

79 ST PIRANS AVENUE PORTSMOUTH PO3 6JE

CONSTRUCTION OF SINGLE STOREY REAR EXTENSION EXTENDING 6M BEYOND THE REAR WALL, WITH A HEIGHT OF 3M TO THE EAVES AND A MAXIMUM HEIGHT OF 3M

LINK TO DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R07TCWMO0JP00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R07TCWMO0JP00)

Application Submitted By:

Mr Carl Leroy-Smith
Carl Architect Ltd

On behalf of:

Mr Andrew Tidall
Destination South

RDD: 9th January 2023

LDD: 19th February 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application has been brought to Planning Committee for determination at the request of Councillor Darren Sanders.
- 1.2 The main issue for consideration is:
 - Impact on residential amenity;

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

2.1 Site and Surroundings

- 2.2 The application site relates to a two-storey end-of-terrace dwellinghouse located on the eastern side of St Pirans Avenue. The property is set back from the roadway by a front forecourt and southern side access leading to a private rear garden. The property features a two-storey outrigger along the north side of the site and features a lightwell between the outrigger and its southern boundary. The property previously included a small lean-to conservatory, though it appears that this has been recently demolished. Additionally works are ongoing at the site to construct a rear dormer and rear extension. It is noted that no application has been submitted for these elements and they are currently being investigated by the Planning Enforcement Team. Single-storey extensions and rear dormers can be constructed under Permitted Development, though it is yet to be established if these elements comply.
- 2.3 The surrounding area is residential in nature and is characterised by rows of terraced properties of a similar size and design. The property features an approximately 1.8m tall, part-brick/part-timber boundary fence along its northern boundary with No.77 St Pirans Avenue. It is noted that No.77 features a single-storey lean-to extension which aligned with the previously existing conservatory on the site. The property is set away from the neighbour to the east (No.80 Chasewater Avenue) by approximately 11.7m. The neighbouring properties to the south (Nos.13-23 Hayling Avenue) are oriented north-south, with the rear of the properties facing the side of the application site and are set away at their closest point from the building by 13.5m.

2.4 Proposal

- 2.5 The application seeks prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction of a single-storey rear/side infill extension, within the southerly lightwell of the property.
- 2.6 The proposed extension would measure 3m in height to a flat roof, 6m in length and 1.3m in width. The extension would be finished in facing brickwork to match the existing property, with a rear door along its eastern elevation.



Figure 1 Proposed extension (side view, south elevation)

3.0 Planning History

- 3.1 The change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) and Class C4 (house in multiple occupation) is a new application (received on 7th February 2023) under Planning Ref: 23/00163/FUL. This application will be validated and neighbours consulted shortly.
- 3.2 An application for the construction of a single storey rear extension extending 6m beyond the rear wall, with a height of 3m to the eaves and a maximum height of 3.5m was refused on 23rd December 2022 under Planning Ref: 22/00093/GPDC.
- 3.3 The reason for refusal was:
- 3.4 *The proposed extension by reason of its excessive depth, height, and position on the side boundary with No.77 St Pirans Avenue would result in an unneighbourly and overly dominant form of development which would be detrimental to the amenities of the adjoining occupier in terms of overbearing impact, creation of a strong sense of enclosure and an unacceptable degree of overshadowing. The proposal is therefore contrary to the aims and objectives of the Policy PCS23 of the Portsmouth Plan (2012) and the National Planning Policy Framework (2021).*



Figure 2 Previously refused scheme (22/00093/GPDC)

4.0 POLICY CONTEXT

- 4.1 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO').
- 4.2 Policy PCS23 of the Portsmouth Plan (solely relating to the impact upon the neighbouring amenities), and the aims and objectives of the NPPF would also be relevant in the determination of this application.

5.0 CONSULTATIONS

- 5.1 No consultees.

6.0 REPRESENTATIONS

- 6.1 Three objections have been received, raising the following points:
- a) Too large for an area that struggles with overcrowding and parking;
 - b) Another storey being constructed on the property;
 - c) Use as a 7-bedroom HMO will put a strain on the sewage system;
 - d) Previous refusal on similar scheme and the reason remains relevant;
 - e) Submitted drawings do not show full extent of the works; and
 - f) No party wall agreement in place.
- 6.2 In addition to the above, complaints have been received by the Planning Enforcement Team about other work going ahead at the property without Planning Permission.

7.0 COMMENT

- 7.1 This application seeks prior confirmation as to whether prior approval is required and if so whether it is approved or refused.
- 7.2 The information submitted addresses the size and position requirements set out in the GPDO, i.e. that the proposal is correctly made as a Prior Approval application. The Council has notified owners/occupiers of the adjoining premises about the proposed development by serving on them a notice in compliance with the requirements of the GPDO.

- 7.3 Three objections have been received from adjoining neighbours raising concerns as summarised above. Therefore, the Local Planning Authority (LPA) must consider the impact of the proposed development on the amenity of all adjoining properties only. Under this type of application the LPA cannot consider the design of the extension, the current or proposed use of the property or the impact this has on the wider area. As a result of the objections received, the LPA must only consider the impact of the proposed built form on the amenity of all adjoining occupiers.
- 7.4 Concerns have been raised in the representations regarding the quality of information provided by the applicant. However, the applicant is only required to provide a site plan and a statement of the intended measurements, which have been provided. In this instance the applicant has also provided elevation drawings showing the proposed extension. The Case Officer is aware through dialogue with colleagues in the Enforcement Team that a roof extension and further rear extension are underway at the site. However, this application is only considering the infill side extension the subject of this application, and it is therefore considered correct that the plans do not show other works being proposed or undertaken. The LPA is satisfied the applicant has complied with the requirements of the GPDO.
- 7.5 Impact upon amenity
- 7.6 The proposed extension would not be considered to have any impact on the amenity of the adjoining neighbour to the north as the entirety of its mass would be on the other side of the existing building.
- 7.7 The impact on the neighbours to the south and east, due to the separation and orientation of the properties, would result in a very limited impact which is not considered to be harmful to amenity.
- 7.8 In regard to the previous refusal, it is considered that this scheme has overcome the issues with the previous proposal by re-locating the built form away from No.77 St Pirans Avenue, and placing it discreetly against the main body of the house.



Figure 3: Undeveloped site. Previous refusal. Existing application

- 7.9 Conclusion
- 7.10 Whilst the development would be visible to the occupiers of Nos. 15-19 Hayling Avenue as nearest neighbours, the impact is not considered to be harmful, so does not warrant refusal of this application. Therefore, prior approval is required, and is granted.

RECOMMENDATION General Permitted Development (Approval)

The reason for the Local Planning Authority's decision is:-

1. The proposed development would not have an adverse impact on the amenity of adjoining occupiers.