

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 7 October 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
Donna Jones
Terry Norton
Hugh Mason (Standing Deputy)
Lynne Stagg
Luke Stubbs
Claire Udy

Welcome

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

67. Apologies (AI 1)

Apologies for absence were received from Councillor Chris Attwell and Councillor Lee Hunt who was represented by standing deputy Councillor Hugh Mason.

68. Declaration of Members' Interests (AI 2)

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

Councillor Fuller did not have a personal or prejudicial interest but declared that he is a manager for a residential care home in Havant Road.

69. Minutes of previous meeting - 9 September 2020 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 9 September 2020 be approved as a correct record.

70. Updates on previous applications (AI 4)

The Head of Development Management gave the following updates:

There were six HMO planning enforcement appeals pending with the Planning Inspectorate. Officers have internally engaged a principal planning consultant and externally engaged a planning lawyer to provide specialist advice to ensure a robust defence to these appeals.

There was one new appeal received for a HMO in Fawcett Road.

Five appeal decisions had also been received from the Planning Inspectorate. Two were householder applications which were dismissed. Two were decisions for HMOS which were dismissed. One was a householder application which was allowed at appeal for 44 Hellyer Road in Southsea.

71. Storytime Nursery School, Kersey House, PO5 3HF - 19/00640/HOU and 19/01858/LBC (AI 5)

Storytime Nursery School, Kersey House, PO5 3HF - 19/00640/HOU

The Planning Officer presented the report for both the planning and listed building applications and drew attention to the Supplementary Matters which reported that:

Subsequent to the publication of the main Committee report, it is considered the following, further policy analysis will assist:

Given the nature of the host building, being Grade II Listed, due consideration must be given to the Listed Buildings and Conservation Areas Act, as well as the National Planning Policy Framework (NPPF) and the Local Plan. The application is supported by a Heritage Statement. Paragraph 193 of the NPPF states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).'

The main report addresses heritage matters. The proposals consist of a relatively minor extension to an existing first floor, rear external terrace, and two new windows on a side elevation (albeit visible from the neighbouring property and from the public realm). The report concludes that the relatively minor proposals would not result in an adverse impact upon the host property. Nor would they have an adverse impact upon the setting of the adjacent listed building (Crescent House), or the Conservation Area. With no harm identified, the paragraphs following NPPF paragraph 193 are not engaged.

As well as heritage matters, I would also like to address another set of public comments/objections made (in addition to those reported thus far in the main report), which are summarised as:

'No objection in principle to the extension, but concerned about privacy, as well as damage to a glass roof caused by items being dropped from above. Whilst we recognise that these risks currently exist, we feel their likelihood will be greater due to the reduced area of the patio and increased usage due to the amenity offered by the extension. We have discussed our concerns with the Applicants, it was felt that a glass partition to head height on the wall at the end of their patio would considerably reduce the risk of items falling, and afford additional privacy without impacting light levels. Providing such an amendment can be incorporated into the plans we have no objection to the proposed extension'.

The proposed extension on the first floor terrace would reduce the amount of external space on the terrace by about a third. But otherwise, the functionality and use of the terrace, and its relationship with the neighbouring properties, would I believe remain broadly unchanged and therefore the proposals are not considered to result in a changed or adverse impact upon the neighbouring amenities, for privacy

or safety. As such, I do not consider it reasonable to impose the sort of screen requested by one set of neighbours, as requested above.

In addition, it is considered prudent to further elaborate on the objection and deputation already set out in the main published report, received from Crescent House, to the south of the application site. The report sets out the following concerns:

- (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*

In further detail, their objection states that the patio created some time ago already ruined their privacy, due to over-looking. Now, they consider there would be a significant loss of light and loss of privacy as a result of the proposal. Whilst they note the application site is 'cheek by jowl' with the neighbouring properties, the neighbour concludes that this addition would further intrude into their privacy and light.

The main concerns have been addressed in the report but I comment further here. With respect to light, the first floor terrace is modest in scale and would be seen from neighbouring properties against the backdrop of the host building, and so would affect light to a limited degree, in my opinion. The same applies to the wall to replace the railings on the terrace. These features are 7.5m-8m away from Crescent House, occupied by the objector. This distance, combined with the existing relationship is not considered to result in an adverse impact upon this neighbouring amenity.

With respect to privacy, I have noted the roof terrace would remain, as now, available for use, so privacy would not be changed essentially by the proposals. The occupier of Western Court also objects to the two windows proposed to be inserted into the application site's southern elevation (gable end). They consider privacy would be lost, at close quarters (a stated less than 3m distance). Paragraph 5.18 in the published report notes that the two proposed windows in the first floor southern elevation would overlook the northern elevation of Western Court, the neighbouring property to the south. By way of further clarification, the eastern of the two proposed windows would indeed face the front corner of Western Court. The western of the two proposed windows would face south over a flat-roofed forecourt garage at Western Court and, at an angle, look back towards front-facing (west) windows at Western Court. Given the angle, I do not consider there would be a loss of privacy for either property.

Lastly, there is an objection to loss of property value. This is not a matter that amounts to a material planning consideration, but due regard is given to the effect of the proposals upon neighbour amenity.

The recommendation remains unchanged.

Members' Questions

In response to questions from members, officers explained that:

- Officers had not received any comments which the neighbour would like read out at the meeting today. The only objection received was the initial one with the deputation and request for the application to come to committee.
- The main concerns of the objector had been addressed in the report. These were overdevelopment, loss of privacy, loss of light and the proposal not being in character of the listed building. The supplementary matters list further elaborates on this. The first floor terrace is modest in scale and would not have a limited degree of impact on the neighbouring properties. The distances between the proposal and the neighbouring property to the south which is 7.5m-8m away and this was not considered to result in an adverse impact.
- There are two separate applications is because they are assessed against different pieces of legislation. The Listed Building Consent was assessed against the Listed Building and Conservation Areas Act which requires different considerations to be had compared to normal planning permission.
- The listing description does not make any reference to the railings being an integral feature to the building. The planning officer said they looked fairly modern but could not confirm whether they were original but would suggest they were a later addition.

Members' Comments

There were no comments.

RESOLVED to grant conditional planning permission as set out in the report.

Storytime Nursery School, Kersey House, PO5 3HF- 19/01858/LBC

The Planning Officer drew attention to the supplementary matters list that report that:

Subsequent to the publication of the main Committee report, it is considered the following, further policy analysis will assist:

Given the nature of the host building, being Grade II Listed, due consideration must be given to the Listed Buildings and Conservation Areas Act, as well as the National Planning Policy Framework (NPPF) and the Local Plan. The application is supported by a Heritage Statement. Paragraph 193 of the NPPF states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).'

The main report addresses heritage matters. The proposals consist of a relatively minor extension to an existing first floor, rear external terrace, and two new windows on a side elevation (albeit visible from the neighbouring property and from the public realm). The report concludes that the relatively minor proposals would not result in an adverse impact upon the host, listed property. With no harm identified, the paragraphs following NPPF paragraph 193 are not engaged.

RESOLVED to grant conditional listed building consent as set out in the report.

72. 56 South Road, Portsmouth, PO6 1QD - 20/00006/HOU (AI 6)

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

Concerns have been raised by the neighbouring resident to the north (No.54 South Road) towards the impact of the proposed extension upon the amount of sunlight/daylight that the rear conservatory would receive. This is considered within the Committee Report, but as a fuller analysis the officers would offer the following comments:

By my estimations, at the December solstice, the sun would cast shadow from the proposed extension to the neighbour's conservatory to the north at no. 54 from approximately 11am. Within approximately two hours, the sun would have moved round to the south-west and so would shine past the proposed extension and on to the neighbour's conservatory (if the sun is still high enough, and if indeed it is actually sunny). The existing boundary fence would cast a reasonably long shadow in the winter, on sunny days.

Important points to consider: sunny days are not so frequent in the winter (one internet source states that 62% of the days in December are overcast). As explained above, the period of shadow cast would be not be very long. Away from the winter solstice, the sun is higher, and so less and less shadow will extend above the garden fence, until none at all in the summer months. By the end of February, until the end of October, the lowest angle of the sun is greater than the angle of the proposed roof, and shadow would not be cast above the boundary fence.

While there would be some shadow cast, it would be on sunny days only, and only in the winter. The neighbours' overall amenity is formed of far more than just sunlight and shadow. Daylight comes from the whole sky and would be very little affected by the proposal - the neighbours' amenity would be preserved. The neighbours' principal outlook is west down their own garden, which is ample (26m long by 9m wide) and verdant - their amenity would be preserved. I note they have venetian blinds and frosted glazing to the south elevation of their conservatory.

I conclude that while the extension is not small in projection (5m), it would nevertheless have a limited and acceptable effect on sunlight, and very limited effect on daylight and outlook.

Officer recommendation unchanged.

Further written deputations were read out as part of the officer presentation from:

- Mr John Bohea - neighbour objecting to the application (including photographs circulated to the committee)
- Mr Steve Cameron - Applicant

Deputations are not included in the minutes but can be viewed on the livestream on the following link <https://livestream.com/accounts/14063785/planning-07oct2020/videos/211839879>

Members' Questions

In response to questions from members, officers explained that:

- Following concerns raised in the neighbour objection on the separation distances, the planning officer had double checked the measurements on the submitted plans. The approximate distance between the two properties is 3m from the proposed extension and neighbours property. In terms of discrepancies on the amount of sunlight, these had been checked on the mapping system and officers had carried about an assessment and were confident in the statements given.
- The right of light is not a material planning consideration.
- Portsmouth City Council does not use the 45 degree code for sunlight deprivation, but employ a judgement based on each application as every site is different.

Members' Comments

Members felt it would be very difficult to place any of the concerns raised by the objector on material grounds.

RESOLVED to grant conditional planning permission as set out in the report.

73. 143 Manners Road, Southsea, PO4 0BD - 20/00059/CPE (AI 7)

The Planning Officer presented the report.

Members' Questions

There were no questions

Members' Comments

This was a simple legal matter and there were no concerns.

RESOLVED to grant a certificate of lawful development for the Existing Use - House of Multiple Occupation.

74. 197 Havant Road, Portsmouth, PO6 1EE - 20/00437/PLAREG (AI 8)

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

Subsequent to the publication of the main Committee report, it is considered that an additional condition would secure the use of the outbuilding, as being purely incidental to the residential use of the main dwelling. That condition is as follows:

'The outbuilding hereby permitted shall be used/occupied solely as incidental and in conjunction with the residential use of the main dwelling known as 197 Havant Road, Portsmouth, and by a person related to such a person in ownership of the dwelling known as 197 Havant Road, Portsmouth. It shall not be separately used, occupied or let for any non-incidental use.

Reason: The site is unsuitable for an independent residential unit or any non-incidental use because separation of the curtilage of 197 Havant Road, Portsmouth, enabling use of this building hereby permitted as a single dwelling house or any non-incidental use, would have an adverse impact on the character of the locality. Use as a separate dwelling or any non-incidental use would also fail to provide adequate levels of amenities for its occupants and occupiers of the main dwelling and neighbouring residential dwellings, in accordance with PCS23 of the Portsmouth Plan (2012).'

The application is recommended for conditional permission.

Members' Questions

In response to a question from members, the Planning Officer explained

- This needed planning permission due to the proximity to the boundaries. Had the proposal been set 2m from each boundary it would have been permitted development.
- The application had been considered on its own merits, regardless of whether it is a retrospective application.
- The proposed additional condition to secure the use of the outbuilding, as being purely incidental to the residential use of the main dwelling, was read out to members from the supplementary matters list. Members agreed that this condition should be added.

Members' Comments

Members could understand why neighbours had objected and made the point that retrospective applications were not acceptable; people should take the time to get advice from the planning authority prior to starting development. The houses on Havant Road are spacious and this was not particularly uncharacteristic to the area.

RESOLVED to grant conditional planning permission (retrospective) as set out in the report and SMAT.

The meeting concluded at 3.15 pm.

Signed by the Chair of the meeting
Councillor David Fuller