



Appeal Decision

Site visit made on 10 August 2022

by R Barrett BSc (Hons) MSc Dip Hist Cons Dip UD IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/Z1775/W/21/3282427

Fontenoy House, Grand Parade, PORTSMOUTH, PO1 2NF

- 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 Jason and Kate Phillips (Starfall Limited) against the decision of Portsmouth City Council.
 - The application Ref 20/00158/FUL, dated 5 February 2020, was refused by notice dated 4 May 2021.
 - The development proposed is construction of mansard roof extension to form two bedroom apartment (Class C3) with roof terrace and alterations to existing building, including brickwork, render to ground floor and extension of external staircase and balconies.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the appeal proposal on the character and appearance of the locality and whether it would preserve or enhance the character or appearance of the Old Portsmouth Conservation Area.

Reasons

3. The appeal site includes is a three-storey residential building in use as flats. It occupies a prominent corner site at the junction of High Street and Grand Parade. It forms part of a block of buildings that face High Street, Grand Parade and Battery Row, sited within the Old Portsmouth Conservation Area.
4. The Conservation Area's Medieval layout of roads and spaces is still appreciable today, along with its plethora of Georgian townhouses and other historic buildings. Dominant within this part of the Conservation Area is the Square Tower Scheduled Ancient Monument (SAM) on the harbour side and the grade I listed Cathedral Church of St Thomas on the High Street. Those landmarks are interspersed with many high quality listed buildings, commonly punctuated by later post war buildings of generally lesser design quality; one of which is the appeal site.
5. Although there is variation in the age, style and detailing of buildings, there is some consistency in their building line, which tightly encloses the streets, their high quality design, use of traditional materials, and their lively rooflines. Roof additions are common, but most are subservient to the host building, respecting its hierarchy and picking up on its design cues, such that they generally complement the diversity of building styles and add to the lively

rooflines seen in the Conservation Area. The matters that I have identified contribute to the character and appearance of the Conservation Area as a whole, and its significance as a heritage asset.

6. Fontenoy House is of simple rectangular form, with a flat roof set behind a parapet, red brick elevations and some regularity in the pattern of openings. Subtle modelling of the elevations fronting Grand Parade, including slight setting forward of elements, breaks up that long elevation and provides some relief and interest. Due to its mass, simple form, limited height and pattern of fenestration and openings, it has a generally horizontal emphasis when seen from Grand Parade. Although I acknowledge the building is bland in some regards, and appears rather understated in height and architectural treatment on this prominent corner site, it sits comfortably within the Conservation Area.
7. The appeal extension, including its upright sides and profiled roof, in addition to the roof terrace, would add significant height and bulk to the appeal building, such that it would appear top heavy. The addition of a roof terrace, although set back and using frameless glass balustrading, would be likely to be used as domestic outdoor space with some residential paraphernalia, which would add to the proposal's apparent overall height and scale in relation to the host building.
8. Although set behind a raised parapet, and dark in colour, the appeal extension would extend nearly the full length of the High Street and Grand Parade elevations. Coupled with its excessive height, that would result in an uncomfortable bulk and compound its 'top heavy' impact. As the main element would appear as one mainly unbroken volume, it would fail to replicate the lively and varied roofline distinct in the Conservation Area and respect the subtle modelling of the elevations of the host building below fronting Grand Parade. Further, the roof addition would include large vertically emphasised openings, which would be larger than the windows below and thus add to its top heavy appearance. For this reason, the addition would also fail to relate to the more horizontal fenestration pattern of the host building and its generally more horizontal emphasis and hierarchy.
9. The Council raises concern regarding the materials to be employed. However, the use of standing seam zinc, giving a modern appearance would not, in itself be inappropriate given the eclectic mix of ages, styles and materials employed in the Conservation Area.
10. I acknowledge that the appeal proposal would result in a building lower than that opposite and others close by, some with roof additions. I also agree that there is scope and benefit, in urban design terms in increasing the height of this building to appropriately mark this prominent corner site and relate better to 59/60 High Street. However, any addition would need to relate appropriately to the appeal building and the design cues in the Conservation Area. The appeal proposal fails to do so.
11. I acknowledge that some aspects of the appeal proposal, including elevational changes and the addition of balconies could help to enliven the building and create a more interesting focal point on this prominent corner. However, those elements of the appeal proposal do not overcome the unacceptable harm that I have identified.

12. All in all, the appeal proposal would fail to relate appropriately to the host building, would appear out of scale with it, and fail to reflect its architectural detailing. In failing to relate appropriately to the host building, and pick up on design cues in the Conservation Area, it would not be consistent with the generally higher design quality of buildings in the Conservation Area and the locality generally.
13. In accordance with paragraph 199 of the National Planning Policy Framework (the Framework), I accord great weight to the conservation of a designated heritage asset. I consider that the harm to the Conservation Area, would be less than substantial, a matter to which I attach considerable importance and weight. However, in this case, no public benefits, as identified in paragraph 202 of the Framework, are before me, which would outweigh that harm. In carrying out this balance I have had regard to the measures put forward to comprehensively enhance the appeal building.
14. I conclude that the appeal proposal would fail to preserve or enhance the character or appearance of the Old Portsmouth Conservation Area and the locality generally. It would therefore conflict with Policy PCS23 of The Portsmouth Plan 2012. That aims for all new development to be well designed and in particular, respect the character of the city, including the geography and history of Portsmouth, and the city's conservation areas, listed buildings, locally listed buildings, and SAMs.

Other Matters

15. The appeal site has an extant planning permission for two flats including a roof extension¹. I have had regard to the greater than theoretical possibility of this permission being implemented in making my Decision. I have also considered evidence suggesting that previous buildings on the site were of similar height and mass to the appeal proposal. However, I have limited substantive evidence in this regard. Places evolve and I am determining this appeal on the basis of the character and appearance of the locality and Conservation Area today, having regard to its history on the basis of the evidence before me.
16. The appeal proposal would provide an additional unit of family accommodation. That would be a benefit. The Council confirms that it cannot demonstrate a five-year supply of housing. However, in this case, the policies in the Framework that protect areas and assets of particular importance provide a clear reason for refusing the development proposal. Therefore, the absence of a five year housing land supply does not determine the planning balance to be applied in this case.
17. The appeal would also bring benefits in terms of cycle parking, larger balconies for existing residents of the appeal building and some enhancements to the building and its courtyard. Those matters weigh in favour of the appeal, along with the provision of additional residential accommodation and have been accounted for in my planning balance.
18. I acknowledge the uncertainty brought about by the appeal development, its history and the impact on existing residents of Fontenoy House. However, as there is an extant permission, the outcome of this appeal could provide more certainty in that regard.

¹ 19/01657/FUL

19. There are a number of other heritage assets within the locality, including listed buildings and a SAM². The Council does not raise concern regarding the impact of the appeal proposal on the setting of any of those assets. Given the nature of the appeal proposal, its mass and height and the separation distance from those assets, I have no reason to take an alternative view to the Council. In doing so I have had special regard to the desirability of preserving those buildings or their settings or any features of special architectural or historic interest which they possess.
20. The massive structures of Square Tower, Point Battery and Long Curtain, their role as a harbour side focal point and their relationship with the subordinate lower level development in the streets nearby, including the appeal site, contributes to their setting and significance as heritage assets. For the reasons given above, the appeal development would not disrupt that existing subordinate relationship and would not result in harm to the assets' significance.
21. The dominance of the Cathedral Church of St Thomas is emphasised by its size and height in relation to surrounding development, including the appeal site, and its spacious separation from it. Those elements contribute to its setting, which in turn contribute to its significance. For all the same reasons, the appeal development, would not impact that setting.
22. The other listed buildings in Grand Parade and High Street, including 59/60 and 63 High Street, the red telephone box and Statue of Lord Nelson, all have a setting which relies on their close relationship to the surrounding open spaces, the network of streets and the buildings that enclose them. In each case that setting contributes to their significance. Those settings include the appeal site. For the same reasons, the appeal development would not result in harm to their settings and therefore would not impact their significance as heritage assets.
23. The appeal proposal would be within the Zones of Influence of a number of habitats sites and a potential habitat site³. I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended). However, on the basis of my conclusions on my main issue in this appeal, I have no reason to consider this matter further.
24. I have also had regard to the parts of the Council's Guidelines for Conservation Areas brought to my attention and in particular that encouraging 3-4 storeys as an ideal height in the Conservation Area. However, the same document requires development to relate well to the existing building and surrounding townscape. In any event that it guidance and I have made my Decision on the basis of the merits of the case taking all matters in the round.
25. In coming to this Decision, I have had regard to previous Inspectors' Decisions. (APP/Z1775/A/13/2209514 and APP/Z1775/W/20/3248374). Both relate to different proposals at the appeal site and neither replicate the circumstances of this appeal.

² Including Square Tower, part of Point Battery, including King Edward's Tower and Square Tower SAM, Long Curtain, King's Bastion and Spur Redoubt SAM and listed building, Cathedral Church of St Thomas, statue of Lord Nelson, the listed buildings in Grand Parade, including the K6 red phone box and Nos. 2-6, Nos. 59, 60 and 63 High Street

³ Portsmouth Harbour Special Protection Area (SPA)/Ramsar Site, Chichester and Langstone Harbours SPA/Ramsar Site, the Solent, and Isle of Wight Lagoons Special Area of Conservation (SAC), the Solent Maritime SAC, the Solent and Southampton Water SPA and Solent and Dorset Coast potential SPA.

26. Whilst the 2013 appeal (extant permission referred to earlier) was for a roof extension which the Council considers 'comparable to that considered as part of this appeal', the detailed design is different. That proposal is smaller, lower, has a livelier roofline and a detailed design that relates more appropriately to the host building and its surroundings.
27. The 2020 appeal relates to a proposal for a two-storey addition, which has greater height and bulk than the appeal proposal. That results in different impacts to this appeal and that development delivered different benefits, including different improvements to the host building.

Conclusion

28. For the reasons given I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR