



Appeal Decision

Site visit made on 23 August 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2022

Appeal Ref: APP/Z1775/W/22/3290048

10 Barham Way, Portsmouth PO2 9NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Dean Packham against Portsmouth City Council.
 - The application Ref 21/01180/HOU, is dated 10 August 2021.
 - The development proposed is described as a minor enlargement to existing dormer in order to give height for door opening at the top of the stairs.
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Decision

1. The appeal is allowed and planning permission is granted for a minor enlargement to existing dormer in order to give height for door opening at the top of the stairs at 10 Barham Way, Portsmouth PO2 9NY in accordance with the terms of the application, Ref 21/01180/HOU, dated 10 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (dated 18.11.20), and Proposed Dormer Enlargement.
 - 3) The development hereby permitted shall use materials in the construction of the external surfaces that match those used in the existing building.

Procedural Matters

2. The Council do not contest the application, however as this is an appeal against non-determination, I have a duty to deal with the case before me.

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of the occupants of Nos 36 and 38 Spinnaker Drive.

Reasons

Character and appearance

4. The appeal property is a detached, 2 storey dwelling. To one side it has a single storey section with converted roof space and a forward facing gable dormer. It is within a modern, suburban residential housing estate where properties are of a similar age and are of a functional but traditional

vernacular. There are 2 main styles of property, those with end gables and linear features and those with forward facing gables and/or gabled features. The appeal property is of the former style.

5. The proposal would replace the existing dormer with a slightly larger flat roof dormer which would align with the eaves height on the front of the main dwelling. The flat roof of the dormer would be in keeping with the linear detailing of the appeal property and the additional depth and width would be proportionate to the single storey side section. The proposal would retain the subservient relationship between the main dwelling and single storey section and the vernacular of the appeal property. As such it would not constitute a harmful element within the street scene.
6. The proposed development would not, therefore, have a detrimental impact on the character and appearance of the area and would comply with Policy PCS23 of the Portsmouth Plan insofar as it relates to design, and respect of the character of the area.

Living conditions

7. Due to the dense nature of the estate, the side boundary of the appeal site, including the flank elevation of the single storey section, forms the rear boundary to the modest gardens of 36 and 38 Spinnaker Drive.
8. The proposal would not include any additional windows but would enlarge the existing forward facing one. The placement of this window would be forward of No 38 and I am satisfied the modest increase in size would have no greater impact on the privacy of the occupants of no 36, in terms of overlooking, than the existing dormer.
9. The additional bulk created by the proposed dormer would be within the parameters of the existing roof pitch in terms of height and width, and it would not extend beyond the frontage of the main dwelling. Due to this location and the fact it would be situated to the west of the gardens of Nos 36 and 38, it would not have a discernible impact on daylight or sunlight for those properties' gardens or their rear elevations.
10. The proposal would alter the form of the side elevation of the dormer; however, it would not extend beyond the front elevation of the appeal property and so would still be seen in context with the larger, 2 storey gabled end of the main part of the dwelling. Therefore, although this would be a change in how the side elevation of the appeal property would look, it would not have a significant effect on the outlook from the rear of Nos 36 and 38.
11. The proposal would retain the domestic use of the appeal property and therefore the level of noise from the property would not reasonably be expected to increase beyond normal residential levels.
12. Consequently, the proposed development would not have a harmful effect on the living conditions of the occupants of Nos 36 and 38 Spinnaker Drive. It would comply with Policy PCS23 of the Portsmouth Plan insofar as it seeks to protect a good standard of living environment for neighbouring occupiers.

Other Matters

13. I am aware that Portsmouth City is in the catchment of the Solent Special Protection Area (SPA). It is an area which, as designated by Natural England, needs action to be taken concerning nutrient neutrality. However, as the proposal would not materially alter the use of the appeal site nor intensify that use it would not have a significant effect on the internationally important features of the SPA either alone or in combination with other nearby development.

Conditions

14. The Council has suggested 3 conditions which I have considered against advice in the National Planning Policy Framework and Planning Practice Guidance. I have amended them for consistency and clarity. In addition to securing commencement within the relevant statutory timeframe, I have also imposed conditions requiring adherence to the approved plans and that matching materials should be used to ensure the proposal integrates acceptably within the character and appearance of the area.

Conclusion

15. For the reasons above, the proposed development would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations that would indicate a decision otherwise. The appeal should, therefore, be allowed and planning permission granted.

RJ Redford

INSPECTOR