
Appeal Decisions

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: 02 November 2020

Appeal A: APP/Z1775/W/19/3243417

South Parade Apartments, 29B South Parade, Southsea, Portsmouth PO4 0SH

- 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 Feras Hamdani of Visorswift Ltd against the decision of Portsmouth City Council.
 - The application Ref 19/01110/FUL, dated 19 June 2019, was refused by notice dated 14 November 2019.
 - The development proposed is described as external alterations/extension and construction of additional floor level to create a penthouse apartment with provision of additional car parking space.
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Appeal B: APP/Z1775/Y/19/3243420

South Parade Apartments, 29B South Parade, Southsea, Portsmouth PO4 0SH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Feras Hamdani of Visorswift Ltd against the decision of Portsmouth City Council.
 - The application Ref 19/01109/LBC, dated 19 June 2019, was refused by notice dated 14 November 2019.
 - The works proposed are described as external alterations/extension and construction of additional floor level to create a penthouse apartment with provision of additional car parking space.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relate to the same scheme but address separate applications relating to planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.
4. Planning permission and listed building consent were previously granted in 2018 for the addition of a new floor with mansard roof at No 29B (the approved scheme). Whereas within the approved scheme, the new floor, accommodated within the mansard roof, would be located over the front section of the

building, within the appeal scheme it would also extend roughly halfway across the projecting rear section. The appeal scheme would also differ insofar as it would see the central chimney stack on the main frontage removed rather than extended. This would be in order to accommodate a different internal layout, that would be less compatible with features on floors below than the approved scheme.

5. Notwithstanding the above, and to the extent that the appeal scheme and approved schemes overlap, the Council did not identify any difference between them. The parties were therefore given the opportunity to comment during the course of the appeals. Any comments have been taken into account in my reasons below.
6. Neither the plans attached to the approved scheme, nor those submitted in relation to the appeal scheme, accurately depict the relative heights or proportions of No 29A and No 29B. Indeed, though the elevations suggest that the top of the existing second floor windows at 29B stand at roughly the same level as the ridge of No 29A, they are in fact considerably higher. This has obvious implications in terms of the assessment of the proposed design, upon its achievability as presented, and upon scope for the future enforceability of any permission/consent. Again, the parties were given the opportunity to comment during the course of the appeals.
7. In this regard the appellant acknowledged a discrepancy in relative heights of around 0.65m. Whilst not insignificant in itself, this appears to be an overly conservative estimate. Whilst I therefore have very little confidence in the broader accuracy of the proportions of the listed building as shown, both existing and proposed, I have nonetheless proceeded to assess the scheme insofar as this is possible, based on the evidence before me.

Main Issue

8. The main issue is the effect of the scheme on designated heritage assets including: whether the scheme would preserve a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses; and whether the proposal would preserve or enhance the character or appearance of East Southsea Conservation Area (the Conservation Area).

Reasons

9. The listed building comprises 29B South Parade and 29A South Parade. At one time these saw use together as a hotel, but are now divided as flats. Both are attributed to the architect TE Owen, who was an important figure in the early development of Southsea. They were however each built at different times during the nineteenth century; No 29A as a dwelling around 1860-2, and No 29B as 2 dwellings around 1880-90; and their architectural design, character, and scale markedly differs.
10. Insofar as it relates to this appeal, the special interest and significance of the listed building lies in the date and age of its 2 component parts when considered within the local context; their residential character and background; their distinctive and contrasting architectural design; and their reasonably intact external appearance.
11. The listed building is located within the Conservation Area. Again, insofar as it relates to this appeal, the significance of the Conservation Area lies in the

character and layout of the predominantly residential streets it covers, which contain buildings mostly dating to the early period of Southsea's development. As the listed building is one such building, and additionally given its visual prominence within the streetscene along South Parade, it makes an important positive contribution to the significance of the Conservation Area.

12. No 29A and No 29B make a visually interesting historic grouping, however the design of No 29B does not directly complement that of No 29A. No 29B is a much taller and more bulky building, and presents a substantial blank side elevation to No 29A. This is prominent in views from the west, and is a notably overbearing and visually unattractive feature which detracts from appreciation of the more modest form and design of No 29A.
13. Both the approved and the appeal schemes would see the height and mass of No 29B increased. In each scheme a different roof form to that currently present would be employed. This would have the effect of reducing any increase in the extent of additional brickwork required within the side elevation facing No 29A. It would not however alter the fact the overall size and mass of the side elevation facing No 29A would increase. In view of the drawing error noted above, this increase would be much more substantial than is depicted on the plans attached to either the approved or the appeal schemes, and it would clearly be greatest in the case of the appeal scheme.
14. In both schemes, existing overbearing of No 29A by No 29B would therefore be increased. The fact that No 29A is set well back from the frontage of No 29B, means however that within the approved scheme the bulk of the increase in height and mass of No 29B would occur forward of No 29A. This would be much less the case in the appeal scheme, given the increased depth of the new floor. The latter would not be appreciable in front-on views from the south, and perhaps only moderately so from Kirkstall Road to the north. It would however be clearly visible in key views of the listed building approaching from the west along South Parade, and in near views from the junction of South Parade with Eastern Villas Road. Thus, whilst it is apparent that within both schemes the existing visual relationship between No 29A and No 29B would not be made any better by increased overbearing, it would be made significantly worse in the case of the appeal scheme. Consequently, I find that the appeal scheme would not preserve the listed building.
15. Whilst not of substantial height, the existing central chimney stack is a notable feature. Of the 3 surviving chimney stacks on the front part of the building, it appears to be the only one which retains its original detailing. Its presence is clearly appreciable in views of the front elevation of No 29B from the south, and, as a historic feature of the roofscape, it contributes to the positive role that the building plays within the streetscene of the Conservation Area. As outlined above, the approved scheme would have seen the chimney stack extended, albeit in somewhat different form, through the new floor and roof. The appeal scheme would see it omitted altogether. This would serve simply to facilitate a different internal layout, and in this regard, no proper justification has been offered, contrary to the requirements of paragraph 194 of the National Planning Policy Framework (the Framework). Given the appreciable harm that loss of the chimney stack would cause to the character of the listed building, it would neither achieve preservation of the listed building, nor preserve or enhance the character or appearance of the Conservation Area.

16. In view of my findings above, and with reference to paragraphs 193 and 196 of the Framework, I find that the scheme would cause less than substantial harm to the significance of both the listed building, and the Conservation Area. I attach great weight to the harm that would be caused to the listed building, and considerable importance and weight to the harm that would arise to the Conservation Area. In accordance with paragraph 196 it is necessary to balance this harm against the public benefits in favour of the scheme.
17. Relative to the approved scheme, the appeal scheme would not add any additional units of accommodation. It would therefore not deliver any additional benefit in this regard. This consideration does not therefore attract any weight in favour of the scheme.
18. The scheme would generate work for contractors. The scale of any broader economic benefit would however be very limited. As such I attach very limited weight to this consideration. This would be insufficient to outweigh the harm that would be caused to the significance of designated heritage assets. In respect of Appeal A, this finding provides a clear reason for refusal of planning permission.
19. For the reasons outlined above I conclude that the scheme would not preserve the special architectural or historic interest of the listed building, and that it would fail to preserve or enhance the character or appearance of the Conservation Area. Both Appeal A and Appeal B would thus fail to satisfy the expectations of the Act, and conflict with heritage policy set out within the Framework. Appeal A would additionally conflict with Policy PCS23 of The Portsmouth Plan, which, with regard to new development, seeks to secure the protection and enhancement of the city's historic townscape and its cultural heritage.

Other Matters

20. The Council's officer report related to Appeal A identifies a potential impact on the Seafront Conservation Area. This is designated to cover land along the seafront immediately opposite the site. However, no further assessment is provided. Whilst the Framework draws attention to the effects that development within the setting of a heritage asset can have upon its significance, duties set out within the Act do not extend as far as the settings of conservation areas. Consequently, and given that I am dismissing the appeals for other reasons, it is not necessary for me to consider this matter further.
21. The officer report related to Appeal A states that due to increased recreational pressure, and nutrient discharge in wastewater, the development would have a likely significant effect on unnamed Special Protection Areas along the Solent coast. In this context the Council undertook an Appropriate Assessment, which, having regard to a contribution previously made towards mitigation of recreational impacts, concluded that there would be no adverse effect on the integrity of designated sites. Had I had been minded to allow the appeals, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter in further detail. However, as I am dismissing the appeals for other reasons, again, no further consideration is required.

Conclusion

22. For the reasons set out above I conclude that both Appeal A and Appeal B should be dismissed.

Benjamin Webb

INSPECTOR