

Agenda item: **Decision maker:** Planning Committee**Subject:** Appeal decision at 30 Goodwood 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, which was allowed.

2. Recommendation

That the report is noted.

3. Background

A retrospective planning application (ref 14/00938/PLAREG) was considered at the Planning Committee meeting of 29th October 2014 for the conversion of an existing workshop to form a dwellinghouse; external alterations to include construction of new roof, installation of new windows and doors, cycle and refuse stores (resubmission of 14/00101/FUL).

The proposal was recommended by officers for conditional permission but was refused on the following two reasons:

In the opinion of the Local Planning Authority the proposed parking and access arrangements are unacceptable and would result in vehicles reversing onto and across the highway in a manner that would be likely to cause a conflict of traffic movements along Goodwood Road resulting in additional hazard and inconvenience all users of the highway and to the detriment of highway safety. The proposal is therefore contrary to policies PCS17 and PCS23 of the Portsmouth Plan.

In the opinion of the Local Planning Authority the proposed residential use would, by reason of an increased level of overlooking, increased activity in the evening and at weekends, odour and nuisance from the siting of the proposed refuse storage facilities and potential increased fear of crime and anti-social behaviour to the occupiers of number 28 Goodwood Road, have an unacceptable impact on the living conditions of the occupiers of neighbouring

properties. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.

The Inspector considered the main issues in the appeal to be the effect of the proposed development on:

- (i) the living conditions of the occupiers of 28 Goodwood Road in terms of overlooking, noise and disturbance, odour and the fear of crime and anti-social behaviour
- (ii) Highway safety in terms of parking provision and access

Inspector's views on (i) the living conditions of 28 Goodwood Road

The Inspector noted that the appeal premises, at the rear of Nos26 and 28 Goodwood Road, comprise a two-storey flat-roofed building accessed by a driveway to the north of No28. The last lawful use of the building was as a builder's yard/workshop, although unoccupied for a number of years. Internal and external works have been carried out without planning permission, including re-roofing and alterations to existing openings. Although the building is substantially complete, no bathroom fittings have been installed. Consequently the building has not been occupied.

The Inspector considered the view from each window and door opening in turn and concluded that the views were limited and oblique towards No28 and that such views are not unusual in dense urban areas. Two first floor openings which would serve a bathroom and en-suite shower room are already obscure glazed. A condition could ensure that this is retained and that the windows be non-opening to a height of at least 1.7 metres above finished floor level. The Inspector noted that the lawful use of the appeal building would have allowed a degree of overlooking and the perception of overlooking in this dense area is to be expected to some extent and would not be dissimilar to the views between front windows across Goodwood Road. This would not warrant requiring the window to 'bedroom 2' to be obscure glazed and non-opening to a height of 1.7 metres.

Considering noise and disturbance, the Inspector noted that the proposal would introduce a residential use in a residential area and, despite the location of the appeal building behind the existing terraced house at No28, such activity would not be out of place. Use of the access to the north of No28 for parking would extend only slightly beyond the rear elevation of No28 and the flank wall facing the access does not include any windows. Neighbours of the unused site are likely to have become used to a lack of activity at the rear, although there would be traffic movements on the road at the front. In this context the Inspector considered that the proposal would not generate sufficient additional noise and disturbance to justify dismissing the appeal. Indeed, he considered that a return to the lawful use of the site, however unlikely, would also introduce a level of additional noise and disturbance.

On the issue of odour, the Inspector noted that the area comprises small terraced houses many of which have no rear access. Consequently bins are

difficult to site away from neighbours. A bin store is shown on the application drawing adjacent to the boundary wall with No28. Although the Council maintained that there would be odour from the bins on the appeal site, particularly in periods of prolonged warm weather, the Inspector concluded that there is little evidence that odour from bins is a problem in the area. He considered that the provision of a bin store would assist in preventing any nuisance from odour and noted the appellant's willingness to site the bins and bin store away from No28 adjacent to the electricity sub-station that adjoins the site to the north and this could be required by condition. With this safeguard there would be no material nuisance from odour.

With respect to the Council's concerns about the potential increased fear of crime and anti-social behaviour that may be experienced by the occupiers of No28 Goodwood Road, the Inspector noted that timber planters and a pedestrian gate are proposed to be set back around 11½ metres from the footway to allow two cars to park. Whilst this would be safer in highway terms than parking on the road whilst a gate is opened, concern has been expressed that the setback would allow the wall bounding the rear yard of No28 to be climbed making the rear of No28 vulnerable to crime and anti-social behaviour. Although the setback would expose the boundary wall of No28, it would be in sight from the footway. In addition, the building on the appeal site would be occupied providing a level of surveillance. The Inspector concluded that this is likely to be more of a deterrent than a building in commercial use that could have tools, materials or money on the site which might be a target for criminals. There would, therefore, be no significant impact in terms of crime and anti-social behaviour.

The Inspector concluded that none of the matters raised would have a significant impact on the living conditions of the occupiers of No28 Goodwood Road in terms of overlooking, noise and disturbance, odour, or the fear of crime and anti-social behaviour. The proposal would, therefore, comply with the aims of Policy PCS23 of the Portsmouth Plan (PP).

Inspector's views on (ii) highway safety

The Councils expected parking standard of 1.5 car parking spaces and two cycle spaces for a two-bedroom dwelling would be met by the proposal. Whilst the road is one way north for cars, cycles and pedestrians travel in both directions. Regardless of whether cars enter the site forwards or backwards, visibility at the access, which is on a bend, is constrained by tall walls not in the appellant's ownership. However, the road is subject to a 20 mph speed limit and the Council's highways engineer states that the proposed use as a dwelling would generate less traffic movements than the lawful use of the site. On that basis the engineer raised no objection to the proposal and the Inspector saw no reason to disagree. The conversion would meet the objectives of PP Policies PCS17 and PCS23.

Appeal allowed, subject to conditions.

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: 14/00938/PLAREG	
PINS ref: APP/Z1775/W/14/3000995	