



Appeal Decision

Site visit made on 24 January 2023

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/Z1775/D/22/3302434

233 Tangier Road, Portsmouth PO3 6PQ

- 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 Bruce Duff against the decision of Portsmouth City Council.
 - The application Ref 21/01090/HOU, dated 13 July 2021, was refused by notice dated 13 April 2022.
 - The development proposed is single storey rear extension, second floor rear loft extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refused the application that led to this appeal for two reasons, with the second relating to the effect on the living conditions of the occupiers of the two adjoining properties. However, in the report setting out the reasoning for the decision, in considering the effect on such living conditions, the officer wrote "while it is considered that the proposals are not particularly neighbourly, a reason for refusal on these grounds is unlikely to be sustainable". While I note this comment, the decision notice sets out the formal decision of the Council and this does include the effect on the occupiers of neighbouring properties.
3. In any event, under section 79(1) of the Town and Country Planning Act 1990 (as amended) (the TCPA) the Secretary of State may deal with an appeal as if the application had been made to him in the first instance. These powers derive to me through the operation of Schedule 6 of the TCPA. In this regard I note that the occupier of one of the adjoining properties wrote objecting to the proposal at the application stage.
4. The appellant in their grounds of appeal also dealt with the effect of the proposal on the living conditions of the occupiers of the adjoining properties. I therefore consider that he would not be prejudiced by my considering this issue.
5. Most of the building works representing the proposed development have taken place, although some of the external facing materials have not been completed.

Main Issues

6. The main issues are the effect on:

- the character and appearance of the area and the host dwelling; and
- the living conditions of the adjoining occupiers in terms of light, outlook and sense of enclosure.

Reasons

Character and appearance

7. The appeal property was a two storey mid-terraced property in a row of similar properties, with other similar terraces in the surrounding area although they vary in form. In this terrace, the properties all have, or more accurately in the case of the appeal property, did have, two storey outriggers to the rear with a gable roof form. The rear gardens of this terrace, and that to the east, back on to Stanley Avenue. The upper part of the rear elevations of these properties can be readily seen from Stanley Avenue over the rear garden walls and outbuildings.
8. The appeal proposal is made up of various elements. A single storey extension across the whole of the width of the property extending a further 3.06m to the rear so that the whole is approximately 5.3m from the main rear elevations of the properties on either side. Secondly, removing the gable above the first floor extension to provide a third floor of accommodation and extending to either side of the outrigger close to the roof. The whole of this upper floor of accommodation has a flat roof. Two rooflights have been installed in the front roof plane.
9. While I appreciate that the rear elevation is not complete in that the finishing render has yet to be applied, I found the upper storeys to be bulky and incongruous when viewed in the public domain from Stanley Avenue. The loss of the gable elevational form, the introduction of the two large windows in the rear elevation and the dark material of the tile hanging above a lighter render mean it is more intrusive than the otherwise subservient rear outriggers along the terrace. These elements result in a squat and top heavy additional built-form removing the legibility of the outrigger which is an important component in making this terrace distinctive. It is therefore harmful to the character and appearance of the street scene, and thus the area generally, and to the original dwelling.
10. The appellant has referred to other "box dormers" in the vicinity and I noted a number on the next terrace to the east. I do not have the planning histories of these and thus how they were considered. In any event, these properties do not have the outriggers on the rear and the dormers do not extend further to the rear than just above the existing eaves line meaning they all have a greater subserviency to the original dwelling. I consider that there are material differences between the examples cited and the appeal proposal.
11. The development is therefore harmful to the character and appearance of the area and the host dwelling and contrary to Policy PCS23 of the Portsmouth Plan which requires development to be well designed and of excellent architectural quality and of an appropriate appearance and materials in relation to its particular context. It is also contrary to paragraph 130 of the National Planning Policy Framework (the Framework) which requires development to be visually attractive and sympathetic to local character.

Living conditions

12. Both of the properties on either side, Nos 231 and 235, have windows at ground floor in the rear elevations of the properties close to the boundaries with the appeal property. In each case, the rear outrigger on that property extends into their rear garden.
13. The drawings I have been provided for the 'existing elevations' (that is to say, those which pre-existed prior to the appeal development taking place) show on the appeal property the areas on either side of the outrigger had been infilled at ground floor level.
14. In my view, the additional length of the single storey element combined with the height of the extension harmfully reduces the amount of daylight which is received in the rooms within each property on either side and results in an overbearing effect. However, I am satisfied based on the information in front of me, the proposal does not harmfully affect the outlook from within these rooms, on the basis that the arc of view would not be materially changed due to the pre-existing outriggers on each property.
15. The appellant has noted that a 2.0m high fence could be constructed along the boundaries. However, the side elevations are materially taller than that and it is the additional height that causes the harms identified.
16. The development harms the living conditions of the occupiers of the adjoining properties by reason of loss of daylight and results in an overbearing effect. It is therefore contrary to Policy PCS23 of the Portsmouth Plan which requires development to protect amenity and the provision of a good standard of living environment for neighbouring occupiers. It is also contrary to paragraph 130 of the Framework which requires development to have a high standard of amenity for existing users.

Conclusion

17. The proposed development is contrary to the terms of the development plan taken as a whole, and there are no other material considerations to mean that the decision should be taken otherwise. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR