



Appeal Decision

Site visit made on 25 January 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/Z1775/D/21/3284418

9 Cockleshell Gardens, Southsea, PO4 9SA

- 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 and Mrs Malcolm and Sharon Wright against the decision of Portsmouth City Council.
 - The application Ref 20/00801/HOU, dated 18 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is two storey side, single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst an access required site visit was arranged, unfortunately there was no one present at the appeal site when I called. I did, however, post a letter to the Appellant to say that I was satisfied I had seen everything I needed to determine the appeal and would proceed on that basis. During my site visit, I viewed the development from various vantage points in Cockleshell Gardens and visited the other examples of two storey extensions on the estate referred to in the submitted evidence. I also viewed the appeal site from the shared parking area in Tamarisk Close and from within the rear garden and rear windows of 7 Cockleshell Gardens.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers at 7 and 8 Cockleshell Gardens.

Reasons

4. The Council have not raised any objection to the principle, in design terms, of a two storey side extension. There are a number of examples within the wider estate where the Council have granted planning permission for two storey side extensions. However, the Council do contend that the proposed extension would have an adverse impact on the living conditions of the neighbouring occupiers at 7 and 8 Cockleshell Gardens. In considering this issue I have had regard to the objections received from the occupiers of both properties.
5. The appeal site lies to the south of No's 7 and 8. The side (northern) boundary to the appeal site comprises in part an existing single storey flat roofed garage (attached to the host property) and a brick wall, which appears to be

approximately 2.2 metres in height. The main two storey gabled side elevation to the host property is set further back from the common boundary with No's 7 and 8.

6. The appeal proposal seeks planning permission for a two storey side extension and single storey rear extension. The proposed side extension would be set back from the front elevation of the host property and its gabled design at first floor level would sit well below the ridge to the existing gable end of the host property. The eaves of the proposed single storey rear extension would be broadly in line with the top of the existing flat roofed garage, from where its mono pitch roof would extend upwards to meet the proposed two storey element. Both parts of the new extension are shown to be hard up against the common boundary with No's 7 & 8.
7. As I observed on my site visit, the rear gardens to No's 7 and 8 are short, but provide a pleasant private amenity area for the occupiers. Whilst the backdrop to these gardens, specifically the garden to No.7, is the existing two storey gable end to the host property, the latter is set back and separated from the common boundary by the existing single storey garage.
8. Within this context, the appeal proposal would significantly extend the height, mass and scale of built development on the common boundary, to a position well above the height of the existing flat roofed garage and wall. Even though the rear extension would have a mono pitch roof, it would also increase the height and mass of built development on the common boundary, albeit to a lesser extent than the proposed first floor element.
9. As a consequence, the impact of the proposed extensions on the living conditions of No.7 would be significant. The impact on the living conditions of No.8 would also be harmful, but to a lesser extent. The significant harm would result from the overbearing impact the proposed extensions would have on the rear garden area to No.7, as well as the main windows to its rear elevation, and the increased sense of enclosure that would result for the occupiers of that property, and to a lesser extent the occupiers of No.8.
10. The Appellant argues that there would remain a good distance separating the side wall of the new extension and the rear main wall of No.7. For the reasons given above I disagree. As I also confirmed, the rear garden to No.7 is short and the existing building relationships are already tight. Moreover, the adverse impact on the living conditions of No.7 arises from the impact the proposal would have on their private garden area as well as on their main rear windows.
11. The Appellant contends that the appeal proposal would result in the efficient use of land, secure an innovative solution to providing additional accommodation within a sustainable location, provide a high quality internal and external layout and responds to the positive pre-application request. Even so, none of these considerations, either individually or cumulatively, mitigate for or outweigh the significant harm I have identified above.
12. With regard to the examples of extensions elsewhere within this estate, my attention has not been drawn to any example that is directly comparable to the appeal proposal in terms of the relationship that exists with the neighbouring property. The examples I viewed all involved extensions adjacent to the side elevation of their neighbours or facing away from neighbouring properties.

13. Accordingly, I find that the appeal proposal would be contrary to policy PCS23 of the Portsmouth Plan (2102). The latter seeks to ensure that new development, amongst other requirements, protects amenity and provides a good standard of living environment for neighbouring occupiers, as well as future residents. This policy is consistent with that in paragraph 130 f) of the National Planning Policy Framework (July 2021) (Framework).

Other Matters

14. The Council's Delegated Report and Appeal Questionnaire confirm that the appeal site lies adjacent to the St Andrews Church Conservation Area (SACCA). Whilst the Council have not raised this as an issue, paragraph 195 of the Framework requires consideration to be given to the impact of any new development on the setting of this heritage asset. However, based on the relationship of the appeal proposal to the SACCA, including the distance that separates the two and that the closest boundary of the conservation area is separated from the proposal by the rear garden of the appeal site and shared parking to Tamarisk Close, I am satisfied that the proposed development would not have any impact on the setting of the SACCA.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR