

92 HAVANT ROAD DRAYTON AND FARLINGTON PORTSMOUTH PO6 2RA**CONSTRUCTION OF 1.5 STOREY SIDE EXTENSION, INFILL EXTENSION AT REAR, EXTERNAL ALTERATIONS, AND CONSTRUCTION OF RAISED TERRACE PLATFORM AT REAR (INCLUDING SWIMMING POOL) (RESUBMISSION OF 22/00771/HOU)****Application Submitted By:**

Sarah Roberts
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On behalf of:

Mr Daniel Byrne

RDD: 23rd December 2022

LDD: 22nd February 2023

WEBLINK:

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RNAKNJMOG5700>

1.0 SUMMARY OF MAIN ISSUES

1.1 The application is presented to the Planning Committee at the request of Cllr Shah.

1.2 The main considerations within this application are:

- Design and Local character
- Impact on residential amenity

1.3 Site and Surroundings

1.4 The application site sits on the south-western side of Havant Road, adjacent to its junction with Mulberry Lane, which runs north/south with levels falling away in a southerly direction.



Figure 1 - Location and Proposed Block Plan

1.5 Proposal

- 1.6 The application seeks planning permission for the construction of a 1.5 storey side extension, 2 storey infill extension at the rear, extensive external alterations (to include rendered elevations, a black slate roof, tile hanging to the front and revisions to existing fenestration) and the construction of a raised terrace platform at the rear to include a swimming pool. This is a re-submission following refusal of an earlier application that sought a 2 storey side extension instead of the 1.5 storey addition currently applied for.
- 1.7 The applicant was offered advice prior to re-submission. This was to further reduce the height and width of the revised side extension adjacent to Mulberry Lane, by dropping the eaves height to the height of the proposed brick soldier course shown on the main dwelling. That in turn would reduce the overall height of the garage roof by a further 1m. It was also advised to reduce the width of the extension by at least a metre to pull the extension meaningfully away from the eastern boundary (which in turn would allow the re-installment of planting to act in time as a natural screen). The combination of these revisions would have reduced the bulk and prominence of the proposed addition at the sensitive and attractive Mulberry Lane. Neither of these revisions have been incorporated.



Figure 2 - Existing Elevations



Figure 3 - Proposed Elevations

1.8 Relevant Planning History

- 1.9 22/00771/HOU - Construction of two-storey side extension, infill extension at rear, extensive external alterations, and construction of raised terrace platform at rear (including swimming pool) - refused 22/9/22 for the following reason:

The proposed two storey side extension by reason of its height and width, and proximity to Mulberry Lane, would be considered to result in a cramped and incongruous development detrimentally affecting the sense of space and openness at the junction of Mulberry Lane and Havant Road when approaching from both the north and south. As such the development is considered contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (July 2021).

A*26384/A - Construction of a maisonette over the existing garage - conditional permission dated 16.07.70

2.0 **POLICY CONTEXT**

- 2.1 The relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation)
- 2.2 In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.

3.0 **CONSULTATIONS**

- 3.1 None

4.0 **REPRESENTATIONS**

- 4.1 One - from occupiers of property to the south (2A Mulberry Lane), on the grounds of:
- a) Revised application offers little improvement to that previously refused - still oppressive, crowded and incongruent in appearance due to size, scale and prominent location, contrary to PCS23.
 - b) Current proposal is described at 1.5 storey - in reality would be equivalent to 2.5 storeys including the roof.
 - c) Width and footprint remain unmodified and extends almost to eastern boundary.
 - d) Extension would be prominent given incline in levels from south to north.
 - e) Negative impact on streetscene, and visual amenity of 2a Mulberry Lane.
 - f) Quoted examples, especially no.154 Havant Road, not comparable situation with regard to streetscape - no.154 is less substantial in size and Tregaron Avenue is wider than Mulberry Lane and the associated junction with Havant Road more substantial.
 - g) No visual interest in east elevation.
 - h) Concerned about cumulative negative impact on streetscene if side extension at no.94 Havant Road on opposite side of the same junction is permitted (22/00968/HOU).
 - i) Potential risk to no.2a Mulberry Lane if proposed raised pool structure were to fail given its elevated level.

5.0 **COMMENT**

5.1 Design and Local Character

- 5.2 Policy PCS23 of the Portsmouth Plan states that all new development must be well designed and, in particular, respect the character of the city.

