip takeaway and to the east on the opposite side of Milton Road. A church and associated hall are on the opposite side of Milton Road together with a commercial unit.

Proposal

The application seeks to vary Condition 1 of planning permission 13/00604/VOC to allow the premises to remain open 24hrs daily. The petrol pumps and shop would be open to use by the public on a 24 hour basis however the car wash and car vac would only be operated between the hours of 8.00am to 8.00pm Mondays to Saturdays and 9.00am to 7.00pm on Sundays.

Relevant planning history

B*20326/AB - Permission in March 1990 for the construction of a petrol filling station with canopy over, sales building and car wash. The permission was subject to conditions including:

Condition 3

The use hereby permitted shall operate only between the hours of 7.00am to 11.00pm on Mondays to Saturdays and 8.00am to 10.00pm on Sundays. When closed, the filling station shall be lit by security lighting of a type and level to be agreed in writing with the Local Planning authority before the site is first used.

Condition 9

The car wash and car vac shall only be operated between the hours of 8.00am to 8.00pm Mondays to Saturdays and 9am to 7pm on Sundays.

Condition 10

Noise from operations conducted on the premises shall not exceed either 45 dB(A) between 0800 and 1800 hours on Monday to Saturday, and 35 dB(A) at any other time - as measured inside any noise sensitive premises; or 55 dB(A) between the hours of 0800 and 1800 hours on Monday to Saturday, and 45 dB(A) at any other time - as measured one metre outside the facade of any noise sensitive premises.

13/00604/VOC - permission in September 2013 to vary Condition 3 of planning permission B*20326/AB to allow the premises to remain open from 0600 hours to midnight daily. The reason for restricting the hours of operation from 6.00am to midnight daily by condition was in the interests of the amenities of occupiers of nearby residential properties in accordance with policy PCS23 of the Portsmouth Plan. Condition 1 stated 'The use hereby permitted shall operate only between the hours of 6.00am to midnight daily'; the permission also included conditions as per the wording of Conditions 9 and 10 above.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation), PCS17 (Transport).

In addition to the above policies, the aims and objectives of the National Planning Policy Framework and Circular 11/95 'Use of Conditions in Planning Permission' are relevant.

CONSULTATIONS

Public Protection

The Environmental Protection Officer confirmed that the service has not received any complaints concerning noise occurring during the operational hours of this service station.

However, in order to protect the amenity of nearby residential properties it is recommended that conditions 2 and 3 are transferred from 13/00604/VOC should planning permission be granted.

It is also noted that the applicant is happy to restrict the use of the tannoy between the hours of 23:00hrs to 07:00hrs with the exception for use for health, safety and security reasons. There is

a possibility that should the tannoy be used outside of the exception purposes it is likely that the noise levels set in Condition 3 (13/00604/VOC) would not be met. It is therefore advisable that this condition is imposed should planning permission be granted.

Highways Engineer

To allow the premises to remain open 24hrs is unlikely to have a significant impact on the surrounding highway network. Recommendation: Raise no objection.

REPRESENTATIONS

One letter of objection has been received from Cllr Vernon-Jackson on the grounds that the petrol station is in the middle of a residential area, very close to houses. He notes that the owner of the petrol station previously submitted a licensing application to operate for 24 hours daily and has since started to sell alcohol and that 'they withdrew their application under significant pressure from myself and local residents because of the local impact it would have on local residents and the quality of life, having cars, motorbikes and people arriving all the way through the day and night to purchase food, alcohol and petrol, is very disruptive for local people whose backs of houses are very close to this petrol station'. He also raised concern that the light would be on all the time which would have an effect at night.

The licence application is not a material planning consideration however for completeness, in response to this representation, it is of note that in July 2012 the premises was granted a licence to sell alcohol between the hours of 8am-11am daily. In September 2013 a variation to this licence was granted to sell alcohol between 6am-midnight daily.

COMMENT

The consideration relevant to the determination of this application is the impact on the residential amenity of occupiers of surrounding properties.

Impact on residential amenity

The petrol station is currently authorised to operate between 0600 hours and midnight daily. The proposal would allow the operation of the petrol pumps and shop on a 24 hour basis. Therefore, it is necessary to consider the likely impact on residential amenity between the hours of midnight and 0600, in terms of noise and disturbance from customers using the petrol pumps and shop.

