

Decision maker: Planning Committee

Subject: Planning appeal quarterly update

Report by: Claire Upton-Brown
City Development Manager

Ward affected: All

Key decision (over £250k): No

1. Purpose of report

To update the Committee on planning appeal decisions over the last 3 months.

2. Recommendations

That the report is noted.

3. Background

Between August and October 2013 there have been a total of 12 appeal decisions. Of those, 9 were dismissed and 3 were allowed. A number of these will have been reported separately (for enforcement matters or 'overturned' decisions) on previous main agendas. Separate reports are included on this agenda for 3 enforcement appeals at Cosmopolitan House, No129 Albert Road and No173 Elm Grove in addition to an 'overturned' decision for Goose at V&A Albert Road. The following summarise the other 8 appeal decisions.

240 Fratton Road - 12/01220/FUL

Construction of a new roof to form 2 flats and extension of existing stairwell (resubmission of 12/00982/FUL).

Recommendation - Conditional Permission
Committee Decision - Refused
Appeal Dismissed

Reason for refusal: In the opinion of the Local Planning Authority the proposed roof and stairwell extension to provide 2 flats is unacceptable in design terms and overdevelopment. Furthermore the proposal will have a significant impact on the amenities of the occupiers of the neighbouring properties in terms of noise and overlooking of amenity space, impact on street scene and has inadequate cycle and bin stores. The proposals are therefore contrary to policies PCS15, PCS16, PCS17, PCS19, PCS21 and PCS23 of the Portsmouth Plan.

Inspectors conclusion: The proposal would give rise to unsatisfactory living conditions.

37 Rugby Road, Southsea - 12/01335/HOU

Construction of a part single, part two-storey rear extension

Recommendation - Conditional Permission

Committee Decision - Refused

Appeal Dismissed

Reason for refusal: In the opinion of the Local Planning Authority, the proposed part single, part two-storey rear extension would by virtue of its scale and positioning have an overbearing relationship with neighbouring properties and result in an unacceptable loss of light. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

Inspectors conclusion: It is a fact that none of the houses along the south side of Rugby Road has been extended at first floor level in a similar fashion to that proposed here. Accordingly, this element of the scheme would be out of step with that part of the established character of the area.

Abbeville, 26 Nettlecombe Avenue, Southsea - 13/00093/PLAREG

Retention of existing garage/home office with dormer window to side roofslope

Delegated Refusal

Appeal Dismissed

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

Inspectors conclusion: Although sensitively designed the proximity of the outbuilding to the main house would lead to an impression of a too bulky assemblage of buildings. The bulk/height would exceed that of an ancillary building to the extent it would compete, visually, with the main house and reduce a gap in the street scene which is worthy of retention. The infilling would erode the open appearance and character of this corner plot and appear cramped as a result. It would fail to preserve or enhance the character and appearance of the

conservation area. It also creates the feeling of being 'hemmed in' and harmful to the outlook of neighbouring occupiers at No28.

32 Park House, Clarence Parade, Southsea - 13/00044/HOU

Construction of 2 dormers to west roof slope (following removal of 6 existing dormers)

Delegated Refusal
Appeal Dismissed
(Application for award of costs - Refused)

Reason for refusal: 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.

Inspectors conclusion: The dormers 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', in conflict with Policy PCS23 of the Portsmouth Plan.

114 Medina Road, Portsmouth - 13/00461/HOU

Enclosure of existing first floor balcony (to form first floor conservatory) to front elevation.

Delegated Refusal
Appeal Dismissed

Reason for refusal: The proposed first floor extension would introduce an incongruous feature onto the frontage of the property to the detriment of the visual amenities of the area, contrary to Policy PSC23 (design and conservation) of the Portsmouth Plan.

Inspectors conclusion: The proposal would be harmful to the character and appearance of the street scene, regardless of the design and appearance of other properties in the locality, including some recently constructed flats nearby. As such, it would fail to display the architectural quality required by Policy PCS23 of the Portsmouth Plan.

37 Brecon Avenue, Portsmouth - 13/00434/HOU

Extension of existing roof and raising of gable to form additional accommodation at first floor

Delegated Refusal
Appeal Dismissed

Reason for refusal: The proposal by virtue of its size and siting would have an over bearing relationship with and result in an unacceptable sense of enclosure harmful to the residential amenities of the occupiers of the neighbouring property to the north. Furthermore the proposal by way of its inappropriate, unsympathetic and un-neighbourly bulk and mass would result in an unacceptable visual imbalance to the pair of semi-detached properties harmful to the visual amenity of the pair of properties and wider streetscene. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

Inspectors conclusion: The development would have an adverse effect upon the living conditions of neighbouring occupiers of No39, contrary to Policy PCS23 of the Portsmouth Plan. Although carefully designed to respect the form of the host building, the loss of the catslide roof feature and the bulk of the extension would unbalance the pair of dwellings which No37 forms part.

228 Havant Road, Drayton - 13/00223/FUL

Construction of additional storey over existing rear projection and conversion to form 2 flats (resubmission of 12/00460/FUL)

Delegated Refusal
Appeal Dismissed
(Application for award of costs - Refused)

Reason for refusal: The proposed flats would, by virtue of their relationship with the adjacent property to the west, have a poor and restricted outlook and be the subject of an unacceptable sense of enclosure and thus fail to provide an appropriate standard of accommodation for future occupiers. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.

Inspectors conclusion: The development would result in unacceptable living conditions for future occupants of the proposed flats with particular regard to outlook. As a result there would be a conflict with Policy PCS23 of the Portsmouth Plan that aims to ensure, amongst other things, that a good standard of living environment is provided for future residents of new development.

Land Rear Of 7 Spur Road, Portsmouth - 11/00227/ENF

Enforcement Appeal Dismissed

Appeal against the serving of an Enforcement Notice that alleges that without planning permission the change of use of the land as a service area and parking area ancillary to the use of Nos 5 & 7 Spur Road to unauthorised use as a commercial hand car wash, and ancillary use for the siting of a container to the outside rear of the premises, the use of which is incidental to the unauthorised use for the hand car wash.

Inspectors conclusion: The use of the land as a car wash causes nuisance to nearby occupiers and brings about a worsening of road safety standards in Spur Road, contrary to Local Plan and national planning policies.

4. Equality impact assessment (EIA)

None.

5. Head of legal services' comments

The report is for information only.

6. 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
12/01220/FUL Appeal decision dated 1 st Aug 2013	Planning Services
12/01335/HOU Appeal decision dated 13 th Sept 2013	Planning Services
13/00093/PLAREG Appeal decision dated 3 rd Sept 2013	Planning Services
13/00044/HOU Appeal decision dated 30 th Sept 2013	Planning Services
13/00461/HOU Appeal decision dated 28 th Aug 2013	Planning Services
13/00434/HOU Appeal decision dated 12 th Sept 2013	Planning Services
13/00223/FUL Appeal decision dated 1 st Oct 2013	Planning Services
11/00227/ENF Appeal decision dated 10 th Sept 2013	Planning Services