



Appeal Decision

Site visit made on 17 May 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/Z1775/W/21/3281217

Nos 12-18 Guildhall Walk, Portsmouth PO1 2DD

- 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 Thomas Knust (Kentworth Group) against the decision of Portsmouth City Council.
 - The application Ref 20/00417/PLAREG, dated 3 April 2020, was refused by notice dated 19 February 2021.
 - The development proposed is "conversion of two storage rooms on the first floor in the western building into two studio flats along with the reinstatement of wooden sash windows into the light well".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a Grade II listed building sited within a Conservation Area, and I shall have special regard to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The site address as detailed on the application form has been amended in subsequent documents. I have adopted the address included on the appeal form, which reflects accurately the extent of the appeal site.
4. Planning permission and listed building consent have previously been granted for the conversion of offices to student accommodation. The appeal development relates to the part retrospective conversion of ground and first floor storage rooms into two studio flats, and I shall consider the appeal on this basis.
5. The planning application subject to this appeal was accompanied by a listed building consent application, which has also been refused by the Council. However, there is no evidence before me that a separate appeal has been submitted against the decision to refuse listed building consent and as such, I shall only address the issues raised as part of the Section 78 appeal.

Main Issues

6. The main issues are:
 - Whether the development would preserve the special architectural and historic interest of the Grade II listed Prudential Assurance building; and

- Whether the development would provide satisfactory living conditions for future occupiers of the development, having particular regard to outlook, light and size of the accommodation;

Reasons

Heritage

7. Located within the Guildhall and Victoria Park Conservation Area, the appeal site comprises an imposing Grade II listed building dating from 1891, which includes two parallel ranges of former office accommodation and separate commercial uses at ground floor. The significance of this listed building resides both in its historic and architectural interest, as a commercial building designed by Alfred Waterhouse for Prudential Assurance.
8. Its imposing scale and highly adorned exterior, in a Gothic revival style in red brick and terracotta, reflects the significant economic growth which brought commercial grandeur to many English cities such as Portsmouth. Other external parts of are plainer in style, but the internal courtyard and lightwell elevations, which were lined with reflective white glazed tiles to maximise the penetration of light and improve ventilation, have to be viewed as being of high significance due to the good survival of historic fabric.
9. The listing description refers to the group value which the appeal building, together with the adjacent Theatre Royal and other designated heritage assets, hold collectively. This indicates that the significance of these listed buildings also derives from the important contribution they make to the townscape, and the Guildhall and Victoria Park Conservation Area as a whole, which owes much of its special interest to its historic significance as an area of commercial importance and civic pride.
10. Internally, it is clear that the building has been subject to numerous alterations over the years, which have eroded its special interest. Insofar as relevant to this appeal, I note that the areas proposed to be converted had previously been used as toilet facilities and were considered to be of low significance. As part of the earlier listed building consent and planning approvals, these areas were proposed to be used as store rooms. Whilst the scheme included no changes to the internal fenestration to the lightwell, the historic timber sash windows have been removed and the openings have been infilled with glazed bricks, resulting in an important loss of historic fabric. Small uPVC windows have been inserted within some of the openings.
11. There is no doubt that these interventions have caused harm to the significance to the listed building. The removal of the uPVC openings and reintroduction of timber sash windows would be seen as a positive intervention. However, and whilst it is suggested that the vertical sliding sashes should match those removed, there is very limited information before me regarding the details of the proposed windows. As a result, I am unable to ascertain whether these changes would preserve the special interest of the listed building, and for this reason, this is not a matter which can be addressed through the imposition of a condition.
12. The development would cause less than substantial harm to the special architectural and historic interest of the Grade II listed building, to which I ascribe considerable importance and weight. In such circumstances,

paragraph 202 of the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits of the proposal. The appeal scheme would provide additional student accommodation, and enable some unfortunate alterations, as described above, to be corrected. However, in the absence of substantive evidence to the contrary, I cannot be satisfied that the new windows would constitute a suitable replacement and preserve the significance of the Grade II listed building. Accordingly, the identified harm would not be outweighed by the presented benefits associated with the appeal development.

13. For the foregoing reasons, there is no certainty that the appeal scheme would preserve the special interest of the Grade II listed building, and therefore accord with the design and conservation aims of Policy PCS23 of the Portsmouth Plan: Portsmouth's Core Strategy (the Portsmouth Plan), and section 16 of the Framework. Amongst other things, Policy PCS23 seeks to ensure that changes to existing buildings achieve excellent architectural quality and all new development protect and enhance the city's historic townscape.

Living conditions

14. The Council is concerned that the appeal scheme would not provide satisfactory living conditions for the intended occupiers of the development, noting that the size of the units would not accord with the Government's Technical Housing Standards – Nationally Described Space Standard (NDSS). Both studios, which include kitchen areas and en-suite facilities, are approximately 15.5 square metres.
15. The appellant has referred to Policy PCS19 of the Portsmouth Plan and the Student Halls of Residence Supplementary Planning Document (SPD), which state that student accommodation proposals are not required to comply with the NDSS. That said, the size and liveability of the units nevertheless constitute essential elements to ascertain whether the development would provide a good living environment. In this particular case, the size of the units is so constrained that there would be no sufficient space available to meet the basic living requirements of future occupants.
16. This would be exacerbated by the fact that both units are to be served by small windows looking onto an internal lightwell. The outlook from these windows would be severely limited and levels of natural light considerably restricted. This would create a gloomy and oppressive sense of enclosure, which would provide a poor living environment for future occupiers of the development.
17. Whilst the appeal scheme relates to the provision of additional student accommodation, the units are clearly laid out as self-contained studios, where the occupiers may be spending prolonged periods of time, at least during the academic year. On this basis, I see no reason why this type of accommodation should not be reasonably sized to meet the day to day requirements of future occupiers, and provided with an acceptable level of daylight and outlook.
18. The appeal scheme would fail to provide a satisfactory living environment for future occupiers of the development, having regard to outlook, light and the size of the accommodation. It would therefore be contrary to Policy PCS23 of the Portsmouth Plan, which notably seeks to ensure that new proposals provide a good standard of living environment for future residents and users of the development, as well as paragraph 130 of the Framework.

Other Matters

19. No concerns have been raised by the Council in respect of the effect of the development on the special interest of the Guildhall and Victoria Park Conservation Area, and there are no reasons for me to reach an alternative view. I confirm that the appeal scheme would preserve the character and appearance of the Conservation Area,
20. The appeal site lies within proximity to the Portsmouth Harbour Special Protection Area (SPA), which is recognised as being of international importance for supporting significant numbers of overwintering bird species. The Council considers that the creation of additional units of accommodation would have a likely significant effect on the integrity of this sensitive area (either individually or in combination with other plans or projects) notably by reason of increased recreational pressures, unless suitable mitigation is provided. As detailed within the Solent Recreation Mitigation Strategy, residential development proposals are required to make a financial contribution towards mitigation measures, which are normally secured through the completion of a planning obligation.
21. Furthermore, Natural England has raised concerns regarding the high levels of nitrogen and phosphorous entering the Solent catchment, which are causing eutrophication and subsequently compromising the integrity of the SPA. Appropriate mitigation also needs to be secured to address the nitrate impacts, which are affecting the water environment of the Solent.
22. As this appeal is being dismissed on other substantive grounds, these are not matters which need to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the development's compliance with Habitats Regulations.

Conclusion

23. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR