
Appeal Decision

Site visit made on 28 July 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/Z1775/W/21/3284205

38 St Chads Avenue, Portsmouth PO2 0SB

- 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 Rob Vandenberghe against the decision of Portsmouth City Council.
 - The application Ref 21/00356/FUL, dated 9 March 2021, was refused by notice dated 9 September 2021.
 - The development proposed is C3 use to dual use C3 residential / C4 HMO use.
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Decision

1. The appeal is allowed and planning permission is granted for C3 use to dual use C3 residential / C4 HMO use at 38 St Chads Avenue, Portsmouth PO2 0SB in accordance with the terms of the application, Ref 21/00356/FUL, dated 9 March 2021, subject to the following conditions:
 - 1) The development shall be carried out in accordance with the following approved drawings: TQRQM20356105127704, TQRQM20356110148617, PG.5164.20.01 and PG.5164.20.4 Rev.B.
 - 2) Within three months from the date of this decision, details of secure and weatherproof bicycle storage facilities for 4 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed within 3 months of their approval.

Preliminary Matters

2. At the time of my site visit, development had been carried out similar to the proposed development. However, there is a discrepancy between the submitted plans and the development that exists on site in terms of the second floor accommodation, which exists as two bedrooms. However, I have assessed the development on the basis of the supporting plans.

Main Issue

3. The main issue is whether the development provides a satisfactory standard of living accommodation for future occupiers, with particular regard to noise, vibration and disturbance to the rear ground floor bedroom.

Reasons

4. The appeal site is a mid terrace property in an area characterised by residential properties of similar scale. The rear ground floor bedroom is located adjacent to the communal kitchen and dining areas, which are shared by the occupants of the building. A shared toilet also exists next to that bedroom.

5. I do not have substantive or convincing evidence before me to suggest that the proximity of these facilities to the bedroom would cause harm to the living conditions of the occupiers of that room. The washing machine and tumble drier machines could be relocated without the need for planning permission or noise mitigation could be installed to the small area of adjoining wall if it were to be necessary. In addition, the frequency of use of the facilities would be limited by the size of the property itself and its use class. In combination, these factors satisfy me that the occupiers of the rear ground floor bedroom would not experience unacceptable disturbance by virtue of the proximity to the kitchen area. Indeed, during my site visit I observed that the white goods had been installed to the far end of the kitchen, away from the nearest bedroom.
6. Given the presence of ensuite toilet facilities to each of the bedrooms, the likely frequency of use of the shared toilet is also likely to be low and would not be likely to cause unacceptable disturbance.
7. For the reasons given, I do not consider that the likely levels of noise, vibration or disturbance experienced by the occupants of the rear ground floor bedroom, by reason of its proximity to the kitchen and toilet, are harmful.
8. The development is therefore compliant with Policy PCS23 of the Portsmouth Plan: Portsmouth's Core Strategy 2021 and the Houses in Multiple Occupation Supplementary Planning Document 2019, which together require a good standard of living accommodation.

Other Matters

9. The site is located within the buffer zone for the Portsmouth Harbour Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar Site, as well as the nearby Solent SPA, all of which are designated sensitive areas as defined by the EIA Regulations. The Council have reported that the change of use would not be likely to increase overnight stays. As the change of use would not significantly alter the level of occupancy at the appeal site, I find the development is not likely to have a significant effect on the internationally important interest features of the site. As the risk or possibility of significant effects can be excluded, an appropriate assessment is not necessary.
10. I have had regard to the other issues raised by third parties including the excess of HMO and holiday accommodation in the area, suitability of the area for HMO accommodation and parking. These matters were addressed by the Council in their Committee Report and informed by consultee responses including the Highways Authority. These matters did not constitute reasons to refuse planning permission and I have no reason, or evidence, which would lead me to conclude contrary to the Council's assessment in respect of these issues.
11. In addition, I do not have substantive evidence to convince me that the development would give rise to increased noise or anti-social behaviour, nor that it would adversely impact upon air quality or local drainage systems. Issues relating to impacts on property values are not material considerations in this appeal.

Conditions

12. I have considered the conditions put forward by the Council in its Committee Report and I have had regard to the advice in Planning Practice Guidance and

the National Planning Policy Framework in respect of conditions. As the development has been carried out, no standard time limit condition is required and planning permission is granted on the basis of the supporting plans to provide clarity to the parties.

13. A condition is imposed to ensure cycle storage facilities are installed to promote sustainable transport. As the supporting plans lack details of the nature and appearance of the cycle storage facilities, the condition requires such details to first be submitted to the Council for approval.

Conclusion

14. The development accords with the development plan as a whole, and the appeal is therefore allowed.

C Shearing

INSPECTOR