
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: 03 December 2021

Appeal Ref: APP/Z1775/W/21/3279530

Admiral Park, Airport Service Road, Portsmouth PO3 5RQ

- 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 Industrial Property Investment Fund against the decision of Portsmouth City Council.
 - The application Ref 19/01572/FUL dated 21 October 2019, was refused by notice dated 29 January 2021.
 - The development proposed is construction of a single storey unit for purposes within Class A1 (Retail) and Class A3 (Café) with outdoor seating area and associated landscaping.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Procedural Matters

3. Since the refusal of the planning application, 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.
4. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) came into force, amending the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order). Having regard to regulation 4 of the Regulations, I have considered this appeal on the basis of the use classes specified in the Schedule to the Use Classes Order on 31 August 2020.

Reasons

5. The appeal site comprises land fronting the southern side of Norway Road and the western side of Williams Road on the Admiral Park Industrial Estate located in the northeast corner of Portsea Island. It occupies a visually prominent corner position, adjacent to a roundabout and fronting onto one of the main roads through the Estate.
6. The site lies within the Anchorage Park character area, as designated in the Council's *Urban Characterisation Study* (the UCS) (2011). The study confirms that the majority of the area is taken up by employment uses, with a number

- of industrial estates and business centres occupying the centre and western parts of the area. It also states that, despite the land use, the industrial estates have a relatively open feel with large areas of green verges, and tree planting, and that many of the units are landscaped to reduce their visual impact on the environment.
7. The site is predominantly soft-landscaped, and forms part of an open green buffer which wraps around a two-storey commercial building with frontage parking at Nos 14 and 15. It comprises a significant area of space, providing a visual break between the built development of these units and the aforementioned roads. As such, it makes a positive contribution to the character of the area as identified within the UCS.
 8. The proposal would introduce a single storey, free-standing pod unit into this area, between the existing commercial units and Norway Road, with a paved outside seating area to the side and additional parking as an extension to the existing parking area. Vehicular access would be via the existing access from Williams Road, and there would also be pedestrian access from Norway Road.
 9. I concur with the appellant's view that there is no common building line within the vicinity of the appeal site. This is largely due to a wide mix of different building forms and layouts, including industrial, storage, retail and residential uses, with a variety of building juxtapositions in relation to their road frontages.
 10. Notwithstanding this, a degree of setback of built development from the street frontage is a common feature of the area. Within the immediate vicinity of the appeal site, these spaces between buildings and the roads are soft landscaped. This is particularly evident along the frontages of Williams Road to the south of the site, Anchorage Road to the east, Norway Road to the west, and Airport Service Road where it wraps around the 'island' of built development within which the appeal site is located.
 11. It is also a key feature of the townscape surrounding the roundabout adjacent to the site, providing a buffer between the industrial estate and residential area to the northeast of the site. These soft-landscaped spaces between the buildings and the street make a positive contribution to the townscape, as they soften the impact of built development in views from the public realm, including in views from busy arterial routes into and within the Estate.
 12. The proposed siting of the new building and associated outdoor seating, bin storage and parking areas, between the existing building and the road, and in such close proximity to the site frontage, would result in a significant reduction of this green and undeveloped area, and would appear incongruous within the streetscene. It would comprise an unduly cramped layout of development in relation to the site frontage. This would be compounded by the proposed use of the premises, involving an outdoor café element immediately adjacent to the back of the footway, which, during good weather is likely to be well-used due to the proposed absence of indoor seating for patrons.
 13. The proposed positioning of the new building to align with the east elevation of the existing units at Nos 14 and 15, together with the proposed location of the entrance and car parking for the new unit, would effectively extend the existing active commercial frontage onto Williams Road. However, the new structure would sit awkwardly in relation to the existing building.

14. The existing building has a notably vertical design emphasis, due to narrow vertical cladding over much of the building, and a preponderance of vertical rectangular-shaped glazing units on the east elevation. The proposal, in contrast, would be finished in wide horizontal cladding, with a lighter coloured buff brick plinth, and it would incorporate wider glazing panels. The proposed monopitch roof would differ significantly in form, steepness and orientation from the shallow pitched roof of the existing building, and it would incorporate eaves and ridge heights that would be at variance with those of the existing roof. These design factors, combined with the detached nature and significantly smaller scale of the proposed building, would result in the proposal appearing unduly discordant in relation to the adjacent building.
15. The proposed retention of existing landscaping to the west of the new building, and introduction of new landscaping adjacent to the site frontage, would help to soften the visual impact of the new built development. However, the proposal would still be clearly visible from the public realm, particularly the north elevation of the building and the outdoor seating area. The proposed landscaping does not justify or overcome my concerns in respect of the siting and design of the proposal. Moreover, I have noted the appellant's commercial requirement for visual prominence, and I cannot be certain that the proposed landscaping would remain once planted.
16. The presence of storage containers to the west of the site fronting onto Norway Road in a similar position in relation to the street as the appeal scheme are noted. However, I do not consider that these temporary storage features make a positive contribution to the townscape, or that the development and site location are directly comparable with the appeal scheme. As such, they do not justify the harm I have identified in respect of the appeal scheme.
17. The appellant has drawn my attention to three existing units in a similar use as the appeal proposal, which have been approved by the Council in positions close to the highway, and are located within the same Anchorage Park character area as the appeal site. Whilst the majority of the character area comprises employment uses, there are a variety of differing characters within this overall character area, reflecting different land-uses, including residential and a variety of employment and retail uses.
18. The three units referred to are located within the Ocean Retail Park. As such, they are not directly comparable with the appeal scheme in terms of their location, detailed design, siting and relationship with neighbouring buildings. The siting of the three A1/A3 units within close proximity to each other around the perimeter of the retail park car park gives the appearance of a more comprehensively planned layout in association with the retail units, with which they have a close affiliation in terms of their use. The structures are set in a more spacious setting within the shopping centre car park, where such uses are more commonplace, and the two units that are closest to the shopping centre complex exhibit some consistency in design detailing with that building, including in respect of external finishes.
19. As such, the presence of these unit does not justify or overcome my concerns in respect of the appeal scheme, which I must determine on the basis of the proposal before me and the particular circumstances of the appeal site.
20. For the above reasons, I conclude that the appeal proposal would cause significant harm to the character and appearance of the area. It would

therefore be contrary to Policy PCS23 of *The Portsmouth Plan* (2012) which, amongst other matters, requires new development to be well-designed, and seeks excellent architectural quality in new buildings, and appropriate scale, layout, appearance and materials in relation to the particular context.

21. For similar reasons, the proposal would also be contrary to Policies of the Framework which seek to secure high quality design as set out in Chapter 12.

Other Matters

22. There would be economic benefits resulting from the proposal, which would provide A1 retail and A3 restaurant/café uses, which would support the industrial estate, as well as attracting passing trade and serving residents close-by. In addition, the development would create 10 full time and 3 part time jobs. This would accord with the Framework economic objectives of sustainable development.
23. However, a high standard of design is also a key aspect of sustainable development. The harm I have identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development of fostering well-designed and beautiful places, would not be achieved.
24. The appellant refers to amendments that were made to the scheme to address pre-application advice received from the Council, including in respect of landscaping and design, and to initial support for the scheme from the Case Officer. Notwithstanding this, I am not bound by the advice given by the Council prior to the submission of the planning application, and these factors do not alter or outweigh my conclusion on the main issue.

Conclusion

25. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.
26. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR