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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 8 APRIL 2015 AT 5.00 PM

## EXECUTIVE MEETING ROOM - THE GUILDHALL

Telephone enquiries to Joanne Wildsmith 0239283 4057

Email: [joanne.wildsmith@portsmouthcc.gov.uk](mailto:joanne.wildsmith@portsmouthcc.gov.uk)

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### Planning Committee Members:

Councillors Aiden Gray (Chair), Frank Jonas (Vice-Chair), Ken Ellcome, David Fuller, Colin Galloway, Terry Hall, Stephen Hastings, Lee Mason, Les Stevens and Sandra Stockdale

### Standing Deputies

Councillors Alicia Denny, Margaret Foster, Lee Hunt, Hugh Mason, Robert New, Darren Sanders, Rob Wood, Stuart Potter and Julie Swan

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

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

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

## AGENDA

- 1 Apologies
- 2 Declaration of Members' Interests
- 3 Minutes of Previous Meeting - 11 March 2015

The minutes of the Planning Committee held on 11 March will follow.

**RECOMMENDED that the minutes of the Planning Committee held on 11 March be confirmed as a correct record and signed by the Chair.**

**4 Appeal decision - 30 Goodwood Road, Southsea (Pages 1 - 4)**

The report by the City Development Manager is to advise the Committee of the outcome of the appeal, which was allowed.

RECOMMENDED that the report is noted.

**Planning Applications**

- 5 14/01523/FUL - ROKO Health & Fitness Club Copnor Road Portsmouth - Construction of up to 3 metre high fencing with 5 metre high netting above to enclose 2 additional football pitches on land to the East of ROKO/Portsmouth FC Training Ground; Siting of 2 storage containers and water storage tank (report item 1) (Pages 5 - 36)**
- 6 15/00039/FUL - 22 Inglis Road Southsea - Construction of 2 semi-detached dwelling houses after demolition of existing building (amended scheme) (Report item 2)**
- 7 15/00063/VOC - Nursery 232 Southampton Road Paulsgrove Portsmouth - Application to vary condition 2 of Planning Permission A\*10252/AE-1 to allow up to 20 children to use the external grounds/gardens at any one time (resubmission of 14/01426/VOC) (Report item 3)**
- 8 15/00129/PLAREG - 190 Chichester Road Portsmouth - Retrospective application for construction of single storey rear extension (Report item 4)**
- 9 15/00147/ADV - 351-353 Copnor Road Portsmouth - Display of three externally illuminated fascia signs and various window vinyl signs (Report item 5)**
- 10 15/00155/TPO - 2 The Garden View Apartments, 2 St Vincent Road Southsea -Within Tree Preservation Order No 47 sycamores (T35 & T36) crown reduce western sector by 2.5m; limes (T33 & T34) crown lift of 2.4m (amended description) (Report item 6)**
- 11 15/00254/FUL - 14 Park House Clarence Parade Southsea - Alterations to roof to include enlargement of existing dormer window, removal of section of roof slope to form enlarged roof slope to form enlarged roof terrace and installation of hand rail (Report item 7)**

**12 15/00261/PLAREG - 112 Lidiard Gardens Southsea - Retrospective application for construction of single storey rear extension (Report item 8)**

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

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# Agenda Item 4



Portsmouth  
CITY COUNCIL

Agenda item:

**Decision maker:** Planning Committee

**Subject:** Appeal decision at 30 Goodwood Road, Southsea

**Report by:** Claire Upton-Brown  
City Development Manager

**Ward affected:** St Jude

## 1. Purpose of report

To advise the Committee of the outcome of the appeal, which was allowed.

## 2. Recommendation

That the report is noted.

## 3. Background

A retrospective planning application (ref 14/00938/PLAREG) was considered at the Planning Committee meeting of 29<sup>th</sup> October 2014 for the conversion of an existing workshop to form a dwellinghouse; external alterations to include construction of new roof, installation of new windows and doors, cycle and refuse stores (resubmission of 14/00101/FUL).

The proposal was recommended by officers for conditional permission but was refused on the following two reasons:

In the opinion of the Local Planning Authority the proposed parking and access arrangements are unacceptable and would result in vehicles reversing onto and across the highway in a manner that would be likely to cause a conflict of traffic movements along Goodwood Road resulting in additional hazard and inconvenience all users of the highway and to the detriment of highway safety. The proposal is therefore contrary to policies PCS17 and PCS23 of the Portsmouth Plan.

In the opinion of the Local Planning Authority the proposed residential use would, by reason of an increased level of overlooking, increased activity in the evening and at weekends, odour and nuisance from the siting of the proposed refuse storage facilities and potential increased fear of crime and anti-social behaviour to the occupiers of number 28 Goodwood Road, have an unacceptable impact on the living conditions of the occupiers of neighbouring

properties. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.

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

- (i) the living conditions of the occupiers of 28 Goodwood Road in terms of overlooking, noise and disturbance, odour and the fear of crime and anti-social behaviour
- (ii) Highway safety in terms of parking provision and access

#### Inspector's views on (i) the living conditions of 28 Goodwood Road

The Inspector noted that the appeal premises, at the rear of Nos26 and 28 Goodwood Road, comprise a two-storey flat-roofed building accessed by a driveway to the north of No28. The last lawful use of the building was as a builder's yard/workshop, although unoccupied for a number of years. Internal and external works have been carried out without planning permission, including re-roofing and alterations to existing openings. Although the building is substantially complete, no bathroom fittings have been installed. Consequently the building has not been occupied.

The Inspector considered the view from each window and door opening in turn and concluded that the views were limited and oblique towards No28 and that such views are not unusual in dense urban areas. Two first floor openings which would serve a bathroom and en-suite shower room are already obscure glazed. A condition could ensure that this is retained and that the windows be non-opening to a height of at least 1.7 metres above finished floor level. The Inspector noted that the lawful use of the appeal building would have allowed a degree of overlooking and the perception of overlooking in this dense area is to be expected to some extent and would not be dissimilar to the views between front windows across Goodwood Road. This would not warrant requiring the window to 'bedroom 2' to be obscure glazed and non-opening to a height of 1.7 metres.

Considering noise and disturbance, the Inspector noted that the proposal would introduce a residential use in a residential area and, despite the location of the appeal building behind the existing terraced house at No28, such activity would not be out of place. Use of the access to the north of No28 for parking would extend only slightly beyond the rear elevation of No28 and the flank wall facing the access does not include any windows. Neighbours of the unused site are likely to have become used to a lack of activity at the rear, although there would be traffic movements on the road at the front. In this context the Inspector considered that the proposal would not generate sufficient additional noise and disturbance to justify dismissing the appeal. Indeed, he considered that a return to the lawful use of the site, however unlikely, would also introduce a level of additional noise and disturbance.

On the issue of odour, the Inspector noted that the area comprises small terraced houses many of which have no rear access. Consequently bins are

difficult to site away from neighbours. A bin store is shown on the application drawing adjacent to the boundary wall with No28. Although the Council maintained that there would be odour from the bins on the appeal site, particularly in periods of prolonged warm weather, the Inspector concluded that there is little evidence that odour from bins is a problem in the area. He considered that the provision of a bin store would assist in preventing any nuisance from odour and noted the appellant's willingness to site the bins and bin store away from No28 adjacent to the electricity sub-station that adjoins the site to the north and this could be required by condition. With this safeguard there would be no material nuisance from odour.

With respect to the Council's concerns about the potential increased fear of crime and anti-social behaviour that may be experienced by the occupiers of No28 Goodwood Road, the Inspector noted that timber planters and a pedestrian gate are proposed to be set back around 11½ metres from the footway to allow two cars to park. Whilst this would be safer in highway terms than parking on the road whilst a gate is opened, concern has been expressed that the setback would allow the wall bounding the rear yard of No28 to be climbed making the rear of No28 vulnerable to crime and anti-social behaviour. Although the setback would expose the boundary wall of No28, it would be in sight from the footway. In addition, the building on the appeal site would be occupied providing a level of surveillance. The Inspector concluded that this is likely to be more of a deterrent than a building in commercial use that could have tools, materials or money on the site which might be a target for criminals. There would, therefore, be no significant impact in terms of crime and anti-social behaviour.

The Inspector concluded that none of the matters raised would have a significant impact on the living conditions of the occupiers of No28 Goodwood Road in terms of overlooking, noise and disturbance, odour, or the fear of crime and anti-social behaviour. The proposal would, therefore, comply with the aims of Policy PCS23 of the Portsmouth Plan (PP).

#### Inspector's views on (ii) highway safety

The Councils expected parking standard of 1.5 car parking spaces and two cycle spaces for a two-bedroom dwelling would be met by the proposal. Whilst the road is one way north for cars, cycles and pedestrians travel in both directions. Regardless of whether cars enter the site forwards or backwards, visibility at the access, which is on a bend, is constrained by tall walls not in the appellant's ownership. However, the road is subject to a 20 mph speed limit and the Council's highways engineer states that the proposed use as a dwelling would generate less traffic movements than the lawful use of the site. On that basis the engineer raised no objection to the proposal and the Inspector saw no reason to disagree. The conversion would meet the objectives of PP Policies PCS17 and PCS23.

Appeal allowed, subject to conditions.

**4. Reasons for recommendations**

For information to the Planning Committee

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

None.

**6. Legal services' comments**

The report is for information only.

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

The report is for information only.

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Signed by:

**Appendices:**

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

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

Title of document	Location
Application file ref: 14/00938/PLAREG	
PINS ref: APP/Z1775/W/14/3000995	



# Agenda Item 5

## PLANNING COMMITTEE

8 APRIL 2015

5 PM EXECUTIVE MEETING ROOM,  
3<sup>RD</sup> 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, 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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**ROKO HEALTH & FITNESS CLUB COPNOR ROAD PORTSMOUTH****CONSTRUCTION OF UP TO 3 METRE HIGH FENCING WITH 5 METRE HIGH NETTING ABOVE TO ENCLOSE 2 ADDITIONAL FOOTBALL PITCHES ON LAND TO THE EAST OF ROKO/PORTSMOUTH FC TRAINING GROUND; SITING OF 2 STORAGE CONTAINERS AND WATER STORAGE TANK****Application Submitted By:**

PDP Architecture LLP

**On behalf of:**

Portsmouth Community Football Club

**RDD:** 21st November 2014**LDD:** 5th February 2015

This application was considered by the Planning Committee at its meeting on 11th February and was deferred to allow issues associated with restricting access to the (Council owned land) by the public be resolved

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposed works are acceptable given the designation of the site as protected open space, whether the proposals are acceptable in design terms and whether they would affect the amenities of neighbouring properties. Other issues to consider relate to parking and flooding. The Site

The application site comprises a rectangular parcel of land with an area of approximately 1.5 hectares located between ROKO and the railway line to the north of Devon Road. The site is owned by the City Council and currently forms part of 'Rugby Camp'. The site is designated as 'protected open space' and is located in Flood Zone 3.

**The Proposal**

This application, submitted by Portsmouth Football Club (PCFC), seeks planning permission for the construction of 3 metre high fencing with 5 metre high ball catch netting above to enclose 2 additional football pitches to be used by the football club's academy and for the siting of 2 storage containers and a water storage tank.

**Planning History**

The most relevant elements of the planning history of the wider site is permission 09/01374/FUL (granted in February 2010) for the construction of a footpath and cycleway to link Devon Road to Hilsea Railway Station including the provisions of cycle storage adjacent to Hilsea Station, and a series of recent planning permissions for the installation of fencing and buildings at ROKO to facilitate its use as the training ground for PCFC.

**POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS23 (Design and Conservation).

## **CONSULTATIONS**

### **Environmental Health**

No objection

### **Sport England**

Object as proposed fencing would prejudice the use of the cricket pitches to the north by encroaching on the outfield. Sport England suggest the proposed fencing be moved southward to enable the use of the cricket pitches to be maintained. As the existing pitches are well used a Community Use Agreement should be put in place formalise the availability of the pitches for community sporting uses.

In further comment, Sport England has approved resiting of the fence line that was proposed in response to their first comment.

### **Contaminated Land Team**

Recommends informative relating to possible discovery of unexpected materials

## **REPRESENTATIONS**

Objections have been received from the occupiers of 29 (mainly) local residents on the following grounds:

- a) loss of open space contrary to PCS13 and Council's Open Space Strategy
- b) loss of public access to land for dog walking and informal sport
- c) no need for fencing
- d) visual impact of proposed storage containers and water tank from neighbouring houses
- e) impact on other sports pitches
- f) increased risk to users of footpath from enclosure by fencing
- g) existing path subject to flooding
- h) increased noise and disturbance from use of pitches
- i) increased use of ROKO access
- j) impact on Human Rights of community denied access to 'public land'
- k) discrimination against those unable to play football
- l) unclear drawings and application not accompanied by sufficient information

Nine representations in support of the application have also been received.

## **COMMENT**

This application was deferred by the Planning Committee at its meeting on 11th February to allow issues associated with restricting access to the (Council owned land) by the public be resolved.

The leasing of the Council owned land to PCFC is a separate matter for decision making by the Cabinet Member for Planning, Regeneration and Economic Development. Such consideration is required by the Council's constitution to be undertaken separately from the consideration of this planning application which is for the construction of fencing and associated operational development and not for any material change in use of the land comprising development which is regulated by the Council as local planning authority.

For information only, the Council's Corporate Assets Team advertised their intention to lease the land on the Members Information Service in August 2014 and received no comments. In order to proceed with the disposal, the intention will need to be advertised for two consecutive weeks in The News (as required by Section 2A of the Local Government Act). Any responses that are received to the advertisement for the intended disposal will need to be considered and if required the matter referred to the relevant Cabinet Member for their consideration. The determination of this planning application would not fetter the discretion of the Council as landowner as to whether the land should be leased to PCFC.

## The Planning Application

The main issues to be considered in the determination of this application are whether the proposed works are acceptable given the designation of the site as protected open space, whether the proposals are acceptable in design terms and whether they would affect the amenities of neighbouring properties. Other issues to consider relate to parking and flooding.

## Principle of Development

As an area of Protected Open Space the application site is an integral part of the City's Green Infrastructure and contributes positively towards greening the built environment. Policy PCS13 recognises the importance of green infrastructure and seeks to protect it by establishing a presumption against any development involving the net loss of open space unless there are wider public benefits that outweigh the harm of any such loss. Policy PCS13 does not require protected open space to be publicly accessible. To be considered as green infrastructure land does not have to be publicly accessible because open space itself (whether or not accessible to the public) can provide visual interest and a sense of openness. The Council has adopted a Parks and Open Spaces Strategy the purpose of which is to consider how Portsmouth's open spaces are planned, managed, protected, designed, and maintained. The Strategy is not a planning policy document but seeks to establish a framework for the management of Portsmouth's open spaces in order to meet the objectives of the Portsmouth Plan. It is a material consideration to be taken into account in determining a relevant planning application.

The proposed enclosure of the existing pitches would not result in development comprising a material change of use of the land (they will still be used as sports pitches) and would not result in a loss of the land from the City's network of green infrastructure. As such the proposal does not conflict with Policy PCS13 of the Portsmouth Plan. However, the current application must be considered by the Planning Committee because the erection of fencing of the height applied for is an operational development requiring planning permission.

Sport England initially raised an objection to the proposed enclosure as the northern section of fencing would prejudice the use of the existing cricket pitches encroaching on the outfield such that the minimum size requirement recommended by the England and Wales Cricket Board would not be met. In response to this objection amended plans have been received relocating the fence to enable an appropriate degree of separation from the fence and the cricket pitches. A further consultation response has been received from Sport England confirming the that amended plan which proposes resiting the fence line overcomes their objection relating to the effect on the usability of the cricket pitches to the north. Sport England have also requested that as the existing pitches are well used for sporting purposes, a Community Use Agreement should be put in place formalise the continued availability of the pitches for community sporting uses and recommend that a condition be imposed to secure a Community Use Agreement for the pitches to be enclosed by the fencing the subject of this application. The applicant has confirmed their willingness to enter into a Community Use Agreement.

## Design

The proposed fencing would be sited around the existing pitches to enclose them and be colour treated in blue. The proposed storage containers and water tank would be located to the rear of numbers 81-85 Wesley Grove. The proposed structures would be single storey in scale but would be visible from upper floor windows of neighbouring properties and from the footpath leading from Devon Road to Hilsea Railway Station. Whilst the proposals would be somewhat utilitarian in their appearance, it is considered that their visual impact would not be so harmful to the visual amenities of the area to justify a refusal on design grounds.

## Amenity

The proposed fencing/netting would be located 25 metres from the rear boundaries of neighbouring properties in Wesley Grove and perpendicular to the frontages of houses at the northern end of Devon Road. It is considered that, having regard to the relative positioning of the proposed fencing to neighbouring properties, the proposal would not result in any significant harm to the residential amenities of the occupiers of neighbouring properties principally in terms of outlook nor from the act of enclosure resulting in a localised concentration of noise and disturbance during training sessions. Furthermore it is considered that the proposed storage containers and water tank, by reason of their modest scale, would not have any significant effect on the living conditions of the occupiers of neighbouring properties.

## Access & Parking

The shared use of the ROKO site by PCFC will inevitably result in an increased demand for parking, however the existing car park is under used during the day and sufficient capacity is considered to be available to serve any additional demand. Furthermore it is considered that the proposal would not lead to such an intensification in the use of the access onto Copnor Road that it would be likely to prejudice the safety or convenience of highway users.

## Flooding

Whilst the site may be located within Flood Zone 3, it is considered that the proposals would not give rise to any significant risk to life or property from flooding.

## Other matters raised in representations

The proposed fencing would be located alongside the footpath/cycle way leading from Devon Road to Hilsea Railway Station but would not impinge upon users of it. Whilst the enclosure of the existing pitches would narrow the width of the corridor in which users of the route would travel for a distance of approximately 150 metres, the route is lined by streetlights and the proposed fencing would allow clear views through it. Accordingly it is considered that the proposal would not be likely to result have a significant impact on the safety of users of the footpath/cycle way.

