

**Decision maker:** Planning Committee

**Subject:** Planning appeal decision relating to 19 Lennox Road South, Southsea

**Report by:** Claire Upton-Brown, City Development Manager

**Ward affected:** St Jude

**Key decision (over £250k):**

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**1. Purpose of report**

To advise the Committee of the outcome of the appeal, which was allowed.

**2. Recommendations**

That the report is noted.

**3. Background**

A planning application was considered by the Planning Committee at its meeting on 24<sup>th</sup> April 2013. The application, for the conversion of the building to form three dwellings was recommended by Officers for permission. This recommendation was overturned and the planning application was refused with the reasons for refusal relating to:-

1. A form of development that would neither preserve nor enhance the character of the Owen's Southsea Conservation Area.
2. It would not provide an appropriate mix of accommodation as there is no provision of family housing.
3. The provision of one on-site car parking space would give rise to an increase in demand for car parking that could not be satisfactorily accommodated on-site.

The Inspector noted that the Owen's Southsea Conservation Area is characterised by a mix of Victorian and early twentieth century residential properties as well as some more modern housing development, including some small blocks of flats. The Inspector also noted that whilst control or ownership by three separate sets of occupiers may affect its overall appearance, such a situation would not be inevitable. There was no evidence of poor maintenance of any of the nearby large Victorian houses that have been converted into flats.

Whilst the proposal would clearly alter the balance between family houses and those subdivided into flats in the area the Inspector did not consider this would affect the character or appearance of the Conservation Area. None of the proposed external alterations were held to significantly affect the appearance of the property, and neither did the Inspector consider that the proposed use would significantly affect noise and disturbance. In these circumstances the Inspector concluded that the proposal would preserve the character and appearance of the Owen's Southsea Conservation Area and it would therefore comply with policy PCS23 which, amongst other matters, requires development to relate well to such designated areas.

Whilst the Inspector noted that the proposal would comply with the floorspace standards set out in the SPD on Housing Standards it would not comply with the strict wording of policy PCS19 because it does not provide 40% family units. However, the Inspector considered that the whilst the property could clearly be converted into two larger family sized units, it was concluded that, on balance, this part of Southsea provides an acceptable mix of family houses and flats, and having regard to the generous size and internal layout of the property it was considered that the lack of a 3-bedroom unit would not give rise to an unbalanced mix of housing in the area.

The Inspector accepted that the subdivision of a large dwelling house into 3 smaller flats is potentially likely to increase the requirement for parking space from the occupiers of the premises. Although another on-site parking space could be created there would be no benefit in this because access to it would remove an on-street space and involve demolition of the rear wall, which would be detrimental to this part of the streetscene in the Conservation Area.

Having regard to the location of the site in relation to public transport and Southsea shopping centre the Inspector considered that the property lies in an inherently sustainable location. The Inspector saw no evidence of on-street congestion and no grounds for withholding permission on the basis of inadequate onsite parking provision.

Although the Inspector had regard to other issues, including concern that the proposed development would overload sewers, precedent and matters unrelated to the planning merits of the appeal, they did not affect the Inspector's judgement on the main issues.

The appeal was allowed and planning permission granted. An associated application for a full award of cost against the Council on the grounds of unreasonable refusal and failure to provide evidence was considered by the Inspector. In that application the Inspector concluded that in relation to the first reason for refusal there has been no satisfactory justification to the view that the proposed development would neither preserve nor enhance the character of the Owen's Southsea Conservation Area. However, in relation to the second and third reasons for refusal the Inspector concluded that the Council had applied its policies correctly, notwithstanding that it was considered the proposal, on its

merits, was capable of support. The Inspector therefore awarded partial costs in relation to the first reason for refusal.

**4. Reasons for recommendations**

For information to the Planning Committee

**5. Equality impact assessment (EIA)**

None.

**6. 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:

<b>Title of document</b>	<b>Location</b>
Planning application file 13/00228/FUL	Planning Services
Inspector's decision notice APP/Z1775/A/13/2202502	Planning Services