
Appeal Decision

Site visit made on 21 September 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/Z1775/D/19/3243985

44 Hellyer Road, Southsea PO4 9DH

- 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 Ms Clare Martin against the decision of Portsmouth City Council.
 - The application Ref 18/01898/HOU, dated 15 November 2018, was refused by notice dated 4 October 2019.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension at 44 Hellyer Road, Southsea PO4 9DH in accordance with the terms of the application, Ref 18/01898/HOU, dated 15 November 2018, 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: HEM-18-31-1A Rev A; HEM18-31-2A Rev A; HEM18-31-3C Rev. C.

Main Issue

2. The main issue is the effect the development would have on the living conditions of occupants of 42 Hellyer Road, with regard to outlook and light.

Reasons

3. No 42 and No 44 are adjoining properties within a terrace of modestly sized dwellings. As is typical of the likely nineteenth century design, the terrace features paired 2 storey rear ranges, with passageways accommodated in the gaps between.
4. The passageways of Nos 42 and 44 run parallel with one another, and are separated by a brick wall of varying height. Whilst the passageways appear to have once served as the means of access to the back doors of the dwellings, the related doorways have been filled. The passageways now serve as informal storage spaces.
5. The gap between the rear ranges of Nos 42 and 44 otherwise provides the outlook for windows located at ground and first floor levels within the main rear elevations of the dwellings. Though small windows are also located either side of the gap within the rear ranges, they are all obscure glazed.

6. Given the narrowness of the gap, the presence of the separating wall, and the height and length of the rear ranges, the outlook from the ground floor windows of both Nos 42 and 44 is very limited in extent. Indeed, the more so because generous floor to ceiling heights mean that the view from the windows is taken from a relatively low level internally. The outlook from the window at No 42 is additionally obstructed by materials stored within the passageway, though the effects in this regard can be considered temporary.
7. When taking the orientation of the terrace into account, alongside the high level of enclosure of the gap, low levels of light can be expected to reach the ground floor windows of both properties. Insofar as this includes sunlight, heavy shading of the windows is also likely to occur all year round for most of the day, with the majority of this shade being cast by No 42 across No 44.
8. Insofar as the proposed development would entail the addition of a ground floor extension at the back of the existing rear range at No 44, it would reflect extensions built at the back of other dwellings, including at No 42. The proposed extension would however also extend to the boundary with No 42, and occupy much of the passageway to the rear of No 44. This would entail some increase in enclosure of the passageway to the rear of No 42, and by narrowing the gap between the rear ranges, it would also narrow the outlook from the ground floor window at No 42.
9. As the difference between the maximum height of the existing separating wall, and the height of the side wall of the proposed extension would be relatively modest, the effects of increased enclosure would not however be significant. Moreover, above eaves level, the gap between the rear ranges would both increase with the pitch of the extension roof, and otherwise continue to exist as previously. As such, and particularly when contrasted against the much greater height and scale of the rear ranges either side of the gap, the extension would not be perceived as excessively deep, bulky, visually dominant or overbearing. When also having regard to the fact that ground floor window at No 42 does not provide the principal outlook from the room it serves, the effects would not be unacceptable.
10. In view of my reasons above, and the fact that the extension would cause no direct obstruction of the ground floor window at No 42, the extent to which it would give rise to any measurable decrease in the levels of light reaching the ground floor window, would be very limited. For this reason, and in the absence of any evidence to the contrary, the effects would again not be unacceptable.
11. I note the Council's reference to dismissed appeal reference APP/Z1775/D/18/3211571 (the Chatsworth Ave appeal), which related to a terraced dwelling elsewhere in the city. The Chatsworth Ave appeal also involved a development which occupied a passageway forming one half of the gap between the rear ranges of 2 adjoining dwellings. However, it is apparent that the design and layout of both the terrace and development in question differed from those involved in the current appeal, as too did the relationship between the development and windows in the adjoining dwelling. As such, the Chatsworth Ave appeal does not alter my view of the merits of the current appeal scheme.
12. For the reasons outlined above I conclude that the development would not cause any unacceptable harm to the living conditions of occupants of No 42 with regard to outlook and light. The development would therefore comply with

Policy PCS23 of the Portsmouth Plan, which amongst other things seeks to protect amenity and secure development which provided of a good living environment for neighbouring occupiers, reflecting similar provisions set out within the National Planning Policy Framework.

Conditions

13. I have imposed conditions setting the time limit for commencement of the development and identifying the approved plan for sake of certainty.
14. The Council has also requested a condition requiring the use of materials matching those used on the existing building. However, this condition is unnecessary given that the plans clearly specify the materials to be used, and no issue has otherwise been raised in this regard. Therefore, I have not imposed the condition.

Conclusion

15. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR