

37 TORONTO ROAD, PORTSMOUTH, PO2 7QD

FIRST FLOOR SIDE EXTENSION TO FORM AN ADDITIONAL TWO BEDROOM DWELLING

LINK TO ONLINE DOCUMENTS;

[20/01092/FUL | first floor side extension to form an additional two bedroom dwelling | 37 Toronto road, Portsmouth PO2 7QD \(portsmouth.gov.uk\)](#)

Application Submitted By:

Mr Derek Treagus of Derek Treagus Associates

On behalf of:

Mr K Smith

RDD: 28th September 2020

LDD: 1st March 2021

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to Planning Committee due to an objection to the proposal received from the Local Highways Authority
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
 - The principle of development;
 - Design and Impact on the character and appearance of the area;
 - Impact on residential amenity;
 - Highway Implications;
 - Waste;
 - Impact on the Solent Special Protection Area (SPA) and Nitrates.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site contains a two storey end terraced dwelling (Class C3) with a set back from the road, located on the northern side of Toronto Road on the corner with Balliol Road, as shown in **Figure 1** below.
- 2.2 The property is constructed from facing brick with tile hanging on the first-floor front elevation and has a tiled roof. The property has previously extended to the rear by way of a single storey family room, and to the side by way of a single storey garage. The property benefits from on site parking by way of access from Balliol Road to a hardstanding in front of the garage and dwelling.
- 2.3 The surrounding area is predominately residential in nature characterised by two storey terraced dwellings. There is a sub-station to the rear (northern) boundary.



Figure 1 - Site Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought to erect a first floor side extension to form an additional two bedroom dwelling (Class C3). The existing garage would be converted into living accommodation and a kitchen with the erection of a full width extension above at first floor level, with an eaves and roof ridge height matching the host dwelling. The side extension at first floor level would project beyond the rear wall of the host dwelling by 850mm and finished with a gabled roof set down from the main roof ridge height as shown in **Figure 2** below. The proposed dwelling would achieve 1x double bedroom and 1x single bedroom with a floor area of 70m² as shown in **Figure 3** below.

The proposed materials as stated in the accompanying application form, indicate that the first floor level will be cladded and roof materials to match the host dwelling. For reasons to maintaining acceptable visual amenity, should the proposal be approved it is recommended that a condition is included that external materials used shall match, in type, colour and texture those on the building, and to include tile-hanging at the front first floor level, to match the host property.

- 3.2 The submitted application forms states that the proposal would provide 3 off street parking spaces.



Figure 2 Proposed Elevations

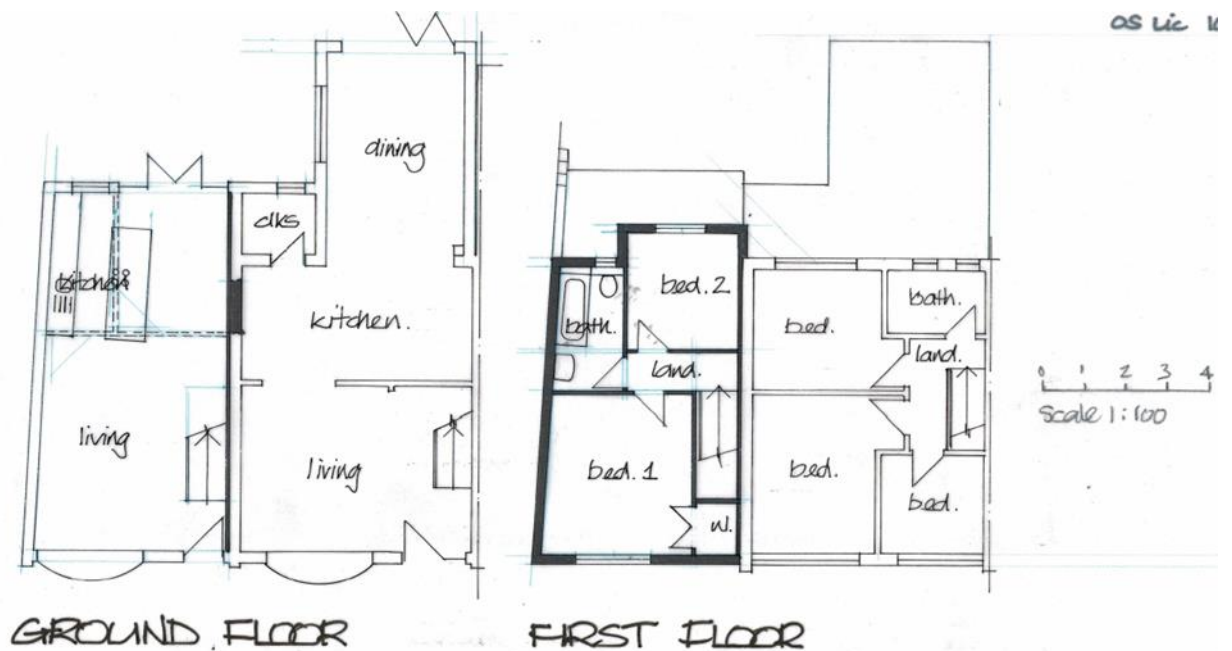


Figure 3 Proposed Floor Plans

4.0 PLANNING HISTORY

4.1 The following planning history is directly relevant to the applicant site:

- **09/00736/FUL**- Construction of two storey side extension approved on 13 July 2009.
- **15/01640/HOU**- Construction of single storey side extension to include formation of new garage and further living accommodation approved on 09 November 2015.
- **18/00640/HOU** - Construction of single storey rear extension approved on 07 June 2018

5.0 POLICY CONTEXT

Portsmouth Plan (2012)

5.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS10 (Housing Delivery)
- PCS13 (A Greener Portsmouth specifically SPA mitigation)
- PCS14 (A Healthy City)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure and Community Benefit)
- PCS17 (Transport)
- PCS21 (Housing Density)
- PCS23 (Design and Conservation).

Other Guidance

5.2 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Framework (revised 2021)
- The Parking Standards Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Updated Interim Nutrient Neutral Mitigation Strategy (2022)

6.0 CONSULTEE RESPONSES

6.1 Portsmouth Water

no objection. Advice given.

6.2 SGN (Scotia Gas Networks)

no objection. Advice given.

6.3 SSE (Scottish and Southern Electricity Networks)

no objection. Advice given.

6.4 Highways

Object. The Parking SPD requires 1.5 vehicle spaces and 2 cycle spaces for 2 and 3 bedroom dwellings, thus creating a total parking requirement of 3 parking spaces and 4 secure cycle spaces. Whilst the application form states that 3 parking spaces and 2 cycle spaces will be provided, this is not shown within the proposed plans. The proposal is not compliant with the SPD and will increase the local parking demand making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity. This is likely to result in increased instances of residents driving around the area hunting for a parking space and choosing to park where parking is restricted at junctions obstructing visibility/pedestrian routes and increasing the risks of

accidents. Furthermore, the absence of secure cycle parking will limited opportunities for future occupants to use sustainable travel modes, this is similarly contrary to the SPD.

7.0 REPRESENTATIONS

- 7.1 1 letter of objection has been raised by the occupant of a neighbouring property raising concerns that the proposal does meet the Council's parking standards. The objection also raises the point that planning permission was previously granted for a new dwelling at 55 Balliol Road without on street parking provision which exacerbates the parking arrangements in the area.

8.0 COMMENT

- 8.1 The main determining issues for this application relate to the following:

- The principle of development;
- Design and impact on the character and appearance of the area;
- Standard of accommodation;
- Impact on neighbouring residential amenity;
- Highways and parking;
- Waste; and
- Impact on the Solent Special Protection Area (SPA) and Nitrates.

The principle of development

- 8.2 The application site is not subject to any land use policy restrictions which restrict new dwellings on this site. Furthermore, there is a recognised need for new housing within Portsmouth, as outlined in Policy PCS10 (Housing Delivery) of the Portsmouth Plan. The provision of new housing would also accord with the general housing delivery objectives set out within the National Planning Policy Framework (NPPF). Paragraph 60 of the NPPF (July 2021) states: *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.

In addition, Policy PCS10 of the Portsmouth Plan states that: *'New housing will be promoted through conversions, redevelopment of previously developed land and higher densities within defined areas'*.

- 8.3 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 182). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:

- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Currently, the Council can demonstrate 2.9 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot

demonstrate a five year supply of housing. This development would provide one new dwelling to make a contribution towards the City's housing needs, at a highly sustainable location in Fratton, with very good public transport (bus routes and train stations nearby), retail and services, employment, leisure, health facilities, etc.. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.

Design and Impact on the character and appearance of the area

- 8.3 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework and requires all new development be well designed and respect the character of the city. The following will be sought in new development; appropriate scale, density, layout, appearance and materials in relation to the particular context. It is noted that planning permission has been previously granted for a two-storey extension to this property which was not implemented. A subsequent single storey side extension was granted and implemented.
- 8.4 The design and appearance of the building is considered to be appropriate for its setting and values the adjacent existing development in terms of its form and architectural features and detailing. The design of the proposed building draws on the style and character of the host dwelling and surrounding properties and would appear comparable in its eaves height to the host property. The design of the roof and height is not obtrusive and will not create a dwelling disproportionate to the existing mix of dwellings within the surrounding area and the positioning of the proposed dwelling within the plot maintains and acceptable vertical and horizontal rhythm. I note that two-storey flank walls built to the edge of the side-street pavement is normal in the densely-developed terraced streets of much of central Portsmouth, albeit that they are usually enlivened with a door and windows. The lack of these features however in this instance would not amount to a harm that should lead to a refusal of the application.
- 8.5 The dwellinghouse is appropriate in size and scale and would not result in the overdevelopment of the site and would be an infill development within a plot size that would not be too dissimilar to those within the existing street scene.
- 8.6 As such, the proposal is considered to be in keeping with the appearance of the host building and surrounding properties on Toronto Road, and the scale and appearance of the proposed extension and resulting dwelling would be acceptable in design terms. Consequently, the proposal would comply with the design requirements of Policy PCS23 of the Portsmouth Plan (2012).

Standard of accommodation

- 8.7 Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the Nationally Described Space Standard (NDSS 2015) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.
- 8.8 The proposed 2-bedroom dwelling would have a floor area of approximately 70m², an appropriate size to conform to the nationally described space standards and the internal layout of the habitable rooms are of an appropriate size and would provide a reasonable outlook and an appropriate source of natural light and ventilation, delivering an acceptable living environment for future occupiers and compliant with national space standards.
- 8.9 Policy PCS19 of the Portsmouth Plan states private amenity space should be provided for as part of all new build residential units. An important component of good quality

residential design is the provision of useable outside private space where residents can take advantage of fresh air and direct access to the natural environment, and that external private space is usually provided by back or side gardens, where a certain measure of privacy (e.g. Not directly overlooked by neighbouring outdoor sitting areas or living rooms) should be provided. It is noted that both the host and new proposed dwellings would benefit from access to a private amenity area, to the rear the properties. The position of the amenity area and the required level of privacy would be created by the allocated garden amenity space where significant degree of overlooking from neighbouring living rooms would not incur.

- 8.10 Plans show overall, it is considered that the proposed new dwelling and existing host dwelling would provide a reasonable quality of living environment for the proposed occupiers

Impact on neighbouring residential amenity

- 8.11 Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 8.12 Having regard to the neighbouring residential properties surrounding the site, The proposed extension would increase the built form on this corner plot. The principle of the additional massing has been previously considered acceptable by the Council (albeit to form an extension as opposed to a new dwelling). However, the use as a separate dwelling would not introduce any significant concerns in terms of light, outlook or privacy. Given the proposed scale, position and appearance of the extensions, and the local development form, they would not materially harm outlook or result in a loss of light to nearby properties, including the houses directly opposite on Balliol and Toronto Roads.
- 8.13 Accordingly, the proposal would be consistent with Policy PCS23 of the Portsmouth Plan (2012), in that it is considered the proposed extension and resulting additional dwelling would not result in any unacceptable loss of privacy, light or outlook to neighbouring properties.
- 8.14 Highways and parking
- 8.15 Toronto Road is an unclassified residential road with few of the terraced dwellings along its entirety having off street parking provision. As a consequence, the demand for parking by local residents is likely to exceed the capacity to accommodate this on street particularly overnight and at weekends. Toronto Road and those roads in the immediate vicinity of the site are unrestricted and not in a local controlled parking zone.
- 8.16 As per the consultation comments above, the site cannot accommodate 3 parking spaces to meet the Parking SPD. Although the existing hardstanding could accommodate two cars parked end-to-end, it is assumed they would be for the two properties, so the host dwelling's space would be blocked by the occupier of the proposed dwelling - that arrangement would not work. Alternatively, it is not appropriate to have one of the dwellings having both spaces, as it would mean one neighbour's outlook from their front window being blocked by their neighbour's car. That means practically, there can only be one parking bay for the new dwelling, and none for the existing.
- 8.17 Notwithstanding this the site is however within an area of good accessibility it and located within an acceptable walking distance of the various amenities, services, employment, facilities, train station and bus routes that exist in and around Fratton.

- 8.18 There is space for cycle store provision either at the front or rear of the site, this would be secured by condition.
- 8.19 The Council must balance the positive aspects of the scheme against elements which could be considered negative and acknowledge that the proposal would represent windfall housing development. The Portsmouth Plan Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets.
- 8.20 When assessing the scheme weight shall be attributed to the close proximity of the site to the city centre and associated public transport network. It should also be recognised that vehicular ownership cannot be pre-determined, and it cannot be accurately predicted how many of the occupants, at any one time, will be car owners.
- 8.21 When considering the shortfall in the five-year housing supply and given the site's close proximity to the defined district centre and public transport links, this development proposal is not deemed to have a significant harmful impact on the surrounding highway network sufficient to warrant withholding permission.

Waste

- 8.22 A condition is proposed that will secure full details of waste storage for the proposed residential unit.

Impact on the Solent Special Protection Area (SPA) and Nitrates

- 8.23 The application site is within 5.6 km of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation.
- 8.24 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 8.25 There are two potential impacts resulting from this development the first being potential recreational disturbance around the shorelines of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.

Wading birds

- 8.26 The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is likely to have an impact on the management of the SPA which would require mitigation.
- 8.27 Based on the methodology set out within the Strategy and taking into consideration the existing house on the site an appropriate scale of mitigation for this development is £563 (net gain of one dwelling), which will be secured through a S111 legal agreement. With

this mitigation, the Council has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The above rate will increase on 1st April.

- 8.28 The Council's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale.

Nitrates

- 8.29 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties.
- 8.30 In the meantime, the Council wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.
- 8.31 The Council's Updated Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from one of the Council's Mitigation Credit Banks, which the Applicant has done.
- 8.32 In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of an agreement. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits' in the chosen Credit Bank.
- 8.33 Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement. Subject to these matters and Natural England confirming no objection to this approach, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Community Infrastructure Levy (CIL)

- 8.34 If the above planning permission is granted, it will be CIL liable development and a formal CIL notice will be issued. An estimate based on 32sqm addition first floor GIA area is £5017.40

Human Rights and the Public Sector Equality Duty ("PSED")

- 8.35 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

8.36 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

9.0 CONCLUSION

9.1 The proposal would contribute to the Council's five year housing supply providing a good standard of living accommodation for future occupiers and being of an appropriate design within the local context and having no significant adverse effect on local amenity. It is not considered that the effects of the limited off-street parking provision would outweigh the otherwise positive merits of the application.

9.2 Having regard to all material planning considerations and representations it is concluded that the proposed development is acceptable and would, aside from the parking, be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) Receipt of 'no objection' from Natural England concerning the SPA Mitigation, and;
- (b) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

CONDITIONS

Time Limit:

- 1) The development hereby permitted shall be begun before the expiration of 1 year from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, and to prevent an accumulation of planning consents against a limited supply of Nitrate credits.

Approved Plans:

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location Plans 20/900/01; and Proposed Plans Elevations 20/900/02

Reason: To ensure the development is implemented in accordance with the permission granted.

Materials:

- 3) The external materials to be used in the construction of the first-floor side extension to form an additional two bedroom dwelling hereby permitted, shall match, in type, colour and texture those on the building, and to include Tile-hanging at the front first floor level, to match the host property

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan (2012).

Cycle Storage

- 4) Prior to first occupation of the development, secure and weatherproof bicycle storage facilities for 2 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan (2012).

Refuse Storage

- 5) Prior to first occupation of the development, details for the storage of refuse and recyclable materials shall be submitted to and approved in writing by the local planning authority. The facilities approved shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2012).

Water use

- 6) Unless otherwise agreed in writing by the Local Planning Authority, the dwelling hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has:

Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with Policy PCS15 of the Portsmouth Plan (2012).

Withdrawal of PD Rights

- 7) Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification], no development permitted by Classes A, and E of Part 1 of Schedule 2 of the order shall be carried out without the prior written consent of The Local Planning Authority.

Reason: To satisfactorily protect the neighbouring occupiers' amenity in accordance with policy PCS23 and Policy PCS15 of the Portsmouth Pan (2012) and the NPPF 2021

