

Appeal Decision

Site Visit made on 17 August 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2021

Appeal Ref: APP/Z1775/D/21/3274096

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 Mr Paul Rex against the decision of Portsmouth City Council.
- The application Ref 20/00740/HOU, dated 6 July 2020, was refused by notice dated 12 March 2021.
- The development proposed is extension and conversion of existing residential dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's name on the planning application form is given simply as 'Rex'. However, the appellant has confirmed that the name should be Mr Paul Rex, as on the appeal form, and that they are the same person. I have therefore used this full name in the banner heading above.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal with regard to the revised Framework.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of the first floor flat at No 19 Craneswater Park, with particular regard to outlook.

Reasons

5. The appeal property is a detached part 1.5 and part 2-storey dwelling with the 2-storey element on the east side of the dwelling, projecting slightly to the front. The proposals are to extend the width of this projection on two storeys across part of the front elevation, construct a part single / part 2-storey rear extension and alter the roof form, including raising the ridge height.
6. To the west of the appeal property is No 19 Craneswater Park, a large building divided into flats over four floors. The windows in the eastern side elevation of this property face towards the appeal site and include windows to two bedrooms in the first floor flat, one a bay window, with an outlook principally towards the existing western side elevation of the appeal property.
7. The proposals would retain the existing separation between the two properties of between approximately 4.1 m and 5.25 m and the hipped roof form of the appeal property. The proposals represent a reduction in the depth of the flank

wall facing No 19 and in the ridge and eaves heights proposed in a previous scheme for the demolition of the existing dwelling and its replacement with a new 2.5 storey dwelling which was dismissed on appeal¹.

8. However, in comparison to the existing dwelling, the proposals before me would result in an increase in height of the eaves and ridge of the western flank wall of the appeal property by approximately 1.0 m and 0.7 m respectively. Although the depth of the flank wall at first floor level would remain as existing, the current cat-slide roof of the 1.5 storey element of the appeal property would be replaced and 'squared off' to become a full 2 storeys. Furthermore, the proposals include a single-storey extension to the south-west corner of the appeal property directly opposite part of the bay window. The works would therefore result in a significant increase in the bulk of the side elevation of the appeal property facing No 19.
9. Due to the lower ground floor level of No 19 relative to the appeal property, the first floor windows of the former would be significantly lower than the eaves line of the extended dwelling as shown on the submitted Street Context drawing. Given the proximity of the properties and the increase in height and bulk of the flank wall, these revised proposals would still result in the appeal property being oppressive when viewed from the two bedroom windows of the first floor flat in No 19. Whilst an outlook from these windows to the north-east and south-east would be retained and the sky would be still be visible from them, the extended dwelling would be overbearing and unacceptably increase the sense of enclosure for the occupiers of the flat, harmfully reducing the outlook from the bedroom windows.
10. I accept that a bedroom is normally primarily used for sleeping but it is a habitable room and may be used for other purposes such as work, study or hobbies. Paragraph 130 of the revised Framework sets out that developments should function well over the lifetime of the development and create places with a high standard of amenity for existing and future users.
11. For the reasons given above, I conclude that the proposals would result in unacceptable harm to the living conditions of the occupiers of the first floor flat in No 19. Accordingly, in this respect, the proposals would conflict with Policy PCS23 of The Portsmouth Plan – Portsmouth's Core Strategy (2012), which seeks the protection of amenity and the provision of a good standard of living environment for neighbouring occupiers in new development.

Other Matters

Craneswater and Eastern Parade Conservation Area

12. The appeal property is within the Craneswater and Eastern Parade Conservation Area (the Area). In assessing the effects of the proposal, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. The Framework sets out that heritage assets should be conserved in a manner appropriate to their significance with great weight being given to the conservation of designated heritage assets.
13. The Area represents a later and perhaps more spacious phase in the development of Southsea and is almost entirely residential with a mixture of houses and flats. The 'circle' part of Craneswater Park is characterised

¹ APP/Z1775/W/20/3248568

predominantly by large late Victorian and Edwardian villas, of red brick with clay tile roofs in spacious curtilages. However, there is some later development, notably Craneswater Court, that introduces a limited degree of variety in architectural design.

14. The existing detached dwelling has a neutral effect on the character and appearance of the Area and would be retained as a dwelling in the appeal proposals. The extended dwelling would not be entirely consistent with the prevailing architectural style of other properties in the 'circle' but this variation would not be harmful to the Area given the existing variety. The materials to be used in the proposed works could be controlled by a condition were planning permission to be granted. Overall, therefore, the proposals would preserve the character and the appearance of the Area and not harm its significance.

The Portsmouth Harbour Special Protection Area

15. The appeal property is in proximity to the Portsmouth Harbour Special Protection Area (SPA). However, as the proposals would not result in an increase in the number of dwellings or bed spaces, there is no pathway for likely significant effects on the SPA from increased recreational activity or other factors. Consequently there is no need for me to undertake an appropriate assessment under the Conservation of Habitats and Species Regulations (2017) (as amended).

Previous permissions

16. I also note that planning permission has been granted for rear part 2-storey / part single-storey and front 2-storey extensions to the property². These remain extant and I have no substantive reason to suppose that the appellant would not wish to implement these permissions were planning permission to be refused for the proposals before me. They therefore represent a fallback position.
17. I acknowledge that the western elevation of the appeal property in the proposals before me would be further away from the eastern elevation of No 19 than the first floor western elevations of the approved extensions. The appeal scheme would thus allow a greater outlook from the two bedroom windows of the first floor flat in No 19 to the north-east and south-east at this level. However, at ground floor level to the rear the proposed single-storey extension in the south-west corner would be closer to No 19 than the approved rear extension.
18. Moreover, the approved extensions would not affect the bulk of the western flank wall closest to No 19 and Figure 5 in the appellant's Statement indicates that the dwelling with approved extensions would have a lesser overall height than the proposals before me. I am not persuaded therefore that these extensions would be more harmful to the living conditions of the occupiers of the first floor flat in No 19 and consequently that they justify the appeal scheme.

Other considerations

19. I understand the appellant's desire to improve the size and quality of accommodation but I have no evidence that the existing accommodation is

² 20/00552/HOU and 20/00553/HOU

substandard due to the restricted ceiling heights in the first floor of part of the dwelling. Furthermore, the proposed development would remain long after any needs of the appellant for improved accommodation have ceased to be material. This consideration thus does not outweigh the harm I have identified above to living conditions and consequent conflict with the development plan.

20. The appellant draws my attention to a development allowed on appeal in Westerham, Kent, in which the Inspector concluded that a gap of 2.5 m between a bedroom window and a proposed dwelling would still allow adequate light and outlook³. I note the similarities between that development and the scheme before me and the contention that the appellant's scheme would be less harmful than that approved in that appeal.
21. However, it has not been demonstrated that the site-specific circumstances of the approved scheme are directly comparable to those before me, including in respect of the height of the bedroom window relative to the proposed dwelling in the approved scheme. I have therefore given this other appeal little weight in my determination.

Conclusion

22. I have found that the proposals would conflict with the development plan taken as a whole. There are no material considerations that indicate that a decision should be made other than in accordance with the development plan.
23. For this reason, and having regard to the other matters raised, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR

³ APP/G2245/W/19/3236879