
Appeal Decision

Site visit made on 18 April 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 9th May 2017

Appeal Ref: APP/Z1775/W/16/3166153

165 Francis Avenue, Central Southsea PO4 0EP

- 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 Miss Kimberley State against the decision of Portsmouth City Council.
 - The application Ref 16/00661/FUL, dated 23 April 2016, was refused by notice dated 6 July 2016.
 - The development proposed is change of use to make basement an independent dwelling. Also a new flat roof to existing rear extension/conservatory.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed change of use to make the basement an independent dwelling.
2. The appeal is allowed insofar as it relates to a new roof to the existing rear conservatory and planning permission is granted for a new flat roof to existing rear extension/conservatory at 165A Francis Avenue, Southsea PO4 0EP in accordance with the terms of the application, Ref 16/00661/FUL, dated 23 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan and unreferenced drawing entitled 'existing and proposed drawings' (new roof to existing rear extension/conservatory only).

Procedural Matters

3. For the reasons that follow, I find the new roof to the rear conservatory to be acceptable and clearly severable both physically and functionally from the proposed basement flat. Therefore, I intend to issue a split decision in this case and grant planning permission in respect of the new roof.
 4. The address in the banner heading is taken from the application form. However, in my formal decision I have used the address from the Council's decision, in the interests of accuracy. The same address is used by the appellant on the appeal form.
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Main Issues

5. The main issues in this appeal are:

- Whether the proposed flat would provide adequate living conditions for the future occupiers, having regard to outlook, light and ventilation.
- The effect of the proposed new roof to the rear conservatory on the character and appearance of the area.

Reasons

Living conditions of future occupiers

6. The appeal property is arranged over ground floor and basement levels and is situated in the middle of a terrace. It is proposed to subdivide the property to provide one bedroomed accommodation in the basement. Entrance to the new flat would be obtained via an existing door in the front elevation, which is reached via a flight of external steps.
7. The new flat would have its natural light and ventilation provided by two existing windows and a fully glazed entrance door in the front elevation. In my view, the windows and door provide a reasonably sized glazed area, having regard to the proposed open plan layout of the new flat. The submitted evidence indicates that natural light levels in the new flat would not be dissimilar to levels enjoyed in the ground floor rooms of the existing property. Both windows have unrestricted opening. A reasonable degree of natural ventilation would therefore be provided by the existing windows. Consequently, the new flat would not compare with the appeal decision referred to¹ in terms of levels of natural light and natural ventilation. Additional mechanical ventilation for the proposed kitchen area is already in situ.
8. Nevertheless, the windows and door provide the new flat with only a single aspect, which is situated in a narrow light well below the level of the adjacent street. Therefore, the outlook available from the windows and door would largely be restricted to the external steps and retaining walls immediately in front. There would be no direct outlook from the new flat over the space in front of the property or to the street beyond. This would not compare favourably with the more expansive outlook enjoyed from rooms at ground floor level in the property and the levels of outlook generally enjoyed by properties elsewhere in the locality. To my mind, such a restrictive outlook would result in the future occupiers experiencing an unduly oppressive and unrelieved sense of enclosure within the new flat, which would be unacceptably harmful to their living conditions. Adding plants or containers to the light well or at street level would not significantly improve the level of outlook for the future occupiers. Similarly, whilst the future occupiers might have access to the space in front of the appeal property, it would not compensate for the restrictive outlook in the new flat.
9. I have been provided with some details of a basement flat permitted by the Council at 23A Hampshire Terrace². However, I observed that the basement level in that case is significantly higher in relation to the level of the street and

¹ Reference APP/Z1775/W/16/3143051.

² Council Reference A*20623/AB.

the flat looks out towards a front boundary consisting of railings. Consequently, notwithstanding its solid front door the flat at 23A has a more open outlook from the front than the new flat would offer. Moreover, the flat at 23A was approved almost twenty years ago, when the Council's Development Plan policies would have been different. Accordingly, based on the limited information I have been provided, I find that the flat at 23A is not directly comparable with the new flat. Whilst comparisons have also been drawn with other basement flats, in the absence of details I have been unable to consider any similarities with the new flat.

10. Therefore, the new flat would not accord with the final bullet point of Policy PCS23 of the adopted Portsmouth Plan Core Strategy, as it would not provide a good standard of living environment for future occupiers. The failure to provide a good standard of amenity for the future occupiers would also be inconsistent with one of the core planning principles at paragraph 17 of the National Planning Policy Framework.

Character and appearance

11. The new roof to the conservatory at the rear of the property would be a small-scale addition, not dissimilar to the roof forms of extensions to adjacent buildings and it would be open to limited public views. Therefore, the new roof would not be at odds with the character and appearance of the building or its surroundings. The Council did not object to the new roof and I have not found any reason to disagree with their conclusions.

Other matters

12. The appellant has made a financial contribution accompanied by an agreement under Section 111 of the Local Government Act 1972 towards habitat mitigation within the Solent Special Protection Areas (SPA), as required by the Council's adopted Solent SPA Supplementary Planning Document. However, it is not necessary to examine this matter in detail, given that the new flat is unacceptable for other reasons.

Conditions

13. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans in the interests of certainty.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed insofar as it relates to the proposed new flat and allowed insofar as it relates to the proposed new roof to the existing conservatory.

Stephen Hawkins

INSPECTOR