
Appeal Decision

Site visit made on 8 January 2018

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2018

Appeal Ref: APP/Z1775/D/17/3181551
69 Bath Road, Southsea PO4 0HX

- 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 Blackledge against the decision of Portsmouth City Council.
 - The application Ref 17/00782/HOU, dated 3 May 2017, was refused by notice dated 28 June 2017.
 - The development proposed is single storey rear extension and two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension and two storey rear extension at 69 Bath Road, Southsea PO4 0HX in accordance with the terms of the application, Ref 17/00782/HOU, dated 3 May 2017, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale site location plan; 1:500 scale block plan; and 9222.16 Rev A.
 - iii) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The submitted plans, as well as showing the development proposed as set out in the fourth bullet point of the above header, also show a proposed rear dormer extension to the roof. The appellant has clarified that this is proposed to be built as permitted development as it does not need planning permission. The Council does not dispute this and I have no basis to consider otherwise.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of residents of No 71 Bath Road in respect of sunlight and daylight and outlook.

Reasons

Main issue

4. The proposed single storey element of the proposal would extend alongside and to a similar depth as an existing single storey rear extension to No 71 which has a blank side elevation. That element would therefore not materially infringe upon the outlook from and sunlight and daylight to rear facing ground floor rooms of No 71 and would be below the level of the nearest rear first floor window.
5. The proposed first floor element would project beyond the nearest rear first floor elevation of No 71, containing a habitable room window, by approximately 1.5 metres. However, whilst it would be built to the boundary between the two properties, that neighbouring window is set away from the boundary by some degree. Together with the fairly small degree of projection of the proposed two storey element beyond that window, these factors would ensure that the proposed first floor element would only be seen from that window at a significantly oblique angle. Its height above that window would also be fairly small, particularly at its rearmost point due to the slope of the roof.
6. The above factors would ensure that a good degree of outlook would be maintained from that first floor window of No 71 without the likelihood of a significant degree of enclosure. The same factors would also ensure the likelihood of that room concerned retaining exposure to a substantial amount of natural daylight. It is likely that some sunlight would be cut out to that room, particularly in the winter months when the sun is lower. However, due to the modest depth and height of the proposal above the window concerned, this would only be for a fairly short time period each day, and likely to be less so in the summer with the sun higher in the sky. It is therefore unlikely that any loss of sunlight would be to a harmful extent.
7. For the above reasons, the proposed development would not cause unacceptable harm to the living conditions of residents of No 71 in respect of sunlight and daylight and outlook. As such, it would accord with policy PCS23 of the Portsmouth Plan: Portsmouth's Core Strategy which, amongst other things, requires new development to protect amenity and the provision of a good standard of living environment for neighbouring occupiers. It would also accord with the National Planning Policy Framework which in paragraph 17 states that planning should, amongst other things, always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

8. I have had regard to concerns raised by a neighbouring resident relating to the proposed rear dormer extension shown on the submitted plans. The concerns relate to potential disruption to roof tiles and the subsequent risk of water ingress. Notwithstanding that the dormer is not part of the development proposed for the purposes of this appeal as set out in the description of development in the above header, any such issues would be a matter between the parties. I also have no substantive basis to consider that drainage from that extension would be directed onto the neighbouring roof.

9. I have also had regard to a concern of the same neighbour relating to drainage arrangements and the need for clarification of such to ensure that the load on their adjoining conservatory roof is not adversely affected in heavy rain. I have no substantive basis to consider that drainage measures could not be designed to prevent spill from the proposed extension onto the neighbouring property.
10. Concern is also raised about the likely noise and disturbance that would be caused to the neighbouring residents during the construction of the proposal. Whilst it is likely that some degree of noise would be generated during the construction process, it is unlikely that this would be to a harmful degree due to the fairly small scale of the development involved.

Conditions

11. The Council has suggested three conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance. The standard time condition would be necessary and, in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required. In the interests of the character and appearance of the surrounding area, a condition to ensure that the proposed materials relating to external surfaces of the development shall match those used in the existing building would also be necessary.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR