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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 7 OCTOBER 2020 AT 2.00 PM

## VIRTUAL REMOTE MEETING - REMOTE

Telephone enquiries to Democratic Services  
Email: [Democratic@portsmouthcc.gov.uk](mailto:Democratic@portsmouthcc.gov.uk)

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### Planning Committee Members:

Councillors David Fuller (Chair), Judith Smyth (Vice-Chair), Matthew Atkins, Chris Attwell, Lee Hunt, Donna Jones, Terry Norton, Lynne Stagg, Luke Stubbs and Claire Udy

### Standing Deputies

Councillors Hugh Mason, George Fielding, Jo Hooper, Suzy Horton, Frank Jonas BEM, Gemma New, Robert New, Scott Payter-Harris, Steve Pitt and Tom Wood

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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 on the day 7 working days preceding the relevant meeting, and must include the purpose of the representation (e.g. for or against the recommendations). Email requests to [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4826.

## AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of previous meeting - 9 September 2020 (Pages 3 - 10)**

RECOMMENDED that the minutes of the Planning Committee held on 9

September 2020 be approved as a correct record to be signed by the Chair.

**4 Updates on previous applications**

Planning Applications

**5 Storytime Nursery School, Kersey House, PO5 3HF - 19/00640/HOU and 19/01858/LBC (Pages 11 - 38)**

Construction of extension on (upper) terrace with the addition of two casement windows to the southern elevation.

**6 56 South Road, Portsmouth, PO6 1QD - 20/00006/HOU**

Construction of single storey rear extension.

**7 143 Manners Road, Southsea, PO4 0BD - 20/00059/CPE**

Application for Certificate of Lawful development for the existing use as a House of Multiple Occupation (Class C4).

**8 197 Havant Road, Portsmouth, PO6 1EE - 20/00437/PLAREG**

Retrospective application for construction of an outbuilding to the rear of the property.

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 9 September 2020 at 2.00 pm in the Virtual Remote Meeting - Remote

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

### Present

Councillors David Fuller (Chair)  
Judith Smyth (Vice-Chair)  
Matthew Atkins  
Chris Attwell  
Lee Hunt  
Donna Jones  
Terry Norton  
Lynne Stagg  
Luke Stubbs  
Claire Udy

### Welcome

The chair welcomed everyone to the meeting and introductions were made.

### 58. Apologies (AI 1)

There were no apologies for absence.

### 59. Declaration of Members' Interests (AI 2)

#### Item 6: 56 Arundel Street, Portsmouth, PO1 1NL - 19/01919/CS3

The Legal Advisor declared a conflict of interest under the solicitor's code of conduct so he would be represented by Peter Baulf, City Solicitor, for this item.

#### Item 7: Brewery House, 18 - 20 Hambrook Street, Southsea, PO5 3BE - 19/01910/CS3

The Legal Advisor said that the Local Democracy Officer had a non-prejudicial interest in this item as she lives in the area. She had been advised that this does not interfere with her administrative functions and therefore is not a prejudicial interest.

#### Item 9: 29 Marine Court, Southsea, PO4 9QU - 19/01865/HOU

Councillor Jones did not have a personal or prejudicial interest but declared that she has a friend who lives next door but one to the property and the applicant knows her friend. The applicant, who works for the council, had asked Councillor Jones about progress on the application earlier this year. Councillor Jones has had no other contact with the applicant.

Councillor Udy has friends who live in Marine Court but not in this particular property so she did not have an interest.

**60. Minutes of previous meeting - 22 July 2020 (AI 3)**

**RESOLVED that the minutes of the Planning Committee held on 22 July 2020 be approved as a correct record subject to the following amendment:**

The sentence "The Committee's support for the application was noted" to be added at the end of the resolution for item no.48 (19/01322/FUL - Forest Lodge, Locksway Road, Portsmouth, PO4 8LU).

**61. Minutes of previous meeting - 12 August 2020 (AI 4)**

**RESOLVED that the minutes of the Planning Committee held on 12 August 2020 be approved as a correct record.**

**62. Update on previous applications (AI 5)**

The Head of Development Management gave the following updates:

There had been six appeals against refusals by the Local Planning Authority (LPA), of which four were HMOs and two were full applications (one for a new dwelling, one for a conversion from a one to two-bedroom apartment with side dormers). Appeals were dismissed and also four cost award applications on the HMO were refused.

The six appeals against enforcement action against HMO's noted at the meeting on 22 July have gone to a Planning Inquiry whose decision will have an impact across HMOs within the city.

**63. 56 Arundel Sreet, Portsmouth, PO1 1NL - 19/01919/CS3 (AI 6)**

The Planning Officer presented the report and drew attention to the Supplementary Matters which reported that:

*Following the publication of the Committee papers, one further letter of representation has been received from the owner of 54D Arundel Street adding to their previously reported objection. The additional objection relates to the standard of insulation within their own dwelling and the potential impact of noise associated with the proposed balconies.*

*As set out within the Committee report, a planning condition is already proposed to address the potential impact of the development on the occupiers of 54D & 54E Arundel Street in terms of loss of light, outlook and privacy. Whilst it is accepted that the proposed balconies would be located in close proximity to the flank elevation and roof of these two properties, given their modest scale and location of the site within the city centre where a degree of noise is to be expected, it is not considered that the use of the balconies would have a significant adverse impact on the amenity of the adjoining occupiers.*

Councillor Hugh Mason gave a deputation in support of the application.

Deputations are not included in the minutes but can be viewed on the livestream on the following link

<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=157&MId=4552&Ver=4>

### Members' Questions

In response to questions from members, officers explained that:

- Build To Rent as defined by National Planning Policy & Guidance (NPPG) supersedes guidance in the council's own policies. It is a form of affordable housing that has not been seen before in Portsmouth. Properties are managed by a single owner who rents units to individuals at a market reduction. Members cannot request the applicant takes people from the council's housing waiting list but under planning conditions the applicant is required to give details of the affordable housing element, including eligibility and selection to ensure affordable units go to those eligible for it. Making an amendment to say the applicant should take people from the waiting list is an option to members but the proposal does not suggest it as a recommendation as the provision of affordable housing offered is 25% (more than the required minimum of 20%). It could be considered that the additional number of units outweighs any requirement to take people from the waiting list.
- The same applicant has submitted an application to develop Brewery House (19/01910/CS3). Five units in Arundel Street will represent Brewery House's provision towards affordable housing.
- A family home as defined in PCS19 is one with three or more bedrooms. The number of family dwellings required depends on the site location and type of accommodation. The proposed mix of units is considered suitable for the Arundel Street location and likely residents. Thirteen out of 76 units have three bedrooms which is approximately 16% of the total.
- As with all applications it is irrelevant whether the applicant is a private developer or not. Officers are satisfied that the Arundel Street application is compliant with affordable housing policy. It is always open to developers to transfer affordable housing from one site to another or even to third parties but the uplift is higher with off-site properties. Members have to assess the Arundel Street application on its own merits.
- There is no need for an affordability assessment as officers are satisfied affordable housing policy is being met with regard to the Section 106 agreement so no development appraisal has been submitted for viability; this is required only where developers are unable to fund policy requirements. The developer proposes to exceed the affordable housing requirement, depending on the outcome of the Brewery House application.
- Officers have received full comments from the Hampshire Fire & Rescue Service and a series of informatives will be incorporated into the design.
- A condition enhances biodiversity through additional planting around the site and on the balconies. There is no evidence of peregrine falcons but bird and bat boxes will be provided.
- The "green roof" is part of the biodiversity and wind mitigation strategy to ensure comfortable wind levels around the building. It is not intended as an amenity for residents and it is also near bedrooms and living rooms so it is not accessible to residents. External space is provided by balconies.
- There will be a degree of disruption for the occupants of 54D and 54E Arundel Street when their windows are moved from the side to the front of their

properties. The LPA is aware discussions have taken place and a site visit took place with two surveyors. The timescale of the work is not known yet. However, disruption will be mitigated by the improved outlook from the new windows which will give on to the street.

- Officers have sought assurance from the applicant that the planters on the balconies will be maintained as they are an integral part of the building's design. The applicant has confirmed their intention to continue with the "greening" of the building. Planters will be maintained by a remote irrigation system which does not require access through individual flats. Residents will be made aware this is a feature of their flats. An advantage of having the flats under a single ownership is continuity in maintaining the planters. Even if they failed, it is still an attractive building.
- There is no communal space other than the cycle store and entrance.

### Members' Comments

- The building has a good appearance and improves the Arundel Street area. Having more people living in the city centre above shops revitalises high streets and makes them more viable. It was helpful seeing the application in conjunction with the Royal Mail site.
- There was some concern about the financial viability of the building bearing in mind that each unit costs about £300,000 to build. The development may become a debt burden for the council, particularly if the property market is volatile.
- The development uses a different funding source from social housing which is why applicants are not taken from the housing waiting list. It needs to make commercial sense for the council to proceed as they are borrowing money to build it.
- It would be beneficial to have a councillor on the Ravelin Group (the developer) as well as officers on both the housing company and the parent company.
- The lack of parking is a concern and it is unfeasible that over 200 people might share cars. However, electric car and cycle schemes are promising and the building is very close to rail and bus links.
- There are not many family homes in the mix of units so likely residents may be graduates who are attracted to regenerated areas. The lack of three-bedroom units in the affordable provision is unsatisfactory. It is unacceptable to criticise lack of housing but not take people from the waiting list. The Assistant Director Planning explained that according to the NPP Guidance local authorities should refrain from having direct nomination rights from their housing list. However, authorities may wish to suggest potential candidates from the lists, taking into account the affordability of the homes to those on the lists. Therefore, there is the opportunity and flexibility to suggest relevant potential candidates from the housing waiting list under planning condition 19 or a Section 106 agreement.
- The lack of communal space and lack of access to the "green roof" are disappointing as there are fewer opportunities for residents to meet. The "green roof" could have been an opportunity for people to work together and perhaps form a residents' association.
- The environmental features such as trees, planters and heat pumps are a positive aspect of the building.
- In some cities high-rise living and "cities in the sky" are now the norm.
- The proposed acid yellow colour of the cycle store is unattractive. The ground floor could be an opportunity to display art work.

**RESOLVED**

**Permission was granted subject to the conditions set out in the report and delegated authority granted to the Assistant Director of Planning & Economic Growth.**

Councillor Lee Hunt joined the meeting at 3.30 pm.

**64. Brewery House, 18 - 20 Hambrook Street, Southsea, PO5 3BE - 19/01910/CS3 (AI 7)**

The Planning Officer presented the report and drew attention to the Supplementary Matters which reported that:

*Following the submission of an amended drawing to clarify the position of obscure glazed windows as required by Condition 13, Condition 2 (approved plans) has been updated to read as follows:*

*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:*

*P19053-RFT-00-00-DR-A-0100 Rev-P01;  
P19053-RFT-00-00-DR-A-0120 Rev-P01;  
P19053-RFT-00-03-DR-A-0204 Rev-P01;  
P19053-RFT-00-ZZ-DR-A-0200 Rev-P07;  
P19053-RFT-00-ZZ-DR-A-0201 Rev-P04;  
P19053-RFT-00-ZZ-DR-A-0300 Rev-P03;  
P19053-RFT-00-ZZ-DR-A-0301 Rev-P04;  
P19053-RFT-00-ZZ-DR-A-0401 Rev-P01;  
P19053-RFT-00-ZZ-DR-A-0402 Rev-P01.*

The Planning Officer read out a deputation from Alicia Denny against the application.

Councillor Hugh Mason gave a deputation in support of the application.

Deputations are not included in the minutes but can be viewed on the livestream on the following link

<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=157&MId=4552&Ver=4>

Members' Questions

In response to questions from members, officers explained that:

- The north, south and west elevations of Brewery House have no impact on neighbours. The east elevation is close to the St George's Court sheltered housing scheme. When St George's Court was built the proximity and impact of Brewery House was taken into account so most of its east side windows give on to corridors. At the ground floor there is little additional impact as pedestrians can already walk past St George's Court's windows as there is an alleyway running between the two buildings. The conditions relate mainly to flats on the first and second floors. Four flats (two on the first floor, two on the second floor) have

obscure glazed windows. One window in three in the affected rooms is obscure and there is no significant impact on living conditions in the flats.

- A bat survey was undertaken but not submitted as part of the original application. The council's ecologist said there was potential for bat roosts and gulls. A survey has since been passed to the ecologist who agrees there is limited opportunity for bats and no evidence of nesting gulls (though the flat roof is suitable nesting). The ecologist has proposed two informatives concerning the re-provision of bat roosts and bird boxes.
- The Highways Authority has considered the Parking Standards Supplementary Planning Document which uses the premise that in the most highly accessible areas the expectation is that parking is lower. It is acknowledged that some residents will have cars but it is also possible to live in the area without one. Members have to make a judgment and weigh up the benefits and disadvantages of the proposal as a whole.
- The local authority does not design buildings for applicants but noted that the design of the roof was a "bold solution" so has required the applicant to use the highest quality materials and to consider different ways of dealing with valleys and pitches. A design with the low point of the pitches at the end of the north and south elevations gave the building an "apologetic" appearance.
- There are car parking spaces underneath Portsmouth University's Burrell House but there have been no discussions yet with the University about using them for Brewery House residents. The applicant could explore this option but it is not a requirement for them to do so.
- Solar panels will be installed in the south facing valleys to maintain the crisp features of the roof.

#### Members' Comments

- The proposal has no adverse ecological effect.
- Some members felt the lack of parking was a reason for refusal. There are only seven unused parking permits in the area's Residents' Parking Zone and it is not as accessible as the Arundel Street development. On the other hand, buildings cannot be re-used if parking is a constraint.
- It is good to bring an unused building back to life.
- Some members felt the design, particularly the roof, was unsympathetic to the area whereas others thought it was very attractive and striking.
- Exploring the option with the University of using some of the Burrell House car parking spaces is recommended.
- The building could be used for other purposes such as an art gallery.
- There is a lack of family housing in the proposed development.

#### **RESOLVED**

**Permission was granted subject to the conditions set out in the report and delegated authority granted to the Assistant Director of Planning & Economic Growth.**

#### **65. 69 Stanley Avenue, Portsmouth, PO3 6PL - 19/01916/HOU (AI 8)**

The Planning Officer presented the report.

#### Members' Questions

In response to a question from members, the Planning Officer explained that the application would not have needed to come before the Planning Committee if the applicant's partner had not been employed by the council but it would still have required planning permission.

Members' Comments

There were no comments from members.

**RESOLVED**

**Permission was granted subject to the conditions set out in the report and delegated authority granted to the Assistant Director of Planning & Economic Growth.**

**66. 29 Marine Court, Southsea, PO4 9QU - 19/01865/HOU (AI 9)**

The Planning Officer presented the report and drew attention to the Supplementary Matters which reported that:

*3 no. further comments have been received.*

*1 no. support.*

*2 no. objections:*

*a) Any overlooking should be prevented*

*b) Significantly overbearing*

*The objections detailed above are not new matters. The above have been considered within the Committee Report and it is concluded that the proposal would not have an adverse impact upon the neighbouring amenities.*

Members' Questions

There were no questions from members.

Members' Comments

The proposal is a good addition to the community.

**RESOLVED**

**Permission was granted subject to the conditions set out in the report and delegated authority granted to the Assistant Director of Planning & Economic Growth.**

The meeting concluded at 4.52 pm.

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Signed by the Chair of the meeting  
Councillor David Fuller



# Agenda Item 5

## PLANNING COMMITTEE

7 OCTOBER 2020

2 PM VIRTUAL MEETING

### REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH 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 report by the Assistant Director - Planning and Economic Growth 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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## STORYTIME NURSERY SCHOOL KERSEY HOUSE QUEENS PLACE SOUTHSEA

### CONSTRUCTION OF EXTENSION ON (UPPER) TERRACE WITH THE ADDITION OF TWO CASEMENT WINDOWS TO THE SOUTHERN ELEVATION.

#### Application Submitted By:

Hemis  
FAO Daniel Brown

#### On behalf of:

Mr Richard & Ayse Storey

RDD: 16th April 2019

LDD: 30th September 2019

#### 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination due to the receipt of one objection and a deputation by a neighbour.

#### 1.2 The main issues for consideration are;

- Principle of Development;
- Design and Impact Upon Heritage;
- Impact upon Amenities.

#### 1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

##### 1.4 Site and Surrounding Area

1.5 The application site is Grade II Listed Building according to Historic England, the listing description is as follows: "Villa. 1847. By TE Owen. Red brick in stretcher bond. Welsh slate roof, brick stack to left and right of rear part, rendered stack on right of front projecting part. Rear part 3 storeys, front 2 storeys, 3 bays. Gothicised. Left quoin of front projection is stone rusticated. Entrance porch on left of front projection has pointed arch opening with eared and rusticated stone surround. To right and to left is a tripartite stone framed, mullion and transomed casement with rusticated quoins. On left, first and second floor each has a 2-light stone mullioned casement within similar surround. On first floor over porch is a narrow sash set under 4 centred stone arch and rusticated surround, with facing gable, on right a 2-light timber mullion and transomed casement set under brick cambered arch. INTERIOR not inspected. (Portsmouth Papers No.32: Riley RC: The House & Inhabitants of Thomas Ellis Owen's Southsea: 1980-)."

1.6 The application site comprises a first floor separate living unit contained within Kersey House. The site has two windows at first floor level on the principal elevation, fronting Queens Crescent, which facilitate the living room. The unit also has a roof terrace area which is accessible through the French doors to the rear (east) of the property.

1.7 The roof terrace is bound by metal railings approximately one metre in height and painted black. From a site visit it was noted the roof terrace overlooks an array of rears and connections of the neighbouring properties. There are external stairs to the property

to the south, and there is a rear garden/ courtyard to the south east which can be viewed from the existing terraced area of the application site.

1.8 It is noted that the wider surrounding area falls within the Owens Southsea (Conservation Area No.2), with other listed buildings within close proximity; also Crescent House.

1.9 Proposal

1.10 Construction of roof extension and addition of two windows. These proposals would relate to the first floor flat.

1.11 The proposed extension would project approx. 2m from the rear elevation, measuring approx. 3.3m in height with a mono-pitched roof, served by two rooflights. The extension would be constructed of brick work to match the existing, with a natural slate roof with 'conservation style' rooflights and double glazed timber framed doors, painted white, to match the existing fenestration. The application would also include the alteration of a door to a window on an existing element, to match the existing. Further the existing iron railings would be replaced with a brick built wall measuring approx. 1.1m.

1.12 The two windows on the southern elevation would be timber framed double glazed units, painted white, to match the existing windows.

1.13 Relevant Planning History

1.14 A\*27421  
ERECTION OF A NEW FIRE ESCAPE TO REPLACE EXISTING  
Permission

1.15 A\*27421/B  
E.U.C. AS TEN UNITS OF ACCOMMODATION  
Permission

1.16 A\*27421/AA  
USE OF PART GROUND FLOOR AS NURSERY SCHOOL  
Conditional Permission

1.17 A\*27421/AB  
CONTINUED USE OF PART GROUND FLOOR AS NURSERY (MONDAYS - FRIDAY  
8.30A.M. - 6.00P.M.)  
Conditional Permission

1.18 A\*27421/AC  
USE PART BASEMENT, ADDITIONAL TO EXISTING USE OF PART GROUND  
FLOOR, AS NURSERY SCHOOL & VARY CONDITION 1 OF PERMISSION  
A\*27421/AB TO INCREASE EXISTING NUMBER OF PRE-SCHOOL AGE CHILDREN  
FROM 25 TO 47  
Conditional Temporary Permission

1.19 A\*27421/AC-1  
CONTINUED USE OF PART OF BASEMENT, IN ADDITION TO PART OF GROUND  
FLOOR, AS A DAY NURSERY (CLASS D1) & VARY CONDITION 1 OF PERMISSION  
A\*27421/AB FOR UP TO 47 CHILDREN OF PRE-SCHOOL AGE  
Condition Permission

1.20 09/01170/VOC  
Relief of condition 2 attached to planning permission A\*27421/AC-1 (personal use)

limiting the use of premises to Mrs J J Storey  
Approve

1.21 09/01274/LBC & 09/01311/FUL  
Installation of french doors after removal of existing windows  
Consent & Permission

1.22 15/01242/FUL & 15/01243/LBC  
External alterations to include new front dormer; addition of four roof-lights; removal of fire escape stair; amendments to windows; installation of two Juliet style balconies and provision of cycle storage  
Condition Permission & Consent

## **2.0 POLICY CONTEXT**

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

## **3.0 CONSULTATIONS**

3.1 None

## **4.0 REPRESENTATIONS**

4.1 Publicity dates (full Covid-19 lockdown started 24/3/20):

4.2 Initial consultation period was 25 October 2019. Following the receipt of amended plans a further consultation period was held, starting 10 December 2019, expiring 31 December 2019.

4.3 1 no. objection and deputation summarised:  
(a) overdevelopment  
(b) loss of privacy (due to previously approved 'patio')  
(c) loss of light  
(d) proposal would not be in keeping with the character of the Grade II Listed Building

## **5.0 COMMENT**

5.1 The main considerations are:

- Principle of Development
- Design and Impact upon Heritage Assets
- Impact upon Amenities

5.2 Principle of Development

5.3 The application is an existing dwelling, where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations.

5.4 Design and Impact upon Heritage Assets

5.5 Policy PSC23 of the Portsmouth Plan specifies that proposals should be respectful in terms of the host dwelling, being of an appropriate; design and size, appearing appropriate when read in context.

- 5.6 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, which states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 5.7 Due to the location of the application site falling within the Owens Southsea (Conservation Area No.2), when determining planning applications the Local Planning Authority (LPA) must 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) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.8 The application proposes the addition of an extension on the existing external terrace. The proposed extension would project approx. 2m from the rear elevation, measuring approx. 3.3m in height with a mono-pitched roof. The extension would be constructed of brick work to match the existing, with a natural slate roof and double glazed white painted timber framed doors. The proposed materials would reflect those of the existing host dwelling. Given that there is already double glazing in the host building, the proposed double glazed doors are not considered to result in a harmful impact upon the host dwelling, and in this instance would be acceptable.
- 5.9 To the rear, the application would also include the alteration of a door to a window on the southern elevation of the property, overlooking the roof terrace. This is proposed to match the existing fenestration, double glazed, timber framed, white painted casement. Further, the existing iron railings are proposed to be replaced with a brick built wall measuring approx. 1.1m in height. It is understood that the reason for this brick wall is for the safety of the users of the roof terrace.
- 5.10 The application also proposes the addition of two windows on the southern elevation of the host dwelling. These are proposed to be timber framed double glazed units, to match the existing windows.
- 5.11 Whilst the additional fenestration is proposed to match the existing double glazing, it is recommended that a condition be imposed to ensure that the units would be a slimline double glazing with a thickness of 12mm. This would ensure that the proposal would not have a detrimentally harmful impact upon the fabric of the host listed building.
- 5.12 In the consideration of this case special regard to the desirability of preserving the dwelling, its setting, including the wider surrounding conservation area and any features of special architectural or historic interest which it possesses has been given. Based on the above assessment, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise therefore, subject to conditions permission should be granted.
- 5.13 Impact upon Amenities
- 5.14 Policy PCS23 of the Portsmouth Plan states that all new development must be well designed and, in particular, respect the character of the city. It also states, inter alia, that new development must not only be respectful in terms of its design with regard to the host dwelling, but also respect the amenities of the neighbouring properties.
- 5.15 The application proposes the construction of roof terrace, including the alteration of one door to a window on the southern elevation and alteration of existing railings to brick wall, and the addition of two windows on the southern elevation of the host building.

- 5.16 The proposed extension would project approx. 2m onto the existing external terraced area, measuring approx. 3.3m in height, with a mono-pitched roof. The proposed extension would reduce the existing external terrace area, and in turn would reduce the existing degree of overlooking to the garden/ courtyard of Crescent House to the south. The addition of this extension could therefore not be considered to result in a loss of privacy to the neighbouring amenities.
- 5.17 The application would also see the alteration of an existing door to a window on the southern elevation, overlooking the roof terrace. This alteration would not result in a loss of privacy or harmful impact upon the neighbouring amenities. In addition to this, the proposal would alter the existing iron railings to a brick wall construction, measuring 1.1m in height. Whilst this would alter the existing open design of railings, with the addition of a more solid boundary treatment the proposal would provide privacy and safety for the users of the terrace, and would not be considered to have an adverse impact upon the neighbouring amenities. Further, it should be noted that the proposed alterations to the roof terrace are at second floor level thus being of a sufficient distance from neighbouring properties to not have a detrimentally harmful impact upon these amenities.
- 5.18 The proposed two windows on the southern elevation would be located at first floor level. Due to the orientation of the buildings, the windows would overlook the northern elevation of Western Court, the neighbouring property to the south. The location of the proposed windows are not considered to result in inter overlooking, opposing other neighbouring windows on the elevation facing the site, nor would their addition result in a harmful degree of overlooking.
- 5.19 To conclude the proposals in combination are not considered to result in a detrimentally harmful impact upon the neighbouring amenities, thus being considered acceptable, in accordance with PCS23 of the Portsmouth Plan.

## **RECOMMENDATION**

## **CONDITIONAL PERMISSION**

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

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990.**

- 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: HEM18-36-1A-Location Plan, HEM18-36-2A-Site Plan, HEM18-36-3A-Existing General Layout and HEM18-36-4E-Proposed General Layout.**

**Reason: To ensure the development is implemented in accordance with the permission granted.**

- 3) The windows hereby permitted shall be slimlite double glazed (12mm maximum) timber framed casements, finished with white paint, to match the existing fenestration.**

**Reason: To safeguard the architectural and historic character of the Listed Building, and in the interests of preserving the character and appearance of the conservation area in accordance with policy PCS23 of the Portsmouth Plan.**

- 4) Notwithstanding the materials stated on the submitted plans, the proposed materials are as follows:**

**Windows to the southern elevation and doors to the proposed extension - double glazed white painted timber frames (slimlite)**  
**Brick extension - to match the existing brick of host building**  
**Natural slate roof to the extension, including two 'conservation' style rooflights**

**Reason: To safeguard the architectural and historic character of the Listed Building and in the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.**

#### **PRO-ACTIVITY STATEMENT**

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

**STORYTIME NURSERY SCHOOL KERSEY HOUSE QUEENS PLACE SOUTHSEA****CONSTRUCTION OF EXTENSION ON (UPPER) TERRACE WITH THE ADDITION OF TWO CASEMENT WINDOWS TO THE SOUTHERN ELEVATION.****Application Submitted By:**

Hemis  
FAO Daniel Brown

**On behalf of:**

Mr Richard & Ayse Storey

**RDD:** 16th April 2019

**LDD:** 30th September 2019

**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought to the Planning Committee for determination due to the receipt of 1 no. objection and deputation by a neighbour.

**1.2 The main issues for consideration are;**

- Principle of Development;
- Design and Impact Upon Heritage;
- Impact upon Amenities.

**1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY****1.4 Site and Surrounding Area**

1.5 The application site is Grade II Listed Building. According to Historic England, the listing description is as follows: "Villa. 1847. By TE Owen. Red brick in stretcher bond. Welsh slate roof, brick stack to left and right of rear part, rendered stack on right of front projecting part. Rear part 3 storeys, front 2 storeys, 3 bays. Gothicised. Left quoin of front projection is stone rusticated. Entrance porch on left of front projection has pointed arch opening with eared and rusticated stone surround. To right and to left is a tripartite stone framed, mullion and transomed casement with rusticated quoins. On left, first and second floor each has a 2-light stone mullioned casement within similar surround. On first floor over porch is a narrow sash set under 4 centred stone arch and rusticated surround, with facing gable, on right a 2-light timber mullion and transomed casement set under brick cambered arch. INTERIOR not inspected. (Portsmouth Papers No.32: Riley RC: The House & Inhabitants of Thomas Ellis Owen's Southsea: 1980-)."

1.6 The application site comprises a first floor separate living unit contained within Kersey House. The site has two windows at first floor level on the principal elevation, fronting Queens Crescent, which facilitate the living room. The unit also has a roof terrace area which is accessible through the French doors to the rear (east) of the property.

1.7 The roof terrace is bounded by metal railings, approximately one metre in height and painted black. From a site visit, it was noted the roof terrace overlooks the rear elevations of neighbouring properties. There are external stairs to the property to the

south, and there is a rear garden/ courtyard to the south east which can be viewed from the existing terraced area of the application site.

1.8 It is noted that the wider surrounding area falls within the Owens Southsea (Conservation Area No.2), with other listed buildings within close proximity.

1.9 Proposal

1.10 Construction of roof extension and addition of two windows. These proposals would relate to the first floor flat.

1.11 The proposed extension would project approx. 2m from the rear elevation, measuring approx. 3.3m in height with a mono-pitched roof, served by two rooflights. The extension would be constructed of brick work to match the existing, with a natural slate roof with 'conservation style' rooflights and double glazed timber framed doors, painted white, to match the existing fenestration. The application would also include the alteration of a door to a window on an existing element, to match the existing. Further the existing iron railings would be replaced with a brick built wall measuring approx. 1.1m.

1.12 The two windows on the southern elevation would be timber framed double glazed units, painted white, to match the existing windows.

1.13 Relevant Planning History

1.14 A\*27421  
ERECTION OF A NEW FIRE ESCAPE TO REPLACE EXISTING  
Permission

1.15 A\*27421/B  
E.U.C. AS TEN UNITS OF ACCOMMODATION  
Permission

1.16 A\*27421/AA  
USE OF PART GROUND FLOOR AS NURSERY SCHOOL  
Conditional Permission

1.17 A\*27421/AB  
CONTINUED USE OF PART GROUND FLOOR AS NURSERY (MONDAYS - FRIDAY  
8.30A.M. - 6.00P.M.)  
Conditional Permission

1.18 A\*27421/AC  
USE PART BASEMENT, ADDITIONAL TO EXISTING USE OF PART GROUND  
FLOOR, AS NURSERY SCHOOL & VARY CONDITION 1 OF PERMISSION  
A\*27421/AB TO INCREASE EXISTING NUMBER OF PRE-SCHOOL AGE CHILDREN  
FROM 25 TO 47  
Conditional Temporary Permission

1.19 A\*27421/AC-1  
CONTINUED USE OF PART OF BASEMENT, IN ADDITION TO PART OF GROUND  
FLOOR, AS A DAY NURSERY (CLASS D1) & VARY CONDITION 1 OF PERMISSION  
A\*27421/AB FOR UP TO 47 CHILDREN OF PRE-SCHOOL AGE  
Condition Permission

1.20 09/01170/VOC  
Relief of condition 2 attached to planning permission A\*27421/AC-1 (personal use)

limiting the use of premises to Mrs J J Storey  
Approve

- 1.21 09/01274/LBC & 09/01311/FUL  
Installation of french doors after removal of existing windows  
Consent & Permission
- 1.22 15/01242/FUL & 15/01243/LBC  
External alterations to include new front dormer; addition of four roof-lights; removal of fire escape stair; amendments to windows; installation of two Juliet style balconies and provision of cycle storage  
Condition Permission & Consent

## **2.0 POLICY CONTEXT**

- 2.1 In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

## **3.0 CONSULTATIONS**

- 3.1 Historic England  
None received
- 3.2 Ancient Monuments Society  
None received
- 3.3 Council For British Archaeology  
None received
- 3.4 SPAB  
None received
- 3.5 The Georgian Group  
None received
- 3.6 The Victorian Society  
None received
- 3.7 Twentieth Century Society  
None received
- 3.8 The Portsmouth Society  
None received

## **4.0 REPRESENTATIONS**

- 4.1 Publicity dates (full Covid-19 lockdown started 24/3/20):
- 4.2 Initial consultation period was 10 December 2019, expiring 31 December 2019.
- 4.3 1 no. objection and deputation summarised:  
(a) overdevelopment  
(b) loss of privacy (due to previously approved 'patio')  
(c) loss of light  
(d) proposal would not be in keeping with the character of the Grade II Listed Building

## 5.0 COMMENT

5.1 The main considerations are:

- Design and Impact upon Heritage Assets

### 5.2 Design and Impact upon Heritage Assets

5.3 Policy PSC23 of the Portsmouth Plan specifies that proposals should be respectful in terms of the host dwelling, being of an appropriate; design and size, appearing appropriate when read in context.

5.3 Section 16 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, which states that "In considering whether to granted listed building consent for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess".

5.4 Due to the location of the application site falling within the Owens Southsea (Conservation Area No.2), when determining planning applications the Local Planning Authority (LPA) must 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) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.5 The application proposes the addition of an extension on the existing external terrace. The proposed extension would project approx. 2m from the rear elevation, measuring approx. 3.3m in height with a mono-pitched roof. The extension would be constructed of brick work to match the existing, with a natural slate roof and double glazed white painted timber framed doors. The proposed materials would reflect those of the existing host building. Given that there is already double glazing in the host dwelling, the proposed double glazed doors are not considered to result in a harmful impact upon the host dwelling, and in this instance would be acceptable.

5.6 To the rear, the application would also include the alteration of a door to a window on the southern elevation of the property, overlooking the roof top terrace. This is proposed to match the existing fenestration, double glazed, timber framed, white painted casement. Further, the existing iron railings are proposed to be replaced with a brick built wall measuring approx. 1.1m in height. It is understood that the reason for this brick wall is for the safety of the users of the roof terrace.

5.7 The application also proposes the addition of two windows on the southern elevation of the host building. These are proposed to be timber framed double glazed units, to match the existing windows.

5.8 Whilst the additional fenestration is proposed to match the existing double glazing, it is recommended that a condition be imposed to ensure that the units would be a slimlite double glazing with a thickness of 12mm. This would ensure that the proposed windows would not have a detrimentally harmful impact upon the fabric of the host listed building.

5.2 In the consideration of this case special regard to the desirability of preserving the dwelling, its setting, including the wider surrounding conservation area and any features of special architectural or historic interest which it possesses has been given. Based on

the above assessment, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise therefore, subject to conditions permission should be granted.

## **RECOMMENDATION**

## **CONDITIONAL CONSENT**

### **Conditions**

**1) Time limit**

The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.

**Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.

**2) Approved drawings**

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: HEM18-36-1A-Location Plan, HEM18-36-2A-Site Plan, HEM18-36-3A-Existing General Layout and HEM18-36-4E-Proposed General Layout.

**Reason:** To ensure the development is implemented in accordance with the permission granted.

**3) Internal and External materials finish**

All new works and making good of the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture, profile and style.

**Reason:** To safeguard the architectural and historic character of the Listed Building or to ensure the detailing and materials maintain the architectural interest of the building.

**4) Approved The windows hereby permitted shall be slimlite double glazed (12mm maximum) timber framed casements, finished with white paint, to match the existing fenestration.**

**Reason:** To safeguard the architectural and historic character of the Listed Building, and in the interests of preserving the character and appearance of the conservation area in accordance with policy PCS23 of the Portsmouth Plan.

**5) Notwithstanding the materials stated on the submitted plans, the proposed materials are as follows:**

Windows to the southern elevation and doors to the proposed extension - double glazed white painted timber frames (slimlite)  
Brick extension - to match the existing brick of host building  
Natural slate roof to the extension, including 2 no. 'conservation' style rooflights

**Reason:** To safeguard the architectural and historic character of the Listed Building and in the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

### **PRO-ACTIVITY STATEMENT**

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

56 SOUTH ROAD PORTSMOUTH PO6 1QD

## CONSTRUCTION OF SINGLE STOREY REAR EXTENSION

### Application Submitted By:

Roger Clark (Architectural Services)  
FAO Roger Clark

### On behalf of:

Mr Steve Cameron

RDD: 3rd January 2020

LDD: 2nd March 2020

## 1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is being heard at Committee due to a deputation request by a neighbouring resident.
- 1.2 Site
- 1.3 This application relates to a detached bungalow, with a front facing gabled roof that is set back from the roadway by a front driveway. The property is located on the western side of South Road in a primarily residential area characterised by detached bungalows of similar style. The properties down this road are all separated by approximately 3m.
- 1.4 There is an approximately 1.8m high close boarded boundary fence between the property and the adjoining neighbour to the north and south (No.54 and 58 South Road).
- 1.5 The neighbouring property to the north (No.54 South Road) features a single storey rear conservatory with an approximate depth of 1.5m.
- 1.6 The neighbouring property to the south (No.58 South Road) features a rear extension to an approximate depth of 2.5m. In addition it also features a rear garage abutting the boundary with No.56 South Road.
- 1.7 Proposal
- 1.8 Planning permission is sought for the construction of a single storey rear extension. The proposed extension would have an uneven footprint, with the main body of the extension measuring 5m depth, with a small additional aspect located on southern end of the extension measuring 1.9m past this to a depth of 6.9m in total. The extension would feature a pitched roof to a maximum height of 4.8m and an eaves height of 3m. The extension would be finished in brick and tile to match the existing property, with a set of bi-folding patio doors to the rear (west).
- 1.9 Planning history
- 1.10 The construction of pitched roof on existing rear extension was permitted in 1989 under planning ref: A\*24003/C.
- 1.11 The erection of a domestic garage was permitted in 1966 under planning ref: A\*24003/B.

1.12 There is no other planning history considered to be relevant in the determination of this application.

## **2.0 POLICY CONTEXT**

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

2.2 The aims and objectives of the revised NPPF (Feb 2019) would also be relevant in the determination of this application.

## **3.0 CONSULTATIONS**

3.1 **None.**

## **4.0 REPRESENTATIONS**

4.1 Two objections have been raised by a local resident (one later was withdrawn) objecting to the proposal on following grounds:

- (a) Overpowering appearance from rear conservatory;
- (b) Extension blocking out light preventing lawn drying and drainage concerns;
- (c) Loss of light to rear patio reducing use;
- (d) Loss of light to rear conservatory;
- (e) Contravening 45 degree rule;
- (f) Obstructing views from rear conservatory;
- (g) Loss of outlook;
- (h) Set precedent for future development; and
- (g) Additional utility bills, due to reduced warmth in conservatory.

4.2 54 South Road has also requested to make a deputation and for the application to be heard at Planning Committee.

## **5.0 COMMENT**

5.1 The determining issues within the application relate to:

- The principle of development;
- Design; and
- Amenity.

### **6.0 Principle of development**

6.1 The application relates to an existing dwellinghouse, where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations.

### **7.0 Design**

7.1 Policy PCS23 of the Portsmouth plan states that all new development must be well designed and, in particular, respect the character of the city.

7.2 The proposed extension would be set down from the maximum height of the property as to appear subservient towards the dwelling. The depth of the extension is considered to be suitable given the scale of the property and similar built form within the area. The extension would be finished in materials to match the existing dwelling and therefore appearance sympathetic with the recipient property. The additional rear element would

be finished with a pitched roof, with a similar gradient as the extension and is considered on balance to be an acceptable. The overall design of the proposal is considered to be appropriate and in accordance with Policy PCS23 of the Portsmouth Plan and the aims and objectives of the revised NPPF (2019).

## 8.0 Amenity

- 8.1 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 8.2 Given the layout of the surrounding properties, it is not considered that the development would have any significant impact towards the neighbouring occupiers to the east or west.
- 8.3 The neighbouring property to the north (No.54 South Road) features an existing single storey rear conservatory to an approximate depth of 1.5m. It is acknowledged that the properties along the road are staggered and as such the property is set forward of the application site by approximately 1m. As such the proposed extension would protrude past the existing conservatory at the neighbouring property by an approximate depth of 4.5m. The two properties are separated by an approximate distance of 3m as well as boundary fencing to a height of 1.8m. Additionally it is recognised that the rear conservatory receives light and outlook from the north and west as well as south and therefore the impact of the extension is not considered to be significantly harmful toward the property. As such, while the proposal would result in a minor loss of light and increased sense of enclosure, it is not deemed to be so significant as to result in harm towards their amenity.
- 8.4 The neighbouring property to the south (No.58 South Road) features an existing single storey rear extension to an approximate depth of 2.5m. As mentioned above the properties along the road are staggered and as such the property is set back from the application site by approximately 1m. As such the proposed extension would protrude past the existing conservatory at the neighbouring property by an approximate depth of 3.4m. The two properties are separated by an approximate distance of 3m as well as boundary fencing to a height of 1.8m. This would be considered to be sufficient to mitigate against any significant impact upon the neighbouring property through a loss of light, outlook or a sense of enclosure.

## 9.0 Conclusion

- 9.1 The proposal is not considered to result in an overbearing impact towards its neighbouring residents or give rise to a sufficient loss of light or outlook to justify refusing permission. As such, having regards to its acceptable principle and design, the proposal is considered to accord with Policy PCS23 of The Portsmouth Plan and the aims and objectives of the revised NPPF (Feb 2019).

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

Location Plan - 24483/4 (Received 05.05); Section - 24483/3 (Received 05.05); Elevations - 24483/2 (Received 05.05); and Floor Plans - 24483/1 (Received 05.05).

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

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

143 MANNERS ROAD SOUTHSEA PO4 0BD

**APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOPMENT FOR THE EXISTING USE AS A HOUSE OF MULTIPLE OCCUPATION (CLASS C4)**

**Application Submitted By:**

Mrs Suzan Presdee-Davies

**On behalf of:**

Mrs Suzan Presdee-Davies

**RDD:** 17th January 2020

**LDD:** 23rd March 2020

**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is being heard at Committee due to the applicant being an employee of the Portsmouth City Council and therefore the application cannot be issued as a delegated decision.

1.2 Site

1.3 The application relates to a two-storey, mid-terrace building located to the northern side of Manners Road to the west of its junction with Francis Avenue.

1.4 Proposal

1.5 There is an Article Four Direction in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 or Sui Generis Use Class).

1.6 The Article Four Direction was introduced on the 1st November 2011; this application seeks to demonstrate that the application site was converted to an HMO before the Article four Direction was introduced.

1.7 The applicant seeks a Certificate of Existing Lawful use of dwellinghouse as a Class C4 (HMO) House in Multiple Occupation.

1.8 This application seeks to demonstrate the existing use of the property, and no other works will be considered.

1.9 A site visit carried out on 27th February 2020 confirmed that the property appears to be occupied as a 4 person HMO and that internally the property comprises:

- Ground floor One bedroom, lounge and kitchen;
- First floor - Three bedrooms and a bathroom.

