



Appeal Decision

Site visit made on 27 June 2013

by **Nick Fagan BSc(Hons) DipTP MRTPI**

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

Decision date: 1 August 2013

Appeal Ref: APP/Z1775/A/13/2194244
240 Fratton Road, Portsmouth, PO1 5HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Harold Weston against the decision of Portsmouth City Council.
 - The application Ref 12/01220/FUL, dated 9 November 2012, was refused by notice dated 31 January 2013.
 - The development proposed is construction of a new roof to form 2 flats and extension of existing stairwell.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the Council's description of the development as set out in its decision notice since this is more succinct and does not alter the nature of the proposal.

Main Issues

3. The effect of the proposal on the living conditions of occupiers of the flats in this building, and the design of the proposal in terms of its effect on the character of the area including the existing building.

Reasons

Living Conditions

4. The immediate surrounds of this property are very urban with the community centre, its sports hall and the playground of the pre-school nursery abutting the rear of the Poker club.
 5. It is possible the new windows in the northern flat would look onto the rear part of the nursery's outside playground but most of it would be likely to be shielded by the extensive flat roof of the Poker club and in any case such overlooking would be over a distance of about 17 metres. This would not result in any harm to the nursery, whose main concern seems to be the appellant's lack of
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maintenance of his property resulting in danger to its children, which is not a matter for this appeal.

6. The new rear windows would have the potential to look down on the outside terraces of the second floor flats immediately below if their occupiers were to stand next to the windows. These terraces are to some extent overlooked by windows in the community centre (in respect of the northern flat) and by those in the block of flats at 9 Trafalgar place (in respect of the southerly flat), although these premises are relatively distant and any overlooking is at an oblique angle. However, given the lack of any other outside amenity space for these flats, I consider that such potential direct and close overlooking would be prejudicial to the privacy of the occupiers of these flats.
7. There is only one entrance to the 9 existing flats in this building and this entrance is shared with the patrons of Shuffles Poker club, which occupies the large flat-roofed single-storey extension to this building. The proposal would add an additional 2 flats and together with the 2 flats allowed under the recent appeal decision this would result in the residents of 13 flats in total using this entrance, as well as the Poker club's customers.
8. The development proposes to provide secure cycle storage for 6 cycles on the northern wall of this common hallway as well as adding new refuse storage cupboards to those already existing on its southern wall. I was shown the interior of these lockable bin stores, although I noticed that about half of them were used to store paint and decoration materials as well as children's buggies and the like rather than refuse. It also appears these stores are not tall enough to house refuse wheelie bins.
9. I consider that additional refuse storage is required outside of occupiers' flats because there is currently insufficient space for all the existing flats, let alone additional ones. No off-street parking is possible and I agree none is needed because of the site's good access to public transport. But this makes the provision of cycle storage all the more necessary. The only possible space for accommodating this is in the common entrance hallway. Notwithstanding that the proposed additional refuse and cycle storage would not provide sufficient storage for these necessary functions for the number of flats in the building, given the 100% plot coverage there is no other place such facilities could be sited.
10. The cycle storage provision would narrow the width of the access to about 1.3 metres for the majority of its length. This would lead to more people using a narrower and more constrained entrance, exacerbated when residents or the Poker Club's patrons would have to pass by other residents accessing or storing cycles or refuse since the doors of these cupboards would open onto this restricted entrance passage. This 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. In my opinion there would be insufficient room for these necessary facilities. Existing residents have outlined security issues regarding the use of the entrance by the Poker club's patrons and I consider such issues would be likely to be made worse by the narrowing of this joint entrance to the club and the residential stairwell.

11. For the reasons set out above I therefore consider 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. The proposal is therefore contrary to the Council's Core Strategy 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.

Design

12. The premises sit in the centre of a parade of predominantly shop units with residential uses above. Most of the buildings in this parade are two storeys although the Ex Services Club at No.230 is three storeys like this building. The proposal would, by virtue of its mansard roof design, add volume to the existing roof by providing the new third floor living accommodation. However it would only increase the height of the roof's ridge by 0.5 metres and this would remain below the height of the front pediment feature, a dominant feature in the streetscene.

13. There are existing mansard roofs in the area notably that on the second floor of the community centre immediately to the rear of the building. There is also a fairly prominent 4-storey new building with a full mansard roof at Stamford Court on the opposite corner of Fratton Road and Stamford Street just to the south of the appeal premises. In my opinion this building- which does not look out of place - is more prominent in the streetscene than the appeal premises would be with its proposed mansard, and I do not therefore agree the design of the new roof would be an unduly prominent feature in the streetscene.

14. I agree with the appellant that the proposed dormers to front and rear would relate well to the existing pattern of fenestration on the building and the materials, slate to the front and standing seam zinc to the rear, would be quite appropriate.

15. Likewise the stairwell extension, which would also be clad in standing seam zinc, would be appropriate especially because it cannot be seen from the street frontage and would not appear out of place in the tight urban context within which it would sit.

16. I therefore consider 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.

Conclusion

17. However, because I found the proposal would give rise to unsatisfactory living conditions as set out above, I dismiss this appeal.

Nick Fagan

INSPECTOR

