



Appeal Decision

Site visit made on 27 July 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 07 August 2020

Appeal Ref: APP/Z1775/W/20/3249247

11-12 South Parade, Southsea PO5 2JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Antoinette Stretton against the decision of Portsmouth City Council.
 - The application Ref 19/01569/MMA, dated 16 October 2019, was refused by notice dated 30 December 2019.
 - The application sought planning permission for 'Construction of dormer windows and balcony to front roof slope and construction of dormer window and installation of rooflights to rear roof slope' without complying with a condition attached to planning permission Ref 18/01404/FUL, dated 21 November 2018.
 - The condition in dispute is No 2 which states that: 'Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings – Drawing numbers: 8783 10 Rev-A and 8783 11 Rev-B'.
 - The reason given for the condition is: 'To ensure the development is implemented in accordance with the permission granted'.
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Decision

1. The appeal is allowed and planning permission granted for construction of dormer windows and balcony to front roof slope and construction of dormer window and installation of rooflights to rear roof slope at 11-12 South Parade, Southsea PO5 2JB, in accordance with the application Ref 19/01569/MMA made on 16 October 2019 without complying with condition No 2 set out in planning permission Ref 18/01404/FUL granted on 21 November 2018 by Portsmouth City Council, but otherwise subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Existing Plans & Elevations & Location Plan' 8783 B100; 'Proposed Plans' 8783 52 Revision A; and 'Proposed Plans' 8783 51.
 - 2) The accommodation formed by the enlargements to the roof hereby permitted shall be used for purposes ancillary to the use of the premises known as 11-12 South Parade (Seacrest Hotel) as a hotel (Class C1) only.

Procedural Matter

2. Notwithstanding that the Council's refusal notice refers to the effect of the proposal on the 'East Southsea' Conservation Area, in response to my query, the Council has confirmed that the appeal site lies within the 'The Seafront' Conservation Area. I have therefore considered the appeal on this basis.

Background and Main Issue

3. The application subject to this appeal is made for a minor material amendment¹. It seeks approval of revised but not substantially different design in respect of roof alterations approved in November 2018.
4. The development that has taken place has breached condition No 2 which requires that the development shall be carried out in accordance with the approved plans. Although not expressly stated on the planning application form it is clear from the information before me that the appellant seeks to vary the condition to specify submitted updated plans to reflect the development as constructed. I have assessed the appeal on this basis.
5. In considering the Council's refusal notice, the main issue is the effect that modifying the disputed condition would have on the character and appearance of the host building and surrounding area, with due regard to the location of the site within 'The Seafront' Conservation Area.

Reasons

6. The appeal proposal relates to The Seacrest Hotel located on the north side of South Parade close to the seafront at Southsea. It is a terraced property and lies within 'The Seafront', Southsea Conservation Area (CA). As such I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. This part of the CA is characterised by the substantial terrace of properties on the north side of South Parade, extending between Florence Road and Burgoyne Road, which face across South Parade Gardens to the Rock Gardens, making it particularly prominent. Although the front of the entire terrace is rendered and painted there are differences in the design of the various components of windows, bays, doors and decoration. The appeal site backs onto Clarence Road which lies on the boundary of the CA and is characterised by boundary walls, garages and open parking areas and is dominated by the mainly rendered rear elevations of the buildings fronting onto South Parade. The appeal property, by virtue of it having maintained much of its traditional character and architectural features, makes a positive contribution to the character and appearance of the CA and thus the significance of the heritage asset.
8. Most of the properties within the terrace have undergone roof alterations and have retained slate roofs. The accommodation within the roof spaces are mostly fronted by balconies. Flat roofed dormers are a characteristic of the terrace. There is some variety in the design and size of the dormers and these differences result in a variation in the steepness of the pitch and overall height

¹ See Flexible options for planning permissions: Guidance, March 2014 (Ministry of Housing, Communities & Local Government).

of the roofs of properties within the terrace. At the rear of the terrace facing towards Clarence Road roof alterations vary considerably in terms of design and size.

9. In views from the public domain along Clarence Esplanade and the surrounding gardens the slightly increased height of the roof of the host building is not readily apparent in the context of the variation in the size and overall height of the roof alterations of the other properties within the terrace. The front dormers, notwithstanding that they are a little larger than others within the terrace, do not appear unduly dominant and do not overwhelm the roof slope. Whilst they differ a little in design to other dormers in the terrace, taking into account the subtle differences in the design of the roof alterations of properties within the terrace, the front dormers of the host property do not appear out of place. Furthermore, the rear dormer does not represent an unsympathetic feature in views from Clarence Road taking into account the variation in the design and size of the rear roof alterations of the properties in the terrace.
10. The roof of the host building, whilst constructed using fake slate, visually matches most of the other roofs within the terrace. Indeed, the 'Guidelines for Conservation' for the CA state that the use of matching materials for roofs, including appropriate artificial slate, is encouraged. A roof lantern is situated behind one of the dormers on the front elevation and fire walls have been added to the roof. Although part of the lantern is visible, because it is not a large structure it does not have an adverse visual impact in views from ground level in the vicinity of the surrounding gardens south of South Parade or from Clarence Esplanade. Thus, I find no harm with this element of the development or the fire walls given that there are existing ones within the terrace, and I note that the Council raised no objection to these features either.
11. For the above reasons, I consider that the development as built does not have an adverse effect on the character and appearance of the host building or the surrounding area. Furthermore, the development preserves the character and appearance of the CA and does not harm its significance. Accordingly, the attachment of a modified form of the disputed condition is fully justified in this case. For these reasons, I find no conflict with the design aims of Policy PCS23 of The Portsmouth Plan² or the Framework, insofar as, taken together and amongst other things, they seek to ensure that development is well designed and respects the character of the area and the city's conservation areas; is appropriate in scale, appearance and materials in relation to the particular context; and protects the city's historic townscape.

Conditions

12. I have not re-imposed the standard time limit condition as the development has been carried out. For the avoidance of doubt and in the interests of certainty I have modified the disputed condition to list the amended plans. As the development is already built a materials condition is not required. In the absence of measures to mitigate the impact of an increased population resulting from a new residential dwelling within the city, and having regard to the access arrangements through the existing hotel, I have retained the condition restricting the use of the development to purposes ancillary to the use of the premises as a hotel.

² The Portsmouth Plan – Portsmouth's Core Strategy (adopted January 2012).

Conclusion

13. For the reasons set out above I conclude that the appeal should succeed, and I shall exercise the powers transferred to me accordingly. I will grant a new planning permission substituting the disputed condition and restating the undisputed condition that is still subsisting and capable of taking effect.

Andrew Bremford

INSPECTOR