



Appeal Decision

Site visit made on 3 February 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Appeal Ref: APP/Z1775/D/22/3307824

4 Highbury Street, Portsmouth, PO1 2EU

- 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 Horgan against the decision of Portsmouth City Council.
 - The application Ref. 22/00527/HOU, dated 18 April 2022, was refused by notice dated 7 July 2022.
 - The development proposed is alterations to existing mansard to create a terrace on existing rooftop, with associated glazed balustrades.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of development as set out in the Council's decision notice as this more accurately describes the proposal.

Main Issues

3. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area with particular regard to the appeal site's location within the Old Portsmouth Conservation Area; and (b) the living conditions of neighbouring occupiers with particular regard to loss of privacy.

Reasons

Character and appearance

4. The appeal site lies within the Old Portsmouth Conservation Area (OPCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the National Planning Policy Framework (July 2021) (Framework) and in policy PCS23 of The Portsmouth Plan (January 2012) (TPP).
5. The Council's Old Portsmouth Conservation Area No.4 - Guidelines for Conservation (November 2006) (Guidelines) state that the Conservation Area comprises the old town of Portsmouth centred on Broad Street, High Street and St Thomas's Cathedral. It continues by emphasising that the older housing is predominantly 3 storey Georgian houses built to the back edge of the pavement within largely continuous frontages providing a strong sense of

enclosure. The Guidelines continue by stating that the architectural character of the area is diverse due to the extent of post war redevelopment. Also, that most of the historic buildings in the area are listed, with the area north of the High Street, which includes the appeal site, comprising mostly post war development built incrementally between the 1960's and 1980's. Some of this development is recognised as being poor and dated, whereas some schemes are more noteworthy due to the design of their main facades which has enabled them to sit comfortably within the context of their Georgian neighbours.

6. The Council's Delegated Report (CDR) indicates that the appeal building was originally constructed in the late 1960's and that the mansard was added following the grant of planning permission in February 2013, which also included other elevational alterations to the host building (ref. 13/00001/HOU). There is no reference to the appeal building within the Guidelines, although 4a and 6 Highbury Street, to the north of the appeal site, are referred to in the context of them being subject to an Article 4 Direction. Even so, the Guidelines recognise that whilst the OPCA is a key Conservation Area, it is a historical area that has evolved over the years by incorporating new development. As I mentioned above, in some cases this new development has been more successful than others in respecting old Portsmouth's historical context and has adhered to the general scale and character of development, with building heights of 3 – 4 storeys to reflect the local townscape.
7. All of the above factors contribute to the character and appearance of the OPCA as a whole.
8. Section 9.0 states that the overall aim of the Guidelines is to assist in the preservation and where appropriate enhancement of the OPCA. To achieve this it identifies those elements that are important to the area and the relevant guidelines for assessing new development. Amongst others, these state that large roof alterations and additions can spoil the appearance of existing properties and look incongruous in the streetscene, and that careful thought needs to be given, therefore, to ensuring that such additions do not dominate the roofspace. In my view, this advice is also relevant when considering proposals for new roof terraces.
9. The appeal proposal includes extending the existing mansard at the rear to allow a roof terrace to be incorporated on the rooftop, enclosed by frameless glazed balustrades approximately 1.1 metres in height, comprising a mix of clear and obscure glazing. On the front elevation, an existing parapet to the third floor terrace would be removed and replaced by a frameless glass balustrade.
10. Whilst the host property has a modern and unassuming appearance and there are other post war developments nearby, the appeal building is already, in my view, visible and prominent within the streetscene. The height and narrowness of the existing building and its steep mansard result in the upper floors being visible from various public vantage points, in particular, from the junction of Highbury Street with the High Street and also from the junction of Highbury Street with St Thomas's Street. Within the latter view, the upper floors are highly visible within the backdrop of the more traditional and older properties on this part of Highbury Street.

11. Within the above context, the proposed roof terrace would, in my view, accentuate the scale, height and narrowness of the appeal building resulting in an incongruous form of development and a structure that would be out of keeping with the simple form of the host property and the wider roofscape of the area. Whilst I accept that the proposed balustrading would be a lightweight structure that would allow light through, the proposal is for a large terrace which would extend up to the sides of the flat rooftop of the mansard (as extended). As the new terrace would not be set back it would be highly visible as would any residential paraphernalia located on the terrace. The submitted plans appear to show a table and chairs on the new terrace, and space for potentially other outdoor furniture or for example, planters to be accommodated, none of which could, in my view, be controlled by a condition as it would be difficult to enforce.
12. Overall, the proposal would dominate the roofscape to the appeal building, appearing as an awkward feature that would not sit comfortably on the host property or within the wider roofscape of the area. I also concur with the Council that the replacement of the parapet with a glazed balustrade to the existing terrace on the front elevation would result in a cluttered appearance and would appear as a discordant feature.
13. The Appellant has provided photographs of other roof terraces with glass balustrades. However, the location of those terraces relative to the appeal site and the OPCA is unclear and I have not been provided with any planning background or evidence as to whether they benefit from planning permission and if so the individual circumstances that led to their approval. As such, it is not possible for me to determine whether they are in any way comparable or relevant to the proposal that is before me. Even so, the glass balustrades in some of the photographs are, in my view, visible and prominent and some also appear to integrate better with their hosts and their surroundings compared to the appeal proposal. Consequently, none of these examples affect the findings I have reached on this issue.
14. For the reasons set out above, I find that the appeal proposal would result in harm to the character and appearance of the host property and surrounding area, and as such it would not preserve or enhance the OPCA. In view of this finding and as is required, particularly by the Framework, considerable importance and weight must be attached to the harm to this designated heritage asset. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset. The level of harm would be high and there are no public benefits, delivering either economic or social or environmental objectives which would outweigh that harm.
15. Accordingly, I find that the appeal proposal would be contrary to policy PCS23 of TPP and paragraphs 189, 197, 199 - 200 and 202 of the Framework.

Living conditions - neighbours

16. As I observed on my site visit the host property forms part of a densely developed part of the OPCA where there is already some mutual overlooking, which is an inherent characteristic of such urban areas. The existing rear first and second floor windows to the host property already afford views towards the adjoining properties that surround the appeal site on three sides. Even so, the proposed roof terrace would provide the occupiers of the host property with more direct and clearer views into the rear private amenity areas (gardens)

and windows of these adjoining properties. The views introduced would be new and from a location from where no such views exist at present. Furthermore, as the proposed terrace would be at a higher level it would enable occupiers to look down and into the rear private amenity areas and windows of neighbours resulting in an unacceptable loss of privacy to the occupiers of those properties.

17. My findings on this issue are supported by the commentary in the CDR which states that in granting planning permission for the existing mansard, in February 2013, the acceptability of that proposal was based on the design including no new windows on the rear elevation that would, in the Council's view, have resulted in additional overlooking of the surrounding properties in Highbury Street and High Street. Also, by the objections from the occupiers of neighbouring properties in Highbury Street and High Street which include photographs of the views that the proposed terrace would have of their private amenity areas and windows. I also concur with the point made by these interested parties that views from the proposed terrace would be very different to those from the existing rear windows on the host property, with the latter being more oblique and less direct.
18. Whilst the proposal would include 1.1 metre high glass balustrades, which on the rear would comprise obscure glazing, this would not mitigate for the harm that would arise. It would not prevent the occupiers or their guests from standing on the proposed terrace and looking directly into neighbours private amenity areas and windows. In this respect, I agree with the Council that the use of the proposed terrace would be very different to that of an existing window, in that with the former people are much more likely to linger and congregate than they would do at an existing window. The fact that the proposed balustrades would also be sited close to the sides of the mansard (as extended) and not set back within the rooftop, would increase the ability for overlooking to arise.
19. Accordingly, I find that the appeal proposal would give rise to an unacceptable level of overlooking of the rear private amenity areas and windows to the neighbouring properties in Highbury Street and High Street contrary to policy PCS23 of TPP and paragraph 130 f) of the Framework. Both seek to ensure, amongst other requirements, that new development protects amenity and provides a good standard of living environment for neighbouring occupiers.

Conclusion

20. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR