
Appeal Decision

Site visit made on 16 November 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/Z1775/W/21/3278891
361 Fawcett Road, Southsea PO4 0LE

- 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 Andy Oliver against the decision of Portsmouth City Council.
 - The application Ref 20/01198/FUL, dated 20 October 2020, was refused by notice dated 12 April 2021.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 361 Fawcett Road, Southsea PO4 0LE in accordance with the terms of the application Ref 20/01198/FUL, dated 20 October 2020, and the plan submitted with it, 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 drawing no. 01.A.
 - 3) The external materials to be used in the construction of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken the revised Framework into account where relevant to my decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 359 Fawcett Road, with particular reference to outlook, sunlight and daylight.

Reasons

4. The appeal property is a two-storey terraced building, which is occupied as a House in Multiple Occupation (HMO). It is located on the east side of Fawcett Road in an established mixed residential and commercial area in the Southsea part of the City.

5. The property has an existing flat-roofed rear single storey extension. The proposal would approximately double the length of this rear ground floor projection.
6. The information before me is that, at the time of the refusal of the planning application, the neighbouring dwelling at No.359 had a shallower single storey rear addition than that which currently exists at the appeal property. The Council's reason for refusal relates to the proposed increased depth of building at the appeal property in relation to the depth of the extension which existed at No.359, and the associated impact on the amount of light reaching a rear ground floor window and the rear garden of that neighbouring property, as well as the impact arising from an enclosing effect upon its rear garden.
7. Subsequent to the refusal of the planning application, a further rear extension has been completed to the rear of No.359. I saw during my site visit, that the flat-roofed single storey addition to that property is sited close to the side boundary with the appeal site, comprises a structure of a similar height and depth to that of the appeal scheme, and is devoid of fenestration on the side wall facing the appeal site.
8. The appeal scheme would be positioned alongside the rear addition to No.359. As such, it would not result in any harmful loss of sunlight or daylight to, nor have an enclosing impact on, that property.
9. For the above reasons, I therefore conclude that the proposal would not cause demonstrable harm to the living conditions of the occupiers of 359 Fawcett Road, with particular reference to outlook, sunlight and daylight. As such, the proposal would accord with Policy PCS23 of *The Portsmouth Plan* (2012), in so far as this policy aims to ensure that new development protects amenity, and provides a good standard of living environment for neighbouring occupiers.
10. This is generally consistent with Paragraph 130 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.

Conditions

11. I have considered the need for conditions in accordance with Paragraph 56 of the Framework and the national Planning Practice Guidance. In addition to the standard implementation condition, it is necessary to define the plan, and ensure that the proposed external materials match those of the existing building, in the interests of certainty and the character and appearance of the area.

Conclusion

12. For the reasons given above, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR