

24 SUSSEX ROAD  
SOUTHSEA  
PO5 3EX

**CONSTRUCTION OF TWO-STOREY WORKSHOP ANCILLARY TO 24 SUSSEX ROAD (FOLLOWING DEMOLITION OF GARAGE 22-22A SUSSEX ROAD) WITH CHANGES TO BOUNDARY TREATMENTS**

**LINK TO DOCUMENTS:**

[24/00671/HOU | CONSTRUCTION OF TWO-STOREY WORKSHOP ANCILLARY TO 24 SUSSEX ROAD \(FOLLOWING DEMOLITION OF GARAGE 22-22A SUSSEX ROAD\) WITH CHANGES TO BOUNDARY TREATMENTS | 24 SUSSEX ROAD SOUTHSEA PO5 3EX \(PORTSMOUTH.GOV.UK\)](https://www.portsmouth.gov.uk/planning/24/00671/HOU)

**Application Submitted By:**  
PEARCE+

**On behalf of:**  
Mr & Mrs Chafer

**RDD:** 29<sup>th</sup> May 2024  
**LDD:** 18<sup>th</sup> July 2024

## 1. SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee due to the number of objections (twenty-one).

1.2 The main issues for consideration in the determination of the application include:

- The principle of demolition
- Impact of the new building on the conservation area;
- Impact on residential amenity;
- Highway matters;
- Ecology.

## 2. SITE AND SURROUNDINGS

2.1 This application site is in Sussex Road, Southsea. This is located within the St Thomas Ward, and is located in the "Owen's Southsea" conservation area. Sussex Road is characterised by predominately residential uses, with a wide variety of dwelling types. Much of "Owen's Southsea" was developed by locally renowned architect Thomas Owen, in the 1840's.

2.2 The application site is 24 Sussex Road, which is a locally listed building and a dwellinghouse, however, the works relate to the garage at the north/front of 24 Sussex Road, with its own address of 22-22a Sussex Road. 22-22a are not locally listed, nor included in the Conservation Area's Article 4 Direction. Directly adjoining to the east, 26 Sussex Road is locally listed, as are nos. 28 to 34. The nearest listed building is 45 Kent Road, away to the south of the dwellinghouses of 24 and 26 Sussex Rd. The application building is in red brick with slate tile roof, and dates from at least before 1870 (earliest evidence of existence). The house of no. 24 dates from pre-1870. The application building is two-storey, albeit with the upper floor of lesser volume than the ground floor due to the sloping west roof. Two white-painted garage timber doors face the street, with a first floor

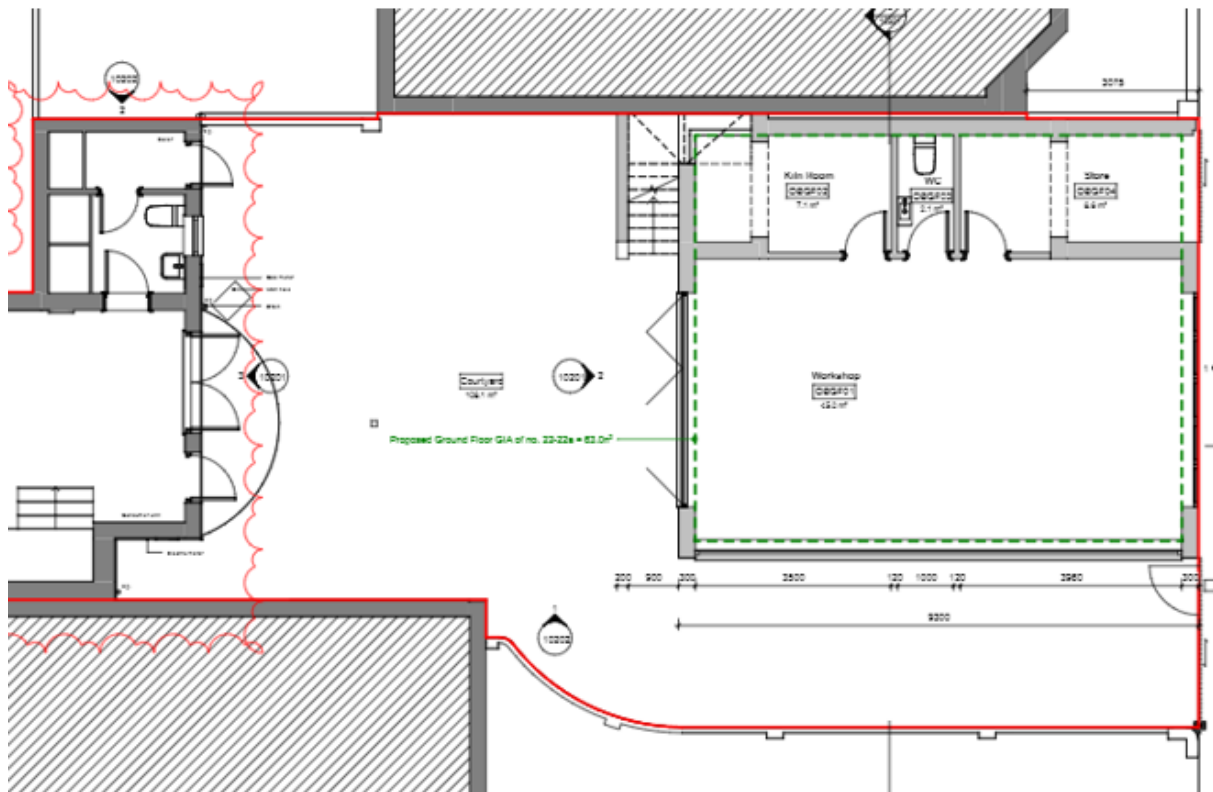
door above. Between the application building and no. 26 to the east is a driveway, running down the side of the building to the dwelling at the rear. The driveway is enclosed by metal railing gates close to the back of footpath. The road is quite narrow, with KD Zone permit parking (2 hours, no return to zone in 4 hours) on the north side, meaning the carriageway is only one vehicle wide. The building flanks the house of no. 20 to the west, and faces the side, street wall and garden of no. 23 opposite to the north.

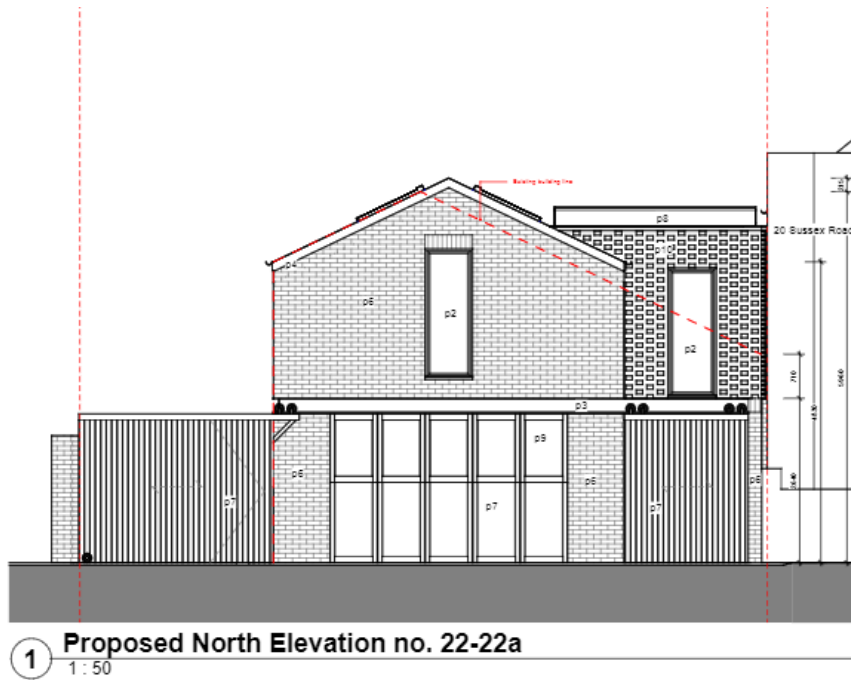
### 3. THE PROPOSAL

3.1 The proposal is for the demolition of the garage at 22-22a and its replacement on the same footprint with a workshop (pottery studio) described as ancillary to the dwelling at 24 Sussex Road.

3.2 The proposed workshop would be a two storey brick building, with principal pitched roof, and first-floor side extension with flat-roof and solar panels on top. The north elevation facing Sussex Road would have large, frosted-glass windows at street level with two full height windows on the first floor. All windows (and rooflights) would be in black aluminium frames. A black-stained/painted sliding store door would be sited to the western side of the front elevation, and the same material would provide a new, sliding driveway gate to the east. These doors would slide on an exposed black metal beam.

Figure 1 - Proposed Floorplans (Sussex Rd to right hand side) and Proposed front Elevation





3.3 The main area of proposed brickwork would match the existing structure, with a contrasting Flemish bond with protruding headers to the first-floor side extension. To the rear elevation, charred timber dominates the southern view of the proposed structure, with metal railings to the first floor balcony area. The staircase to the first floor is external, to the south (rear) elevation. Internally, the majority of the ground floor is a 'workshop', also with a store, wc and kiln room. The first floor has another workshop for the main area, and a side store.

#### 4. PLANNING HISTORY

4.1 Pre-application advice was provided in February 2024, indicating that the Local Planning Authority could likely support the scheme provided the use was ancillary, and subject to finalised design.

4.2 There are two historic applications for 24 Sussex Road:

- A\*32800. Conversion from workshop/hay stable to dwellinghouse. Approved July 1985;
- A\*32800/A. Minor amendments to the exterior of the dwelling. Approved July 1985.

#### 5. POLICY CONTEXT

##### Portsmouth Plan (2012)

5.1 The following policies are relevant to the proposals

- PCS23 (Design and Conservation).
- PCS17 (Transport)

##### Other Guidance

Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Framework (revised 2023)
- Portsmouth Plan (Adopted November 2012)
- Owen's Southsea Conservation Area and Guidance

5.3 The Owen's Southsea Conservation Area guidance provides some framework for demolition in a conservation area. Demolition will be permitted provided that:

- The structure makes no positive contribution to the character and appearance of the area;
- Its potential for repair, retention and beneficial use is limited; and
- The detailed proposals for the reuse of the site, including any re-placement building or other structure, have been approved.

5.4 Pre-submission Local Plan

#### Pre-Submission Portsmouth Local Plan 2020-2040

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

- PLP1: Design
- PLP53: Historic Environment
- PLP55: Conservation Areas

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

## **6.0 CONSULTEE RESPONSES**

6.1 Highways Team

Comments awaited.

6.2 Conservation and Design Officer

The Conservation Officer's full comments are online, and are summarised below:

The Conservation Officer assessed the site and surrounds in some detail, including the diversity of ages and types of buildings. He considered the building makes a moderately positive contribution to the character and appearance of the road and Conservation Area.

The Conservation Officer examined the proposals in some detail, their form, design, materials. He acknowledged "they would represent an architectural modernisation of the site, and would create a building of more obviously contemporary character, which would inevitably represent a change to the familiar street scene of the area. Notwithstanding this, the level of change to the character and appearance of the Conservation Area which it represents is considered sufficiently limited and modest overall to be neutral in terms of its impact (the level of harm which it generates) to the area as a whole". He concluded, with respect to the requirements of the Listed Buildings and Conservation Areas Act 1990, that the proposals would preserve the character and appearance of the Conservation Area.

## **7.0 REPRESENTATIONS**

7.1 Twenty one objections and one letter of support have been received.

The objections may be summarised as follows:

- Impact on highways, specifically parking
- Impact on residential amenity due to materials, noise, smell associated with the pottery studio use, and its potential to exceed an ancillary use to the associated dwelling.

- Impact on the significance of the conservation area, through the demolition of a potential heritage asset.
- Questioning the impartiality of the Case Officer, due to Pre-application advice given.
- Difficulty in access of public documents, and those documents being hard to understand.
- Poor design of the replacement building
- Heritage / age of asset not taken into account.
- Bats potentially on site.
- Devaluation of surrounding properties
- Questions on the integrity of the structural report, and the potential to restore the original building instead of demolish.
- Noise pollution from construction
- Materials not in keeping with the existing, with a recommendation that the current design choice of white painted timber doors be retained
- The applicant not providing truthful information on their submission
- Access for disabled users not indicated
- Avoidance of business rates
- "Manufacturing" is an inappropriate use in a residential area
- Impact on school staff parking, and also engine idling causing an air quality issue
- Biodiversity may reduce from the application, through the demolition of the existing building

One representation, from The Portsmouth Society has been received in support of the scheme, stating the proposal is a thoughtful piece of replacement architecture which enhances and makes a positive contribution to local street life.

