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# Appeal Decision

Site visit made on 29 July 2013

**by T M Smith BTP MRTPI**

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

**Decision date: 3 September 2013**

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**Appeal Ref: APP/Z1775/D/13/2198522**

**26 Nettlecombe Avenue, Southsea, Hampshire, PO4 0QW**

- 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 S Gladston against the decision of Portsmouth City Council.
  - The application Ref 13/00093/PLAREG, dated 30 January 2013, was refused by notice dated 8 April 2013.
  - The development proposed is described as "retention of existing garage/home office constructed to the rear (north) of 26 Nettlecombe Avenue, Southsea".
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. At the time of the site visit the building was substantially complete with only the internal fitting out of the building required. However, "retention", as referred to in the decision notice and appeal form, does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is being sought for the erection of the garage/home office.

## Main Issues

3. The main issues are:
  - Whether the proposed development would preserve or enhance the character or appearance of the Craneswater and Eastern Parade Conservation Area (CA); and
  - The effect of the proposed development on the living conditions of occupiers of adjoining properties, with regard to outlook, sunlight and daylight.

## Reasons

### *Conservation Area*

4. The appeal property comprises a large detached two storey Edwardian dwelling which occupies a prominent position at the corner of Nettlecombe Avenue and Bembridge Crescent. The Council's Guidelines for Conservation<sup>1</sup> describe the appeal property as "large and interesting". Its distinguished appearance and detailing makes a positive contribution to the character and appearance of the Conservation Area at this location.

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<sup>1</sup> Eastern Parade and Craneswater Southsea Conservation Area No 29 December 2005 updated January 2010

5. The rear garden of the property runs parallel with Bembridge Crescent and whilst it is partially enclosed by a brick wall that varies in height, its depth is perceptible from the adjacent road. Directly adjacent to the rear boundary of the property and fronting on to Bembridge Crescent is the detached garage of 52 Bembridge Crescent.
6. The appellant has drawn my attention to the fact prior to about 2003 there were a number of detached buildings on both the appeal site as well as the neighbouring property, 28 Nettlecombe Avenue. Since they are no longer present, nor have they been for some time, they do not form part of the existing character and appearance of the CA. Furthermore, there are in any event few details relating to their scale and height. I accord their previous existence limited weight.
7. No 26 is a larger property in a more spacious plot than others hereabouts and this provides relief and interest within the street scene. It promotes a more open and spacious character in this part of the CA, as well as making something of a feature of the corner and junction. I note that 24 and 26 Nettlecombe Avenue, either side of the junction with Bembridge Crescent both have architectural fenestration which acknowledge their corner position (the appeal property has a fine double-height square bay with pediment; no 24 has a round double height bay facing the junction). Hence the larger curtilage to No 26 is an important feature of the character and appearance of this part of the CA and should be respected.
8. There are a number of detached single storey garages that front onto Bembridge Crescent, as the proposed building would. The adjacent garage at No 52 comprises the largest of these. Due to their modest scale, they are not prominent features within the street scene.
9. I agree with the conclusions of the Heritage Statement submitted by the appellant in so far as the proposed building has been sensitively designed. The design, materials and architectural detailing would be in keeping with the Edwardian appearance of the main dwelling. I also note that in terms of its design the Council has raised no concerns.
10. Notwithstanding these positive attributes of the building, it would be noticeably higher than the adjacent garage and, given the dormer roof proposed within the southern roof slope, it would also appear bulkier. Consequently, it would be by some measure the largest ancillary building within Bembridge Crescent and would appear at odds with them.
11. The new building would be seen in close context with the main house; this proximity would lead to an impression of a too bulky assemblage of buildings within the formerly spacious plot. From other viewpoints, it would be seen as a sprawling extension to the main house or to the adjacent garage. The bulk and height of the building would exceed that of an ancillary building to the extent that it would compete, visually, with the main house. Thus the building would reduce the gap in the street scene which is worthy of retention. The filling of this open area would erode the open appearance and character of this corner plot and would appear cramped as a result. For these reasons, the scheme would not preserve the character or appearance of the CA.
12. Therefore, I conclude that the development would fail to preserve or enhance the character or appearance of the CA and would conflict with policy PCS23 of

The Portsmouth Plan. The policy seeks to ensure that new development is of an appropriate scale and layout, in relation to its particular context, and that it protects and enhances the historic townscape.

13. Having regard to paragraph 134 of the National Planning Policy Framework, I consider that while the harm caused to the CA's significance as a heritage asset would be less than substantial, there are no identified public benefits of sufficient weight to overcome this harm.

#### *Living Conditions*

14. Given that the building is largely constructed, I was able to observe its relationship with No 28. The rear garden of this property is some 8m in depth and is north facing. It is already enclosed by the high boundary wall to the east and north, with the existing garage to No 52 already a dominant feature situated beyond the rear boundary wall.
15. The building is sited alongside the flank boundary wall of the garden to No 28. Together with the garage to No 52, the height and bulk of the building leaves very little in the way of an open view along the boundary with the appeal property. As a consequence, it creates the feeling of being 'hemmed in' and enclosed by development with the occupiers' outlook from the garden being significantly restricted.
16. Turning to the matter of sunlight and daylight, the appellant has provided a Solar Study, the findings of which are not disputed by the Council. The study reveals that since the building is positioned to the north east of No 28, there is little material difference to the extent of overshadowing of the garden except during the summer months. Even then much of the garden is outside the shadow cast by the building or the existing houses so that its use and enjoyment by the occupiers is unlikely to be diminished.
17. I am satisfied that there is a reasonable degree of separation between the proposed building and 30 Nettlecombe Avenue, 5A Parkstone and No 52, so that there would be no unreasonable loss of outlook, daylight or sunlight to these properties that would be harmful to the living conditions of their occupiers.
18. However, these findings do not outweigh the harm I have identified to the living conditions of the occupiers of No 28 in terms of outlook. I therefore conclude that the proposed development would be contrary to policy PCS23 of The Portsmouth Plan which seeks, amongst other things, to protect the amenity and the standard of living environment for neighbouring occupiers.

#### *Other Matters*

19. In support of the appeal, my attention was drawn to 5C Parkstone Avenue which the appellant considers to demonstrate "cheek by jowl" development. No 5C is not visible from the appeal property nor does it fall within the same street scene. Whilst I agree that the built form at No 5C is densely configured, its location and surroundings are materially different to the appeal property so that any meaningful comparisons are precluded. In any event, the existence of one form of development does not, on its own, provide justification for new development of similar characteristics.

**Conclusions**

20. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*TM Smith*

INSPECTOR