1.10 Planning History

1.11 None.

**2.0 POLICY CONTEXT**

2.1 Not applicable.

### **3.0 CONSULTATIONS**

3.1 None.

### **4.0 REPRESENTATIONS**

4.1 None.

### **5.0 COMMENT**

5.1 The sole issue for consideration in whether a certificate of lawfulness should be granted is whether, on the balance of probability, the application property was in use a C4 use on 31 October 2011 and has remained in a C4 use continuously up until the date of this application, which would then make it immune from enforcement action in accordance with the Planning and Compensation Act 1991.

5.2 It is noted that on 1 November 2011 Portsmouth City Council introduced an Article 4 Direction that removes existing rights to change the use of a family house (C3) into a small HMO (C4) without seeking planning permission. The change did not affect existing HMOs.

5.3 It is stated within the application that the property has been in a continuous C4 use since at least 9th September 2011. In support of the submission the applicant has submitted the following evidence:

5.4 Site Location Plan (Drawing No: TQREQM2002715531690)

5.5 Existing Floorplans (Drawing No: 950sq ft)

5.6 Statutory Declaration dated 16.03.2019 by Suzan Mary Presdee-Davies. Stating that "since September 2011 the Property has been continuously used as a Class C4 (House of Multiple Occupation) for three (3) occupiers and for no other use." A list of tenant has also been provided.

5.7 Tenancy Agreement commencing 09.11 for 4 tenants, for a period of 10 months

5.8 Tenancy Agreement commencing 06.13 for 4 tenants, for a period of 13 months

5.9 Tenancy Agreement commencing 08.14 for 4 tenants, for a period of 10 months

5.10 Tenancy Agreement commencing 09.15 for 4 tenants, for a period of 11 months

5.11 Tenancy Agreement commencing 09.16 for 4 tenants, for a period of 11 months

5.12 Tenancy Agreement commencing 09.18 for 4 tenants, for a period of 11 months

5.13 Tenancy Agreement commencing 09.19 for 4 tenants, for a period of 11 months

5.14 Tenancy Deposit receipt for 2015 to 2016

5.15 Incorporating the Standard Condition of Sale, which confirmed that the property was sold vacant.

5.16 Final Bill from Hopkins Building Service for the supplying and fitting of kitchen unit dated 30.03.13

5.17 Invoice from boots kitchen appliances for the purchase of a cooker dated 08.04.2013

5.18 Invoice from Excel Gas for the fitting of a boiler and gas cooker dated 30.04.2013

5.19 Council Evidence

5.20 Local taxation office records seem to suggest that the property has been in use as a House in Multiple Occupation.

- 5.21 Private Sector Housing have confirmed that the property did have an additional license for 4 persons from 2015 until 2018. Currently it does not require a licence as it has less than 5 persons.
- 5.22 An analysis of the HMO database has been undertaken and the property is listed as a registered HMO.
- 5.23 Concluding comments from Legal Services:
- 5.24 The applicant has provided a statutory declaration that details their ownership of 143 Manners Road since February 2013. The statutory declaration relates that the Property has been continuously used as a "Class C4 (House of Multiple Occupation) since 2011. It should be noted that in the same sentence the statutory declaration is false to the extent that it states that only "three (3)" persons have ever occupied the property - this is contrary to the statutory declaration's own exhibit JFF1 that shows, when occupied, the property had 4 inhabitants.
- 5.25 The applicant has provided tenancy agreements, the term of the first being from 1 September 2011 until 31 July 2012. It notes 4 named tenants, although the signature page for 'Tenant 3' is missing. Nonetheless, this evidences at least 3 persons, qualifying as a C4 use. As you note in your memo, this is significant because it means the lawful use pre-dates the coming into force of the city-wide article 4 direction on 1 November 2011 that removed permitted development rights to move between use classes C3 and C4 without making an application for planning permission (I draw the inference from the evidence and your memo that prior to being in C4 use the property was in C3 use).
- 5.26 The applicant states that they bought the property with vacant possession (and has provided a copy of the draft contract for sale), meaning that there were no occupiers during the September 2012 to Summer 2013 academic year. Given that the property was in lawful use as a C4 the previous year owing to its C4 use existing lawfully prior to the Article 4 direction coming into force on 1 November 2011, there is no issue with continuity of the use caused by this vacant period.
- 5.27 For every subsequent year up to the September 2017 to Summer 2018 academic year, tenancy agreements with terms aligning to the university academic year have been produced. All of these tenancies are consistent with C4 use, evidencing 4 residents at a time with names and signature of the tenants.
- 5.28 The applicant states explicitly in an email to their lawyer dated 10 March 2020, provided to the Council as part of the application that for the 2017-2018 academic year the tenants for the previous academic year occupied under a periodic tenancy based upon the 2016-2017 tenancy agreement. This express statement accords with the implication to that effect made by the statutory declaration.
- 5.29 Tenancy agreements for the 2018-2019 academic year and 2019-2020 academic year have also been provided, showing 4 residents each. You conducted a site visit on 27 February 2020 that confirmed occupation by 4 unrelated persons. No floor plans have been submitted but you describe the layout in your memo.
- 5.30 At the time of writing the Council does not appear to possess, and has not received, any evidence to contradict the applicant's claimed use. It is noted that there is a current HMO licence. Additionally, I note in your memo that council tax, while generally unreliable, does lend further credibility to the applicant's version of events.
- 5.31 Conclusion:

- 5.32 On the balance of probabilities, it is considered that the evidence presented justifies granting the attached certificate because the C4 use was lawful prior to the coming into force of the article 4 direction and has continued to be lawful since that date up to the submission of the application for a CLEUD.

## **RECOMMENDATION                      Grant CLEUD**

There is sufficient evidence to demonstrate that, on the balance of probability, the property was in use as a House in Multiple Occupation (C4) on 31st October 2011 and then for a continuous period up until the date of the application. As such the use is lawful under section 191 of the Town and Country Planning Act 1990, as amended.

197 HAVANT ROAD PORTSMOUTH PO6 1EE

**RESTROSPECTIVE APPLICATION FOR CONSTRUCTION OF OUTBUILDING TO REAR OF PROPERTY.**

**Application Submitted By:**

Mr James Jay  
The Planning Service

**On behalf of:**

Mr Tyrone Guy

**RDD:** 17th April 2020

**LDD:** 12th June 2020

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 The application is being heard at planning committee due to the deputation request of a neighbour.
- 1.2 Site and Surroundings
- 1.3 The application site is located to the north of Havant Road. The site itself is set back from the main road by a gravel driveway with a northern incline. The site then levels out providing a flat piece of hardstanding for a couple of vehicles to the frontage of the dwelling. The frontage of the site is screened by mature vegetation and a brick wall from Havant Road.
- 1.4 The host dwelling itself is a two-storey detached dwelling located to the eastern boundary of the site, allowing a clear vehicular access from the southern access off of Havant Road to the north of the site. This application relates to a retrospective outbuilding, which is located within the rear garden of the site, along the northern boundary. To the west of the site, (no.195) has a similar arrangement, whereby there is vehicular access along the eastern side of the dwelling, which appears to lead to a garage set behind the rear of the dwelling tight to the eastern boundary.
- 1.5 Due to the orientation of dwellings and the proximity to the junction of Havant Road, and Portsdown Avenue, to the north of the site is the rear garden of 1B Portsdown Avenue. To the east of the garden of the application site, are the parking provisions for no.199 Havant Road.
- 1.6 Proposal
- 1.7 Retrospective application for construction of outbuilding to rear of property.
- 1.8 Planning permission is sought for the retention of the detached outbuilding that has been built adjacent to the northern boundary of the application site. The outbuilding measures approx. 12m in length (set in 0.7m from the northern boundary). Due to the size/ shape of the plot, the outbuilding is set in varying amounts along each of the side boundaries, ranging between approx. 0.5m - 1m from the eastern boundary and between 0.4m - 0.9m from the western boundary. The outbuilding measures approx. 8.3m in depth, with

