
Appeal Decision

Site visit made on 25 August 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/Z1775/D/20/3254520

62 First Avenue, Drayton and Farlington, Portsmouth PO6 1JP

- 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 Wendy Edwards-Johnson against the decision of Portsmouth City Council.
 - The application Ref 20/00020/HOU, dated 8 January 2020, was refused by notice dated 5 June 2020.
 - The development proposed is construction of a two-storey side extension, part single storey/part two storey rear extension, and porch to front (following the demolition of the existing single storey rear extension and detached garage).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice, which matches that on the appeal form. It more accurately describes the proposal than the description given on the application form.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the host property and the wider surrounding area; and
 - the living conditions of the occupiers of 60 and 64 First Avenue, in respect of outlook and privacy impacts.

Reasons

Character and appearance

4. The appeal property forms one half of a semi-detached pair of two storey houses within an established suburban residential area. It lies close to the junction of First Avenue and Lower Farlington Road and is visible within the public realm of both roads. The building comprises one of a series of semi-detached pairs of houses which form a defining feature of this side of First Avenue. They were originally designed with a strong sense of symmetry, with side driveways providing well-defined gaps between the buildings. More specifically, the building consists of one of 4 pairs of similarly designed, hipped roof properties with centrally positioned feature chimneys and joint front

- elevation gabled projections, incorporating large ground and first floor bay windows.
5. Whilst both the appeal property and no.60 incorporate rear single storey additions and garages adjacent to their side boundaries, the building as a whole has retained its symmetrical character, particularly in respect of its front elevation. It makes a positive contribution to the street scene and is characteristic of this stretch of First Avenue.
 6. The proposed two storey side addition, by extending along the whole depth of the existing two storey dwelling and being sited within close proximity to the boundary with no.64, would comprise a unduly cramped form of development in relation to the neighbouring property. This would undermine the original rhythm of spacing between the pairs of houses which is typical of this part of the road.
 7. The side extension would unbalance the existing strongly symmetrical appearance of the front of the pair of houses due to its combined width, height and design detailing. By incorporating matching eaves and ridge heights to those of the main building, and aligning with the front wall of the dwelling, the side extension would not appear subservient to the main building in terms of its scale and design, when viewed from the street. Its width would be accentuated by the shallow and wide roof form of the proposed front porch, which would give a horizontal emphasis to this end of the front elevation of the building. The porch roof form and the design and proportions of the front elevation fenestration of the extension and the porch would relate poorly to those of the existing front elevation. The proximity of the proposed porch to the existing projecting front gable of the building, resulting in the obscuring of the side element of the ground floor bay window, would detract from the front feature gable, which forms an attractive and visually prominent feature within the street scene.
 8. The result would be an incongruous, over-dominant addition to the side of the semi-detached dwellings, which would significantly erode the original character of the building as a whole, which comprises two similarly proportioned dwellings with matching front features. This would detract from the appearance of the building as viewed First Avenue, and harm the established rhythm of semi-detached development which is a positive feature of the street scene.
 9. The existing flat-roofed rear addition to the appeal property is of a similar depth and scale as the combined extensions to the rear of no.60 and is clearly separate from the detached garage on the appeal site. In the case of both nos. 60 and 62, when viewed from Lower Farlington Road, the rear additions are perceived as subservient to the original two storey building and do not compete with it. The proposal, by replacing the rear extension and garage with a significantly deeper single storey extension extending across the width of the dwelling, abutting the proposed replacement structure for the garage, and incorporating a central first floor element, would add a disproportionately large extension to the rear of one half of the building. It would result in an incongruous and over-dominant addition as a result of the combined impacts of its depth, width, L-shaped footprint, part shallow pitched roof, and centrally positioned hipped roof first floor element, which are not in keeping with the character and form of the original building.

10. The combined effects of the side and rear elements of the scheme would be to erode considerably the extent of undeveloped space around the property and diminish unacceptably the character, appearance and integrity of the host property and the building as a whole, with consequent harm to the character and appearance of the area, given that it would be visible within the street scenes of First Avenue and Lower Farlington Road.
11. For the above reasons, I conclude that the appeal proposal would cause significant harm to the character and appearance of the host property and the wider surrounding area. It would therefore be contrary to Policy PCS23 of *The Portsmouth Plan 2012* (PP) which, amongst other matters, requires new development to be well-designed, and seeks excellent architectural quality with respect to changes to existing buildings, with regard being paid to achieving appropriate scale and appearance for a particular context. For similar reasons, the proposal would also be contrary to Chapter 12 of the *National Planning Policy Framework 2019* (the Framework) which requires high quality design.

Living conditions

12. The appeal scheme would result in a continuous length of building extending from approximately in line with the front wall of the house to the rear wall of the detached garage at the appeal site, within close proximity of the side boundary with no.64, and within a driveway width of the side wall of that property. It would replace the existing low boundary wall and driveway to the side of the appeal property. The combined depth and height of the extension, especially the full two-storey and pitched roof single storey elements, and the proximity of the proposal to the side boundary would have an enclosing and oppressive impact on the outlook from no.64, particularly from its side elevation ground floor kitchen window. I note that, due to the adjacent lean-to extension, this window is important in terms of providing outlook from the kitchen. The perceived overbearing impact would be exacerbated by the first floor rear projecting section of the appeal scheme, which, albeit set further back from the side boundary, would add to the significant depth of building at upper level, which would be perceived in views from no.64.
13. The two first floor side elevation windows to bedroom 4 would be sited close to the side boundary with no.64 directly facing the side wall of that property. This would have a detrimental impact on the privacy of the occupiers of no.64, particularly having regard to the clear-glazed first floor landing and principal ground floor kitchen window in the side of that property. I am not persuaded by the appellant's proposal to replace the side bedroom windows with one double-sized obscure-glazed window. This would not provide appropriate living conditions for the occupants of the proposal, since it would comprise the sole window serving a principal room, and the first floor room layout would not allow for the provision of any additional front or rear facing windows to serve this bedroom.
14. I have noted the difference in ground levels between the appeal site and 60 First Avenue, and the proposal to match the rear ground floor extension floor level with that of the existing ground floor. Notwithstanding that the single storey element of the proposal would extend beyond the line of the rear wall of no.60, I find that this is unlikely to have an unduly dominant or overbearing impact on the outlook from that property. In this respect, I have had regard to the proposed limited projection of the extension beyond the line

of the rear wall of no.60, which occurs at the point where the proposed extension is single storey and at its lowest height. Also, the depth of the rear garden of no.60 is such that only a small part of it would be directly affected by the side wall of the development. As such, I am not persuaded that the impact on the outlook from no.60 would be materially harmful.

15. Consequently, given the above, the appeal proposal would likely result in material harm to the living conditions of the occupiers of 64 First Avenue in respect of outlook and privacy impacts. As such, the proposal scheme would not accord with PP Policy PCS23, which amongst other aims, seeks to ensure protection of amenity and the provision of a good standard of living environment for neighbouring occupiers. This is generally consistent with paragraph 127 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

Other Matters

16. I have had regard to the extension that has been approved by the Council and built to the side of 70 First Avenue, which forms part of the group of semi-detached houses within which the appeal site sits. There are a number of differences between this scheme and the appeal proposal, including its more limited scope, which excludes rear additions to the house. It also comprises a narrower front porch, more vertical design emphasis on the front elevation, and more restricted first floor fenestration on the side elevation. Moreover, the Council acknowledges that this extension is congested in relation to the neighbouring property and has harmed the spacious pattern of development of the pairs of houses in this stretch of the road.
17. In any event, the fact that an apparently similar extension has been permitted is not a reason, on its own, to allow unacceptable development. I must determine this appeal on the basis of the particular circumstances of the appeal site, and on the merits of the scheme before me. The existence of other extensions in the area does not justify the harm that I have found for the reasons set out above.
18. I have noted that the proposal represents an amended scheme from that refused under planning application Ref 19/00608/HOU. Whilst the changes to the scheme have been noted, including alterations to the design of the rear ground and first floor elements, this does not alter my findings with respect to the current proposal.
19. Notwithstanding that the Framework encourages Local Planning Authorities to approach decisions in a positive and creative way, this is not unqualified, and would not address, or outweigh, the aforementioned harm that I have identified in respect of the main issues.
20. The appellant refers to pre-application advice received from the Council. However, I have not been provided with specific details. Notwithstanding this, I am not bound by the advice given by the Council prior to the submission of the planning application and it does not alter or outweigh my conclusion on the main issues.
21. The appellant also refers to discussions that took place with the planning officer prior to the refusal of the planning application, and to agreement reached in

respect of required amendments to the development. The planning appeals procedural guidance¹ (Annexe M) advises that, if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application. Moreover, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have determined the appeal on the basis of the scheme which was refused by the council and the plans listed on the decision notice.

22. The appellant has drawn my attention to the lack of objection to the proposal from the occupiers of no.60 and the fact that the former occupants of no.64, who objected to the planning application, no longer reside at that property. Whilst I have noted these matters, they do not affect my decision in respect of this appeal, which I must determine on the merits of the proposal before me.
23. The appellant has referred to the time taken for the Council to determine the planning application and the procedures undertaken in doing so. These are not matters for consideration as part of this appeal.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR

¹ Procedural Guide. Planning Appeals – England. The Planning Inspectorate August 2019.