The proposed enclosure of the existing pitches would not result in a material change of use if the land. The decision to lease the land to PCFC in respect of the asset management responsibilities of the Council, which would result in it no longer being publicly accessible is not material to the determination of this planning application which should be considered on its planning merits as set out above.

It is considered that the proposed works to which this planning application relates would not result in a breach of the rights of any particular individual that otherwise would be protected pursuant to the Human Rights Act 1998, which are the rights set out in the Articles of the European Convention on Human Rights (ECHR). The protection of the ECHR is afforded only where interference is quite severe, incapable of control by adequate conditions and real, and not merely fanciful, or concerned with risk of future interference. In addition, the Council is given responsibility for determining applications and giving balance to competing interests in accordance with the statutory provisions relevant to that development management function, the rights protected by the ECHR may be subject to derogation where it is lawful in a democratic society, and necessary in the public interest. Even where an individual victim could make a valid assertion that a particular right had been interfered with to his or her specific detriment, it is possible for an authority to be justified if a decision has been taken having regard to such interference, and balancing the public interest. The permitting of the enclosure of the pitches and consequential barring of unrestricted public access would not amount to an interference

with the human rights of any individual or group who may previously have had unrestricted access to the land. Furthermore a positive decision to permit the application would not amount to discrimination against non-football players, and would not amount to a breach of the Equalities Act.

The level of information submitted with the application is sufficient to enable the application to be considered and determined.

## **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: 27956-PD700; 27956-PD702; Rev.B and 27956-PD703.
- 3) No part of the development hereby permitted shall be commenced (unless otherwise agreed in writing by the Local Planning Authority) until a Community Use Agreement, to secure effective community use of the existing pitches, has been agreed with the Local Planning Authority. The Community Use Agreement shall include (but not be limited to) details of any pricing policy, hours of use, access by non-club members, management responsibilities and a mechanism for review. The provisions of the Community Use Agreement shall apply until such a time as the existing pitches are no longer enclosed by the fencing hereby permitted.

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

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To secure the retention of community access to the existing pitches in the interests of the continued promotion of sporting activities and the health benefits thereof in accordance with Policies PCS13 and PCS14 of the Portsmouth Plan.

### **PRO-ACTIVITY STATEMENT**

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

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**02** 15/00039/FUL

**WARD:ST JUDE**

**22 INGLIS ROAD SOUTHSEA**

**CONSTRUCTION OF 2 SEMI-DETACHED DWELLING HOUSES AFTER DEMOLITION OF EXISTING BUILDING (AMENDED SCHEME)**

**Application Submitted By:**  
The Town Planning Experts

**On behalf of:**  
Charles Marks Ltd

**RDD:** 9th January 2015

**LDD:** 9th March 2015

## **SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposed redevelopment is acceptable in principle; whether the proposal would preserve or enhance the character and appearance of the Conservation Area, whether it would relate appropriately to neighbouring properties (thereby addressing the reason for the dismissal of the recent appeal) and whether it would have any impact on the safety or convenience of users of the surrounding highway network.

### The Site

The application site relates to the curtilage of number 22 Inglis Road which contains a now vacant Gospel Hall. The site is located on the northern side of Inglis Road almost opposite its junction with Oxford Road. The site lies within the Campbell Road Conservation Area.

### Planning History

There have been two recent planning applications for similar proposals, both of which were refused and one of which was the subject of an appeal. The first of the applications (14/00136/FUL) was refused by the Planning Committee in April 2014 for the following substantive reason:

In the opinion of the Local Planning Authority the proposed dwellings would, by reason of their bland and inappropriate appearance, fail to preserve or enhance the character and appearance of the Campbell Road Conservation Area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to Policy PCS23 of the Portsmouth Plan.

The second application (14/00480/FUL) was refused by the Planning Committee in June 2014 for the following reason:

In the opinion of the Local Planning Authority, the proposed dwellings would, by reason of their size and siting, have an overbearing relationship with neighbouring properties to the detriment of the residential amenities of the occupiers and, by reason of their unimaginative appearance as a pastiche, fail to represent an appropriate replacement for the existing building which makes a positive contribution to the character and appearance of the Campbell Road Conservation Area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework, to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the Guidelines for Conservation relating to the Campbell Road Conservation Area.

This application was the subject of an appeal where the Inspector considered the main issues to be the effect of the proposed development on the living conditions of Nos 40, 42 and 44 Campbell Road in respect of outlook and privacy and whether the proposed development would preserve or enhance the character or appearance of 'Campbell Road' Conservation Area.

The Inspector observed that the rear elevations of Nos 42 & 44 extend further south than some adjoining properties and there are large single windows on the first floor; at No 44, the window serves a main bedroom and viewed from it, the smaller scale/height of the existing building in relation to its surroundings is very apparent. The Inspector took the view that although set back within their plots, the height/bulk of the proposed dwellings would appear significantly more overbearing and prominent than the existing building and be particularly noticeable to the



occupiers of Nos 42 & 44, from the first floor rear bedrooms and to some extent from their gardens. In respect of privacy, the Inspector held there is often mutual overlooking in residential areas and noted some disagreement over the separation distances between the north elevation of the proposed dwellings and the rear elevation of Nos 42 & 44. However, the rear bedroom windows of the proposed dwellings would face directly towards the large rear bedroom windows of Nos 42 & 44 and given that they are not overlooked by existing properties in such a direct manner, the appeal scheme would lead to a strong perception of a loss of privacy disturbing to the occupiers of Nos 42 & 44. In relation to No 40, separated only by a 1-metre wall, clear views from the garden of the proposed dwelling (west side) of the appeal site into the adjoining garden would be possible. However, appropriate boundary treatment could be required by a suitably worded condition, had the proposal been acceptable in other respects. The Inspector concluded that the proposed development would cause harm to the living conditions of the occupiers of Nos 42 & 44 in respect of outlook and privacy, in conflict with Policy PCS23 and the provisions of the NPPF, which require development to provide a good standard of amenity for all existing and future occupants of land and buildings.

The Inspector commented that the front elevations of the proposed dwellings would be greater in height/scale than the existing building and the garage to the west but, nevertheless, would be similar to other dwellings in the street. The proposal would therefore not be significantly at odds with the general pattern of development on Inglis Road and incorporate features from nearby properties (including No 20, next door) in respect of double height bays, the design of the doors and other detailing. The materials would match those of the surrounding residential properties and would retain the strong building line within the street. The Inspector took the view that the proposal would be sympathetic to the character and appearance of its surroundings. It would also respect the residential character of the area, which is part of the Conservation Area's distinctiveness and significance as a heritage asset. The Inspector concluded it would preserve the character and appearance of 'Campbell Road' Conservation Area.

The appeal was dismissed on the grounds of amenity impact only.

### The Proposal

This application seeks planning permission for the demolition of the existing building and the redevelopment of the site by the construction of a pair of two-storey, semi-detached dwellings. The proposed dwellings would be of a traditional design and appearance and be sited to align with the adjoining dwelling to the east.

As originally submitted the only difference between this scheme and that dismissed on appeal was the reduction in the depth of the first floor of the rear projection by 1.35 metres. This amendment was not considered to address or overcome the Inspectors reason for the dismissing the previous appeal. Accordingly this application was recommended for refusal and put on the agenda for the meeting of the Planning Committee on 11th March. The applicant, in an attempt to address the recommendation for refusal, chose to submit revised plans removing the whole of the first floor of the rear projection. The receipt of the amended plans necessitated a renotification of neighbours and the withdrawal of the application from the agenda for the meeting of the Planning Committee on 11th March.

### **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), 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).

The NPPF (in particular paragraphs 126 to 141) and the Parking Standards, Sustainable Design & Construction, Housing Standards and Solent Special Protection Areas SPDs are all relevant to the proposed development.

The following extracts from the Guidelines for Conservation relating to the Campbell Road Conservation Area are also of relevance to this application.

The Conservation Area guidelines describe the northern side of Inglis road as consisting of "a two-storey brick terrace and gable facing semi-detached houses" of which "a few have pointed arched doorways, which are echoed in the gospel hall in the centre of the block". The Guidelines note that "there are no architecturally significant buildings and few trees, a stark contrast to parallel Campbell Road". The guidelines recognise that "there has been a significant loss of buildings due to redevelopment" with, in particular Outram Road and Victoria Road North having suffered from unsympathetic redevelopment. The guidelines suggest that the "loss of further buildings in the north-west part of this Conservation Area in particular would seriously erode its character and would be undesirable" on the basis that it "is advantageous to learn from past mistakes and ensure future redevelopment enhances the character of the Conservation Area". The guidelines in respect of redevelopments state that the redevelopment of older properties will be opposed "unless it can be demonstrated that the redevelopment would positively enhance the character or appearance of the Conservation Area" and "if the property to be altered is deemed inappropriate or detracting from the conservation area, then redevelopment may be possible".