eaves measuring approx. 2.4m and an overall height of 3.9m, featuring a hipped roof design. At the date of the site visit (26 May 2020) the garage structure was in situ with a red tiled roof. At that time, the outbuilding was proposed to be finished in black painted timber clad, with black cast effect guttering downpipes, including a metal roller door for the proposed vehicular access. There was also fenestration proposed on the southern elevation which would be of a black timber effect.

#### 1.9 Planning History

1.10 None

### **2.0 POLICY CONTEXT**

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

### **3.0 CONSULTATIONS**

#### **3.1 Contaminated Land Team**

3.2 A condition relating to land contamination is not requested by the Contaminated Land Team (CLT).

3.3 However, the outbuilding has been constructed immediately adjacent to a site that was redeveloped under planning permission 12/01215/FUL. This adjacent site (previously D2 usage) was investigated and remediated for its current use. These records are held by the council and available upon request. In order to ensure safe development developers should obtain information about nearby site investigations in order to understand if there are known constraints on or near their own site. The CLT would like to be consulted on future applications so that we can highlight the records that we hold.

### **4.0 REPRESENTATIONS**

4.1 Publicity dates (full Covid-19 lockdown started 24 March 2020):

4.2 Neighbour letters sent: 20 May 2020; expiry: 2 July 2020

4.3 2 no. representations have been received, comprising one letter of support and one objection.

4.4 The letter of objection raises the following concerns:

- Concern about use
- Overbearing size/ bulk/ overdevelopment
- Loss of visual amenity to garden/ surroundings
- Noise and disturbance of the use of the building

### **5.0 COMMENT**

5.1 The main considerations within this application are:

- Principle of Development
- Design
- Impact upon Neighbouring Amenities

## 5.2 Principle of Development

5.3 The application site is within the curtilage of an existing dwelling, where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations. It should further be noted that the addition of outbuilding can fall under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order (GPDO), subject to compliance with the Legislation.

## 5.4 Design

5.5 Policy PSC23 of the Portsmouth Plan specifies that proposals should be respectful in terms of the host dwelling, being of an appropriate; design and size, appearing appropriate when read in context.

5.6 The application seeks retrospective permission for the siting of an outbuilding located to the north of the site, almost spanning the width of the plot. The outbuilding is slightly set in from the northern, eastern and western boundaries, allowing pedestrian access along each boundary, assumed for future maintenance.

5.7 Whilst the outbuilding is of a large size, properties along Havant Road do benefit from spacious plots whereby large outbuildings are not considered uncharacteristic. There are also other examples of large outbuildings within the immediate and wider surroundings. Owing to the spacious gardens, some existing outbuildings are able to benefit from permitted development. Due to the location of the outbuilding, subject to this application, close to the boundaries, the application site requires planning permission. However, consideration should be given to the potential fall-back position when assessing the dimensions of the outbuilding,

5.8 The outbuilding, at the date of the site visit was under construction. The roof was finished with a red tile, and the elevations were breezeblocks. The elevations are proposed to be finished in black timber cladding, with black timber effect fenestration, including black cast effect guttering and downpipes. The proposed black timber clad is not a material used widely within the vicinity, however its introduction is not considered to be harmful given that it would solely be located on the outbuilding. Timber clad is considered to be a high quality material, this combined with the red tiled roof and black timber effect fenestration is considered to amount to a well-designed outbuilding, in accordance with PCS23 of the Portsmouth Plan.

5.9 As concluded above, the overall design of the outbuilding is considered to accord with Policy PCS23 of the Portsmouth Plan, as well as national and local policies.

## 5.10 Impact upon Neighbouring Amenities

5.11 To the north of the site is the rear garden of no.1B Portsdown Avenue. The shared boundary comprises a fairly low level brick wall. Prior to the installation of the outbuilding, there would have been clear views between the application site and this neighbouring property. It should also be noted that no.1B Portsdown Avenue is on slightly higher ground than the application site, due to the topography of Portsdown Hill. A site visit was undertaken to both the application site and no.1B Portsdown Avenue to fully assess the impact of the proposal. Whilst it is noted that the proposal would have an impact upon this neighbour, it is not considered that this would be harmful enough to warrant a refusal.

5.12 To the east of the site are parking provisions for no.199 Havant Road, where the outbuilding is set in from this boundary by a maximum of 1m. The outbuilding measures approx. 8.3m in depth, with eaves measuring approx. 2.4m and an overall height of 3.9m. The eaves of the outbuilding slightly protrude above the boundary wall to the east.

Due to the hipped nature of the roof, this would slope away from the neighbour to the east. Given that the eaves would be of a subservient height, combined with the orientation of roof slope, the proposal is not considered to have an adverse impact upon this neighbouring amenity.

- 5.13 To the west of the site in the neighbouring garden is an outbuilding tight to the shared boundary. Whilst the outbuilding, subject to this application, would have a greater depth than the neighbouring outbuilding, it is considered that their outbuilding would mitigate some of the impact of the outbuilding, subject to this application. The outbuilding is set in from the boundary with eaves measuring approx. 2.4m. Given the existing outbuilding in the neighbouring garden combined with the low eaves height the outbuilding is not considered to have a detrimentally harmful impact upon this neighbouring amenity to the west.
- 5.14 To conclude, the proposal is not considered to have an adverse impact upon the neighbouring properties amenities, thus complying with PCS23 of the Portsmouth Plan and in turn would be considered acceptable.

#### Other Matters

- 5.15 It is noted that an objection comment has been received relating to the proposed usage of the outbuilding. It should be noted that the outbuilding could be used incidentally and as an ancillary use to the host dwelling, as stated within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order. It should be noted that this does not include using the outbuilding as a separate residential unit, as this would require planning permission in its own right. It is therefore not considered necessary to impose a condition securing the proposed usage of the outbuilding.

#### Conclusion

- 5.17 To conclude, the proposal is considered to be in accordance with both local and national policies in terms of design and amenity and is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **Conditions**

#### **Approved Plans**

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: E001, E002, E003, P001, P002, P003, and P004.

Reason: To ensure the development is implemented in accordance with the permission granted.

#### **Materials**

2) The development hereby permitted shall be constructed using the following materials unless alternative materials are first submitted to and agreed in writing by the Local Planning Authority:

- Elevations: Black timber clad
- Fenestration: Black upvc (timber effect)
- Roof: red tile (as existing)

Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

**Section 73A**

This permission is granted in accordance with the provisions of Section 73A 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.

**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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