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## Appeal Decision

Site visit made on 21 August 2017

**by Jonathan Manning BSc (Hons) MA MRTPI**

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

**Decision date: 29 August 2017**

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**Appeal Ref: APP/Z1775/D/17/3177742**  
**57 Eastern Parade, Southsea, PO4 9RE**

- 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 & Mrs Barlow against the decision of Portsmouth City Council.
  - The application Ref 17/00181/HOU, dated 3 February 2017, was refused by notice dated 4 May 2017.
  - The development proposed is construction of new roof extension, including front gable with balcony, dormers to east roofslope, gable to north elevation and alterations to chimneys. Construction of basement/lightwells and part single/part two-storey side extension to east elevation to include balcony to first floor; external alterations to doors and windows, including replacement bay to south elevation; glazed entrance canopy; new entrance gates up to 1.75m high & 0.3m high trellis above existing walls; raised decking to form terrace; replacement garden shed and formation of dropped kerb access onto Selsey Avenue.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of new roof extension, including front gable with balcony, dormers to east roofslope, gable to north elevation and alterations to chimneys. Construction of basement/lightwells and part single/part two-storey side extension to east elevation to include balcony to first floor; external alterations to doors and windows, including replacement bay to south elevation; glazed entrance canopy; new entrance gates up to 1.75m high & 0.3m high trellis above existing walls; raised decking to form terrace; replacement garden shed and formation of dropped kerb access onto Selsey Avenue, at 57 Eastern Parade, Southsea, PO4 9RE, in accordance with the terms of application ref: 17/00181/HOU, dated 3 February 2017, subject to the planning conditions in the attached schedule.

### Procedural Matter

2. It has been suggested that the proposal represents a complete re-build rather than alterations to the existing building. However, there is no evidence before me to suggest that large parts of the existing building will not be retained.

### Main Issue

3. The main issue of the appeal is whether the proposal would preserve or enhance the character or appearance of the Craneswater and Eastern Parade Conservation Area and the setting of the Seafront and Eastney Barracks Conservation Areas.

## Reasons

### *Character and appearance*

4. The appeal site is located on a prominent corner position along Eastern Parade and accommodates a two-storey detached property. The existing property dates from the 1920s and has a brick plinth with white render and a red tiled hipped and cat slide roof. The appeal site lies within the Craneswater and Eastern Parade Conservation Area, which is a largely residential area. The Craneswater & Eastern Parade, Southsea, Conservation Area No. 29, Guidelines for Conservation (December 2005, updated January 2010) (the Conservation Area Guidelines) sets out that *'Buildings in Eastern Parade are predominantly two storey and detached. They are mostly red brick with red clay tiled roofs and a variety of distinctive features such as turrets, gables, bays and chimneys. Most roofs are pitched and there is a varied roofline'*. In addition, I observed that there is a wide range of architectural styles in the area, including a number of contemporary modifications to some properties, including examples of glazed balconies and rooflights.
5. The proposal seeks to alter the existing building through the construction of a roof extension, which includes: a front gable with balcony, dormer windows on the east roof slope, a gable to the north elevation and alterations to the chimneys. The scheme also includes the construction of a basement, lightwells and a part single/part two storey side extension to the east elevation to include a balcony to the first floor. Further, the proposal seeks alterations to the doors and windows, a new entrance gate, a dropped kerb to Selsey Avenue and a raised decking area. It is clear from the drawings that these changes would significantly alter the appearance of the host dwelling.
6. The Conservation Area Guidelines state: *'Extensions will be allowed where they would have a positive visual effect on the existing building or townscape of the conservation area and do not adversely affect neighbouring properties. Where extensions are permitted they should match the existing original property in respect of design, materials and detail. The size of an extension should not overpower the original building. On properties fronting the seafront extensions should respect the height and roof type, extent of plot coverage and the building line of existing properties. In some situations a more contemporary approach to extending a building may be appropriate, subject to satisfactory design, detailing and materials'* (Page 42).
7. The Council has raised particular concern with regard to the height and bulk of the proposal, which it maintains would not respect the design and appearance of surrounding properties. The proposal would result in an increased ridge height of the host dwelling by approximately 1.4 metres, which would add additional bulk to the property. In addition, the part single/part two storey side extension to the east elevation, would also add additional bulk. I acknowledge that the roof heights of the neighbouring dwellings gradually decrease towards the eastern end of the road towards the appeal site and the proposal would be greater in height than its immediate neighbours. However, I observed that there are, nonetheless, other dwellings a very short distance to the west, along Eastern Parade, that are of a similar height and scale to that proposed. I am also mindful that the appeal site benefits from a generous plot size and the building to plot coverage would be similar to its neighbouring properties. It would therefore not appear cramped or out of keeping with the

- pattern or density of development in the immediate area. Further, it would follow the existing building line along Eastern Parade.
8. Given all of this, I consider that the proposed extensions would not overpower the host dwelling. Further and despite the appeal site's prominent corner position, I am of the view that the height and bulk of the scheme would respect the character and appearance of the area and would not appear excessive. Further, I consider that the pitched roof, with gable ends would complement the predominant pitched roof type in the area. As set out above, the Conservation Area Guidelines note that gables are a common feature in the area.
  9. Interested parties have raised concerns with regard to the contemporary architectural style of the scheme, including its proposed powder coated aluminium windows. However, as set out above, there is a wide variation of architectural styles in the surrounding area and there are other examples of contemporary modifications to properties along Eastern Parade. These include similar features, such as balconies and rooflights and I observed that No 51 Eastern Parade has windows of similar appearance to those proposed in this case. The proposed extensions would be finished with elevations of white render above a red brick plinth and beneath a red clay tile roof, which would match the materials of the host dwelling.
  10. As a result, I consider the contemporary architectural style of the scheme, including the northern elevation facing onto Selsey Avenue and the chosen materials would complement the character and appearance of the host dwelling and the surrounding area. The Conservation Area Guidelines also acknowledge that for sea facing properties, in some situations, a more contemporary approach to extending a building may be appropriate.
  11. I consider that the other aspects of the proposed development such as the proposed rear gate, part removal of the boundary wall, decking area, trellis and alterations to the chimney would also be acceptable in terms of the context of the site.
  12. I conclude that the scheme would preserve<sup>1</sup> the character and appearance of the Craneswater and Eastern Parade Conservation Area, and the setting of the Seafront and Eastney Barracks Conservation Areas. Many interested parties have referred to the Conservation Area Guidelines that set out extensions will be allowed where they have a '*positive visual effect on the existing building or townscape of the conservation area*'. However, whilst this guidance carries some weight as a material consideration, it does not form part of the development plan and it is not consistent with the statutory requirement set out by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which relates to the requirement for decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In this case, I have found that the proposal would preserve the character and appearance of the Conservation Area. Further, I consider that the proposal complies with Policy PCS23 of the Portsmouth Plan (2012), which seeks to ensure that development: is well designed and respects the character of the City; and is appropriate in terms of scale, density, layout, appearance and materials, in relation to its particular context. In addition, the

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<sup>1</sup> Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

proposed development complies with the National Planning Policy Framework (the Framework) and the broad aims of the Conservation Area Guidelines.