## **CONSULTATIONS**

### **Highways Engineer**

No response received in regard to this application. Comments on previous application are as follows:

The site is located in an area of medium accessibility to public transport and lies within easy reach of high frequency bus corridor and Fratton rail station. The site lies 300m to the north of designated Albert Road Local Centre with a wide range of services and amenities. No off-street parking is provided, however there is unrestricted on-street parking outside the site. Parking congestion in this area is severe, due to the terraced housing (many converted to HMOs, student accommodation etc) and little or no off-road parking. Inglis Road borders the new "MC Zone" residents' parking scheme and is the nearest unrestricted road. Inglis Road forms part of an area referred to as "North Kings", which is due to be surveyed in relation to residents' parking in April 2014. [N.B. The MC residents parking zone has been suspended and is not in operation.]

Regard must be given to the former demand for parking associated with the use of the current building as a chapel where the vehicle generation would be significantly greater than that from two dwelling houses. The site is located close to local services and amenities and having regard to its location, and demand for parking associated with the use of the current building as a chapel it is considered that a car free development would accord with the aims and objectives of the Residential Parking Standards SPD.

No objection subject to provision of cycle storage facilities

### **Contaminated Land Team**

Recommends imposition of conditions

### **Environmental Health**

Notes no complaints have been received from operation of adjacent commercial garage. Raises no objection to proposal in terms of impact of neighbouring commercial use to proposed dwellings

## **REPRESENTATIONS**

17 objections have been received from local residents and Ward Councillor Andrewes on the following grounds:

- a) loss of church building detrimental to Conservation Area and community;
- b) the hall should be retained and converted;

- c) proposal would neither preserve nor enhance the character or appearance of the Conservation Area;
- d) loss of light and privacy;
- e) impact on outlook and living conditions of neighbouring properties;
- f) no provision for the parking of cars;
- g) potential for crime/anti-social behaviour;
- h) proposal contrary to wishes of community;
- i) allowing the proposal would amount to breach of the human rights of neighbouring occupiers.

## **COMMENT**

The main issues to be considered in the determination of this application are:

whether the proposed redevelopment is acceptable in principle;  
whether this amended proposal would preserve or enhance the character and appearance of the Conservation Area;  
whether it would relate appropriately to neighbouring properties and thereby address and overcome the reason for the dismissal of the appeal; and  
whether it would have any impact on the safety or convenience of users of the surrounding highway network.

Other issues to consider are whether the proposal complies with policy requirements in respect of sustainable construction, space standards and SPA mitigation.

### Principle of Development

The existing building on the site appears to date from the inter-war period and is currently vacant, having become surplus to requirements by the Trustees of The Gospel Hall and been sold to the applicant. The building itself is of a pleasant appearance but is considered to be architecturally undistinguished (as recognised in the Conservation Area Guidelines) and of little historic significance. In considering the recent appeal the Inspector noted that the existing building is over 100 years old, however they also noted that the hall does not appear to have any historical significance. The Conservation Area guidelines make provision for the redevelopment of sites in certain circumstances. Having regard to the form and age of the existing building it is considered that its loss would not give rise to any substantial harm to the character and appearance of the Conservation Area and that its replacement with an appropriate form of redevelopment would have the potential to enhance the site and the Conservation Area.

The site is located in a predominantly residential area characterised by two-storey terraced and semi-detached dwellings with the existing hall and neighbouring garage being very much at odds with the character and urban grain of the locality. Accordingly the principle of building two houses on the site is considered acceptable.

### Impact on Conservation Area

In determining this application special attention must be paid to the desirability of preserving or enhancing the Campbell Road Conservation Area in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

As discussed in the foregoing section, the loss of the existing building is considered acceptable in the context of its impact on the character and appearance of the Conservation Area.

The proposed dwellings would again be of a traditional design and appearance with the style and architectural detailing taking its inspiration from the terrace of dwellings to the east of the site. Their detailing would comprise two-storey projecting bay windows and stone detailing to the bays and windows to the front elevation. In both design and heritage terms the proposal is

considered to complement and harmonise with the prevailing urban grain and the contextual streetscene. Accordingly it is considered that the proposal would enhance the character and appearance of the Conservation Area. In their determination of the recent appeal the Inspector considered that the proposal would be sympathetic to the character and appearance of its surroundings and would respect the residential character of the area, which is part of the Conservation Area's distinctiveness and significance as a heritage asset. The Inspector concluded that the proposed development would preserve the character and appearance of the Campbell Road Conservation Area and would not conflict with Policy PCS23 of the Portsmouth Plan in respect of seeking new development, which is well designed and respects the character of the city and protects and enhances the city's historic townscape. Furthermore the Inspector opined that the proposal would not be contrary to the overarching aims of the Conservation Area Guidelines or to the provisions of the NPPF where it relates to the need for high quality design and to conserving and enhancing the historic environment.

#### Impact on Amenity

The existing building covers almost the entire site with effectively just a walkway running around it at the sides and at the rear. The main element of the building is approaching two-storey in scale but has a shallow pitched roof such that it is lower in height than the houses on the street. The rear of the building comprises single storey extensions. The site is separated from No's 40, 42 and 44 Campbell Road by a brick wall along the east, west and southern boundaries. This varies in height and is much lower on the boundary with No 40. No's 42 and 44 have very short rear gardens with only a small amount of additional space to the sides. The existing building because of its size and siting results in a strong sense of enclosure to the rear garden of number 44 Campbell Road.

The rear elevations of No's 42 and 44 extend further south than some adjoining properties with large single windows at first floor level which in the case of No. 44 serves as a main bedroom. In dismissing the recent appeal the Inspector considered that the height and bulk of the main rear elevation and rear projections of the proposed dwellings would appear significantly more overbearing and prominent than the existing building and would be particularly noticeable to the occupiers of No's 42 and 44, when within the first floor rear bedrooms and to some extent from their gardens. The Inspector also considered that as the rear bedroom windows of the proposed dwellings would face directly towards the large rear bedroom windows of No's 42 and 44 and given that these properties are not overlooked by existing properties in such a direct manner, there would be a strong perception of a loss of privacy that would be disturbing to the occupiers of No's 42 and 44.

As a response to the issues raised by the Inspector in their dismissal of the appeal on amenity grounds, the applicant has, following a resurvey of the site, removed the first floor element of the rear projection to provide a separation distance of approximately 22.6 metres between the first floor windows of the proposed dwellings and the rear windows of No's 42 and 44 Campbell Road. The applicant suggests that a distance of 20 metres is generally accepted as a reasonable minimum distance between the windows of neighbouring properties. In addition the applicant has replaced conservatories to the rear of the dwellings with more substantial single storey projections to prevent future occupiers being overlooked from the rear. Furthermore two of the windows in the rear elevation would now serve a stairwell and are indicated to be both obscure glazed and fixed shut.

In addition to increasing the separation distance to properties at the rear, the proposed amendment also much reduces the bulk of the rear projection. It should also be noted that the separation distance from the rear of the proposed dwellings to their rear boundaries would be greater than that of most of the other properties on the northern side of Inglis Road. Having regard to the harm identified by the Inspector, it is considered that the removal of the first floor of the rear projection would reduce the impact of the proposal such that it would not appear as an overbearing feature which would give rise to significant harm to the living conditions of No's 42 and 44 Campbell Road. Furthermore the increased separation distance and the incorporation of

fixed and obscure glazed windows would reduce the degree of actual and perceived level of overlooking to a degree which would not cause harm.

The boundary between the site and No 40 Campbell Road is a one metre high wall. To prevent overlooking from the garden of the proposed dwelling on the west side of the appeal site into the garden of No 40 it would be considered appropriate to impose a suitably worded planning condition.

The proposed dwellings would be sited adjacent to a small commercial garage, however colleagues in Public Protection advise they have no records of any complaints being received about the operation of this use. Having regard to the relatively modest size of the adjacent commercial property it is considered that the proposal would not be likely to have any significant effect on the amenities of future occupiers.

#### Parking

The application site benefits from an unrestricted lawful use for purposes within Class D1. This use class includes places of worship, education facilities and day nurseries. These uses would inherently have a level of traffic generation and demand for parking associated with them which must be recognised as a material consideration because for the developer the "fall-back" position is that the site might be used for one of the D1 uses without requiring specific permission to do so. The site does not benefit from off-street parking and whilst there may be scope for some to be provided the formation of vehicular crossovers would result in the loss of existing on-street parking. Furthermore the provision of off-street parking either on drives or in garages would be untypical of the Conservation Area and arguably would detract from its character and appearance. Having regard to the level of demand for parking which could be associated with the lawful use of the site (for purposes within Class D1), the level of parking likely to be associated with the occupation of two houses and the likely impacts of providing off-street parking, it is considered that a car free development is acceptable in this instance.

#### Other matters

The proposed dwellings would exceed the minimum space standards associated with policy PCS19 and are laid out in a manner that provides an appropriate form of accommodation for occupiers. The submitted drawings indicate the provision for facilities for the storage of cycle storage in the gardens of the dwellings. It is considered that such provision is acceptable and could be secured through the imposition of a suitably worded planning condition.

The application includes no information about how the proposal meets the requirements of policy PCS15 in respect of Sustainable Design and Construction. It is considered that conditions could also be imposed to ensure that the development is built to the required standard.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in section 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as  $(2 \times £172) = £344$ . The applicant has provided SPA mitigation in this way therefore it is considered that there would not be a significant effect on the SPAs.

It is considered that the proposal to which this planning application relates would not result in a breach of the rights of any particular individual that otherwise would be protected pursuant to the Human Rights Act 1998, which are the rights set out in the Articles of the European Convention on Human Rights (ECHR). The protection of the ECHR is afforded only where interference is quite severe, incapable of control by adequate conditions and real, and not merely fanciful, or concerned with risk of future interference. In addition, the Council is given responsibility for

determining applications and giving balance to competing interests in accordance with the statutory provisions relevant to that development management function, the rights protected by the ECHR may be subject to derogation where it is lawful in a democratic society, and necessary in the public interest. Even where an individual victim could make a valid assertion that a particular right had been interfered with to his or her specific detriment, it is possible for an authority to be justified if a decision has been taken having regard to such interference, and balancing the public interest.

## **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: 001 Rev.N; 002 Rev.F; and 003 Rev.G.
  
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
  - a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
  - c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
  
- 4) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;
  - (a) as built drawings of the implemented scheme;
  - (b) photographs of the remediation works in progress;
  - (c) Certificates demonstrating that imported and/or material left in situ is free of contamination.Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).
  
- 5) Development shall not commence until written documentary evidence has been submitted to the Local Planning Authority proving that the development will achieve a minimum of level 5 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.

6) Neither of the dwellings hereby permitted shall be occupied until written documentary evidence shall be submitted to and approved in writing by the Local Planning Authority proving that the development has achieved a minimum of level 5 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.

7) No development shall commence until details, including samples where appropriate, of the types and finish of all external materials (to include walls, roofs, windows, doors, rainwater goods and other architectural detailing and front boundary wall and railings) to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

8) Neither of the dwellings hereby permitted shall be occupied until the new wall and railings shown on the approved drawings to the front of the site adjacent to Inglis Road has been constructed, completed and thereafter retained.

9) a) Development shall not commence until details (including height, appearance and materials) of the boundary treatment between the application site and number 40 Campbell Road have been submitted to and approved in writing.

b) The western dwelling hereby approved shall not be occupied until the boundary treatment approved pursuant to part a) of the condition has been provided.

**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 order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

5) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan and the Sustainable Design and Construction SPD.

6) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan and the Sustainable Design and Construction SPD.

7) To ensure the development is finished in appropriate materials that will preserve the character and appearance of the Conservation Area in accordance with Policy PCS23 of the Portsmouth Plan.

8) To ensure a satisfactory setting for the development in the interests of enhancing the character and appearance of the Conservation Area in accordance with policy PCS23 of the Portsmouth Plan.

9) To protect the residential amenities of the occupiers of neighbouring properties and future occupiers of the development in accordance with policy PCS23 of the Portsmouth Plan.

## PRO-ACTIVITY STATEMENT

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

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**03** 15/00063/VOC

**WARD:PAULSGROVE**

**NURSERY 232 SOUTHAMPTON ROAD PAULSGROVE PORTSMOUTH**

**APPLICATION TO VARY CONDITION 2 OF PLANNING PERMISSION A\*10252/AE-1 TO ALLOW UP TO 20 CHILDREN TO USE THE EXTERNAL GROUNDS/GARDENS AT ANY ONE TIME (RESUBMISSION OF 14/01426/VOC)**

**Application Submitted By:**

Teddy Bears Nursery School

**RDD:** 19th January 2015

**LDD:** 7th April 2015

### **SUMMARY OF MAIN ISSUES**

The main issue in this case is whether the use of the garden by up to twenty children would adversely affect the living conditions of the occupiers of the adjoining and nearby residential properties.

The site and surroundings

This application relates to an extended bungalow situated on the north side of Southampton Road, east of its junction with Hamilton Road, set within a large plot that extends through to Sullivan Close at the rear. An access/egress to the front of the property serves a tarmac surfaced car park and a pedestrian access along the eastern boundary to the rear. The open area to the rear is enclosed by timber fence panels and incorporates an original double garage that is used for storage purposes, a summerhouse and a further outbuilding used for storage purposes. The garden is laid out to provide distinct areas; one behind the double garage comprises an activity area with logs and tyres, a second area adjacent to the western boundary has a 'jungle' feature adjacent to the building and beyond that a play area with a slide, decking and seating leading to the summerhouse, all behind a low wall that forms the boundary to a general play area in front of the double garage/store. The garden area abuts the rear garden of No.234 Southampton Road and beyond that lie the rear gardens to Nos.14 Sullivan Close and 236 Southampton Road. To the east lie the comparatively modest rear gardens to Nos.1, 3 and 11 Hopkins Close.

Proposal

The proprietor of the day nursery seeks to vary the condition limiting the number of children able to use the garden at any one time by increasing that number from 10 to 20.

Planning history

An application for a 48 place nursery was initially refused in November 2002. A subsequent application for a 42 place nursery was granted a temporary planning permission in January 2003 with a permanent restricted permission granted in June 2004. In March 2005 the planning



permission was varied to increase the number of child places to 52 and extend the opening hours for an additional half-hour in the morning starting at 7.30am. Condition 2 of the principal permission restricted the number of children permitted to use the external garden/grounds to ten. In 2010 permission was granted for the construction of the side extension to provide additional accommodation including sleeping, toilets and changing rooms.

In November 2014 the applicant sought to vary condition 2 of planning permission A\*10252/AE-1 to allow up to 30 children to use the external grounds/garden at any one time. That application was refused permission under delegated powers for the following reason;-

The use of the area to the rear of the building by up to 30 children at any one time would give rise to a level of activity that in terms of noise and disturbance would have a significant impact on the living conditions of the occupiers of the adjoining and nearby residential properties. The proposal would therefore be contrary to policy PCS23 of the Portsmouth Plan.

## **POLICY CONTEXT**

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

## **CONSULTATIONS**

### **Head of Public Protection**

The current application is to vary the condition concerning the number of children permitted to use the garden at any one time. I am unable to comment on Ofsted and Government requirements (as detailed in Section 6 of the application) but I can say that an increase from 42 to 52 children is not commensurate with an increase from 10 to 20 children in the garden (point 1 of Section 6 of the planning application). An increase to 13 children in the garden would be proportional to the general increase in numbers from 42 to 52. The location is largely residential in nature with some office use on the opposite side of Southampton Road. The nursery is surrounded to the East and West with 12 residential properties with gardens located within 40 metres of the nursery garden.

#### **Noise complaints**

Environmental Health has received noise complaints about the garden use of the nursery at 232 Southampton Road for the last two years. The noise complaints include noise from children in the garden playing, banging of pots and pans, children playing musical instruments, children crying and screaming and also the playing of music in the garden.

An investigation into the noise complaints last year led to the installation of Environmental Health noise monitoring equipment. The complainant was also informed of the limit of ten children in the garden. Whilst the equipment was installed, the complainant monitored the numbers of children in the garden and found that they were regularly in excess of ten. On the 22nd October 2014 the complainant counted 19 children in the garden and on 28th October, 24 were counted and the complainant has informed me that on average there were 20 children in the garden throughout the monitoring period. I do not know for how long the nursery has been operating in contravention of condition 2 of A\*10252/AE-1 but it seems that the noise assessment was undertaken with, on average, double the permitted number of children in the garden.

The recordings made using the noise monitoring equipment have been analysed. The noises recorded include children shouting, screaming and crying, noise from raised adult voices and the hum of traffic in the background. The recordings give me significant concern about the impact on the amenity of the neighbouring residential uses as a result of the noise from the garden. Harm to residential amenity from noise and disturbance is likely when children are playing in groups larger than a normal family. Clearly, some noise from the garden or a nursery should be expected and, to a degree, tolerated by the neighbouring residential uses, however, the noise recorded by the complainant was excessive and beyond what could be deemed reasonable for the neighbours to endure.

Noise complaints continue to be received. A complaint was received this year on 12th February concerning noise from the garden and that there were more than 10 children in the garden. I referred the complainant to Planning Enforcement for their attention.

The noise investigation that has been undertaken satisfies me that harm to amenity is being caused by the numbers of children that the application proposes. In addition, the applicant proposes no additional measures to control noise. For these reasons I am unable to support this application and I recommend that it be refused on the grounds of harm to the amenity of neighbouring residential uses.

#### **Early Years & Childcare**

No comments received.

#### **OFSTED - Office for Standards in Education**

No comments received.

### **REPRESENTATIONS**

At the time of preparing this report a total of 55 representations had been submitted by parents who use the day nursery, including one that had been received from an adjoining resident, all in support of the application.

One representation has been received from an adjoining resident objecting to the proposal on the following grounds;

1. There will be an increase in noise and general disturbance which will particularly affect key workers who work night shifts. The noise level is already problematic but an increase will create intolerable noise levels.
2. An expansion of the nursery would result in access and parking issues in Hopkins Close. Particularly as parking spaces are unallocated, there will be fewer parking spaces for residents who, because of the location of the homes, and distance from public transport are dependent on private cars.
3. There will be an increase in traffic on the Southampton Road at already busy times of day. The road is already a busy main road and cars will be turning in to the nursery halting traffic, increasing the risk of traffic jams and road traffic accidents.
4. The nursery is also under investigation currently for noise pollution complaints due to breach of previous planning permission, they had permission for 10 children outside and had 30. So giving new permission will we be looking at 60 children outside - which again relates to problems of loss of amenity from increased noise pollution and the practical impossibility of restricting the numbers of children that can make noise outside.

