

11 ST DAVIDS ROAD SOUTHSEA PO5 1QH

REPLACEMENT OF FRONT DOOR; WIDENING OF DROPPED KERB; ALTERATIONS TO INCLUDE PARTIAL REMOVAL OF BOUNDARY WALL AND REPOSITION EXISTING PIER

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Application Submitted By:

Mr Amir Hussain

On behalf of:

Mr Amir Hussain

RDD: 16th December 2022

LDD: 16th February 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 The application has been brought to the Planning Committee for determination due to the number of objections (9) received.

1.2 The main issues for consideration are:

- Design and impact on the 'St David's Road' Conservation Area;
- Impact on residential amenity;
- Highway Impacts;
- Human Rights;
- Equality Act; and
- Other Issues.

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

2.1 Site and surroundings

2.2 This application relates to a semi-detached property which is located on the western side of St David's Road, to the north of the junction with Margate Road. The site is located within 'St David's Conservation Area (No.30) The southern section of St David's Road is characterised by large two-storey semi-detached red brickwork properties. Most of these properties feature front driveways, set back behind brick boundary walls. The existing dwelling features a driveway and vehicular access at its northern third. The boundary as existing is a red brick boundary wall to a height of 0.8m, with planting growing above the majority of the wall. The existing vehicular access measures 2.7m in width.

2.3 The property is also subject to an Article 4(2) direction which imposes a requirement for planning permission to be sought for the replacement of windows and doors on the front elevation (removing "permitted development" rights under Class A of Part 1 of the schedule 2 of the Order). The existing property features a red painted wooden door.



Figure 1 Existing Plans and Elevations

2.4 Proposal

2.5 Planning Permission is sought for the replacement of the front door; widening of the dropped kerb; alterations to include partial removal of boundary wall and reposition existing pier.

2.6 The proposed replacement front door would be composite, though would have a similar appearance to the wooden door.

2.7 The dropped kerb would be widened to 5.7m and the vehicular access would be widened to 5.5m, as such a section of the front boundary wall would be demolished and removed. The retained wall would stay at 0.8m high and planting is indicated to remain growing above it. The applicant states that the existing access width only allows one car to be parked on the front garden, they would like two.



Figure 2 Proposed Plans and Elevations

2.8 Planning History

- 2.9 The construction of single storey rear extension and installation of window to north elevation was Permitted in 2022 under Planning Ref: 21/01046/HOU. It is noted that the application originally included an extension to the vehicular access, as now proposed within this application. This was removed at the encouragement of the previous Case Officer as it was considered unlikely to be supportable.
- 2.10 However, Members' attention is brought to a recently Allowed Appeal on the neighbouring property, No.13 St David's Road (21/01662/HOU/PP/Z1775/D/22/3297683). This appeal was due to the Local Planning Authority's refusal of an application for alterations to front boundary forecourt and extension of dropped kerb. The application proposed an almost identical extension to the vehicular access and therefore identical loss of front boundary wall to that that now proposed at no. 11. The application was refused for the following reason:
1. *The part demolition of the front wall, due to the incremental loss of the boundary treatment would result in an unsympathetic alteration the property and wall, which forms an important townscape feature and is therefore considered to erode the visual amenities of the area. The proposal would therefore neither preserve nor enhance the character or appearance of the conservation area and is therefore contrary to the aims and objectives of the National Planning Policy Framework, Policy PCS23 (Design and Conservation) of the Portsmouth Plan and the Council's published guidelines for development in the 'St David's Road' Conservation Area.*

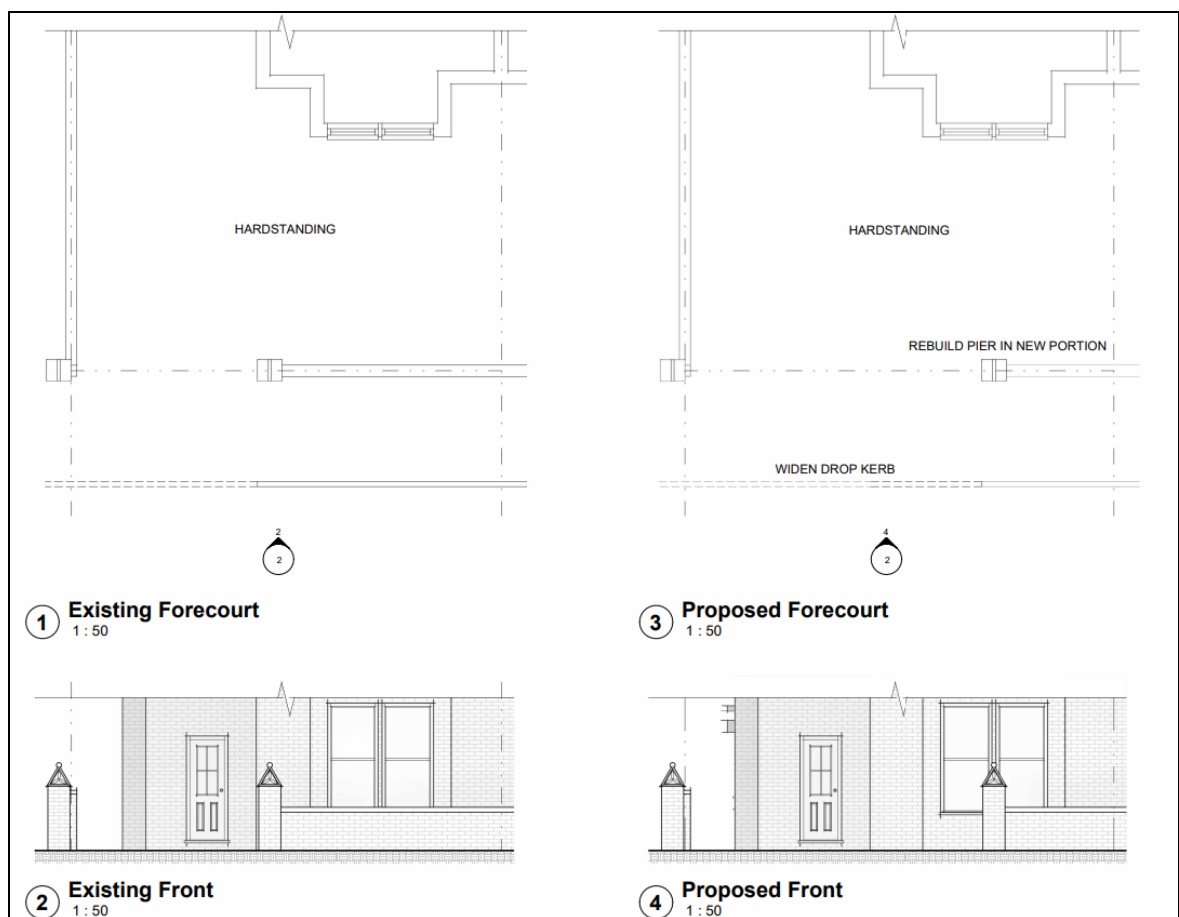


Figure 3 Plans submitted for 13 St David's Road (21/01662/HOU/ APP/Z1775/D/22/3297683)

- 2.12 The inspector disagreed with the reason for refusal, stating that: *"The front garden to the appeal site is already partly used for off street parking and whilst the submitted plan shows the frontage as hardstanding, at the time of my site visit the area behind the existing boundary wall was covered in building rubble. The appeal proposal would involve increasing the existing gap(driveway) and dropped kerb to enable easier access and additional parking within the front garden. Based on my observations on site, the*

proposal would lead to the loss of one on street parking space. The host property retains several of its original historic features, including the decorative gate pillars on either side of the driveway and a section of original wall to the north of the driveway. Whilst part of the original wall would be removed, the northern gate pillar would be rebuilt to match existing...I accept that the proposal would lead to a change in the appearance of the frontage to the host property, but when viewed within the wider streetscene and in the context of the other alterations that have already taken place to boundary walls and pillars, the appeal proposal would not result in any harm to the character or appearance of the SDRCA as a whole....Accordingly, I find that the proposed development would preserve the character and appearance of the SDRCA as a whole in that it would leave it unharmed, and would thus be in accord with policy PCS23 of the TPP and the corresponding policies of the Framework."

3.0 POLICY CONTEXT

3.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the relevant policies within the Portsmouth Plan (Jan 2012) would include:

- PCS17 - Transport
- PCS23 - Design & Conservation

4.0 CONSULTATIONS

4.1 Highways Engineer

4.2 St David's Road is an unclassified residential road with a mixture of terraced and semi-detached properties along its entirety. The property and those in the immediate vicinity are subject to a residents parking zone LB.

4.3 The proposal would provide for an additional parking space within the curtilage of the property. It is not considered that the proposal would have any detrimental impact on Highway Safety or Highway Function above the current situation and therefore no objection would be raised.

4.4 If approval is granted, formation of the crossing will require the amendment of the RPZ TRO. This will need to be secured by condition or informative and the applicant should be directed to the TRO team at Portsmouth City Council.