*Other matters*

13. During my site visit, I visited No 31 Selsey Avenue. The occupants of No 31 and the occupants of other properties within Selsey Avenue have raised particular concerns about the loss of sea views. However, I am mindful that the Government's Planning Practice Guidance<sup>2</sup> sets out that planning is concerned with land use in the public interest and not the protection of purely private interests, which I consider includes private views. I observed that the views from the southern elevation of No 31, including the first floor living room would alter. Notwithstanding this, it was clear that some sea views would still be available and given the separation distance to the appeal site, I am not of the view that the outlook from No 31 or any other property on Selsey Avenue would be unacceptably harmed.
14. An interested party has referred to text within the Conservation Area Guidelines, within their representation, that states that development in Conservation Areas will be permitted where (amongst other things) '*there is no adverse impact on the townscape and roofscape of the conservation area, including the protection of important views within, into and out of the area*'. However, this appears to relate to the text of Policy DC10 of the Portsmouth City Local Plan (2001-2011), which is no longer extant, having been replaced by Policy PCS23 of the Portsmouth Plan (2012). In any event, I am not of the view that such private views fall under those that would have benefited from such policy protection.
15. On a related matter, whilst the scheme would increase the height and bulk of the dwelling, given the separation distance to the properties on Selsey Avenue, it would not, in my view, appear overbearing.
16. The proposal would result in larger windows facing No 31 and its neighbouring properties on Selsey Avenue. Notwithstanding this, I observed that there is already a large degree of mutual overlooking. I am not of the view that the scheme would materially increase the level of overlooking or loss of privacy, beyond that which already exists to No 31 or the other properties within Selsey Avenue.
17. Given the existing relationship and their orientation to each other, despite the proposed increase in height, I am not of the view that there would be any material loss of sunlight or daylight to the eastern elevation of No 55. No 55 and the appeal property are already located in close proximity to each other and in my view, the increase in height would not appear unduly overbearing to the occupants of No 55. The window openings on the proposed west elevation of the dwelling would serve a ground floor cloakroom and a first floor en-suite. A planning condition can be used to ensure that these are fitted with obscure glazing. This would ensure that there would not be any loss of privacy to the occupants of No 55.
18. A local resident has raised concern with regard to the proposed installation of a wood burning stove. There is no evidence before me to suggest that this would result in harm to the living conditions of neighbouring residents. Overall, I am

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<sup>2</sup> Paragraph: 008 Reference ID: 21b-008-20140306.

not of the view that the proposal would result in any unacceptable harm to the living conditions of the occupants of neighbouring properties.

19. I consider that the loss of one on-street parking space as a result of the scheme and the new sliding gate, would not cause any material harm to highway safety. The scheme provides for two off-street parking facilities in accordance with the Council's Parking Supplementary Planning Document. I am also mindful that the Council's Highway Engineer did not raise any concerns in this regard. Turning to a different matter, there is no evidence before me to suggest that the property would be converted to student accommodation.
20. It has been suggested that there is a restrictive covenant affecting the site. However, this is a private civil matter. In addition, the affect that the scheme may have on surrounding property values is also not a material planning consideration.
21. Concerns with regard to precedence have also been raised. However, I have found that the proposal is acceptable in its own right and has been considered on its own merits. Further, any other similar development coming forward would require planning permission and would be considered on its own merits.
22. The fact that details associated with a replacement shed have not been provided has caused concern. However, ancillary structures such as sheds often fall under permitted development rights and therefore I am unable to take this matter any further.

### **Planning Conditions**

23. The Council's appeal questionnaire indicates that no planning conditions are necessary. However, the Council's planning officer's report did include several suggested planning conditions should the planning application had been granted permission by the members of the Council's Planning Committee. I have considered these conditions against the tests set out within the Framework and the advice provided by the Government's Planning Practice Guidance and have amended them where required, without altering the purpose or intent of the condition. As well as the standard time limit condition (1), a condition is necessary to ensure the development is undertaken in accordance with the approved plans to secure certainty (2). To ensure the suitable appearance of the scheme, condition (3) is necessary. Condition (4) is imposed to protect the living conditions of the occupants of No 55.
24. Condition (3) relates to a pre-commencement activity. I am satisfied that the requirement of the condition is necessary to make the development acceptable in planning terms and it would have been otherwise necessary to refuse planning permission.

### **Conclusion**

25. For the reasons set out above and having regard to all other matters raised, including the strong concerns of local residents, the scheme complies with the development plan when taken as a whole and therefore the appeal is allowed.

*Jonathan Manning*

INSPECTOR

## **Schedule of Planning Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the following approved plans: 14.2014.112 P1; 14.2014.111 P3; 14.2014.102 P3; 14.2014.103 P4; 14.2014.104 P4; 14.2014.101 P2; 14.2014.106 P4, 14.2014.109 P1; 14.2014. 107 P1; 14.2014. 108 P1; 14.2014. 105 P1; 14.2014.110 P1; and 14.2014.116 P1.
- 3) No development shall take place until details, including samples where appropriate, of the types and finish of all external materials (to include walls, roofs, windows, doors, rainwater goods and other architectural detailing) to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until the window openings on the west elevation (as shown on Drawing 14.2014.109 P1) have been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be retained in such condition thereafter.