

Decision maker: Planning Committee

Subject: Appeal decision at 591 London Road, Hilsea

Report by: Claire Upton-Brown
Assistant Director Culture and City Development

Ward affected: Hilsea

1. Purpose of report

To advise the Committee of the outcome of the appeal.

2. Recommendations

That the report is noted.

3. Background

An application for the change of use of No591 London Road from a dwellinghouse to an office within Class B1(a) of the Use Classes Order was refused permission under delegated powers on 20 January 2015.

The reason for refusal was as follows;-

"The proposal would lead to the undesirable and inappropriate loss of a family home, which is not considered to achieve sustainable development and would be contrary to the aims and objectives of paragraphs 17 and 50 of the NPPF, policies PCS10 and PCS18 of the Portsmouth Plan and recent government initiatives which seek to increase the supply of dwellings, and likely to give rise to localised noise and general disturbance by manoeuvring of vehicles into and out of the three 'tandem' parking spaces necessary to serve an office use contrary to policy PCS23 of the Portsmouth Plan to the detriment of amenity and enjoyment of a good standard of living environment for neighbouring occupiers."

The applicant lodged an appeal against that decision and, on 3 August 2015 the Inspector issued his decision letter upholding the appeal and granting conditional permission.

In reaching his decision the Inspector considered that the main issues were the effect of the proposed development on the supply of family

housing within Portsmouth and the effect on the living conditions of nearby residents, with particular reference to noise and disturbance.

The Inspector noted that the property comprised a large four bedroom detached house, and that the percentage of four bedroom homes in Portsmouth falls below both the national and regional average and acknowledged that new developments are failing to meet the Council's target in respect of the provision of family housing. The Inspector also acknowledged the thrust of National and Local Policies to achieve new housing. Nonetheless, the Inspector found that there are no specific policies, either within the Framework or Core Strategy that would preclude a residential dwelling being converted to an office.

Although noting the potential cumulative impact of such a proposal on current housing stock, the Inspector opined that as a result of the higher land values that are normally associated with residential use it is very unlikely that the proposal would set a precedent. He also noted that the building could easily revert back to residential use in the future.

Whilst the Inspector was of the view that the property would provide suitable living accommodation, notwithstanding its close-knit relationship with adjoining properties and proximity to a main road, the quality of the residential accommodation was not a key determining factor.

In terms of the impact of the proposed use on residential amenity the Inspector noted the relationship of the site to other properties, notably the adjoining day nursery, and comparatively high ambient noise levels. He considered that the level of activity associated with the proposed use, in particular vehicle movements, and the likely hours of operation were such that the living conditions of the adjoining residential properties would not be harmed.

The Inspector had regard to the issues raised by local residents and Councillors, and noted the comments that other office space was available in the city. However, he concluded that those issues were not sufficient to outweigh his conclusions on the principal matters.

In upholding the appeal the Inspector imposed the following conditions:-

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3215-001 Rev B, 002 and 3215-004 Rev B.

3) The parking spaces shown and highlighted in red on the approved plan 3215-004 Rev B shall be used for no other purpose than vehicular parking by staff and customers of the development hereby permitted.

4) Prior to the building being occupied as a Class B1a use bicycle storage facilities shall be laid out within the site in accordance with the approved plan 3215-004 Rev B for 6 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.

Concluding remarks

In making the original decision to refuse permission it must be recognised that the issues in this case were finely balanced, given the general thrust of the NPPF and Core Strategy to promote new housing and the desirability where possible to retain existing family housing stock. In reaching his decision the Inspector placed significant weight on the absence of specific policy guidance within the NPPF or the Core Strategy aimed at protecting existing family houses. The Inspector also considered that vehicular activity at the rear would not adversely affect the living conditions of adjoining occupiers.

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.

.....

Signed by: