



Appeal Decision

Site visit made on 13 August 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/Z1775/W/19/3230193

29 Marmion Road, Southsea, Portsmouth PO5 2AT

- 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 Sam Arabbetou against the decision of Portsmouth City Council.
 - The application Ref 19/00160/FUL, dated 31 January 2019, was refused by notice dated 24 May 2019.
 - The development proposed is erection of extract ducting on rear elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of an extraction duct to the rear elevation at 29 Marmion Road, Southsea, Portsmouth PO5 2AT, in accordance with the terms of the application, Ref 19/00160/FUL, dated 31 January 2019, 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 Ref 100047474 and Proposed A3 Unit Ref 001A.
 - 3) The extraction duct shall be installed in accordance with the details submitted with the application. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Procedural Issue

2. The description of development on the banner heading above is taken from the application form. In Part E of the appeal form it is confirmed that the description has changed to installation of extraction duct to rear elevation. This is the description used by the Council, and more accurately describes the appeal proposal. I have therefore dealt with my decision on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing building as well as that of the Owen's Southsea Conservation Area no.2 (the Conservation Area).

Reasons

4. The appeal property comprises a reasonably modern, three-storey, pitched roof, end of terrace building, sited on the corner of Marmion Road and Wilton Place. The walls are finished in white render, with reddish brown coloured horizontal cladding at upper floor level on the road facing elevations. The front, rear and west side elevations incorporate first and second floor windows, including a large projecting feature window on each of these walls. The building is not statutorily or locally listed as a building of architectural or historic interest.
5. The ground floor shop unit forms part of the retail frontage of Marmion Road. It is currently vacant and benefits from extant planning permission for use as restaurant and café (Class A3). The first and second floor flats, which form part of Climaur Court, are accessed from the rear of the building, which faces a courtyard and garages, accessed from Wilton Place. The appeal site, neighbouring properties on the north side of Marmion Road and residential properties to the rear in Wilton Place, lie within the Conservation Area.
6. The significance of the Conservation Area derives from its development as a Victorian villa suburb. It is made up of a number of distinct sections of varying character. The Marmion Road area is characterised by a strong commercial presence along Marmion Road with residential uses above and behind the commercial premises. Some original shops and houses have been replaced by a modern supermarket and car park, but there are still some remaining original shopfronts, and specialist shops are characteristic of the retail street.
7. The proposed extraction duct would be narrower in width than the existing north elevation windows and doors. Its straight, vertical, orientation would reflect the vertical emphasis of the existing fenestration. The duct would be positioned to maintain wall space around the existing windows and doors by being sited at least 2 m above ground level and approximately mid-way between the two sets of first and second floor windows. It would have a depth of around 0.5 m and a projection of only about 0.1 m above the roof ridge height. Although utilitarian in design, the proposal would have a powder-coated metal finish that would match the colour of the wall render. The existing window frames and doors are dark, in contrast to the white render. Having regard to these factors, the proposal would sit comfortably on the north elevation without appearing visually intrusive or discordant, and the existing fenestration would remain the dominant visual feature of this wall.
8. Therefore, although the duct would be positioned on the predominantly residential rear elevation of the building, this would accord with the overall mixed commercial and residential use of the building and the character and appearance of this part of the Conservation Area. As such it would not harm the aforementioned significance of the Conservation Area. The proposal would be barely visible in views from Marmion Road, due to its position on the rear elevation, and the proposed small degree of projection above the roof ridge. Although visible from Wilton Place, and from within the courtyard serving Climaur Court, it would not be unduly visually prominent within this part of the Conservation Area due to its proposed design as detailed above.
9. For the above reasons, the proposal would not harm the appearance of the building, nor the character and appearance of the Conservation Area as a whole. As such, the proposal would accord with guidance in the National

Planning Policy Framework (the Framework) and with Policy PCS23 of the Portsmouth Plan, which requires new development to be well-designed and to relate well to the city's conservation areas.

Other Matters

10. Concerns have been raised with respect to odour and noise arising from the appeal proposal. The Council's Environmental Health Team confirmed the proposed extraction duct details submitted with the planning application to be satisfactory with respect to noise and odour emission. Accordingly, these matters did not constitute reasons to refuse the application and I have found no good reasons to conclude otherwise.
11. Concerns have also been raised locally regarding the adequacy of parking and delivery arrangements, provision for waste storage and collection, and noise and disturbance from late-night customers, smokers and delivery lorries. These matters relate to the change of use of the premises, and are not for consideration under this appeal.

Conditions

12. The Council has suggested conditions in the event that I were to grant permission, which I have considered in the light of Paragraph 55 of the Framework and the national Planning Practice Guidance. Where necessary, and in the interests of precision and enforceability, I have modified or deleted some of them. A condition is necessary to list the plans in the interest of certainty, and to ensure that the extraction duct is finished to match the render colour of the wall upon which it is to be mounted to ensure that it harmonises with its context. A condition is also necessary to ensure that the proposal is installed in accordance with the extraction duct details submitted with the planning application, and that the equipment is adequately maintained thereafter, in order to safeguard the residential amenity of the occupiers of the neighbouring residential properties from potential odour and noise impacts.

Conclusion

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

S Leonard

INSPECTOR