

12 WILBERFORCE ROAD SOUTHSEA PO5 3DR

CONSTRUCTION OF A 3 STOREY FRONT EXTENSION; ADDITION OF A SECOND FLOOR INCLUDING THE REMODELLING OF THE REAR ELEVATION (WITH JULIET BALCONIES AT FIRST AND SECOND FLOOR); NEW NATURAL SLATE ROOF INCORPORATING PHOTOVOLTAIC 'SLATES' AND A RAISED RIDGE; SINGLE STOREY REAR EXTENSION; AIR SOURCE HEAT PUMP IN REAR GARDEN (RESUBMISSION OF 23/00335/HOU)

WEBSITE LINK:

[23/01201/HOU | Construction of a 3 storey front extension; addition of a second floor including the remodelling of the rear elevation \(with Juliet balconies at first and second floor\); new natural slate roof incorporating photovoltaic 'slates' and a raised ridge; single storey rear extension; air source heat pump in rear garden \(Resubmission of 23/00335/HOU\) | 12 Wilberforce Road Southsea PO5 3DR \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/planning/23/01201/HOU)

Application Submitted By:

Mr Peter Robson
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On behalf of:

Ms Minoo Sefidan

RDD: 26th September 2023

LDD: 21st November 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination due to a call-in request by Cllr Ian Holder (on the grounds that there has been a lot of concern from the residents of the street and it should have a full hearing), and because of the number of objections (24 from 15 addresses).

1.2 The main issues for consideration relate to:

- Principle
- Design
- Impact upon residential amenity
- Bats

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**1.4 Site and Surroundings**

1.5 The site lies within the Castle Road conservation area and all the properties within Wilberforce Road are subject to an Article 4(2) Direction restricting certain permitted development rights (e.g. replacement front doors and windows, alteration or demolition of front boundary walls/gates/railings, the painting of any previously unpainted external brickwork or other external wall surfaces).

1.6 The Castle Road conservation area guidelines describe this road as 'a short cul-de-sac on the north side of St. Edward's Road developed in the late nineteenth century, mainly with pairs of semi detached houses including two storey bays with a mixture of red and yellow brick; there is one lone modern house.' It is this lone modern house that is the subject of this application. Built in the 1950's, the two storey, red-brick, detached dwellinghouse sits between two pairs of Victorian/early 20th century semi-detached properties and as such is markedly different in character, appearance, footprint and

overall height than those within the rest of the road. The Victorian houses at the northern end of the road have rich architectural details characteristic of many parts of Portsea Island and Southsea in particular, and the earlier houses to the south have a more pared back architecture yet are still attractive and unified in design and form.

- 1.7 Levels across the application site fall away from front to back (east to west). There are no trees within the site (the remaining tree felled was a diseased apple tree adjacent the northern boundary in 2023). The application site includes a single garage at the rear (which forms part of a larger garage block accessed from St Edwards Road) - the access door within the east elevation has been enlarged recently.
- 1.8 The property is understood to have been empty for at least two years and has suffered deterioration. The rear single storey extension has been removed as have the two storey and single storey projections at the front of the property. Footing trenches have been dug front and rear (but foundations not yet laid at the time of writing this report).
- 1.9 The Proposal
- 1.10 The application proposes the significant re-modelling of the existing house by way of the construction of:
- a 3 storey front extension;
 - the addition of a second floor including the remodelling of the rear elevation (with Juliet balconies at first and second floor);
 - a new natural slate roof (incorporating some element of photovoltaic 'slates') and a raised ridge;
 - a single storey rear extension incorporating roof lantern and glazing to south and west elevations;
 - an air source heat pump in the rear garden.
- 1.11 The proposal indicates the use of matching brickwork, a white-painted rendered double-height front bay and grey UPVC windows and doors, with a small brick boundary wall at the front to match those to the south of the site.
- 1.12 Following significant revisions to the application, neighbours were re-notified in January 2024 and given opportunity to comment on the amendments.
- 1.13 The Relevant Planning History
- 1.14 Historic maps indicate that nos.2-10 (evens) and those opposite at nos.1-9 (odds) Wilberforce Road were constructed pre-1898; by 1910 the eastern side of the road was complete by the construction of nos.13-25; and by the 1930's the western side was complete by the construction of nos.14-20 (evens) albeit a gap remained between nos. 10 and 14 (current numbering system), being the application site. The use of the gap prior to its development with the current house is unknown although representations received indicates it was once an orchard/market garden. The gap was infilled by the construction of a two storey dwellinghouse (granted planning permission under A*14857/B in March 1954). A two storey rear extension was refused in 1966 (B*14857/C) and an additional bedroom and sunroom permitted in 1967 (B*14857/E).
- 1.15 Two previous applications seeking extensions and additions to the application site (under planning references: 23/00335/HOU and 22/01408/HOU) were withdrawn by the applicant in the light of significant officer concerns.

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS23 (Design and Conservation)

- PCS13 (A Greener Portsmouth)

2.2 In accordance with the National Planning Policy Framework (NPPF) (2023) due weight has been given to the relevant policies in the above plan.

3.0 CONSULTATIONS

3.1 Regulatory Services - Having looked at the revised plan and carried out another basic desktop assessment according to the *MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises (MCS 020)*, the proposed heat pumps will not meet the permitted noise development limit specified in this guidance.

This guidance also only takes into consideration the nearest window of a sensitive property and it does not take into consideration external amenity space. As the manufacturers noise specifications state that the sound power level of the pump is 54dB to 60dB, it is recommended that the pump is contained within an acoustic enclosure in order to prevent a loss of amenity from being caused to the garden areas.

3.2 Hampshire County Council Ecology - The application is now supported by a Preliminary Roost Assessment (Arbtech, December 2023). HCC Ecology now satisfied that this represents current conditions at the application site. No evidence of bats was found and no potential roost locations were identified. It was concluded that there was negligible potential for bats to be present. In view of the survey findings it is advised that the development is unlikely to result in a breach of the law protecting bats and no concerns are raised. The proposal provides an opportunity for ecological enhancement in line with the NPPF and Policy PCS13, and suitable enhancements have been recommended in the report. In the event the LPA is minded to grant permission, it is suggested that these measures are secured via a condition.

4.0 REPRESENTATIONS

4.1 The application has attracted 24 objections (from 15 addresses) plus 2 neutral representations from Cllr Ian Holder.

4.2 Summary of Objections (*Planning Officer notes in italics*):

- Not appropriate in conservation area; front elevation out of character and at odds with rest of houses in Wilberforce Road; ugly design; no architectural excellence; would set an undesirable precedent for unsympathetic development in road; small plot for large house; windows shown larger than those nearby and grey not white as per surroundings.
- Should incorporate a mix of brick within front elevation (*amended drawings now show this*)
- Concern about second floor rear roof terrace (*removed within amended drawings*)
- Height of three storeys at front is unacceptable - loss of privacy to those opposite/nearby; three storeys at rear and Juliet balconies are a concern.
- Concern about roof terrace location of heat pump; should be at ground level; concern about noise (*air source heat pump relocated to rear garden area with acoustic screen proposed and condition seeking details*)
- Impact on ecology (including bats); bat survey and tree report should accompany application (*bat survey submitted*).
- Loss of privacy at rear as a result of internal floor levels. South facing sliding doors should be fixed closed as well as obscure glazed (*amended drawings now demonstrates this*) or doors limited to rear only.
- Loss of light and outlook to windows of no.14 Wilberforce Road.
- Applicant should submit a BRE assessment (for daylight - British Research Establishment).

- j) Windows in north elevation and guttering should not overhang neighbouring alleyway (*amended drawing showing non-opening windows and enclosed guttering to north*).
- k) How much of roof will be covered by photovoltaic slates? (*details of extent and appearance to be covered by a condition*).
- l) Need to be sure of height of proposed roof; dimensions need to be shown; anomalies in drawing details (*section and elevation drawings are to scale; drawings anomalies corrected*).
- m) Will drainage cope; no rainwater to fall onto neighbouring land; materials and appearance of rainwater goods unknown (*drainage covered by Building Regulations; rainwater goods the subject of a materials condition*).
- n) There must be no encroachment into no.14's land (*inboard gutter detail shown on plans to address this*).
- o) Concerned about new opening at rear of garage (*unlikely to be development*).

5.0 COMMENT

- 5.1 The main issues for consideration relate to the principle of development, the overall design and how it relates to the recipient building, the neighbouring properties, the road within which it sits and the wider Castle Road conservation area; the impact upon existing residential amenity (including any impact from the proposed air source heat pump); and the safeguarding of ecology.

