

12 BURBIDGE GROVE, SOUTHSEA, PO4 9RR

CONSTRUCTION OF SINGLE STOREY REAR EXTENSION (FOLLOWING REMOVAL OF CONSERVATORY), AND INSTALLATION OF A TRIO OF ROOFLIGHTS TO FRONT

WEBSITE LINK:

[23/01397/HOU | Construction of single storey rear extension \(following removal of conservatory\), and installation of a trio of roof lights to front | 12 Burbidge Grove Southsea PO4 9RR \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/planning/23/01397/HOU)

Application Submitted By:

Mr James Bengree
JB Architectural Design Studio

On behalf of:

Mr Howard

RDD: 10th November 2023

LDD: 5th January 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination due to the number of objections received (17 letters from 13 addresses).

1.2 The main issues for consideration relate to:

- Design, and impact on the character and appearance of the Craneswater and Eastern Parade conservation area.
- Impact upon residential amenity

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and Surroundings

1.5 Burbidge Grove is a residential road running north/south located within the Craneswater and Eastern Parade conservation area. Properties within the road predominantly comprise detached and semi-detached, brick faced two storey dwellinghouses, although there are examples of converted roof spaces within the road served by dormers and/or rooflights.

1.6 The application site accommodates an early 20th Century detached dwellinghouse on the eastern side of the road, brick clad with brown/red clay tiled roof, UPVC window frames and a timber front door.

1.7 The whole of Burbidge Grove is covered by an Article 4 (2) Direction (dated 6 August 2009) removing a number of permitted development rights, but of particular relevance to this application is the control of the replacement of the roof cladding on the main elevation fronting a highway (Class C of Part 1 of Schedule 2 of the General Permitted Development Order).

1.8 The Proposal

1.9 The application seeks planning permission for:

- * a single storey rear extension
- * a trio of rooflights on the front roofslope

- 1.10 The application was initially described as 'Construction of single storey rear extension (following removal of conservatory); installation of roof lights to front and rear roof slopes; installation of solar panels to garage and sliding gate to existing entrance'.
- 1.11 However, during the course of the application the proposal has been amended - the proposed solar panels to the garage, gates to the side and rear roof lights are to be installed under permitted development allowances - and therefore these features have been deleted from the description of development although they still appear on the submitted plans.
- 1.12 In addition, the front rooflights were initially shown to be windows ('Cabrio' model) that when opened, transform into a balcony space (the top part being fixed in place as a canopy and the lower part opens outwards to create a balcony with side railings). However, the proposal has been amended to now demonstrate a trio of rooflights that each pivots on a central axis with no ability to create balcony space.



Figure 1: Proposed front (west) elevation.

1.13 Relevant Planning History

- 1.14 21/01804/HOU - Installation of roof lights to front roof slope, inset balcony to rear roof slope, removal of central chimney and reduction to side chimney and solar panels to garage; alterations to rear doors and windows (following removal of conservatory) - Amended plans received - refused 15/7/22 for the following reason:

'The elements of the proposal comprising the inset balcony to rear roof slope, the removal of central chimney and rear chimney and the use of render is considered harmful to the character of the Conservation Area. In particular, due to insufficient separation, the proposed inset balcony within the rear elevation would be harmful to the residential amenity of the residents of No's 7, 9, 11 and 13 Brading Avenue contrary to the requirements of Policy PCS23 of the Portsmouth Plan 2012 and the NPPF 2021.'

2.0 POLICY CONTEXT

- 2.1 Portsmouth Plan (2012):
* PCS23 (Design and Conservation)

- 2.2 Pre-Submission Portsmouth Local Plan 2020-2040:

The draft Pre-Submission Portsmouth Local Plan 2020-2040 was approved at full council on 28 May 2024. The relevant policies would include:

- Core Policy PLP1: Design
- Core Policy PLP55: Conservation Areas

Having regard to the NPPF paragraph 48, limited weight is given to those policies at this time.

3.0 CONSULTATIONS

3.1 **Highways Engineer** - the proposed development would not materially impact the function of the highway nor given its existing use result in any unacceptable impact to highway safety that would warrant refusal of the application.

Contaminated Land Team - a condition relating to land contamination is not required.

4.0 REPRESENTATIONS

4.1 17 letters of objection have been received from 13 addresses in Burbidge Grove, Brading Avenue and Eastern Parade - some of whom wrote in for a second time following notification of amended plans.

4.2 The grounds for objection are as follows:

- (a) The Cabrio rooflights appear to be balconies which would be out of character with rest of conservation area, ugly and obtrusive features, and would result in overlooking nearby properties (*Officer Note: the application has since been amended to remove any balcony element to the proposed rooflights*).
- (b) Triple rooflights would be out of character in conservation area; may dominate the roof and detract from the property.
- (c) Triple rooflights are not individually spaced throughout the roof space which would effectively permit a 3m wide window rather than rooflights.
- (d) Any rooflights should be Conservation/Heritage type, with integrated mullion bar, designed to be in keeping within a Conservation Area.
- (e) Triple rooflights would result in overlooking due to low sill height.
- (f) Rooflights would create an unacceptable precedent.
- (g) Rooflights appear to be protruding from the roof line which is a concern.
- (h) Rear rooflights could result in overlooking - should be centrally pivoted with sill height at 1.65m (*Officer Note: the rear rooflights are shown with a sill height of 1.7m, however the rear rooflights can be installed at this property under 'permitted development' rights with no criteria controlling sill height or position of pivot and are not under consideration by this application*).
- (i) Standard rooflights without the element of a balcony may be acceptable.
- (j) Concern about the neglect of the property since it was acquired.

5.0 COMMENT

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

5.2 Design

5.3 Rear Extension - The proposed single storey rear extension (to replace the existing conservatory) is considered an appropriate form of addition to the property. The extension would replicate the footprint of the existing conservatory, and its height (just over 4m to top of roof) and depth (1.97m) would match that of the existing single storey lean-to which would remain. It would be constructed using similar external materials (brick and clay tiles) and the finished floor level would match that within the existing dining room. The extension would not result in the loss of any existing available private amenity space and internally would create a large open plan kitchen/dining area. The relatively modest extension is considered to sit comfortably in the context of the design, appearance and materials of the recipient house and as such would preserve the

character or appearance of the wider conservation area in accordance with s.72 of the Listed Buildings and Conservation Areas Act 1990. The extension would not cause harm to the Conservation Area, and so would therefore comply with the provisions of the NPPF and Policy PCS23 of the Adopted Local Plan.

5.4 Trio of rooflights

5.5 The relevant Article 4(2) Direction covering this property controls the 'replacement of the roof cladding on the main elevation fronting a highway'. It is considered that the extent of roof cladding that would have to be removed and replaced by the trio of rooflights is to such a degree that planning permission is required.

5.6 The insertion of three rooflights in a row, immediately abutting each other, on the front roof slope (of a combined width of 3.02m) would be a readily visible feature as seen from within the road. However, the rooflights would not project significantly above the surrounding roof tiles (the Agent advises that the rooflights would typically extend 100mm above the roof rafter, then once roofing battens and roof tiles are laid, the window would project approximately 30-50mm above the plane of the roof). The framework externally would be dark grey powder-coated aluminium which would minimise any visual contrast with the surrounding tiles. The roof line and shape would remain unaltered, and as a result the insertions would not appear incongruous - indeed rooflights are found elsewhere on the front of properties in Burbidge Grove and would typically be considered 'permitted development' were it not for the fact that the proposal presents a trio immediately abutting each other.

5.7 It is not considered that the rooflights would represent harm to the character and appearance of the conservation area, and they would therefore comply with the provisions of the NPPF and Policy PCS23 of the Adopted Local Plan. Causing no harm, they would preserve the character or appearance of the Conservation Area, and so comply with s.72 of the Listed Buildings and Conservation Areas Act 1990.

5.8 **Residential Amenity**

5.9 Rear Extension

5.10 The proposed rear extension is not considered to result in any loss of neighbouring residential amenity in terms of privacy, light or outlook given its position within the site, materials (roof tiles and brickwork to match) and its relatively modest dimensions matching those of the existing conservatory.

5.11 Trio of rooflights

5.12 The proposed trio of rooflights would serve a master suite in the roof space and are shown to have a sill level of 1.4m. This sill height would allow a view out of the rooflights towards Burbidge Grove and the properties opposite. However, facing windows over an intervening public domain typically experience a level of mutual overlooking and this would be no worse than the views offered by front dormers and rooflights found elsewhere within the road, and little different from first floor windows. In addition, the inclined nature of the window within the roof slope, combined with the central pivot of the rooflights, are features likely to naturally discourage prolonged use of the vantage point by occupants. It is not considered that any significant actual or perceived loss of privacy would result from the insertion of the trio of rooflights that would justify refusal of the proposal, and so it is considered that they would comply with Policy PCS23 of the adopted local plan.

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

5.14 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.

- 5.15 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 terms of design, impact on the conservation area and residential amenity, 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 no.PP-12557765v1 dated 9/11/23, Existing and Proposed Elevations no.23.23.00.00 Revision D, and Proposed Floor Plans and Section no. 23.23.00.02 Revision D.

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

Matching Materials

3. The materials to be used in the construction of the external surfaces of the rear extension hereby permitted shall match, in type, colour and texture those on the existing building.

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

Central Pivot of Front Rooflights

4. The front rooflights hereby permitted shall be centrally pivoted as shown on drawing nos. no.23.23.00.00 Revision D and 23.23.00.02 Revision D, and when shut shall protrude no more than 50mm beyond the external plane of the roof.

Reason: In the interests of the visual amenities of the area and the character and appearance of the conservation area in accordance with policy PCS23 of the Portsmouth Plan.