### **COMMENT**

The determining issue in this case is whether a two-fold increase in the number of children that are permitted to use the area to the rear of the main building would have an unacceptable impact on the living conditions of the occupiers of the adjoining and nearby houses.

The reason for the condition that limited the number of children permitted to use the external area to ten was to protect the amenity of the adjoining and nearby residents.

Policy PCS23 of the Portsmouth Plan, the Council's Core Strategy, aims to ensure, amongst other things, that development protects amenity and provides a good standard of living environment for local occupiers, an objective that is consistent with the NPPF. Whilst it is common to find day nurseries within residential areas, the needs of operators to provide outdoor play for children must be balanced against the resulting disturbance to other local residents from external activity.

In this case it is clear from the investigations carried out by the Environmental Health Officer that noise and disturbance associated with external activity at this site between 2012 and 2014 has stemmed from a breach of the existing planning condition limiting the number of children using the external area to ten. Furthermore, those investigations revealed that a significant loss of

amenity had arisen from the use of the external grounds by around the number of children now proposed by the applicant.

Although the submission of individual representations by parents who use the day nursery are noted and outnumber the representations opposing the proposal, this would not imply that the proposed increase in the number of children able to use the garden area from ten to twenty would be acceptable in planning terms. With a comparatively modest number of children using the play areas as currently permitted, even where activity is concentrated into one particular part of the external area, noise impact would remain within acceptable limits. By increasing the number of children permitted to use the external area, there would be less opportunity to disperse activity across the play facilities that have been provided. By increasing the number of children permitted to use the external area, where children are then grouped into specific areas in the interests of safety and supervision, the potential for noise and disturbance would increase proportionately. It is considered that, having regard to the comments of the Public Protection Officer, the noise and disturbance associated with up to 20 children using the external area, would be likely to have an unacceptable impact on the living conditions of the occupiers of the adjoining and nearby residential properties.

In balancing the desires of the applicant to provide outdoor activities for a greater number of children against the impact of that activity on existing and future residents, consideration could be given to the grant of an initial temporary permission. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. In this case, investigations into noise complaints revealed that undue noise was created from the number of children which the applicant currently proposes. As such the use of an initial temporary permission would be considered inappropriate.

The proposed increase in children permitted to use the external area would, therefore, be considered to be unduly excessive and harm the standard of amenity that could be reasonably expected by the adjoining occupiers. The applicant's proposal would, in these circumstances, conflict with policy PCS23 of the Portsmouth Plan.

Whilst the applicant has referred to an 'instruction' by Ofsted and the Early Years Foundation Stage to have more outdoor activities and commented that the restriction on numbers allowed at any one time will have an impact on the number of deprived/disadvantaged children that can be accepted from the Council, those aspects would not outweigh the harm outlined above.

## **RECOMMENDATION            Refuse**

The reason for the recommendation is:-

The use of the area to the rear of the building by up to 20 children at any one time would give rise to a level of activity that in terms of noise and disturbance would have a significant impact on the living conditions of the occupiers of the adjoining and nearby residential properties. The proposal would therefore be contrary to 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 it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

**190 CHICHESTER ROAD PORTSMOUTH****RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF SINGLE STOREY REAR EXTENSION****Application Submitted By:**

Andrew R Dunks Ltd

**On behalf of:**

Mr A Oliver

**RDD:** 29th January 2015**LDD:** 27th March 2015**SUMMARY OF MAIN ISSUES**

The main issues in the determination of this application relate to whether the design of the extension is appropriate in relation to the recipient property and whether there is any significant impact on residential amenity.

The site and surroundings

The property is a two storey terraced house located on the southern side of Chichester Road between junctions with Farlington Road and Paulsgrove Road. The surrounding area is characterised by similar terraced properties.

The proposal

The applicant seeks retrospective permission for the construction of a single storey rear extension. The extension measures 6m in width with a depth of 3.2m and a flat roof of 3.2m high.

The original proposal was within the permitted development tolerances therefore, although prior approval was required (ref 14/00050/GPDC) this raised no objections and the extension could have been built under permitted development. However, the extension was built 20cm above the permitted development maximum height therefore planning permission is required.

**POLICY CONTEXT**

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

**CONSULTATIONS**

None.

**REPRESENTATIONS**

One letter of representation has been received from the landlord of the neighbouring property (at No192) raising objection on the grounds of: 1) the extension is imposing; 2) it is out of proportion with the surrounding residential environment; 3) loss of light; and, 4) loss of privacy.

## COMMENT

The main issues are whether the design of the extension is appropriate in relation to the recipient property and any significant impact on residential amenity.

### Design

The extension is finished in render to match the existing house and there are also many other extensions in the surrounding area which have used a similar render finish. There is a small window to the east elevation and another window to the south elevation. In comparison to other single-storey extensions in Chichester Road, the extension is not considered to represent a visually obtrusive feature in the street scene. The extension is considered to relate satisfactorily to the recipient building in design terms and whilst large it does not appear at odds with the existing house or the wider locality.

### Amenity

The extension is slightly higher at the eaves (3.2m) than the Permitted Development allowances of 3m. This difference is not considered to be so significant as to warrant a refusal. The dimensions of an extension which would be given deemed permission are a material consideration ("the fall-back position") which must be considered when determining the application. Having regard to the minor difference between the fall-back position and the current development, the proposal is considered to be acceptable. The outlook of the side window is onto boundary fencing, therefore this does not give rise to any impact of overlooking to neighbouring occupiers at No192. Whilst the rear extension is relatively large, its scale is not considered to be excessive to result in any significant impact to the amenity of the neighbouring occupiers in terms of loss of light, privacy or increased sense of enclosure. Therefore the extension is in accordance with policy PCS23 of the Portsmouth Plan.

## RECOMMENDATION                      Conditional Permission

### Condition

1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan and Floor Plan and Elevations.

### The reason for the condition is:

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

### 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.

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

**351-353 COPNOR ROAD PORTSMOUTH****DISPLAY OF THREE EXTERNALLY ILLUMINATED FASCIA SIGNS AND VARIOUS WINDOW VINYL SIGNS****Application Submitted By:**

Olympic Sign Services

**On behalf of:**

Spend N Save - Nisa Local

**RDD:** 3rd February 2015**LDD:** 8th April 2015**SUMMARY OF MAIN ISSUES**

This application relates to a shop located on the corner junction of Copnor Road and Battenburg Avenue. The surrounding area is characterised by other commercial properties on Copnor Road whereas Battenburg Avenue is characterised by residential terraced houses and also a primary school and a church.

The applicant seeks consent for display of three illuminated fascia signs and various window vinyl signs. These signs are already displayed at the premises. The three illuminated fascia signs have a height from the ground to the base of the advertisement of 2.8 metres. They are externally illuminated with a luminance level of 280 cd/m.

Sign 1 measures 0.9m by 4m. It displays the text 'Subway'. The sign is finished in green and the letters are made from stainless steel and are finished in white and yellow to match the corporate colours.

Sign 2 is a digitally printed vinyl fascia. It is displayed on the main elevation and it has a width of 8.26 and a height of 0.9m. It displays the 'Nisa Local' sign the text is written in blue and yellow on a grey background.

Sign 3 is another fascia sign which displays the 'Nisa Local' sign it has the same height as the other sign but it has a smaller width of 5.75 metres.

Signs 4 and 5 are both internally applied window vinyls. Sign 4 displays the 'Subway' sign in the yellow and white corporate colours. It measures 0.1m by 0.47m. Sign 5 displays the 'Nisa Local' text in the white and yellow corporate colours. It measures 0.15m by 2.1m.

The relevant planning history for this application includes:

In August 2005 conditional consent was given for the display of internally illuminated (individual letters) fascia and a projecting pole sign. (Ref A\* 17072/AA).

In January 2014 conditional permission was given for the change of use to a shop (Class A1); external alterations to include a new shop front and the installation of roller shutters to the front and the side elevations. (Ref 13/01137/FUL).

**POLICY CONTEXT**

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

## **CONSULTATIONS**

### **Highways Engineer**

The proposed signs by virtue of its size and locations would be unlikely to distract drivers on the public highway therefore no objection is raised.

## **REPRESENTATIONS**

One objection has been received from the occupiers of a neighbouring property on the basis that they were not consulted by the applicant, the signage has gone up prior to a decision being made and the applicant has carried out other works to the building without permission.

## **COMMENT**

The only issues to be considered in the determination of this application relate to visual amenity and public safety.

It is considered that the fascia and window vinyl signs do draw attention to the shop without amounting to visually obtrusive features. This type of signage is common along Copnor Road given that it has many commercial premises. Therefore the signs are considered to be acceptable in amenity terms.

All advertisements are intended to attract attention but advertisements that are illuminated or carry moving images at points where drivers need to take more care are more likely to affect the public safety. In this case the proposed signs do not prove a distraction to drivers or other users of the highway. Furthermore the signs do not affect sight lines. Again taking account of the signs location there are other adverts similar to this along the road which cause no significant harm to public safety. It is therefore considered that the signs do not adversely affect the highway safety.

## **RECOMMENDATION                  Consent**

### **PRO-ACTIVITY STATEMENT**

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

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**06** 15/00155/TPO

**WARD:ST JUDE**

**2 THE GARDEN VIEW APARTMENTS 2 ST VINCENT ROAD SOUTHSEA**

**WITHIN TREE PRESERVATION ORDER NO 47 SYCAMORES (T35 & T36) CROWN  
REDUCE WESTERN SECTOR BY 2.5M; LIMES (T33 & T34) CROWN LIFT OF 2.4M  
(AMENDED DESCRIPTION)**

### **Application Submitted By:**

All Tree Solutions

### **On behalf of:**

Mr Terry Jacques

**RDD:** 4th February 2015

**LDD:** 6th April 2015

## SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are: (a) whether the works to the trees are proportionate and in the interests of sound arboricultural management; (b) whether there would be a significant adverse impact on residential amenity; and, (c) whether there would be a significant impact on the setting of the conservation area.

The site and surroundings

The application relates to four trees protected by Tree Preservation Order (TPO) (No.47) located within the East Southsea Conservation Area (No.19). The trees were protected due to their amenity value and contribution to the surrounding area. The trees are located on the access road to properties 1-6 Garden Terrace but the lateral growth is encroaching upon the building fabric of a part two-/three-storey block of flats situated on the south side of St Vincent Road. Between trees T35 and T36 is a Sycamore. The Lime trees (T33/T34) are located next to a telegraph pole and are encroaching upon the wires.

The proposal

The applicant seeks consent to crown reduce the Sycamores (T35 & T36) western sector by 2.5m; and to crown lift to 2.4m the Limes (T33 & T34) with a cut diameter not exceeding 70mm. The works would prevent the lateral growth of the tree encroaching on the fabric of The Garden View Apartments; clear the overhang on the public footpath and reduce any potential interference with the telecommunications infrastructure.

Relevant planning history

The relevant planning history for this site includes:

(a) (08/01280/TPO) Sycamore (T35) thin canopy by 30%, Sycamore (T36) thin canopy by 30% with laterals extending towards building shortened by 2 metres and sever ivy within Tree Preservation Order 47 which was granted conditional consent.

## POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include PCS13 (A Greener Portsmouth).

Section 72 of the Listed Buildings and Conservation Areas Act (1990) (as amended) requires Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

## CONSULTATIONS

### Leisure/Arb Officer

A site visit was carried out and the weather conditions were dull and overcast, spots of rain with a South Westerly breeze.

The recorded management history suggests they have been sporadically managed since 1986.

There is an additional Sycamore located between T35 and T36 not included in TPO47.

T33 and 34 are multi stemmed examples of *Tilia x europea* (Limes), they appear vigorous although some cambium damage and dysfunction is present in a stem adjacent to the access route to Garden Terrace.

A crown lift of 5.5m is excessive, the accepted height required to fulfil the statutory requirement for not obstructing a footpath is 2.4m.



Trees 35, 36 and the non-TPO Sycamore appear to be vigorous and in good health. They appear in the past to have been managed as pollards.

Recommendations (from an arboricultural perspective)

In respect of T35, T36 and the additional tree the application to reduce the lateral growth by 2.5m and deadwood be granted. No cut material is to exceed 70mm diameter.

In respect of T33 and T34;

The application is not granted due to the excessive nature of the crown lift. Consideration be given to crown lift of 2.4m in order to comply with the statutory requirement.

The reduction in order to clear the telecoms infrastructure be restricted to a maximum of 4m in order to achieve 1m separation. No cut material is to exceed 70mm diameter.

## **REPRESENTATIONS**

Five representations have been received from residents of Garden Terrace objecting on the grounds of:

- (a) A loss of privacy;
- (b) Damage and loss of other trees/plants and potential nesting birds;
- (c) Altered appearance and character of Garden Terrace due to loss of tree cover;
- (d) Increase the visibility of the rubbish bins;
- (e) Unsightly appearance of the tree if it is crown lifted;
- (f) The distance from the tree to the telephone wires;
- (g) A risk of disease to the trees;
- (h) Council should not advise on planning application following recommendations from the Arboricultural Officer; and,
- (i) The proposed level of the works are inappropriate as an Environmental Impact Study has not been conducted.

## **COMMENT**

The determining issues in this case are: (a) the effects of the proposed works on the amenity of the trees; (b) the potential impact on the character of the conservation area; and, (c) whether there are sufficient grounds for the works proposed.

Advice in the NPPG indicates that applicants must provide reasons for proposed works. They should demonstrate that the proposal is a proportionate solution to their concerns and meets the requirements of sound arboriculture. The trees contribute to the setting of the conservation area and as such the works would have to be necessary before consent is granted.

Trees T35 and T36

The proposed works to T35 and T36 would reduce the lateral growth by 2.5m which is encroaching upon the fabric of The Garden View Apartments. The reduction in the lateral growth of the branches is not considered to result in a significant loss of amenity, and would be in the arboricultural interests of the trees.

Trees T33 and T34

The City Council's Arboricultural Officer considered the original reduction of 5.5m to be excessive; but following his recommendations the applicant amended the proposal. The proposed crown lift to 2.4m is in line with the statutory requirement and in the interests of sound arboriculture. The works to T33 and T34 would be to give ground clearance of 2.4m over the public footpath on St Vincent Road. This reduction is considered to be appropriate without

resulting in a loss of privacy or a significant reduction in green vegetation and would give suitable clearance for pedestrians.

Whilst increased visibility of the rubbish bins would be a consequence of the proposed works, this would not be so harmful to visual amenity to justify withholding consent.

#### Conclusion

The Arboricultural Officer, as part of his assessment provides advice where the initial proposal would otherwise have been considered unacceptable, and in this case the applicant chose to follow that advice and amended the application. An Environmental Impact Study would not be required for a proposal that involves works to a protected tree. Furthermore, the Countryside and Wildlife Act would prohibit damage or destruction to the habitat of nesting birds. The proposed works would be considered appropriate and would not detract from the appearance of the conservation area or result in an adverse impact on the amenity of the adjoining residents.

In the context of policy PCS13 of the Portsmouth Plan the works are considered to be acceptable

## **RECOMMENDATION                      Conditional Consent**

### **Conditions**

- 1) The works hereby approved shall be carried out within 2 years of the date of this consent.
- 2) Notwithstanding the particulars of the application, no works whatsoever shall be carried out to Sycamores (T35 & T36) other than to crown reduce western sector by 2.5m; no cut material is to exceed 70mm in diameter.
- 3) Notwithstanding the particulars of the application, no works whatsoever shall be carried out to Limes (T33 & T34) other than to crown lift to 2.4m.
- 4) All work shall be carried out in accordance with BS 3998: 2010. (Tree work recommendations).

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

- 1) To comply with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2-4) To ensure the amenity afforded by the tree is continued into the future in accordance with policy PCS13 (A Greener Portsmouth) of the Portsmouth Plan.

### **PRO-ACTIVITY STATEMENT**

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

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**14 PARK HOUSE CLARENCE PARADE SOUTHSEA****ALTERATIONS TO ROOF TO INCLUDE ENLARGEMENT OF EXISTING DORMER WINDOW, REMOVAL OF SECTION OF ROOF SLOPE TO FORM ENLARGED ROOF TERRACE AND INSTALLATION OF HAND RAIL****Application Submitted By:**

Design Drawn Ltd

**On behalf of:**

Mr Jason West

RDD: 18th February 2015

LDD: 28th April 2015

**SUMMARY OF MAIN ISSUES**

The key issues in this application are whether the proposed alterations and additions would be of an acceptable design in relation to the recipient building and the wider street scene, whether they would preserve or enhance the character and appearance of the 'Owen's Southsea' and 'The Seafront' Conservation Areas, and whether it would have any significant adverse impact on the amenity of the adjoining occupiers.

## The site and surroundings

This application relates to a large three-storey building, with additional accommodation within the roof space, located to the northern side of Clarence Parade. The building has been subdivided into a number of flats and has recently been extended to the western roof slope with the addition of a large mansard style dormer. This application relates specifically to the southernmost apartment at roof level that benefits from the recent building works to the western roof slope and a pre-existing dormer to the eastern roof slope within a roof valley. The site is located within the 'Owens Southsea' Conservation Area and bounded by 'The Seafront' Conservation Area to the south and east. The surrounding area comprises a mix of two-four storey properties, a large retirement block of flats and the Queen's Hotel, all of which form the backdrop to a large expanse of open space forming Southsea Common. The building is located within the indicative flood plain (Flood Zones 2 & 3).

## The proposal

Permission is sought for alterations to roof to include the enlargement of an existing dormer window to the eastern roof slope within the roof valley, the removal of a section of roof slope to form enlarged roof terrace and the installation of hand rail.