5.2 Principle

- 5.3 The principle of extending an existing residential property in this location is acceptable subject to all other material considerations being satisfactorily addressed. Matters including the overall design, footprint, bulk, massing, height, roof design, materials and fenestration have been the subject of considerable discussion between the applicant and officers prior to the submission of the current application and since its registration. The scheme has been much modified following earlier (subsequently withdrawn) applications, in the light of officer advice and neighbour objections.

- 5.4 The proposed floor plans (drawing no.1676 P103 Revision D) demonstrates the extent that the existing building would be retained. It is acknowledged that the existing building would undergo significant re-modelling and removal of structure but the retention of the foundations of the main building and those walls shown on the abovementioned plan are sufficient for officers to conclude that the proposal does not represent demolition of the dwellinghouse.

5.5 Design and Castle Road conservation area

- 5.6 The proposed extended building now demonstrates a footprint that better reflects that of the frontage of neighbouring properties and as such would sit appropriately within the existing building line of the road. The re-modelling references features evident within Wilberforce Road such as the vertical emphasis of the double height front bays (in the form of a front projection), its overall height and its use of natural slates on the roof (also incorporating grey PV 'slate' tiles), and the use of both render and face brickwork on the front elevation. Given the differing floor levels within the application dwelling compared to its neighbours, an identical replica of these adjacent properties is not possible and indeed a pastiche is not called for. The application proposes extensions of a modern style which would result in a building much better suited to its surroundings in design terms than that existing, and would sit comfortably within its context without harm to the character and appearance of the Castle Road conservation area. This lack of harm means the development accords with the Local Plan (Policy PCS23), the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (which requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area - the character and appearance of the area would be enhanced).

- 5.7 The specific materials and finished colour for the window and door frames is the subject of a condition, although it is noted that whilst grey is a departure from the rest of the street which has white framework, it does provide an acceptable contrast with the rendered bay.
- 5.8 The photovoltaic roof slates and air source pump are not required by the local planning authority, but of course they are supported with respect to sustainability benefits.
- 5.9 Residential Amenity
- 5.10 The building is considered to offer an acceptable relationship with those properties directly opposite and to the rear in Castle Road. The building would indeed be significantly higher than that at present, however the resulting relationship would be similar to other opposing properties along the length of this road. Whilst the windows within the front elevation are larger than those in surrounding properties this is not considered to adversely affect residential amenity of those nearby in terms of privacy and overlooking.
- 5.11 The main impact of the development would be felt by those properties to the immediate north and south. Officers sought to reduce the floor level of the elevated nature of the extension (0.5m above ground level at the rear) by requesting an internal step (as is common in surrounding properties), however the applicant wishes to secure a level finished floor level throughout the ground floor.
- 5.12 No.14 to the north is an HMO property (House in Multiple Occupation). The room within the roof of this property is a bedroom/private lounge area served by two modest rooflights to the front and rear and a larger window within the southern gable, set relatively low within the room. This provides the majority of the light and outlook to this room. The revised drawings are considered to satisfactorily address this relationship which has acted as a significant constraint on the proposed roof design of the application property. The scheme now demonstrates that the intersection of the wall and roof of no.12 would sit level with the sill of the south facing window at no.14 (Section drawing no.1676 P106 C). This relationship is now considered to provide sufficient ambient and direct light, and outlook, to this room. Whilst objections received call for a BRE assessment to be undertaken by the applicant, officers in their professional judgement are satisfied that the relationship is acceptable. The Council has no policy or proportionate basis to request such a technical assessment.
- 5.13 The modifications to the roof of the proposed single storey extension to the rear are considered to result in an acceptable relationship with both south and west facing windows within this neighbouring property in terms of light and outlook. The windows within the resultant north elevation of no.12 would be non-opening and have 1 hour fire resistant glazing to satisfy Building Regulations for windows on a boundary and therefore no encroachment over no.14's alleyway would occur.
- 5.14 No.10 to the south is a C3 dwellinghouse. The proposed single storey extension at the rear of the application site would achieve the same height as that removed but would project 2.27m further than the existing from the main rear elevation (with a total depth of 7.15m) and would have a greater width (but set 1.2m off the southern boundary wall). The relationship with no.10 is considered acceptable in terms of outlook and light. There is a concern that actual and perceived loss of privacy would occur in the relationship between the proposed south facing 'floor to ceiling' glazing units and the rear private garden of no.10. The applicant is unwilling to remove these glazed areas from the application but has since shown them to be obscure glazed (frosted) and non-opening (drawing nos. 1676 P103 D and 1676 P104 D). On this basis it is considered that there should be no material, actual or perceived loss of privacy to the neighbour. The proposed extension is served adequately by large clear glazed sliding doors facing west

down the garden. A suitable condition is recommended to secure a degree of glass obscuration that would adequately limit views through the south-facing windows.

- 5.15 The addition of the second floor and its consequences for the character, appearance and massing of the rear elevation are considered acceptable in terms of the recipient property and its relationship with nos.10 and 14. The first and second floor Juliet balconies are centrally located within the building and are not considered likely to cause undue levels of overlooking or loss of privacy to surrounding properties.
- 5.16 The location of the air source heat pump is considered acceptable in the far north-west corner of the site subject to appropriate acoustic screening (secured by a suitable condition).
- 5.17 Bats
- 5.18 Given the deteriorating state of the building, and in the light of a number of representations referring to bats being evident within the area, the applicant was advised to undertake a Preliminary Roost Assessment.
- 5.19 Bats receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Developments that affect legally protected species are also likely to be contrary to Policy PCS13 of the Portsmouth Plan.
- 5.20 Local Planning Authorities are required to engage with the Regulations – planning permission should be granted (other concerns notwithstanding) unless the development is likely to result in a breach of the EU Directive and, if a breach is considered likely, that the development is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.
- 5.21 On the basis of the findings within the Preliminary Roost Assessment it was concluded that there was negligible potential for bats to be present and as such the proposed development is unlikely to result in a breach of the law protecting bats. Whilst HCC Ecology raised no objections, it was noted that the proposal provides an opportunity for ecological enhancement in line with the NPPF and Policy PCS13, and that the enhancements recommended in the report could be secured by an appropriate planning condition. This is considered appropriate and justified and therefore forms one of the recommended condition of approval.
- 5.22 CIL
- 5.23 Estimate/Summary - The proposal would result in the creation of 108.56sqm of new build floorspace. The likely CIL chargeable amount will be £19,475.08.
- 5.24 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2024 basic rate is £179.39/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.
- 5.25 Human Rights and the Public Sector Equality Duty ("PSED")
- 5.26 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.

- 5.27 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 The proposed development is considered acceptable in design, residential amenity, heritage conservation and ecology terms and is capable of support subject to conditions.

RECOMMENDATION

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.

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 (all with a prefix of 1676):-

P100 Revision D - Location and Proposed Block Plan

P103 Revision D - Proposed Floor and Roof Plans

P104 Revision D - Proposed East and South Elevations

P105 Revision C - Proposed West and North Elevations

P106 Revision C - Proposed Section

P107 Revision D - Proposed Elevations with adjacent properties shown

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

Materials

3. No development hereby permitted shall commence on site until samples, and where necessary plan and section details, of the types and colours of all external materials to be used (including natural slates, PV slates, bricks, render, rainwater goods, window and external door profiles, frames and reveals, eaves overhang and string course protrusion) have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

Bats

4. The development hereby permitted shall not be occupied/brought into use until the measures set out in Section 4.0 'Conclusions, Impacts and Mitigation' of the 12 Wilberforce Road, Southsea Preliminary Roost Assessment report (Arbtech, December 2023) have been fully implemented. Thereafter, the bat and bird nest boxes 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.

Obscure Glazing and non-opening

5. The second floor window in the north elevation and all proposed glazing within the south facing elevation of the single storey rear extension hereby permitted shall be non opening (apart from the single south facing door at the eastern end of the proposed rear extension) and glazed with obscured glass in accordance with details submitted to and approved by the Local Planning Authority in writing, and shall be permanently maintained as approved.
Reason: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy PCS23 of the Portsmouth Plan.

Acoustic Screen for Heat Pump

6. The development hereby permitted shall not be occupied/brought into use until details (including materials and appearance) and acoustic properties of the proposed acoustic screen around the proposed air source heat pump (as shown on the Proposed Block Plan drawing no.1676 P100 Revision D) shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the residential amenity of those living in surrounding properties in accordance with policy PCS23 of the Portsmouth Plan.