## 8.1 COMMENT

### 8.2 Demolition

8.3 The Conservation and Design Officer considers the building makes a moderately positive contribution to the character and appearance of the road and Conservation Area. There is, however, no conclusion that the demolition of the building would cause harm. It is considered that the demolition of the building would have a neutral effect on the Conservation Area (subject principally to suitable new front boundary installation, and probably provision of landscaping behind), as it would simply provide a larger front garden and reveal the locally listed no. 24 to the rear, as well as reveal the flank wall no. 20 to the west and provide a wider view of no. 26 to the east.

Paragraph 206 of the NPPF applies:

*'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional'.*

It is considered the demolition of the building would cause minor loss of significance, but not harm to, of the designated heritage asset (the Conservation Area). Para. 206

requires the proposal to have clear and convincing justification. Sub-sections a) and b) are not engaged as the heritage asset does not reach the specified levels of heritage specified therein. The Applicant's justification for the removal of the building is that it is structurally unsound, as stated in their Design, Access & Heritage Statement (May 2024). This position appears to be based on the earlier (December 2023) and somewhat different statement of their Building Structural Engineer. The Engineer was asked to consider whether 'the current construction is structurally suitable for the changes the Applicant wanted'. He concluded 'the building would need significant repairs and areas to be fully removed and rebuilt' and he believed it 'to be beyond economic repair'. The Applicants' position is that the existing building does not suit their wishes for its use, and that its significant renovation to how they would wish it is not economically viable (set against the cost of demolition and re-build). Given it is considered there would be no harm resulting from the demolition, and the loss of significance to the Conservation Area would not be great, it is considered that the provisions of Para. 206 are met and the building may be removed.

8.4 Given there is considered to be no harm resulting from the demolition, the provisions of the Listed Buildings and Conservation Areas Act 1990 ('preserve or enhance character or appearance' (my underlining)), and Local plan policy PCS23, would be complied with.

#### 8.5 Impact of the new building on the conservation area

8.6 Policy PCS23 'Design and Conservation' of the Portsmouth Local Plan (2012) requires all new development to be well designed and respect the character of the city. In addition, development must relate well to the geography and history of Portsmouth, particularly the city's conservation areas, listed buildings, locally listed buildings and scheduled ancient monuments. Design should inspire delight and innovation, and an "excellent" level of architectural quality in new buildings is expected.

8.7 The Local Planning Authority considers the significance and contribution of the asset as 'moderate' and justification for this is set out in the Conservation Officer's response. He considers the merits of the scale, design and materials of the proposed replacement building and concludes a neutral impact is expected from the demolition and subsequent development. The Planning Officers concur with this view:

8.8 The proposals relate well to the existing structure, being of the same footprint and position, the same principal material (red brick) and the ridge height of the proposal being only marginally higher than the existing (by 11cm). The overall appearance and character is of a new outbuilding to replace the existing, of good quality design and materials and overall similar but more modern character. It is considered to have a neutral impact on the character or appearance of the Conservation Area, and so cause no harm, thereby complying with the Listed Buildings and Conservation Areas Act 1990, and with the provisions of the NPPF and PCS 23. The proposed driveway gate is considered acceptable in position, design, scale and materials.

#### 8.9 Impact on residential amenity

No adverse amenity aspects (outlook, light) are expected as result of the development, given the existing footprint and broad scale would be retained and the proposed flat-roofed upper floor element adjacent to the neighbour at no. 20 would be stepped back away from the street, so projecting only a limited distance in front of the front elevation of no.20. Outlook and light to no. 23 opposite, and to no. 26 to the east, would not change materially.

#### 8.10 Highway matters

The existing driveway to the side of the application building would be retained as existing, with a new street gate.

#### 8.11 Ecology

The applicant has submitted a bat survey which concludes the existing building has no evidence of bats or access points for bats, and so has negligible habitat value for bats and that no further work is required. The Applicant's Ecologist suggests a bat box, and a swift brick, be installed, but the first is not necessary given the existing building's lack of habitat, and the latter is not yet adopted local plan policy so cannot be insisted upon.

#### 8.12 Other matters raised not yet addressed in this report

##### Ancillary use:

There have been objections made about the use of the replacement building, considering it not to be ancillary to the host dwelling at no. 24 and fearing the effects of a business use on local amenity, traffic movement and parking. The Applicant's submission is that the building would be ancillary to the Applicant's residential land use at the wider site of no.24. Although stated to be a 'workshop' (for pottery), to be clear, it could be used for any function or combination of functions ancillary to the main dwellinghouse, eg domestic storage, private gym, snooker room, music room, art studio, home workshop, home office, etc.

Although the size of the building appears large for the stated purpose of a *personal* pottery studio, that does not necessarily mean its use would not be ancillary to the whole site's principal domestic use. The building could be used for a combination of different domestic functions, or solely for the stated craft use in a building of possibly greater size than necessary, but that is the Applicant's choice (and subject to design and heritage considerations discussed above). It is possible that the existing building could be repaired without the need for planning permission and used for the same single or combination of domestic purposes also without the need for planning permission, as long as it/they are ancillary in effect. The matter of ancillary use can be clarified and secured through the imposition of a relevant condition

#### 8.13 Officer impartiality:

Some objectors have a concern or have concluded that the officer providing pre-application advice was 'pre-determined' in position *before* the formal, public planning application was submitted, and/or he somehow felt unable to potentially reach a different recommendation to the pre-application advice that the proposal was likely to be acceptable to officers. This is a mistaken conclusion to have reached: the Planning Officers provided without-prejudice pre-application advice, as always. That is, it was based on the information submitted by the Applicant *at that stage*. The Planning Officers keep an open mind on a forthcoming planning application, because only then will they have *full* information with which they can reach a balanced and informed recommendation, based on matters not seen and considered at pre-application stage, principally being full application plans and supporting documents, a site visit, consultee responses, and any responses from interested parties, eg neighbours.

#### 8.14 Further matters:

Disabled users: Specific arrangements for access for disabled users is not required due to the ancillary nature of the scheme, due to its use being wholly associated with the parent dwelling at no.24. If Building Regulations apply to this proposal, they would be the applicable regulatory regime, not this planning application.

Noise, smell, etc. associated with pottery studio use: if a genuine ancillary use to the dwellinghouse, it is not anticipated such nuisances would arise.

Devaluation of neighbouring properties: this is unlikely to constitute a material planning consideration.

#### 8.15 CIL

The proposal would result in the creation of 118sqm of GIA floorspace ancillary to 24 Sussex Road. It is stated in the CIL Form 1 the buildings are in use, therefore if existing building discount can be applied to the 125.9sqm of existing GIA floorspace ancillary to 24 Sussex Road, the likely CIL chargeable amount will be £0.00. A CIL Form 1 was submitted with the application and the estimate is based on the figures provided. The agent may wish to supply evidence of any existing use.

#### 8.16 Human Rights

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.

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

## **RECOMMENDATION**

Conditional Permission

### **Conditions**

#### **1. Time Limit**

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.

#### **2. Approved Plans**

Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawing - Drawing numbers:

P24-002-SA-XX-ZZ-DR-A-10101-Proposed Ground Floor  
P24-002-SA-XX-ZZ-DR-A-10102 Proposed First Floor  
P24-002-SA-XX-ZZ-DR-A-10103 Proposed Roof  
P24-002-SA-XX-ZZ-DR-A-10201 Proposed Elevations  
P24-002-SA-XX-ZZ-DR-A-10202 Proposed Elevations  
P24-002-SA-XX-ZZ-DR-A-10301 Proposed Section  
P24-002-SA-XX-ZZ-DR-A-05100 Location and Block Plan



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

### **3. Ancillary Use**

The building hereby granted planning permission shall only be used for purposes ancillary to the dwellinghouse at 24 Sussex Road.

Reason: To ensure the development is implemented in accordance with the permission granted and in order to protect residential amenity and local highway conditions, in accordance with Policies PCS23 and PCS17 of the Portsmouth Local Plan (2012).

### **4. Materials to be submitted**

No development shall commence on site until details of the types and colours of external materials to be used has been submitted to and approved by the Local Planning Authority in writing. These shall include, but not be limited to:

1. Sample panels of brickwork, showing bricks, bond patterns, mortar colour and striking;
2. Roof fascias;
3. Rooflights: material, profile, section details and fascias, at a scale of 1:10;
4. Windows and doors: material, profile, section details, at a scale of 1:10.  
The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Local Plan (2012).

### **Informative:**

1. In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.