

Agenda item: **Decision maker:** Planning Committee**Subject:** Appeal decision at 22 Inglis Road Southsea**Report by:** Claire Upton-Brown  
City Development Manager**Ward affected:** St Jude**1. Purpose of report**

To advise the Committee of the outcome of the appeal that was dismissed and in the related costs application, a partial award was found against the Council.

**2. Recommendation**

That the report is noted.

**3. Background**

A planning application (ref 14/00480/FUL) was considered at the Planning Committee meeting of 11<sup>th</sup> June 2014. It was an application for an amended scheme to construct two semi-detached dwellinghouses (after demolition of an existing building) that followed a previous refusal in April 2014 for a similar proposal; that earlier scheme (ref 14/00136/FUL) was refused on the grounds of its bland and inappropriate appearance that would fail to preserve or enhance the character and appearance of 'Campbell Road' Conservation Area.

The amended (Appeal) scheme was recommended by officers for conditional permission; this recommendation was overturned and refused on the grounds that "*...the proposed dwellings would, by reason of their size and siting, have an overbearing relationship with neighbouring properties to the detriment of the residential amenities of the occupiers and, by reason of their unimaginative appearance as a pastiche, fail to represent an appropriate replacement for the existing building which makes a positive contribution to the character and appearance of the Campbell Road Conservation Area...*".

The Inspector considered the main issues to be:

- (i) the effect of the proposed development on the living conditions of Nos 40, 42 and 44 Campbell Road in respect of outlook and privacy, and
- (ii) whether the proposed development would preserve or enhance the character or appearance of 'Campbell Road' Conservation Area.

### Inspector's views on (i) amenity impact

The Inspector observed that the rear elevations of Nos42 & 44 extend further south than some adjoining properties and there are large single windows on the first floor; at No44, the window serves a main bedroom and viewed from it, the smaller scale/height of the existing building in relation to its surroundings is very apparent. The Inspector took the view that although set back within their plots, the height/bulk of the proposed dwellings would appear significantly more overbearing and prominent than the existing building and be particularly noticeable to the occupiers of Nos42 & 44, from the first floor rear bedrooms and to some extent from their gardens.

In respect of privacy, the Inspector held there is often mutual overlooking in residential areas and noted some disagreement over the separation distances between the north elevation of the proposed dwellings and the rear elevation of Nos42 & 44. However, the rear bedroom windows of the proposed dwellings would face directly towards the large rear bedroom windows of Nos42 & 44 and given that they are not overlooked by existing properties in such a direct manner, the appeal scheme would lead to a strong perception of a loss of privacy disturbing to the occupiers of Nos42 & 44.

In relation to No40, separated only by a 1-metre wall, clear views from the garden of the proposed dwelling (west side) of the appeal site into the adjoining garden would be possible. However, appropriate boundary treatment could be required by a suitably worded condition, had the proposal been acceptable in other respects.

The Inspector concluded that the proposed development would cause harm to the living conditions of the occupiers of Nos42 & 44 in respect of outlook and privacy, in conflict with Policy PCS23 and the provisions of the NPPF, which require development to provide a good standard of amenity for all existing and future occupants of land and buildings.

### Inspector's views on (ii) conservation area impact

The Inspector commented that the front elevations of the proposed dwellings would be greater in height/scale than the existing building and the garage to the west but, nevertheless, would be similar to other dwellings in the street. The proposal would therefore not be significantly at odds with the general pattern of development on Inglis Road and incorporate features from nearby properties (including No20, next door) in respect of double height bays, the design of the doors and other detailing. The materials would match those of the surrounding residential properties and would retain the strong building line within the street. The Inspector took the view that the proposal would be sympathetic to the character and appearance of its surroundings. It would also respect the residential character of the area, which is part of the Conservation Area's distinctiveness and significance as a heritage asset. The Inspector concluded it would preserve the character and appearance of 'Campbell Road' Conservation Area.

Appeal dismissed (on the grounds of amenity impact only).

Award of costs sought by the appellant

In respect of whether the proposed development would preserve or enhance the character and appearance of 'Campbell Road' Conservation Area, the Inspector found against the Council. The Council believed that the scheme would fail to represent an appropriate replacement for an existing building that made a positive contribution to the character and appearance of the area. However, in failing to substantiate their reasons, the Inspector found the Council to have behaved unreasonably and the costs incurred addressing this issue to represent unnecessary expense. A partial award of costs was made to the appellant.

**4. Reasons for recommendations**

For information to the Planning Committee

**5. Equality impact assessment (EIA)**

None.

**6. Legal services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

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Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Application file ref: 14/00480/FUL	
PINS ref: APP/Z1775/A/14/2221079	