

Decision maker: Planning Committee

Subject: Planning appeal decision at 240 Fratton Road, Portsmouth

Report by: Claire Upton-Brown
City Development Manager

Ward affected: Fratton

Key decision (over £250k): No

1. Purpose of report

To advise the Committee of the outcome of the appeal.

2. Recommendations

That the report is noted.

3. Background

A planning application was considered at the Planning Committee meeting of the 31st January 2013. The application, for the construction of a new roof to form two two-bedroom flats and an extension of the existing stairwell to the rear of the building, was recommended by officers for permission. This recommendation was overturned and the planning application was refused with the reasons for refusal referring to the proposal being unacceptable in design terms, representing an overdevelopment of the site, impact on the amenities of the occupiers of neighbouring properties in terms of noise and overlooking of amenity space and inadequate cycle and bin stores.

The Inspector considered that the relationship with the adjacent nursery (within Fratton Community Centre) was acceptable, however he took the view that "the new rear windows would have the potential to look down on the outside terraces of the second floor flats immediately below" and that "given the lack of any other outside amenity space for these flats ... such potential direct and close overlooking would be prejudicial to the privacy of the occupiers of these flats".

The Inspector considered the proposals for providing additional cycle and refuse storage facilities in the communal entrance to both the flats and ground floor poker club and opined that the more intensive use of this area "would cause

potential conflict between the various users of this entrance, resulting in a significant deterioration in the living conditions of residents of existing flats and poor living conditions for the occupiers of the proposed flats". He also offered the view that "there would be insufficient room for these necessary facilities".

In his conclusion on the issue of living conditions the Inspector considered that "the living conditions of occupiers of both existing flats and the proposed new flats in this building would be unacceptable in that the only entrance to the building would be subject to over intensive use and the rear terraces of the second floor flats would be subject to unacceptable overlooking" and as such the proposal "is therefore contrary to ... Policy PCS23, which requires adequate accessibility for all users, consideration of how to reduce crime through design, and the provision of a good standard of living environment for existing and future occupiers".

On the issue of design the Inspector was of the view that "the proposal would not harm the character of the area including that of the existing building, and the proposal is not therefore contrary to Policy PCS23, which requires high quality design of appropriate scale, appearance and materials".

The Inspector dismissed the appeal on the basis that the proposal "would give rise to unsatisfactory living conditions".

4. Reasons for recommendations

For information to the Planning Committee

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

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Signed by:

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

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

Title of document	Location
Planning application 12/01220/FUL	Planning Services
Appeal decision APP/Z1775/A/13/2194244	Planning Services