
Appeal Decision

Site visit made on 5 October 2022

by S Edwards BA MA TCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2022

Appeal Ref: APP/Z1775/W/21/3289958

Land Adjacent South Parade Pier, South Parade, Southsea PO4 0RN

- 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 T Ware against the decision of Portsmouth City Council.
 - The application Ref 21/00983/PLAREG, dated 30 June 2021, was refused by notice dated 9 December 2021.
 - The development proposed is described as “retention of beach terrace”.
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Decision

1. The appeal is allowed, and planning permission is granted for “change of use of land and construction of external raised terrace ancillary to Café (Class E) on land adjacent to South Parade Pier” at Land Adjacent South Parade Pier, South Parade, Southsea PO4 0RN, in accordance with the terms of the application, Ref 21/00983/PLAREG, dated 30 June 2021, subject to the following condition:
 - 1) The external terrace hereby permitted shall remain closed to and vacated by customers outside the following hours of operation: 08:00-20:00 (Monday-Sunday and including Bank and Public Holidays).

Preliminary Matters

2. The appeal development has been carried out, and I have therefore considered this appeal on the basis that planning permission is being sought retrospectively.
3. The description of development provided in the application form has been amended in subsequent documents. In my formal decision, I have used the description used in the Council’s Decision Notice, which sets out more precisely the extent of the development. I have however removed the phrase “retrospective application”, which does not constitute an act of development, and replaced the reference to the “A3” Use Class by “Class E” to reflect the changes introduced by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
4. The appeal scheme affects the setting of a listed building sited within a conservation area, and I shall therefore have special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The appellant originally submitted a joint application seeking planning permission and listed building consent for the development. This decision solely deals with the appeal against the Council’s refusal of planning permission, as I

have not been presented with information suggesting that the decision to refuse listed building consent has been appealed against.

Main Issue

6. The main issue is whether the appeal development preserves the special architectural and historic interest of the Grade II listed South Parade Pier (List Entry Number: 1387214), and the character or appearance of the Seafront Conservation Area.

Reasons

7. The appeal site comprises a raised terrace constructed on the beach, which lies adjacent to Southsea South Parade Pier. This Grade II listed structure is a prominent landmark along the seafront, which had to be rebuilt following a fire during the 1970s. The significance of South Parade Pier resides primarily in its architectural and historic interest as one of the seaside's most iconic landmarks, reflecting the development of Southsea as a tourist resort.
8. The site is also located within the Seafront Conservation Area. The special interest of this designated heritage asset is largely characterised by its rich collection of historic buildings overlooking the sea and the open and spacious aspect of the seafront. As key components of the seafront, there is no doubt that the pier and the beach make significant contributions to the character and appearance of the Conservation Area.
9. The appeal development clearly appears as an ancillary structure to the adjacent food outlet. Whilst it covers a wider footprint than the structure which the Council has previously been granted planning permission¹ and listed building consent² for, the height of the enclosure remains modest and the use of timber ensures that it does not unduly stand out within the public realm. Having regard to the design of the terrace and its siting in relation to the pier, I am satisfied that the development does not affect the ability to appreciate the listed structure and its significance.
10. The development adds to the range of uses which can be found in seaside resorts such as Southsea and supports its attraction as a holiday destination and area for recreation. The terrace is a relatively light enclosure, which maintains the open character and thus preserves the special interest of the Conservation Area as a whole.
11. For the foregoing reasons, I find that the appeal development causes no visual harm and preserves the special interest of the Grade II listed pier, including its setting, but also the character and appearance of the Seafront Conservation Area. Accordingly, there is no conflict with Policies PCS9 and PCS23 of the Portsmouth Plan – Portsmouth's Core Strategy, which seek to ensure that new development will contribute to the revitalisation of the seafront, tourism and Portsmouth's wider regeneration strategy, whilst relating well to the geography and history of the City.

Conditions

12. The Council has not suggested a list of conditions, in the event that the appeal is allowed, and I have therefore had regard to the conditions included within

¹ Local Planning Authority Reference 18/00140/FUL.

² Local Planning Authority Reference 18/00141/LBC.

the Case Officer's report to the Planning Committee. Conditions regarding the implementation period for the development and listing the plans it needs to accord with are not needed as the terrace has already been constructed. It is however considered necessary to impose a condition restricting the hours of use of the terrace, in order to protect the living conditions of neighbouring residents.

Conclusion

13. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

S Edwards

INSPECTOR