- 5.3 The existing property is already a sizeable building, linear in character as seen from both the front and rear having been extended at first floor level on its eastern side by virtue of the A*26384/A planning permission in 1970. The proposed side extension would further increase the width of the building (to 27m) making it unduly linear especially when compared to surrounding development.
- 5.4 Given its proximity to the eastern boundary of the site (0.7m at its narrowest point) and its proposed height, the proposed side extension would be a readily visible and imposing feature as seen from the public domain, accentuated by the elevated levels of the site compared with the rest of the road to the south.
- 5.5 The extension would result in development across almost the entire width of the plot, resulting in a cramped and incongruous addition in the street scene given its proximity to the eastern boundary. The reduced sense of space by building so close to the boundary would be to the detriment of the open character of the junction whether approaching from Havant Road or Mulberry Lane, contrary to Policy PCS23 of the Portsmouth Plan and paragraph no.126 of July 2021 NPPF (*'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*) and paragraph no.130, specifically (b), (c) and (d).
- 5.6 Also material to the consideration of this application is the pending application at no.94 to the east of the same junction - if both were permitted, the visual gap particularly at first floor/roof level would be significantly decreased. Both footprints would also project forward of the predominant building line in Mulberry Lane. The proposed side extension at no.92 (in isolation or combined with that proposed at no.94 if permitted) is considered of significant harm to the visual amenities and spatial characteristic at this junction and the entrance to Mulberry Lane so as to justify refusal on this ground.
- 5.7 The planting along both the northern and eastern boundaries of the site has been removed in recent months as a result on on-going work at the site. The site does not lie within a conservation area and there are no protected trees within the site and therefore whilst the loss of existing vegetation is regrettable it is not under the control of the local planning authority. However, the removal of the previous natural screening would serve to make the proposed side extension even more readily visible from Havant and Mulberry Roads. The proximity of the footprint of the extension (the foundations and floor plate of which have already been constructed) allow no reasonable room for any meaningful planting along much of the eastern boundary. The attractive, suburban character of this part of Mulberry Lane would be significantly eroded.
- 5.8 The applicant has drawn comparisons with a development at 154 Havant Road. However, whilst the extension at no.154 sits forward of the building line of development to the south in Tregaron Avenue, the distance to the nearest neighbouring properties to the south (2 Tregaron Avenue) and east (Nightingale Court) are greater than those at no.92 and the width of Tregaron Avenue is over 3.5m wider than that of Mulberry Lane thereby presenting a very different street scene context. It is not the same narrow, characterful lane as Mulberry Lane.
- 5.9 The infill extension at the rear, extended terrace with pool and external alterations to materials and fenestration are considered acceptable in principle. The property would be very significantly altered in appearance, but on balance, it is not considered that a refusal would certainly be upheld at appeal.
- 5.10 Residential Amenity
- 5.11 The main properties likely to be affected by the proposals are 90 Havant Road to west and 2a Mulberry Lane to south. There is unlikely to be any significant impact on other surrounding properties.

- 5.12 No.90 is in close proximity and has a single storey glazed projection at the rear with a balcony over. There is already a level of mutual overlooking from the existing raised terrace and whilst the proposal increases the depth of the terrace this does not significantly impinge on neighbouring amenity.
- 5.13 No.2A is at a lower ground level than the application site given the gradient in Mulberry Lane which increases in a northerly direction. The north facing dining room window of no.2A is the only clear glazed opening in the facing elevation. This allows an open aspect to the north-east as viewed from the dining table which will be lost as a result of the proposed side extension, however given the oblique view and intervening distances it is not considered of such harm to refuse.
- 5.14 No significant increase in loss of light, outlook or privacy to surrounding properties is considered to result from the proposed side extension, infill rear extension, or increased depth of the terrace, including raised swimming pool, by reason of the orientation of the buildings and the fact that the property already benefitted from a raised terrace, albeit smaller.

5.15 CIL

Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy.

5.16 Human Rights

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.

5.17 Equality Act

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 don't. 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.

RECOMMENDATION

REFUSE

The reason for refusal is:

The proposed side extension by reason of its height and width, and proximity to Mulberry Lane, would be considered to result in a cramped and incongruous development detrimentally affecting the sense of space, openness and character at the junction of Mulberry Lane and Havant Road when approaching from both the north and south. As such the development is considered contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (July 2021).