

8 Highbury Way, COSHAM. PO6 2RH

ENCLOSURE OF OPEN COURTYARD WITH ROOF INCORPORATING GLASS LANTERN

WEBSITE LINK:

[23/01288/HOU | Enclosure of open courtyard with roof incorporating glass lantern | 8 Highbury Way Portsmouth PO6 2RH](#)

Application Submitted By:

Mr Steve Nahid
Crofton HIC

On behalf of:

Mr Asghar and Mrs Shah

RDD: 19th October 2023

LDD: 22nd January 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination as one of the applicants is a Councillor of Portsmouth City Council (Councillor Shah).

1.2 The main issues for consideration relate to:

- Design
- Impact upon residential amenity

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and Surroundings

1.5 The application site comprises a two storey semi-detached dwellinghouse on the corner of Highbury Way and The Old Road. Off road parking is available on the driveway which leads from The Old Road. The front/side garden is bounded by a dwarf wall with a high evergreen hedge behind, although views into this garden area can be achieved from the Old Road (given the open aspect of the driveway) and Highbury Way (over the low pedestrian gate).

1.6 The detached former garage to the rear (understood to be used as a playroom) and the outbuilding to the south-east corner of the house (since regularised under planning no. 23/00004/PLAREG and currently used as a home office) have essentially created an open courtyard to the rear of the house. Neither of these outbuildings are currently accessible direct from the house.

1.7 The Proposal

1.8 The application demonstrates the enclosure of the courtyard with a flat roof incorporating a glass lantern, to provide an entirely enclosed habitable room which would in effect bring the two outbuildings into forming part of the main house. The brick boundary wall to no. 6 would be increased by three brick courses plus a fascia board, which is to be set in from the boundary to align with the previous rear garage/current playroom totalling a rise of circa 66cm.

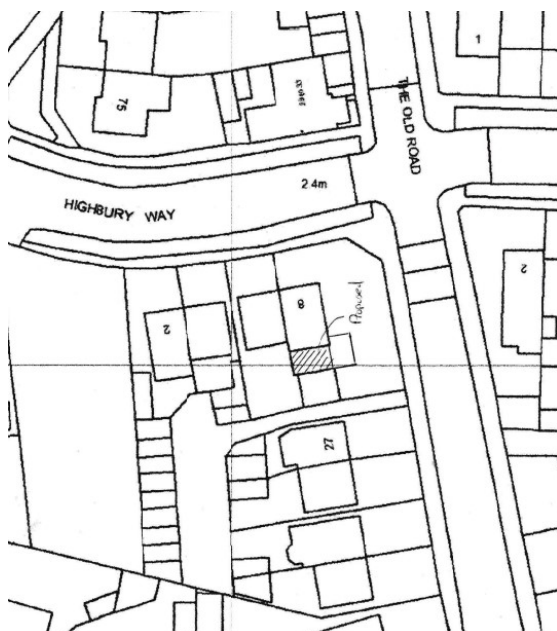


Figure 1 - Block Plan

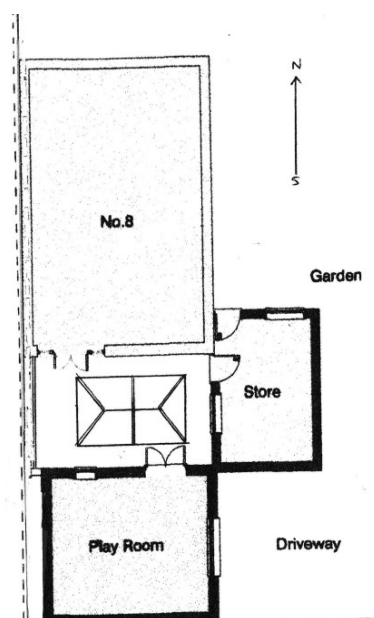
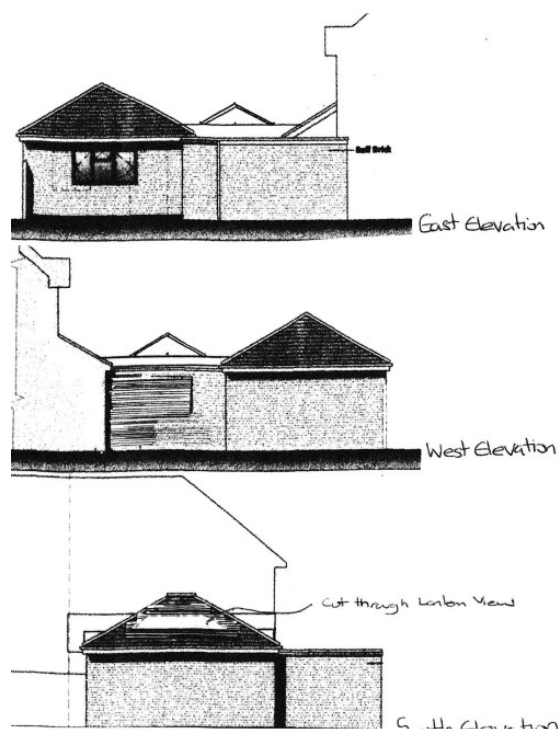
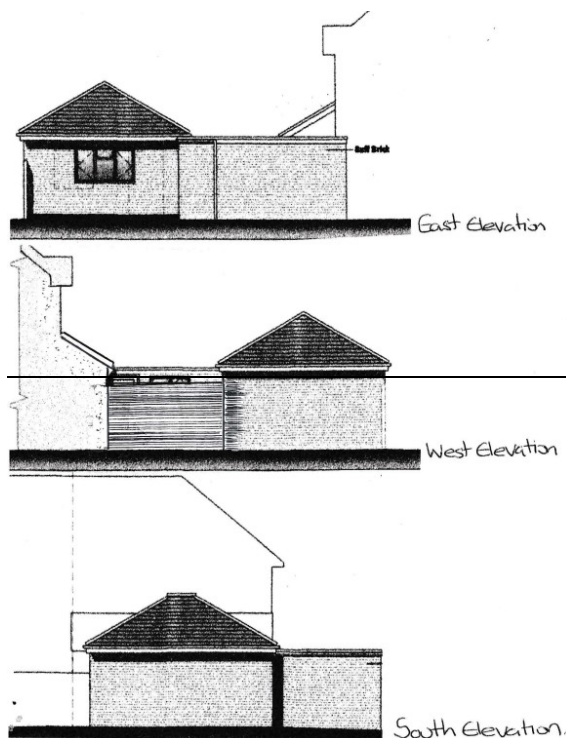


Figure 2 - Proposed Block Plan



Figures 3 and 4 - existing (left) and proposed (right) elevations

1.9 Relevant Planning History

1.10 The site's most relevant planning history is listed below:

- 23/00004/PLAREG - Retrospective application for the construction of 2no. rear outbuildings - Conditional Permission 13/3/23
- 20/00146/HOU - Alterations to an existing garage including the change from a flat roof to a pitched roof - Conditional Permission 10/3/20

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS23 (Design and Conservation)

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

3.0 CONSULTATIONS

3.1 Contaminated Land Team - suggested informative.

4.0 REPRESENTATIONS

4.1 None

5.0 COMMENT

5.1 The main issues for consideration relate to design and impact upon the amenity of neighbouring residents.

5.2 Design

5.3 The addition of a flat roof over the existing open courtyard, lit by a glazed lantern, is considered acceptable in principle. The development would be a relatively modest addition in visual terms as seen from the surrounding area. While the necessary alteration to existing roof slopes, to allow the new structure to tie in to the dwelling will result in an unattractive appearance it will be seen from very few vantage points and is not considered to be so harmful as to justify refusal of planning permission. Conditions are recommended, below, to minimise the visual harm of the scheme.

5.4 Residential Amenity

5.5 The enclosure of the courtyard would remove all private outside amenity space from the rear of the property. Occupiers would therefore have to rely on the remaining garden space to the front and side of the house for outdoor recreation. Whilst this front/side garden area is not completely private, because of views through the front gate and driveway, it does feel reasonably private due to the substantial evergreen hedge screen. It is considered of sufficient size and privacy to support the occupiers of the property.

5.6 The increased height of the existing garden wall, proposed flat roof and glazed lantern would be visible from the house and garden area of the adjoining semi-detached property to the west, however while this will increase the sense of enclosure in the neighbouring rear garden it is not considered that the outlook or light to this property would be so significantly adversely affected as a result of the works to justify refusal of planning permission.

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

5.8 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.

5.9 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 both design and residential amenity terms and is capable of support subject to conditions.

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 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 Plan dated 18/10/23, Block Plan received 27/10/23 and proposed plans and elevations received 26/1/24.
Reason: To ensure the development is implemented in accordance with the permission granted.

Matching Materials

3. The bricks, bonding pattern and mortar to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those used in the construction of the existing boundary wall between the application site and no.6 Highbury Way.
Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth.

Construction details facing no.6

4. Prior to commencement of the development hereby permitted, details (to scale 1:50) of the extended brick wall, depth and materials of the proposed fascia, roof and flashing of the western elevation facing no.6 shall be submitted to and approved in writing by the local planning authority and such approved details shall be fully implemented.
Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth.

