
Appeal Decision

Site visit made on 10 August 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/Z1775/W/20/3248568
17 Craneswater Park, Southsea PO4 0NX

- 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 P Rex against the decision of Portsmouth City Council.
 - The application Ref 19/01073/FUL, dated 11 July 2019, was refused by notice dated 4 February 2020.
 - The development proposed is construction of 2.5 storey, four bed detached dwelling following demolition of existing dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention has been drawn to the fact that at the planning application stage the appellant issued an incorrect ownership certificate. The evidence before me indicates that, as part of the appeal process, the appellant has revised the ownership certificate and due notice of the proposal now before me has been served on those owners with an interest in the site including details of how they are able to comment on the appeal proposal. I have received representations pursuant to this further notification. I have had regard to s.65 of the Town and Country Planning Act 1990 and, in this case, I am satisfied that in the interest of fairness those interested parties have had an opportunity to comment on the proposed development. I have therefore considered the appeal on its planning merits.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring first floor flat within No 19 Craneswater Park in respect of outlook.

Reasons

4. The appeal site is occupied by a detached part one-and-a-half part two-storey house, No 17 Craneswater Park. The proposal is for the demolition of the existing building on the site and the erection of a detached two-storey property with accommodation within the roof space, on a similar footprint to that of the existing house.
5. No 19 Craneswater Park is a large building comprising flats arranged over four floors. The evidence indicates that the windows on the side, east facing,

elevation of the building serve habitable rooms within the first floor flat of No 19. The outlook from the windows is mainly towards the existing side, west facing, elevation of No 17. A gap of between about 4.1 metres and 5.25 metres separates the two properties.

6. Although the separation distances would remain similar, the proposed dwelling would be a taller structure than the existing building on the site by approximately 2.0 metres. Furthermore, by virtue of the two storey element of the proposal, the increased eaves height, and the 'squared off' flank west elevation wall, the proposed dwelling would, overall, represent a larger building than the one it would replace.
7. I acknowledge that the outlook to the north-east and south-east from the windows within the first floor flat of No 19 would remain largely unchanged and that the windows serve bedrooms. However, although the roof would be hipped, taking into account the separation distances involved and the increased size of the building compared to the one that it would replace, the development would create a dominant and oppressive feature which would have an overbearing effect upon the outlook from the east facing side elevation windows serving the habitable rooms within the first floor flat of No 19. Moreover, the proposal would unacceptably, by virtue of its scale, create a sense of enclosure.
8. I acknowledge the appellant's point that the proposed development would provide the occupiers of the proposed dwelling with improved levels of privacy by virtue of the single storey rear extension of the proposal screening a portion of the garden area. However, for the foregoing reasons, I conclude that the proposal would result in a harmful change to the living conditions of the occupiers of the neighbouring first floor flat within No 19 in terms of outlook.
9. Consequently, the proposed development would not accord with the living conditions aims of Policy PCS23 of The Portsmouth Plan¹ and paragraph 127 f) of the National Planning Policy Framework. These seek, amongst other things, to ensure that new development provides a good standard of living environment for neighbouring occupiers.

Other Matters

10. I note that the appeal site lies within the Craneswater and Eastern Parade Conservation Area (CA). Although the Council has not raised any concerns about the proposal in regard to the CA I have a 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.
11. A Conservation Area Appraisal/Guidelines for the CA has not been presented to me. However, based on the evidence before me, and from what I have observed, I conclude that the significance of the CA derives, in part, from the area being mainly residential with a mixture of houses and flats, most of which are built with red brick. Taking into account the form of the proposed dwelling, which would include facing brickwork, in the context of the built form of the CA the development would sit comfortably within the street scene. The design and appearance of the proposed dwelling would, overall, be sympathetic to the

¹ The Portsmouth Plan – Portsmouth's Core Strategy (adopted January 2012).

character of the CA and so would preserve the character and appearance of the CA and not harm its significance. Consequently, in this regard, the proposal would adhere to the design and conservation aims of Policy PCS23 of the Portsmouth Plan.

12. My attention has been drawn to an apparently similar development allowed at appeal² in Westerham, Kent. The fact that apparently similar development has been granted planning permission is not justification to allow a proposal which would result in a harmful change to the living conditions of the occupiers of the neighbouring property if planning permission were to be approved. I have considered this appeal proposal on its individual planning merits and reached my own conclusions on the appeal proposal based on the evidence before me.
13. None of the other matters raised alter or outweigh my conclusion on the main issue.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR

² Appeal reference: APP/G2245/W/19/3236879