



Appeal Decision

Site visit made on 7 November 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/Z1775/W/22/3292093

Rear of 51-51a High Street, Cosham PO6 3AX

- 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 Logistic Estates Ltd against the decision of Portsmouth City Council.
 - The application Ref 21/00430/FUL, dated 19 March 2021, was refused by notice dated 24 December 2021.
 - The development proposed is partial change of use of ground floor retail (Use Class E) to residential (Use Class C3) as well as rear extension at ground floor, first and second floor to allow the creation of three dwellinghouses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are considered to be the effect of the development on:
 - The character and appearance of the area
 - The living conditions of neighbouring and future occupants, with regard to overlooking, dominance, outlook, light and amenity space
 - The ecological value of the Solent special protection areas.
3. It is also necessary to consider what effect the lack of housing land supply should have in the decision. I consider this issue in my conclusion.

Reasons

4. The development would occupy part of the rear service yard to a pair of shops fronting the High Street which have residential accommodation above. The shops and residential accommodation form part of a row of similar buildings. The appearance of the immediate area is a functional one with ancillary parking, storage and servicing activities associated with the buildings fronting the High Street. However, there is a flat roofed 2 storey building at the rear of 49 High Street that is in residential use, and a more recent part 2/part 3 storey building at the rear of 53a High Street in use as a pair of residential dwellings. The use of these 2 buildings, together with the building in residential use on the opposite side of the service road, have started to give this area more of a 'mews' style character, where there is a mix of uses, including residential, within a tight knit group of buildings in an urban layout.

5. The principle of some form of residential development on the site would not therefore be out of character with the changing nature of this area. Similarly, a building of 2 or 2½ storeys would not be out of place given the height of the surrounding buildings. However, the design of the proposed building leaves much to be desired. The block form with little or no detailing would appear bland and uninspiring. The amendment to the roof during the course of the application is an improvement on the original design, but would still result in a very shallow jumble of roof slopes which are of different pitches. In my view that would result in a building that was poorly designed and discordant in appearance with the wider townscape.
6. Policy PCS23 of the Portsmouth Plan 2012 requires all new development to be well designed and to respect the character of the city. While I note the flat roofed building flanking the site, as well as the rear elevations of the row of buildings fronting the High Street, the quality of design now required is greater than displayed by these buildings. For that reason, they should not be taken as setting a precedent for what may be built on the appeal site.
7. I conclude that the design of the building would harm the character and appearance of the area and conflict with Policy PSC23 of the Portsmouth Plan 2012, which requires excellent architectural quality in new buildings and changes to existing buildings.

Living conditions of neighbouring and future occupants

8. The proposed extension would have windows to living rooms at first and second floor level looking directly towards habitable room windows in the residential accommodation above the shop units. The close proximity of these facing windows together with the direct relationship between them would cause a harmful degree of overlooking for both the neighbouring occupants and future occupants of the first and second floor flats.
9. The Council has also raised concern about overlooking to the first floor terrace used by the accommodation above the shops. However, this external terrace is already open to view from neighbouring residential accommodation. While there would be some more overlooking of it by the proposed development, I do not consider that would cause the same degree of harm as the overlooking to the internal living spaces.
10. I agree with the Council that windows facing out onto Aldbroke Road would not cause harmful overlooking or dominance, as this service road is already a publicly accessible space and constrained by buildings close to the edge of the carriageway. I also consider that the extension would be far enough away from the residential accommodation above the shops so as to avoid it being oppressive.
11. The building design would lead to habitable room windows facing the side boundary of the site, looking out onto what is at present a service yard and parking area for the adjacent property, beyond which is a blank wall of the 2/3 storey dwellings to the rear of 53a High Street. As well as having a poor outlook, these windows may in the future be severely overshadowed if a similar development were to be carried out to that proposed in this appeal on the adjoining land, because of the way that they overlook the neighbouring space. Conversely, such windows might unreasonably restrict such a development

opportunity. Either way, the side facing orientation of principal windows to habitable rooms would be harmful.

12. The Council raises concern at the lack of outdoor amenity space. There would be a small amount of land adjacent to Aldbroke Road which could provide room for cycle parking and waste/recycling bins but otherwise none for informal recreation. While Policy PCS19 of the Portsmouth Plan 2012 requires minimum internal space standards, it does not impose any requirement on external space. Although it would be desirable to have more outside space, given the town centre location and tight knit nature of the environment, I do not consider the outdoor space available to be so limited as to be harmful to the living conditions of future occupants.
13. I conclude that the development would cause harm to the living conditions of neighbouring and future occupants of the scheme by reason of overlooking, and potential overshadowing. Although I have found that the additional building bulk would not be overly dominant, nor outdoor space too limited, the harm caused by the former matters would conflict with Policy PCS23 of the Portsmouth Plan 2012 which requires the provision of a good standard of living environment for neighbouring and local occupants as well as future residents and users of the development.

Solent special protection areas

14. Several areas of international ecological importance in and around the Solent are experiencing eutrophication from increased nutrients in waste water, as well as informal recreational pressure disturbing feeding grounds of migrant bird populations. The creation of additional dwellings has the potential to add to the nutrient pollution affecting the special protection areas. However, given my decision on the appeal there is no need for me to undertake an appropriate assessment to determine whether a likely significant effect would be caused, and if so whether it could be mitigated in the manner proposed by the appellant. For that reason, I have not considered this matter any further.

Other Matter

15. The Highway Authority objects to the scheme because of a lack of parking, but the Council does not. Given the nature of the proposed dwellings, which are small 1-bed flats, and the town centre location, I also consider that parking is not an essential requirement in this case. Future occupants would not require private cars to access normal day-to-day services and facilities which are close to hand, and therefore the demand for on-street parking would be limited.

Conclusion

16. I have found that the development would cause harm to the character and appearance of the area, and also to the living conditions of neighbouring occupants and future occupants of the scheme. I conclude that it would conflict with the development plan when taken as a whole.
17. The Council is currently only able to demonstrate a 4.7 years' supply of housing land. Because this is below the 5 year supply required by national policy, paragraph 11 of the National Planning Policy Framework says that planning permission should be granted unless policies in the Framework provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

18. The provision of 3 additional residential units would help to address the shortfall in housing land and therefore carries beneficial weight. However, the Council has not raised an objection in principle to residential development on the site. There remains the potential therefore for some form of residential development on the site which would help to meet housing need. Having regard to this consideration, and also the extent of housing land that the Council is able to demonstrate, I consider that the adverse impacts of the scheme I have identified above would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development is therefore not engaged in this case.
19. The development conflicts with the development plan when taken as a whole, and there are no material considerations which indicate my decision should be taken otherwise than in accordance with it. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR