

19 GARDEN LANE SOUTHSEA PO5 3DP

CONSTRUCTION OF SINGLE STOREY REAR EXTENSION (INCLUDING MEZZANINE LEVEL) TO PROVIDE ANNEXE ACCOMMODATION, FOLLOWING PARTIAL REMOVAL OF EXISTING SINGLE STOREY OUTBUILDING.

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RC6W53MOJXY00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RC6W53MOJXY00)

Application Submitted By:

Joseph Moser
Design Team Studios

On behalf of:

Mr and Mrs Claire Nee and Tom Ellis

RDD: 23rd May 2022

LDD: 25th July 2022

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is being presented to the Planning Committee due to a call-in request from Cllr Ian Holder following his discussions with residents regarding their concerns about the size of development, the effects on neighbouring gardens and the use of the new building. There is a concern that although stated as single storey, there is a mezzanine inside and to all intents and purposes may be a self-contained flat rather than an extension, and if it is going to be rented there is no additional parking.
- 1.2 The main issues for consideration in the determination of the application are as follows:
- Design
 - Impact on neighbour amenities
 - Other material considerations
- 1.3 Site and surroundings
- 1.4 The site lies within the Castle Road conservation area, and abuts the Owens Southsea conservation area to the south. No.19 'Windsor Lodge' is identified within the local list of buildings of architectural or historic interest and is described as a 'red brick house with mansard roofs and round headed dormers, which is set gable end on to road behind wall and gateway', dating from c.1800/30.
- 1.5 The site is subject to an Article 4(2) Direction most notably removing permitted development rights with respect to alterations/demolition of boundary walls.
- 1.6 Garden Lane is a single lane cul-de-sac; the application site has on-site parking provision for 3+ cars behind double gates.

1.7 Proposal

- 1.8 The application seeks planning permission for the construction of a single storey rear extension (including a mezzanine level) to provide annexe accommodation, following partial removal of an existing single storey outbuilding.

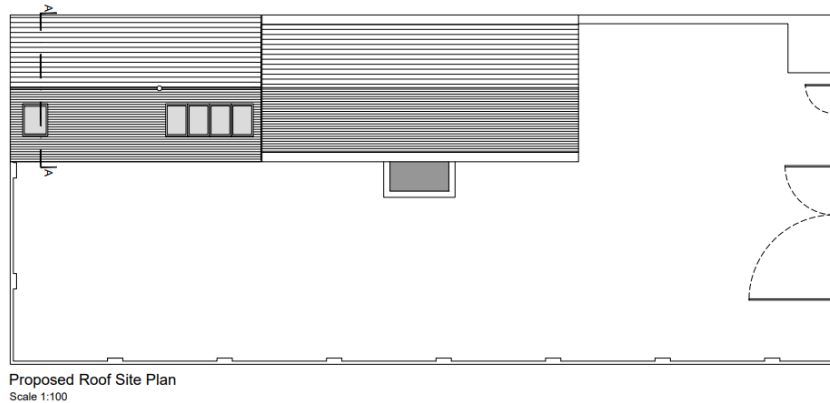


Figure 1 - Proposed Site/Roof Plan

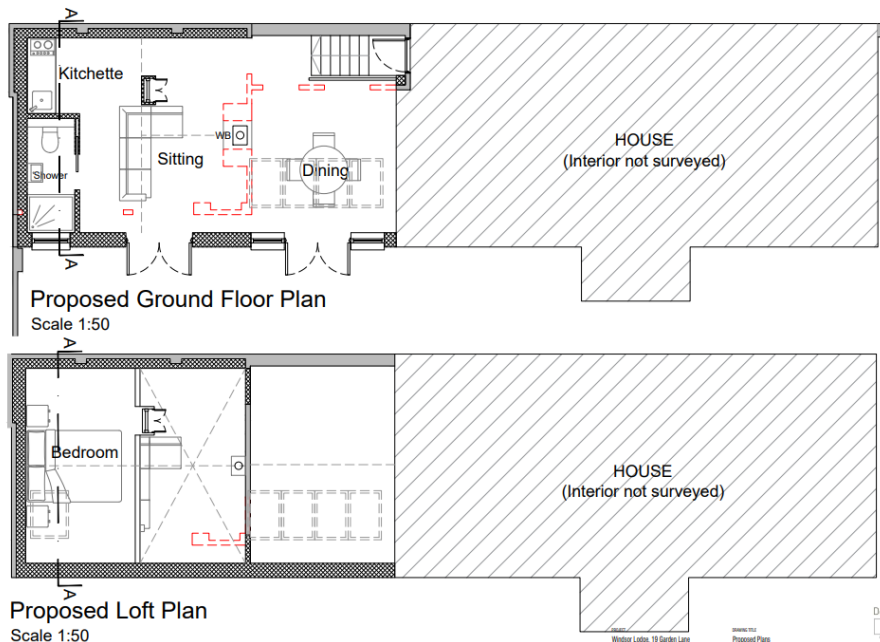


Figure 2 - Proposed Floor Plans

- 1.9 The description of development has been revised during the course of the application to more accurately reflect the proposal to include reference to the mezzanine and its intended use as annexe accommodation. The applicant has confirmed that their 'plans for the extension are simply to provide an extra room that is an integral part of the existing house, and which is not intended as a separate property'. An existing internal link from the house to the extension would be retained.
- 1.10 The application has been amended to remove west facing roof lights, and to demonstrate the retention of the southern boundary at a height of 2m, following the removal of the upper section which is currently part of the existing outbuilding.
- 1.11 External materials would comprise a slate roof to match the main house, the re-use of original bricks where they can be salvaged from the partial demolition of the existing building, and aluminium window and door frames.



Figure 3 - Existing Elevations



Figure 4 - Proposed Elevations

1.12 Relevant Planning History

1.13 None.

2.0 POLICY CONTEXT

- 2.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation) and PCS13 (A Greener Portsmouth).

3.0 CONSULTATIONS

- 3.1 Ecology - advise (on basis of findings of Phase II Bat Survey Letter Report - Ecosupport, May 2023) that the development is unlikely to result in a breach of the law protecting bats and therefore would raise no concerns. Suggested condition in event the LPA is minded to grant permission.
- 3.2 Contaminated Land Team - informative required to alert applicant of potential pollutant source nearby (former motor car engineer with registered petroleum storage).

4.0 REPRESENTATIONS

- 4.1 Seven representations (on behalf of 4 properties) have been received, objecting to the proposal on the following grounds:
- (a) Description is misleading given mezzanine element and height;
 - (b) Neighbours to south in Owens Southsea conservation area would be adversely affected/gardens backing on to site would feel more cramped/loss of light and impaired aspect/overlooking/concern about overall height;
 - (c) Noise from use of extension;
 - (d) Lack of clarity regarding the intended use of the extension; could be rented out/need condition or legal agreement ensuring it is tied to the main house;
 - (e) Lack of consideration for car parking provision;
 - (f) Question whether precedents in area for this type of development;
 - (g) Concern for bats in area due to extra noise and lights;
 - (h) Nutrient neutrality needs addressing, required for all forms of new overnight accommodation;
 - (i) Southern boundary wall should be retained in its entirety in the interests of privacy and heritage;
 - (j) Insertion of rooflights on western roof slope would affect privacy and property value of no.18.

5.0 COMMENT

5.1 Design

- 5.2 No.19 is a secluded two storey red brick period house which currently benefits from a fairly substantial but poorly maintained outbuilding attached to the south of the building. The building is a 'Locally Listed' (undesignated) heritage asset and the application site is located within the boundary of The Castle Road Conservation Area (No. 12), (and within the northern setting of the adjacent Owen's Southsea Conservation Area (No. 2)).
- 5.3 Architecturally/visually the existing linked outbuilding is of limited significance. It also does not appear to be of notable historic value. In light of this the principle of its removal/loss is considered acceptable in conservation/design terms.
- 5.4 The proposed new extension represents a larger and more substantial addition to the south. A simple 'contemporary' approach has been taken to styling - in particular to fenestration. Overall, although the proposal does add some height (and therefore greater mass/ bulk on the boundary), it is still considered to represent a rationalisation and simplification of form - which is considered a positive outcome in terms of its relationship to the house.

- 5.5 The external materials would match those existing and a condition is recommended to secure full details of the specific areas of the western boundary wall to be retained, the extent that reclaimed bricks can be used, details of any new brick type and colour, and bonding, mortar and striking details. Whilst the application site is not readily viewed from the public realm, given its conservation area location and the architectural/historic qualities of the building, it is considered appropriate to require these additional details to ensure an acceptable level of execution.
- 5.6 On the basis of the above it is considered that the addition would be appropriate in the context of the locally listed building itself and the character and appearance of both conservation areas.
- 5.7 Impact on Residential Amenity
- 5.8 The proposed extension is not considered to result in any significant loss of residential amenity to any surrounding residential properties to the east, west or south in terms of light, overshadowing, outlook, increased sense of enclosure, privacy, noise or disturbance given the orientation of surrounding development and intervening distances.
- 5.9 Other Material Considerations
- 5.10 Bats
- 5.11 Following receipt of third party representations referencing bats in the area, and the dilapidated condition of the existing outbuilding, it was considered that the site could potentially be a roosting location for bats. Progress of the application was delayed until a bat survey could be undertaken in the Spring of 2023. This report now supports the application which concludes 'A single dusk emergence bat survey conducted on 19 Garden Lane on the 18th May 2023 to confirm the likely absence of roosting bats. During the survey, no bats were recorded emerging from the building. Additionally, activity was relatively low and restricted to individual bats foraging and commuting. Species diversity was low with one species recorded throughout the survey. As bats were recorded foraging and commuting around the site, sensitive lighting for bats is recommended to minimise the impact to foraging bats and other nocturnal species during site operation. Finally, incorporating a bat brick into the new building has been recommended to enhance the site's value for wildlife and increase biodiversity in the local area'.
- 5.12 HCC Ecology is satisfied with the method of the survey and has no objection subject to the mitigation and recommendations within the report being implemented (a condition is recommended).
- 5.13 Parking
- 5.14 Given that no separate planning unit is to be created as a result of the proposed extension, there is no requirement for additional parking provision. A condition is recommended to restrict occupation of the extension.
- 5.15 Impact on Special Protection Areas
- 5.16 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 effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, 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.
- 5.17 SPA mitigation is not required given that an additional residential unit is not being created - the recommendation is subject to a condition preventing the use of the

extension as a separate unit of accommodation - and since there is no upper limit on household (Class C3 use) extensions for extra bedrooms such applications do not necessarily result in a net increase in population, additional overnight stays or activity along the coast.

5.18 CIL

5.19 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.

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

5.21 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.

5.22 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.

6.0 Conclusion

6.1 For the reasons set out above, the proposed development is considered acceptable in terms of design, impact on heritage assets and surrounding residential amenity subject to the conditions set out below.

RECOMMENDATION Conditional Permission

Conditions

Time Limits

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.

Compliance with approved drawings

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: Location and Proposed Block Plan no.576.P100_B, Proposed Floor Plan and Roof Plan no.576.E102_A, Proposed Roof/Site Plan no.576.P101_B, Proposed Floor Plans no.576.D102_B, Proposed Section A-A no.576.P104_A, Proposed Elevations no.576.P103_D Revision E and Phase II Bat Survey Letter Report (Ecosupport, 19 May 2023).

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

Matching Materials

3) Prior to commencement of development, full details of the specific areas of the western boundary wall to be retained, the extent that reclaimed bricks can be used throughout, details of any new brick and natural slate type and colour, and bonding, mortar and striking details, shall have been submitted to and agreed in writing by the local planning authority. Only such approved details and materials shall be used in the construction of the external surfaces of the development hereby permitted.

Reason: In the interests of visual amenity, the appearance of the locally listed building, and the character and appearance of the Castle Road and Owens Southsea conservation areas in accordance with policy PCS23 of the Portsmouth Plan.

Measures to Protect Bats

4) Development shall proceed in accordance with the measures set out in the 'Mitigation & Recommendations' section of the Phase II Bat Survey Letter Report (Ecosupport, 19 May 2023). Thereafter, the enhancement measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure the favourable conservation status of bats in accordance with Policy PCS13 of the Portsmouth Plan.

Restriction to Prevent Separate Unit of Accommodation Being Created

5) The extension hereby permitted shall not at any time be occupied as a separate unit of accommodation.

Reason: The proposed layout and configuration of the development and site are not suitable for sub-division for an additional dwelling, with respect to room sizes and configuration, outside amenity space, and parking provision, so such a separate unit would be contrary to policies PCS17 and PCS23 of the Portsmouth Plan,

1) PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.