An application for external alterations to dormers on the western was refused in April 2013 (ref. 13/00044/HOU). The reason for refusal was as follows: 'In the opinion of the Local Planning Authority the proposed dormers would, by reason of their design, bulk and alignment, represent an unsympathetic and incongruous form of development that would fail to relate in an appropriate manner to the recipient building and the wider street scene. Furthermore the proposal would fail to preserve or enhance the character and appearance of the 'Owen's Southsea' Conservation Area. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan'.

A subsequent appeal against this decision was dismissed in September 2013 (ref.APP/Z1775/A/13/2198594, a copy of which is attached as an appendix to this report). The

inspector opined that: "There are a number of existing dormers within the roof slope which fail to align with the windows below. The parties are in agreement that the existing dormers are less than sympathetic with regard to their design and relationship to the host building. However the existing dormers are small in scale and this helps to reduce their prominence. Although the modern design of the two proposed dormers may be, as noted by a third party, attractive in themselves, the proposal to construct two large dormers, following the removal of six existing smaller dormers, would significantly increase the prominence of the dormers as a result of their increased bulk. Consequently the dormers would appear incongruous within the roof space and the wider street scene. Furthermore the proposed dormers, as a result of their size, would have a poor relationship with the existing smaller dormers that would be retained within the roof slope... The development would unacceptably harm the character and appearance of the host building and the wider street scene and would fail to preserve or enhance the character or appearance of the 'Owen's Southsea' Conservation Area. Although the harm to the Conservation Area would be 'less than substantial' I do not consider that the limited public benefits, associated with the proposal, outweigh the harm that would be caused".

Notwithstanding an officer recommendation of refusal, conditional planning permission was granted by the Planning Committee in April 2014 (ref.14/00108/HOU) for alterations to the roof to include an increased ridge and mansard style dormer extension to the western roof slope.

## **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 'Owen's Southsea' and 'The Seafront' Conservation Area Guidelines.

## **CONSULTATIONS**

**None.**

## **REPRESENTATIONS**

At the time of writing, eleven letters of representation have been received from residents of Park House supporting the application on the following grounds: (a) The proposal would enhance the appearance of the property and make a positive contribution to the street scene; (b) Very little can be seen from ground level; (c) Good use of wasted roof space; (d) No adverse impact on residential amenity; and (e) Previous alterations to the roof have improved the appearance of the building.

## **COMMENT**

The determining issues in the application are:

1. Design, including impact on the character and appearance of the 'Owen's Southsea' and 'The Seafront' Conservation Areas; and
2. Impact on residential amenity

Design including impact on the conservation area

The applicant proposes a number of alterations and additions at roof level towards the southern end of the building adjacent to Clarence Parade. This would include the enlargement of an existing dormer extension into the roof valley, the removal of part of the original roof slope to form an enlarged roof terrace and the installation of a hand rail to form a continuation of the existing.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create

public and private spaces that are clearly defined as well as being safe, vibrant and attractive; relate well to the geography and history of Portsmouth and protect and enhance the city's historic townscape and its cultural and national heritage.

When determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Paragraph 131 of the NPPF requires that Local Planning Authorities should, amongst other matters, take account of the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF also places an obligation on an applicant to describe the significance of any heritage assets affected, and indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Park House is a large three storey building which is particularly prominent when viewed from the west on Clarence Parade and the seafront. Whilst neither Statutory nor Locally Listed the building makes an important contribution to the character and appearance of the Conservation Areas as part of the backdrop to Southsea Common. The building has recently been extended to the western and southern roof slopes following the grant of planning permission by the Planning Committee in 2014 (ref. 14/00108/HOU). Notwithstanding the previous decision, it is considered that the resultant works have created a very dominant addition to the western roof slope with a number of unsympathetic junctions with the original roof. A smaller dormer extension to the southern roof slope is of a disproportionate scale and represents an overly dominant feature, further eroding the integrity of the original design of the roof. It is however, acknowledged that the recent alterations and enlargements to the western roof slope have provided a degree of symmetry with the existing dormer to eastern roof slope, where both extensions are of a similar depth/height and are set equal distances back from the eaves/edge of the associated roof slope.

Whilst the dormer extension would be relatively modest in scale (1.2m), it is considered that it would fail to respect the original form of the roof slope, being constructed directly onto the outside edge of the building within the valley. This would create a top heavy and unbalanced appearance when considered in combination with the recent alterations to the western roof slope, further eroding the original integrity of the roof form. The harm would not be apparent within Clarence Parade due to the position of the enlargement within a roof valley. However, the full impact of the works and resulting harm would be most obvious from the south on Southsea Common where the comparative scale of extensions to the eastern and western roof slopes would be far more prominent. Therefore, it is considered that the proposed dormer extension would fail to relate in an appropriate manner to the recipient building and would fail to preserve the character and appearance of the Conservation Areas contrary to the aims and objectives of policy PCS23.

Whilst the proposal is considered to harm the overall character of the building and the contribution it makes to the backdrop of Southsea Common, having regard to the relative scale of the dormer in comparison to the recipient and adjoining buildings, it is considered that the harm to the character and appearance of the conservation would be 'less than substantial'. However, other than providing a modest enlargement to the applicant's dwelling, there would be insufficient public benefit associated with the proposal to outweigh the harm that would be caused.

The proposal would also involve the removal of part of the original roof slope to form an enlarged roof terrace and the extension of an existing hand rail to enclose it. Due to its position behind an existing parapet wall and within the roof valley, much of these alterations would be

obstructed from public view and would not significantly affect the appearance of the building. This would not however, outweigh the harm from the dormer extension identified above.

#### Impact on residential amenity

Having regard to the presence of the existing dormer window and the position of the enlarged roof terrace relative to neighbouring windows, it is considered that the proposal is unlikely to have a significant impact on the amenity of adjoining or neighbouring occupiers, in terms of loss of light, outlook or privacy.

#### Other matters

It is considered that the proposal would not result in an increased risk of flooding at the site.

## **RECOMMENDATION            Refuse**

### **The reason for the recommendation is:**

The proposed dormer extension would, by virtue of its increased depth and position directly onto the bottom edge of the roof slope, fail to relate in an appropriate manner to the recipient building and would result in a top heavy and unbalanced appearance that would in combination with recent unsympathetic additions to the southern roof slope erode the integrity of the original roof form. The proposal would therefore, fail to preserve the 'Owen's Southsea' and 'The Seafront' Conservation Areas without adequate public benefit to outweigh the harm, 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 it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

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**08** 15/00261/PLAREG

**WARD: EASTNEY & CRANESWATER**

**112 LIDIARD GARDENS SOUTHSEA**

**RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF SINGLE STOREY REAR EXTENSION**

**Application Submitted By:**

Thorns-Young Ltd

**On behalf of:**

Mr Alistair Thompson

**RDD:** 19th February 2015

**LDD:** 21st April 2015

This application has been brought before this Planning Committee as the applicant is a councillor of the City Council.

## **SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the design of the proposed extension is appropriate in relation to the recipient property and whether it has a significant impact on residential amenity.

The site and surroundings

The property is a two storey end-terraced property of three which is staggered meaning it is set forward of the adjoining property to the west by 2.1 metres. It is located on the south side of Lidiard Gardens and has a relatively modest rear garden with a low boundary fence. The properties in the surrounding area are of similar design being comprised of facing brick and tiled roofs and it is adjacent to the Eastney Barracks Conservation Area (No.17), although not being within it.

The proposal

The applicant seeks retrospective permission to construct a single storey rear extension which is 3 metres in length, 2.8 metres in height and includes a roof light. Whilst an extension of this nature would ordinarily be covered by permitted development, to benefit from these provisions matching materials must be used in construction. In this instance, render has been used rather than facing brickwork.

Relevant planning history

There is no relevant planning history for this site.

## **POLICY CONTEXT**

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

## **CONSULTATIONS**

None.

## **REPRESENTATIONS**

No representations have been received.

## **COMMENT**

The determining issues to be considered in the determination of this application are whether the design of the proposed extension is appropriate in relation to the recipient property and whether it has a significant impact on residential amenity.

Design

The single storey extension covers 5.4 metres of the width of the rear elevation of the property and there is a 0.3 metre separation with the adjoining property to the west. As the property is set forward by 2.1 metres the extension is tucked into the blank side elevation of the property to the west, and as such its length and height relate appropriately to the existing property. The extension incorporates an east facing side window and the opening part is 2 metres above ground floor level. The existing property is comprised of facing brickwork, the rear extension is block work and render and painted in a cream colour. Whilst it is noticeable that different materials have been used, it is smartly finished and to a high quality so the contrast does not

detract from the appearance of the existing property or others in the surrounding area. The design of the extension and the finishing materials are considered to be appropriate.

#### Amenity

With regard to the single storey extension on the rear elevation, it is considered that the bulk of the building of the adjoining property to the west would reduce the impact on amenity. Therefore, the single storey rear extension does not have a significant adverse impact in terms of loss of light, privacy or outlook on the occupiers of properties in the surrounding area.

It is therefore considered that the proposed single storey rear extension would be acceptable in the context of policy PCS23 of the Portsmouth Plan.

## **RECOMMENDATION                  Permission**

### PRO-ACTIVITY STATEMENT

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

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

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.....  
City Development Manager  
26<sup>th</sup> March 2015