

Appeal Decision

Site visit made on 18 October 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2021.

Appeal Ref: APP/Z1775/W/21/3279625

97 Havant Road, Drayton, Portsmouth PO6 2JE

- 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 Ruman Karim against the decision of Portsmouth City Council.
 - The application Ref 21/00100/HOU, dated 18 January 2021, was refused by notice dated 22 June 2021.
 - The development proposed is for alterations to an existing outbuilding/garage.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to an existing outbuilding/garage at 97 Havant Road, Drayton, Portsmouth PO6 2JE, in accordance with the terms of the application Ref 21/00100/HOU, dated 18 January 2021, subject to the following condition:
 1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the outbuilding hereby permitted shall be used only for purposes ancillary to the dwellinghouse known as 97 Havant Road, Drayton and shall be used for no other purpose.

Preliminary Matter

2. The alterations and extensions to the outbuilding were substantially complete at the time of my site visit and appeared to have been constructed in accordance with the submitted plans and specifically Drawing No. 21/105/02. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the appeal proposal upon the character and appearance of the area, and upon the living conditions of the occupants of 95 Havant Road, with specific reference to outlook.

Reasons

Character and Appearance

4. The outbuilding is located on the boundary shared with 95 Havant Road and is well set back from the road, screened by the mass of the neighbouring dwelling and that of the host dwelling, as well as mature vegetation on the road frontage.
5. Taking into account the fact that only casual and very brief glimpses of the subject building can be had, which I hasten to add has been constructed to a high standard,

I consider that it does not amount to an incongruous form of development; and consequently does not detract from the character and appearance of the street scene. I accept that the flat roof increases the bulk and massing of the resulting building over and above that which was previously in situ, however the host dwelling is a substantial building in its own right and the outbuilding would still remain subservient to it. Reference is made by the Council to the western elevation lacking fenestration and whilst this does result in a large blank elevation, nonetheless, views of it from the public realm are limited.

6. I therefore find that the outbuilding would not represent an excessively bulky or visually intrusive form of development and causes no harm to the character and appearance of the area. I find the proposal complies with Policy PCS23 of the Portsmouth Plan (2012) which, amongst other things, requires new development to be well designed and to be of an appropriate scale, appearance and materials in relation to its particular context.

Living Conditions

7. As referred to above, the outbuilding is located on the boundary shared with no95, although it is approximately half way along the depth of this neighbouring property's rear garden. No95 has a raised patio/sitting out area immediately to the rear of it which is sufficiently separated from the subject building to not be unduly overbearing, particularly bearing in mind the overall width and depth of the adjacent plot. I note the Council's confusion over which side elevation contains windows, although it is the inward (east) facing elevation as denoted from the ground and first floor plans.
8. Therefore, on balance, I consider that the proposed outbuilding does not give rise to an unacceptable impact upon the occupiers of no95 and that their outlook has not been unduly harmed by the proposal. Again, I consider that the proposal complies with Policy PCS23 of the Portsmouth Plan which also requires proposals to protect amenity and provide a good standard of living environment for neighbouring and local occupiers.

Other Matters

9. I note the Third Party's comments with regard to incorrect dates being given for the commencement and completion of works, however, these do not have a bearing upon the substance of the case before me. Furthermore I note reference to the removal of trees, but the Council's Arboriculturalist confirmed that the trees removed were not protected by a Tree Preservation Order.

Conclusion and Conditions

10. Therefore for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
11. Due to the fact that the proposal is retrospective in nature it is not necessary to impose the standard time limit condition for implementation, neither is it necessary to ensure that development is carried out in accordance with the approved plans. However in the interests of protecting the living conditions of the occupants of no95 from undue noise and disturbance through the creation of an additional independent unit of residential accommodation, I consider it is necessary to restrict the occupation of the building for purposes ancillary to the main dwelling.

C J Tivey INSPECTOR