

Appeal Decision

Site visit made on 15 November 2016

by J Dowling BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st December 2016

Appeal Ref: APP/Z1775/W/16/3154106

15 London Road, Hilsea, Portsmouth PO2 0BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M N Ahmed against the decision of Portsmouth City Council.
 - The application Ref 16/00444/FUL, dated 17 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is conversion of existing first floor office/storage to form a one bed flat to include first floor rear extension, formation of balcony with metal balustrading with access from London Road (amended proposal following refusal of 15/02005/FUL).
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Decision

1. This appeal is allowed and planning permission is granted for the conversion of the existing first floor office/storage to form a one bed flat to include first floor rear extension, formation of balcony with metal balustrading with access from London Road (amended proposal following refusal of 15/02005/FUL) at 15 London Road, Hilsea, Portsmouth PO2 0BQ in accordance with the terms of the application, REF 16/00444/FUL, dated 17 March 2016, subject to the following conditions:
 - 1) The development hereby approved shall be begun before the expiration of 3 years from the date of this planning permission.
 - 2) The development hereby approved shall be carried out in accordance with the following approved drawings: site location plan and 8341-01 rev B.
 - 3) Before the development hereby permitted is commenced details of the proposed southern elevation and the location and design of the eastern balcony balustrading shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Procedural Matter

2. The description of development on the planning application form stated that the access for the new unit would be from London Road and Pitcroft Lane. However, in subsequent correspondence the appellant has confirmed that access would only be from London Road and this was confirmed at my site visit I have amended the banner heading accordingly.
 3. In their appeal statement the Council advised that with regards to the Solent Special Protection Areas the appellant had paid the Habitats Mitigation
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Contribution and completed the relevant paperwork and as a consequence they considered that their second reason for refusal had been overcome. In light of all I have read and seen I have no reason to disagree with this position and have revised the main issues to reflect this.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property.

Reasons

5. Policy PCS23 of the Portsmouth Plan: Portsmouth's Core Strategy (2012) (the Core Strategy) requires new development to be well designed and to respect the character of the city and in particular to be of appropriate appearance and materials in relation to the particular context. This reflects the National Planning Policy Framework (the Framework) which advocates that development should reflect the identity of local surroundings¹ and development of poor design which fails to improve the character and quality of an area should be refused²
6. 15 London Road is a two storey mid terraced flat roofed property that consists of a retail unit at ground floor with ancillary storage/office accommodation at first floor. The first floor accommodation is currently accessed via the roof of the existing ground floor rear extension. The property is located within a small parade of shops which forms part of the North End District Centre.
7. I observed at my site visit that the adjoining properties are of variety of different ages and architectural styles. Over time it appears that these buildings have been extended and altered to varying degrees and as a result there is a variety of different roof forms and no consistent building style at the rear of the property.
8. The Council consider that due to the expanse of flat roof the extension would appear as bulky and disproportionately large but that this could potentially be addressed through the use of a dummy pitch. Whilst, I agree, that the use of a dummy pitch could potentially result in a better design solution this is not the scheme before me.
9. The scheme before me would have a flat roof which would reflect and respect the design of the existing property. Given the tight urban grain of the area, views of the proposed extension would be restricted and as a consequence I consider that the bulk of the proposal would be seen in the context of a range of differing rearward projections and alterations and would therefore not appear out of character. To conclude, I consider that the proposal would reflect and respect the character and appearance of the host building and the surrounding area in accordance with policy PCS23 and the Framework.

Other matters

10. Local residents advocated that the appellant did not have a right of way over Pitcroft Lane. Access to the proposed flat would be via the existing covered alleyway between the Tap pub and No 15 from London Road. Evidence was

¹ Paragraph 58 of the National Planning Policy Framework (2012)

² Paragraph 64 of the National Planning Policy Framework (2012)

submitted with the appeal confirming that the appellant has a right of access via this footway and I have determined the appeal on this basis.

11. The Council consider that the proposal would comply with the relevant standards and has been designed in such a way that the living conditions of future occupants of the building and existing adjoining properties would not be adversely affected. I have no reason to disagree with this position.

Conditions

12. Paragraph 206 of the Framework sets out a number of tests that conditions need to meet. I have considered the conditions suggested by the Council against paragraph 206 and adjusted their wording where necessary in the interests of clarity. In addition to the standard time limit, for the avoidance of doubt and in the interests of proper planning I have included a condition that requires the development to be carried out in accordance with the approved plans.
13. The plans submitted with the appeal did not include details of the proposed southern elevation or the rear (eastern) balcony detail. The proposed southern elevation would duplicate the proposed northern elevation and the proposed eastern balcony would be of the same design as the front (western) for which details have been submitted. As a result I am satisfied that I have sufficient information in order to determine the appeal. However, in the interests of proper planning I consider it is necessary that these details be provided and approved and have attached a condition requiring their submission.

Conclusion

14. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

Jo Dowling

INSPECTOR