
Appeal Decision

Site visit made on 2 May 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/Z1775/W/16/3165652
200 Kingston Road, Portsmouth PO2 7LR

- 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 P Shirlaw against the decision of Portsmouth City Council.
 - The application Ref 16/01282/FUL, dated 28 July 2016, was refused by notice dated 10 October 2016.
 - The development proposed is the construction of an extension to a first floor studio flat.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since the refusal of the appeal application, the Council has granted planning permission (Ref; 16/02091/FUL) for an extension to the property to create a larger one bedroom flat. Work had commenced on the implementation of this permission at the time of my visit. I shall refer to this below.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the living conditions of the occupiers of the neighbouring property at 202 Kingston Road, with particular regard to outlook and visual impact and privacy, and
 - ii) whether the proposal would provide satisfactory living conditions for the occupiers of the accommodation, with particular regard to the suitability of internal space.

Reasons

Living conditions - neighbours

4. At the rear of 200 Kingston Road is a narrow two-storey addition which lies about 3m from the boundary with 202 Kingston Road. It is proposed to add an extension to it which would infill the gap between the rear addition and the building at 1 Powerscourt Road, but would also be extended to the boundary with 202 Kingston Road.
 5. The extension would have a bedroom window on the boundary with No 202. It would be at an angle to the bedroom window in the rearmost part of No 202, but it would be so near, at about just over 7m, that it would provide close and
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unneighbourly views into that window. The proposed new window would also be somewhat higher than the neighbouring window, and this would increase the ability to look down into the room. Contrary to the appellant's assertion, it would not be necessary to lean out of the window to gain invasive views; anyone standing at the window would be able to look down into the bedroom at the rear of No 202 with relative ease.

6. I consider that this would result in material harm to the living conditions of the occupiers of 202 Kingston Road, contrary to the aim of Policy PCS23 of the Portsmouth Plan, which includes a criterion that development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
7. In terms of outlook and visual impact, I recognise that the area is densely developed and that the current outlook from the most rearward window in No 202 is towards a blank end elevation of 1 Powerscourt Road and its roof, which are seen at a fairly close distance. Even so, the proposal would be higher and closer, and would make the outlook from rear facing windows in No 202 claustrophobic and oppressive. I find that this too would result in material harm to the occupiers of No 202.
8. Although the small rear garden of No 202 does not appear to be used as such, it may be used in the future, and the extension would loom over it, creating a dominating and oppressive feature. This adds to the harm that I have found.
9. I have had regard to the extension permitted by the Council, to which I have referred above, but this does not extend towards the boundary of No 202, and therefore its impact is materially different, and less harmful.
10. I therefore conclude on the first main issue that the proposal would result in material harm to the living conditions of the occupiers of 202 Kingston Road, with particular regard to outlook and visual impact and privacy. It would conflict with Policy PCS23 referred to above.

Living conditions – occupiers

11. The proposal would involve the reconfiguration of a flat with a small studio room, a kitchen and a shower room to one with two bedrooms, a kitchen/living room and a WC. The existing flat was converted from an office under permitted development rights, and thus the merits of the adequacy of the internal space available for occupiers were not considered.
12. Policy PCS19 of the Portsmouth Plan says that all new development and housing conversions should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate, and other than in exceptional circumstances where it can be shown that the standards are not practicable or viable, all new dwellings and conversions should meet Portsmouth City Council minimum space standards for internal floorspace.
13. Since the adoption of the plan, the Government has published its *Technical Housing Standards – nationally described space standard* which is aimed at replacing all local standards. The standard deals with internal space within new dwellings, which this is not, and therefore it is not directly applicable. However, as Policy PCS19 applies to all new development, not just new

dwellings, the national standard is a useful yardstick when assessing whether occupiers would be provided with suitable living conditions

14. The Government's standard for a 3 person 2-bedroom flat is 61 sq.m., whilst the total floorspace proposed would be some 42 sq.m, 19 sq.m. below the standard. In particular, the second bedroom, at 8 sq.m, would be very small, and in my view, would not provide a suitable standard of accommodation. The previous flat had a shortfall of only 13 sq.m., and thus the proposal would create an even greater shortfall and worsen occupiers' living conditions. The approved scheme in comparison would reduce the internal space shortfall to about 6.5 sq.m, which would be an improvement on the original position.
15. I therefore conclude that the proposal would fail to provide satisfactory living conditions for occupiers of the proposed accommodation with regard to the suitability of internal floorspace, and would conflict with Policy PSC19.

Other matters

16. The proposal would bring with it benefits in providing additional accommodation and in making an efficient use of land, but these benefits are heavily outweighed by the harm that I have found.
17. I have noted the neighbour's concerns about rights of access, but these are private matters between the parties concerned, and they are not planning issues that affect the outcome of the appeal.

Conclusion

18. The proposal would conflict with the development plan as a whole and I conclude, for the reasons given above, that the appeal should be dismissed.

JP Roberts

INSPECTOR