4.5 Arboricultural Officer

4.6 No objections raised.

5.0 REPRESENTATIONS

5.1 Nine objections have been received, summarised as:

- a) Loss of one on street parking space;
- b) Impact of the character and appearance of the Conversation Area;
- c) Loss of Council revenue due to less parking;
- d) Councils previous advice to the applicant over the dropped kerb; and
- e) Impact on the environment due to the loss of the hedging.

6.0 COMMENT

6.1 The main issues for consideration are:

- Design and impact on the 'St David's Road' Conservation Area;
- Impact on residential amenity;

- Highway Impacts;
- Human Rights;
- Equality Act; and
- Other Issues.

6.2 Design and impact on the 'St David's Road' Conservation Area;

6.3 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.

6.4 In addition, when determining planning applications, the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The NPPF considers the matter of assessing (any) harm to heritage assets.

6.5 In regard to the change to the access, the St David's Road Conservation Guidelines state:

- *The city council will encourage the reinstatement of walls, gate pillars and railings to match the original style of that property.*
- *Where a parking area is formed within a front garden then it is desirable to keep openings in the boundary wall/fence to the minimum and to retain as much of the enclosure as possible.*
- *The city council will encourage the retention of front garden areas. Where sites have been partly used for parking spaces the retention of planting at the perimeter of the site will be encouraged.*

6.6 While the proposal would not keep the vehicular access to the minimum, the retained wall would match the original style of the property. Further the plans show that the planting above the boundary wall would be retained. The recent appeal decision at no. 13, for a near-identical proposal, concluded that there would be no harm to the conservation area, and therefore the proposal would preserve the character and appearance of the area. As such, there is no alternative but to allow this proposal also.

6.9 In regard to the change to the front door, the St David's Road Conservation Guidelines state:

- *The city council will encourage the retention or reinstatement of original or sympathetic external front doors and will discourage the use of doors of inappropriate size, design or material.*
- *The city council will discourage the use of uPVC, aluminium, stained wood or other inappropriate materials or finishes.*

6.10 Whilst the proposed door would not be a solid timber door, it would have a similar style and appearance to the existing front door which would reflect the historical character of the house. There are several properties within the surrounding area that have replaced their original doors with similar laminate doors, a recent example being No.10 St David's Road (18/00846/HOU). It is therefore considered that the proposed replacement door would preserve the character and appearance of the Conservation Area. As such there would be no harm towards the built heritage of the area.

- 6.11 The application is therefore considered to be acceptable in regards to its design and impact upon the Conservation Area and accords with Policy PCS23 of The Portsmouth Plan (2012)
- 6.12 Impact on residential amenity
- 6.13 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents.
- 6.14 Given the nature of the alterations it is not considered that they would result in any harm towards the surrounding neighbour's amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).
- 6.15 Highway Impacts
- 6.16 Policy PCS17 ensures, inter alia, that the City Council and partners will reduce the need to travel and provide sustainable modes and promote walking and cycling.
- 6.17 The application due to the increase in size of the dropped kerb would result in the loss of one on street parking space. The application has been reviewed by the Council's Highways Officer who has raised no objection. It is noted that a similar loss was noted within the Allowed Appeal on the neighbouring property. It is therefore considered that a refusal due to a loss of one parking space could not be reasonably defended at appeal.
- 6.18 Human Rights
- 6.19 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.
- 6.20 Equality Act
- 6.21 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 relations 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.
- 6.22 Other Issues
- 6.23 Loss of revenue for the Council due to the removal of on-street parking is not a material planning consideration.
- 6.24 While a section of the hedge would be removed, the Council does not have any power to require its retention in the first instance. As such it is not considered that it could represent a reason for refusal.
- 6.25 Conclusion

- 6.26 Based on the recent appeal decision, the proposal is considered to preserve the character and appearance of the St David's Road Conservation Area and is acceptable in regard to its amenity and highways impacts. The proposal therefore constitutes sustainable development and should be granted planning permission.

RECOMMENDATION Conditional Permission

Conditions

Time Limit

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Proposed Plans and Elevations - 109 P.02 Revision P2 and Location Plan - p2cuk/661869/896847.

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

Pier details

- 3) The new pier at the southern end of the widened access shall match the existing at the northern end, in design, scale, materials, brick bonding and mortar striking, and in capping detail. Prior to the commencement of development, an amended plan and elevation, and full details (scale: 1:20) of the coping, shall be submitted for the written approval of the Local Planning Authority, confirming the position, scale and design of the feature. The approved details shall be installed as approved and thereafter retained. Where possible, existing bricks should be retained and used.

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