As far as is practicable, the site is fairly well screened from its adjacent uses. The area of forecourt accommodating the pumps is covered by a sizeable canopy, the shop is located on the northern boundary with its sole openings facing south, the car wash is adjacent the eastern boundary and the remaining boundaries of the site are enclosed by a brick wall or fences. Given that the car wash will not be in use after 8pm (7pm on a Sunday), the main activity in the site remains the use of the petrol pumps and shop by customers.

The nearest residential property is at 162 Milton Road, above the takeaway shop, which is also adjacent to the vehicular entrance into the petrol station. This property has first floor windows facing into the site and given its proximity to the forecourt and entrance is likely to experience some noise and disturbance as a result of the opening hours being extended past midnight. However, given its location adjacent a busy thoroughfare and the controls that can be imposed to restrict the use of the tannoy after 11pm, it is not considered that the impact on the amenities of occupiers of this property are significant enough to justify refusal. The relationship with residential properties on the eastern side of Milton Road, given that they are at a greater distance away, is considered appropriate.

The residential properties to the west fronting Maylands Avenue, adjoining the site, have rear garden depths of between 15-20m and are a minimum of 25m from the canopy over the pumps. These properties are likely to experience some loss of quiet enjoyment during the early hours, however, given the intervening distances and the substantial boundary treatment between the

site and these properties it may not result in noise and disturbance from the 24 hour operation of the petrol station likely to cause a significant loss of amenity. This is however a difficult matter to quantify as it is likely to be noise associated with inconsiderate customer behaviour (e.g. raised voices of customers/loud music/excessive slamming of car doors/engines revving) that will cause the most disturbance to the area in the early morning hours when people are sleeping.

The premises have recently benefited from planning permission to operate up until midnight which was implemented in September 2013. Since that time no complaints have been received by Public Protection. Given that the flow of traffic using the petrol station between midnight and 6am is likely to be similar or less than that currently experienced by residents during the recently extended hours up to midnight, Public Protection have raised no objection.

Given that the proposal would allow the operation of the petrol station during the early hours of the morning, which is generally an accepted time that the majority of people are asleep, and that the extension of operational hours until midnight is only a recent development, it is difficult to determine with confidence the actual level of impact on the residential amenity of properties within Maylands Avenue. It is therefore open to the Council to consider whether a temporary permission would be appropriate to better assess the impact of operating on a 24 hour basis. Circular 11/95 'Use of Conditions in Planning Permissions' states that 'where an application is made for permanent permission for a use which may be "potentially detrimental" to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development.' Given that no physical changes are required to implement the extended hours and that it is only a matter of manning the premises for longer, there would not be unreasonable expenditure incurred to the applicant by granting a temporary permission for a suitable trial period. The period should cover at least one busy Easter Bank Holiday and a Christmas to New Year break to ensure local residents and the local planning authority have reasonable time to properly experience the 24 hour operation of the petrol station and an assessment made by the Council as to whether the impact on residential amenity has been significant. An 18 month temporary period is therefore recommended.

The applicant is happy to restrict the use of the existing tannoy system to ensure that it is not used between the hours of 2300 and 0700, except for the purposes of health, safety and security. This is considered reasonable and necessary to protect residential amenity and can be secured by condition.

Other matters raised by the representation

The applicant has advised that the lighting levels will be maintained in accordance with requirements of the Petroleum licence. This is not a matter considered to result in a significant loss of residential amenity.

Conclusion

The proposed extension of the hours of operation of the petrol station to allow 24 hour use may not result in any significant loss of residential amenity, however in order to properly assess the impact of the proposal on occupiers of nearby residential properties during the early hours of the day a temporary planning permission for a trial period of 18 months is recommended. As such, the proposal is considered not to conflict with policy PCS23 and is capable of support subject to the conditions set out within the recommendation.

RECOMMENDATION Conditional Temporary Permission

Conditions

- 1) This permission shall be for a limited period expiring on 31 July 2015, on or before which date the premises shall be closed to visiting members of the public between the hours of midnight and 6.00am daily.
- 2) The car wash and car vac shall only be operated between the hours of 8:00am to 8:00pm Mondays to Saturdays and 9:00am to 7:00pm on Sundays.
- 3) Noise from operations conducted on the premises shall not exceed either 45 dB(A) between 0800 and 1800 hours on Monday to Saturday, and 35 dB(A) at any other time - as measured inside any noise sensitive premises; or 55 dB(A) between the hours of 0800 and 1800 hours on Monday to Saturday, and 45 dB(A) at any other time - as measured one metre outside the facade of any noise sensitive premises.
- 4) The permission hereby granted is for the use of the site as a petrol filling station only and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 such use shall be limited to the retailing of petrol, oil and motor accessories with ancillary retail products only.
- 5) No vehicle for sale or hire shall be displayed in the open on the site.
- 6) No repairs to vehicles shall be carried out on the site.
- 7) In the event of spray from the car wash being blown onto adjacent premises the unit shall be fitted with doors capable of being closed whilst the unit is in operation.
- 8) The public address system (PAS) installed at the premises shall not be used between the hours of 2300 and 0700 the following day.

The reasons for the conditions are:

- 1) In order to allow for a trial period to properly assess the impact of the operation of the premises on residential amenity during the hours of midnight to 6.00am to not conflict with policy PCS23 of the Portsmouth Plan.
- 2) In the interests of the amenities of occupiers of nearby residential properties, in accordance with policy PCS23 of the Portsmouth Plan.
- 3) In the interests of the amenities of the occupiers of nearby residential properties, in accordance with policy PCS23 of the Portsmouth Plan.
- 4) In the interests of the amenities of the area and of the occupiers of surrounding residential properties, in accordance with policy PCS23 of the Portsmouth Plan.
- 5) In the interests of amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 6) In the interests of amenity, in accordance with policy PCS23 of the Portsmouth Plan.
- 7) To protect the amenity of occupiers of adjacent residential properties, in accordance with policy PCS23 of the Portsmouth Plan.
- 8) To protect the amenity of occupiers of adjacent residential properties, 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.

.....
City Development Manager
20th January 2014

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Appeal Decision

Site visit made on 29 July 2013

by **T M Smith BTP MRTPI**

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

Decision date: 3 September 2013

Appeal Ref: APP/Z1775/D/13/2198522

26 Nettlecombe Avenue, Southsea, Hampshire, PO4 0QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Gladston against the decision of Portsmouth City Council.
 - The application Ref 13/00093/PLAREG, dated 30 January 2013, was refused by notice dated 8 April 2013.
 - The development proposed is described as "retention of existing garage/home office constructed to the rear (north) of 26 Nettlecombe Avenue, Southsea".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of the site visit the building was substantially complete with only the internal fitting out of the building required. However, "retention", as referred to in the decision notice and appeal form, does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is being sought for the erection of the garage/home office.

Main Issues

3. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Craneswater and Eastern Parade Conservation Area (CA); and
 - The effect of the proposed development on the living conditions of occupiers of adjoining properties, with regard to outlook, sunlight and daylight.

Reasons

Conservation Area

4. The appeal property comprises a large detached two storey Edwardian dwelling which occupies a prominent position at the corner of Nettlecombe Avenue and Bembridge Crescent. The Council's Guidelines for Conservation¹ describe the appeal property as "large and interesting". Its distinguished appearance and detailing makes a positive contribution to the character and appearance of the Conservation Area at this location.

¹ Eastern Parade and Craneswater Southsea Conservation Area No 29 December 2005 updated January 2010

5. The rear garden of the property runs parallel with Bembridge Crescent and whilst it is partially enclosed by a brick wall that varies in height, its depth is perceptible from the adjacent road. Directly adjacent to the rear boundary of the property and fronting on to Bembridge Crescent is the detached garage of 52 Bembridge Crescent.
6. The appellant has drawn my attention to the fact prior to about 2003 there were a number of detached buildings on both the appeal site as well as the neighbouring property, 28 Nettlecombe Avenue. Since they are no longer present, nor have they been for some time, they do not form part of the existing character and appearance of the CA. Furthermore, there are in any event few details relating to their scale and height. I accord their previous existence limited weight.
7. No 26 is a larger property in a more spacious plot than others hereabouts and this provides relief and interest within the street scene. It promotes a more open and spacious character in this part of the CA, as well as making something of a feature of the corner and junction. I note that 24 and 26 Nettlecombe Avenue, either side of the junction with Bembridge Crescent both have architectural fenestration which acknowledge their corner position (the appeal property has a fine double-height square bay with pediment; no 24 has a round double height bay facing the junction). Hence the larger curtilage to No 26 is an important feature of the character and appearance of this part of the CA and should be respected.
8. There are a number of detached single storey garages that front onto Bembridge Crescent, as the proposed building would. The adjacent garage at No 52 comprises the largest of these. Due to their modest scale, they are not prominent features within the street scene.
9. I agree with the conclusions of the Heritage Statement submitted by the appellant in so far as the proposed building has been sensitively designed. The design, materials and architectural detailing would be in keeping with the Edwardian appearance of the main dwelling. I also note that in terms of its design the Council has raised no concerns.
10. Notwithstanding these positive attributes of the building, it would be noticeably higher than the adjacent garage and, given the dormer roof proposed within the southern roof slope, it would also appear bulkier. Consequently, it would be by some measure the largest ancillary building within Bembridge Crescent and would appear at odds with them.
11. The new building would be seen in close context with the main house; this proximity would lead to an impression of a too bulky assemblage of buildings within the formerly spacious plot. From other viewpoints, it would be seen as a sprawling extension to the main house or to the adjacent garage. The bulk and height of the building would exceed that of an ancillary building to the extent that it would compete, visually, with the main house. Thus the building would reduce the gap in the street scene which is worthy of retention. The filling of this open area would erode the open appearance and character of this corner plot and would appear cramped as a result. For these reasons, the scheme would not preserve the character or appearance of the CA.
12. Therefore, I conclude that the development would fail to preserve or enhance the character or appearance of the CA and would conflict with policy PCS23 of

The Portsmouth Plan. The policy seeks to ensure that new development is of an appropriate scale and layout, in relation to its particular context, and that it protects and enhances the historic townscape.

13. Having regard to paragraph 134 of the National Planning Policy Framework, I consider that while the harm caused to the CA's significance as a heritage asset would be less than substantial, there are no identified public benefits of sufficient weight to overcome this harm.

Living Conditions

14. Given that the building is largely constructed, I was able to observe its relationship with No 28. The rear garden of this property is some 8m in depth and is north facing. It is already enclosed by the high boundary wall to the east and north, with the existing garage to No 52 already a dominant feature situated beyond the rear boundary wall.
15. The building is sited alongside the flank boundary wall of the garden to No 28. Together with the garage to No 52, the height and bulk of the building leaves very little in the way of an open view along the boundary with the appeal property. As a consequence, it creates the feeling of being 'hemmed in' and enclosed by development with the occupiers' outlook from the garden being significantly restricted.
16. Turning to the matter of sunlight and daylight, the appellant has provided a Solar Study, the findings of which are not disputed by the Council. The study reveals that since the building is positioned to the north east of No 28, there is little material difference to the extent of overshadowing of the garden except during the summer months. Even then much of the garden is outside the shadow cast by the building or the existing houses so that its use and enjoyment by the occupiers is unlikely to be diminished.
17. I am satisfied that there is a reasonable degree of separation between the proposed building and 30 Nettlecombe Avenue, 5A Parkstone and No 52, so that there would be no unreasonable loss of outlook, daylight or sunlight to these properties that would be harmful to the living conditions of their occupiers.
18. However, these findings do not outweigh the harm I have identified to the living conditions of the occupiers of No 28 in terms of outlook. I therefore conclude that the proposed development would be contrary to policy PCS23 of The Portsmouth Plan which seeks, amongst other things, to protect the amenity and the standard of living environment for neighbouring occupiers.

Other Matters

19. In support of the appeal, my attention was drawn to 5C Parkstone Avenue which the appellant considers to demonstrate "cheek by jowl" development. No 5C is not visible from the appeal property nor does it fall within the same street scene. Whilst I agree that the built form at No 5C is densely configured, its location and surroundings are materially different to the appeal property so that any meaningful comparisons are precluded. In any event, the existence of one form of development does not, on its own, provide justification for new development of similar characteristics.

Conclusions

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

TM Smith

INSPECTOR