
Appeal Decision

Site visit made on 31 May 2022

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/Z1775/D/21/3284639

1 Garnier Street, Portsmouth, PO1 1PD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Darren Street against the decision of Portsmouth City Council.
 - The application Ref 21/01199/CPL, dated 12 August 2021, was refused by notice dated 23 September 2021.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a LDC is sought is for the installation of dormer to western roof slope (to facilitate loft conversion).
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Decision

1. The appeal is dismissed.

Reasons

2. The **main issue** is whether the Council's decision to refuse to issue an LDC was well-founded. This turns on whether, at the date of the LDC application, the proposed development could have been carried out lawfully by benefitting from the planning permission¹ available within Article 3 and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.
3. 1 Garnier Street is an end of terrace two-storey dwellinghouse occupying a corner position at the junction of Garnier Street and Murefield Road, having an elevation facing onto both of these highways. The proposed dormer extension would be on the roof slope which faces onto Murefield Road. Other than in respect of Class B.1.(c) the parties agree the dormer would satisfy all other requirements of Class B, and I have no reason to disagree. The single point of dispute relates to whether it would be located on the principal elevation of the dwellinghouse in conflict with B.1.(c).
4. Historically, the Garnier Street elevation hosted a doorway into the building when the ground floor was in commercial use. However, the doorway and the ground floor window also facing Garnier Street were removed and permanently filled in during redevelopment of the property. A large bay window remains at first floor fronting onto Garnier Street.

¹ Generally referred to as "permitted development"

5. The single access into the property from the street is via the ground floor doorway (with letterbox) on Murefield Road. Also on this elevation there are 6 windows serving internal areas, 3 at each floor level. In comparing the two elevations, in terms of layout and architectural features, it is clear to me that the Murefield Road elevation reads as the front and principal elevation of the house.
6. I note the address (and postcode) of the property still relates to 1 Garnier Street. In this regard the appellant refers to guidance² concerning the "Principal Elevation". The guidance advises that "*in **most cases** (my emphasis) the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned)*". I acknowledge that in the vast majority of cases properties that are designed and constructed as houses from the outset will have principal elevations consistent with the guidance.
7. However, this property does not fall into those "most cases". Aside from it being a corner property with 2 elevations facing a highway, it only became a single dwellinghouse when the redevelopment alterations were carried out, resulting in the highway on Murefield Road being the only highway serving direct access into and out of the property from the street. It is the only highway elevation with a door available for visitors to go to, and at which post is delivered. These factors, taken together with the previously described features and appearance of the Murefield Road elevation being the front one leads me to conclude that it is the front of the house. In this regard the guidance also states that the principal elevation "*will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house*". I find that to be the case here.

Conclusion

8. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the installation of dormer to western roof slope (to facilitate loft conversion) was well-founded, and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Thomas Shields

INSPECTOR

² Permitted Development for Householders, Technical Guidance, MHCLG (April 2019).