

Appeal Decision

Site visit made on 23 February 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 17 March 2017

Appeal Ref: APP/Z1775/W/16/3161694

Flat 102A, Fawcett Road, Southsea PO4 0DN

- 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 S Coulter against the decision of Portsmouth City Council.
 - The application Ref 16/01115/FUL, dated 29 June 2016, was refused by notice dated 25 August 2016.
 - The development proposed is the construction of a mansard roof to form one 2-bedroomed flat.
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Procedural matters

1. As well as showing the proposed mansard the drawings submitted with the appeal also included other alterations such as changes to the ground floor elevations and the rear garage, and the introduction of further flats into the existing building. However I have assessed the appeal on the understanding that it solely concerns the construction of the mansard to form a further flat, and any other changes are not part of the scheme before me.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are
 - a) the effect of the scheme on the character and appearance of the area;
 - b) its impact on highway safety and the aims of sustainable travel;
 - c) its effect on the living conditions of future occupiers and neighbouring residents and
 - d) whether it would result in adverse effects on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas (the SPAs).

Reasons

Character and appearance

4. This site is at the junction of Fawcett Road and Lawson Road. Along the latter are terraces of houses from the late 19th or early 20th Centuries that are of a relatively uniform height and scale. Fawcett Road though is more diverse. It too is lined by terraces of a similar age to those on Lawson Road, but these properties have been much altered over time. Despite this though they nonetheless maintain a generally consistent style, scale and form that give the
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streetscape a certain cohesion and rhythm. Whilst there are some buildings on Fawcett Road that are taller, the effect of these is not sufficient to erode the overall character of the street.

5. The appeal property is one such building that departs from the character of these 2 roads, being relatively modern and having a flat roof with a parapet. It is primarily 2 storeys high although it has a lower garage element on its Lawson Street frontage. Whilst its overall height is below the ridges of the adjoining terraces, its parapet is higher than their eaves levels. Moreover, its windows give its elevations a pronounced horizontal emphasis. Despite those discrepancies, its limited height serves to restrict the disruption it causes to the streetscapes of which it is a part.
6. The proposal would add a mansard onto the flat roofed, 2-storey section of the building, and to my mind such a treatment is appreciably at odds with the traditional pattern of built form around. Moreover, the resultant building would be notably taller than the ridge heights of the adjacent terraces and this would result in prominent, stark gables being visible. When taken together these factors would mean the work would be discordant and alien within Lawson Road and Fawcett Road, appearing unduly dominant and conflicting sharply with their respective characters.
7. In coming to this view I have noted the Appellant's contentions that the width of the building and its corner location justify its increased height, while he has added that taller buildings provide local landmarks. I accept that the taller buildings on Fawcett Road especially are found at corner locations. However, such a siting, even accounting for the building's frontage length, does not offer a basis for accepting an extension of this discordant design and scale.
8. To my mind the width of the door to the refuse store, if it forms part of this scheme, could be widened by condition.
9. Accordingly I conclude the proposal would detract unacceptably from the character and appearance of the area thereby conflicting with Policy PCS23 in *The Portsmouth Plan*, Portsmouth's Core Strategy, which, among other things, requires new development to be of an appropriate appearance in relation to the particular context.

Highway safety

10. The Council's adopted Supplementary Planning Document *Parking Standards and Transport Assessments* (the SPD) expects 1.5 parking spaces and 2 cycle storage spaces in connection with the development.
11. Off-street parking in this area is extremely limited, and none would be provided for the new unit. As a result, any additional demands would have to be satisfied by kerbside parking and would be subject to the various restrictions in place. However, the site is in a highly sustainable location close to shops, services, employment opportunities and public transport routes. There is therefore a strong likelihood that the proposal would appeal to those who did not own a car and so would promote the use of alternative transport methods. As a result, the scheme would not place an undue additional pressure on parking resources in the area.

12. No storage for bicycles has been shown. However, the Appellant contended they could be accommodated in the foyer and based on the submitted plans I consider that would appear to be a practicable solution.
13. Accordingly I conclude the development would not result in a detrimental effect on highway safety or the aims of sustainable travel, and so would not conflict with *The Portsmouth Plan* Policies PCS17 and PCS23, which seek to ensure secure and well-designed parking and cycle storage, and promote the need to reduce travel, while any conflict with the SPD would not be sufficient to warrant refusal in these circumstances.

Living conditions

14. The *National Planning Policy Framework* (the Framework) identifies as a core planning principle the need to seek a good standard of amenity for all existing residents and future occupiers. This is reflected in Policy PCS23 in *The Portsmouth Plan*, which states among other things that amenity should be protected and a good standard of living environment provided for local occupiers and future residents.
15. The proposed flat would be served only by rooflights in the mansard slope, but this need not be unacceptable if they were low enough to provide a suitable outlook. The Council has said this would not be the case and they would be too high, but the Appellant has said the bases of the rooflights would be about 1m above the finished floor level.
16. I have no sections through the proposed building to clarify the situation and, assuming the parapet to be of some depth, I would anticipate their height would in fact be greater. However, if the bottom of each rooflight was in fact only 1m above floor level, as contested by the Appellant, I consider they would provide future occupiers with a suitable outlook and appropriate living conditions.
17. Turning to the effect on local residents in the Officer report (but not in the decision notice) a concern was raised by the Council that the proposed window on the north elevation could be unneighbourly as it would result in actual and perceived overlooking. However, the plans show a first floor balcony on that elevation already and I am aware that this new window would be well above ground level in an area of tight development, thereby having restricted views. Moreover, it would not be often used to provide outlook as it would be serving only a landing and, if justified, it could be fitted with obscured glazing. Therefore I consider its effect on neighbouring occupiers in relation to actual and perceived loss of privacy would not be unacceptable.
18. It was also contended that the increased parking pressure in an area where demand is so great would be to the detriment of local residents, presumably because they would have greater difficulties searching for somewhere to park. However, as I have found the scheme would not have a significant effect on parking pressures due to its proximity to services, public transport and so on, to my mind its impact in this regard would not have an appreciable or material impact on the living conditions of existing residents.
19. Accordingly I conclude that the proposal would not result in unacceptable living conditions for future occupiers or adjacent residents, and so would not conflict with *The Portsmouth Plan* Policy PCS23 or the Framework.

The effect on the SPAs

20. *The Portsmouth Plan* Policy PCS13 says applications will be refused that are likely to have an adverse effect on the SPAs. In my opinion unless suitable mitigation was put in place this further unit could have such an impact as a result of increasing the potential number of visitors to the areas that make up the SPAs.
21. This has not been contested by the Appellant who expressed a willingness to make the necessary financial contribution to the Council to secure mitigation. However, despite saying a Unilateral Undertaking would be submitted to facilitate this no such legal agreement has been forthcoming. There is therefore no mechanism before me to ensure any suitable mitigation occurs.
22. Accordingly I conclude the development would have an adverse effect on the SPAs in conflict with Policy PCS13 in *The Portsmouth Plan*.

Other considerations

23. The Appellant has said this would be a much-needed unit of accommodation. There is no evidence to substantiate that claim though, and in any event even if there was a need the benefit from the provision of a single unit would be moderate. Consequently the weight afforded to this is not sufficient to mean the scheme should not be determined in accordance with the development plan.

Conclusions

24. I have found the scheme would not adversely affect highway safety or create unreasonable living conditions. However, it would cause harm to the character and appearance of the area and the SPAs, and to my mind the adverse effects from these issues are sufficient to mean that the proposal would conflict with the development plan when taken as a whole. In the absence of any material considerations to indicate otherwise, I therefore conclude the appeal should be dismissed.

J P Sargent

INSPECTOR