

Agenda item: **Decision maker:** Planning Committee**Subject:** Planning appeal decisions relating to land at the rear of Portland Hotel, Tonbridge Street, Southsea**Report by:** Claire Upton-Brown, City Development Manager**Ward affected:** St Jude**Key decision (over £250k):****1. Purpose of report**

To advise the Committee of the outcome of the appeals, which were allowed.

**2. Recommendations**

That the report is noted.

**3. Background**

A planning application was considered by the Planning Committee at its meeting on 11<sup>th</sup> September for the construction of a four-storey building comprising a coffee shop (within Class A3) to the ground floor and six flats above. A further planning application was considered by the Planning Committee at its meeting on 4<sup>th</sup> December 2013 for the construction of a four-storey building comprising a healthcare clinic (within Class D1) to the ground floor and six flats over. These applications were both recommended for refusal by officers with the reasons for refusal relating firstly to the inappropriate design of the proposals in the context of the sites location within the Owen's Southsea Conservation and proximity to adjoining listed buildings and secondly to the effect on the living conditions of the occupiers of Portland Terrace with particular regard to outlook and enclosure. The recommendations in both applications were agreed by the Committee

The Inspector took the view that "Tonbridge Street is at a point of transition between two contrasting styles of architecture" and that "as the buildings turn their backs on the road there is little sense of place". Furthermore he opined that "because it is undeveloped the appeal site makes a negative contribution to the qualities of the Conservation Area and the townscape at the entrance into Tonbridge Street from Kent Road is weak". The Inspector noted that "the prevailing urban grain is of buildings close to one another facing onto streets"

and that "the proposals would therefore be entirely consistent with the existing pattern and layout of development". The Inspector considered that "Tonbridge Street is not typical but the introduction of an additional built presence would be positive and would strengthen the identity of the Conservation Area" and that "by reason of their proximity to existing buildings and their design, the proposals would be sufficiently connected with their surroundings to avoid an isolated or alien appearance". In regard to the scale of the proposals, the Inspector noted that while they would be four-storeys high they would be lower than their most immediate and also be subservient in scale. The Inspector also considered that "structures of this magnitude would also hold their own against their taller neighbours and would not be 'lost' visually" and that "there would be space around the proposed developments on all sides so that they would not appear cramped". Turning to design the Inspector took the view that the proposals would "by utilising ingredients from nearby buildings the proposals would harmonise with their surroundings" and "reflect the identity of the surroundings and respond to local history and character thereby reinforcing local distinctiveness".

In his conclusion on the impact of the proposals on the Owens Southsea Conservation area the Inspector took the view that "this is a site that in many ways is 'crying out' for redevelopment" and that by "consolidating the type of development most associated with the Conservation Area the proposals would bring about an improvement to this heritage asset" and that "the character and appearance of the Owen's Southsea Conservation Area would be enhanced". The Inspector also concluded that "the setting of adjoining listed buildings would not be adversely affected but would be preserved".

Turning to the matter of impact on residential amenity the Inspector recognised that the rear elevation of Portland Terrace contains a series of windows to habitable rooms including some at semi-basement level and that the existing outlook from these windows would change. The Inspector noted that "whilst the proposed building would be near to this fenestration they would not be in such proximity that those inside would be entirely enclosed" and was "satisfied that the proposals would not be so overpowering that permission should be withheld for this reason".

The Inspector concluded that "the proposals would not harm the living conditions of the occupiers of Portland Terrace" and reached similar findings in relation to occupiers of Portland Court.

The appeals were allowed and planning permission granted for both schemes.

#### **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 files 13/00409/FUL & 13/01123/FUL	Planning Services
Inspector's decision notices APP/Z1775/A/13/2207845 & APP/Z1775/A/14/2212705	Planning Services