
Appeal Decision

Site visit made on 20 February 2023

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State)

Decision date: 15 March 2023

Appeal Ref: APP/Z1775/W/22/3301348

111 Palmerston Road, Southsea PO5 3PS

- 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 R Laly against the decision of Portsmouth City Council.
 - The application Ref 21/01832/FUL, dated 24 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is the construction of additional storey with dormers to front following removal of chimneys to form 1no. 2 bed flat and installation of bike store to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) the effect of the development on the integrity of the Portsmouth Harbour, Chichester and Langstone Harbours and Solent & Southampton Water Special Protection Areas (the SPAs);
 - 2) The effect of the development on the character and appearance of the Seafront Conservation Area (SCA), and
 - 3) Highway safety.

Reasons

SPAs Mitigation

3. The site is within a zone of influence of the coast and water environments of the SPAs. These European sites have been designated to protect important habitat for bird species. There are two potential impacts resulting from this development the first being potential recreational disturbance around the shorelines of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment
4. As such, without mitigation, the appeal scheme presents a likely significant effect upon the integrity of these sites, particularly when the impacts are considered in combination with other residential developments located within the 5.6km Buffer Zone.

5. In consultation with Natural England the Council adopted the Solent Recreation Mitigation Strategy, December 2017 (SRMS) and the Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings, June 2022 (NNMS). The SRMS requires a financial contribution towards strategic access management and monitoring measures to control activity in the SPAs. The NNMS allows developers to purchase 'mitigation credits' from the Council to offset increased nitrates from the proposal and achieve 'nutrient neutrality'.
6. The evidence before me is that the appellant is willing to make a payment towards mitigation of the recreational effect in accordance with the SRMS and NNMS. I consider that this would provide adequate mitigation. However, no agreement has been provided with the appeal which would secure the mitigation.
7. The appellant suggests that the matter could be resolved through the imposition of a planning condition preventing occupation until payment is made. However, the Planning Practice Guidance advises that a negatively worded condition requiring the appellant to enter into a planning obligation is unlikely to be appropriate in the majority of cases. In my view, a condition along the lines of that suggested by the appellant would not therefore be appropriate in this case.
8. Without a suitable mechanism to secure the SPAs mitigation, the development would be likely to have an in-combination adverse effect on the integrity of the SPAs. Accordingly, it conflicts with the Habitats Regulations and Policy PCS13 of The Portsmouth Plan 2012 (the PP). This sets out that green infrastructure will be protected by, amongst other things, refusing developments that would have an adverse effect on a European site either alone or in combination with other plans and projects.

Character and appearance

9. The appeal property is a five storey (including basement) mid-terrace property located on the eastern side of Palmerston Road. Although not listed, the building is an attractive Victorian property located within the SCA and adjoins the Owens Southsea Conservation Area to the north. The surrounding area comprises a mix of four-six storey properties that form the backdrop to the Grade II Southsea Common, a registered Park and Garden (RPG) which covers the large area of open space to the south.
10. In light of the above, this is clearly a sensitive area and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the SCA as well as the setting of the RPG. Given that the appeal building retains many of its original features, I concur with the Council that it makes a positive contribution to the aforementioned heritage assets.
11. The appeal scheme seeks construction of a mansard roof extension following the removal of the existing roof and chimneys. The front elevation would align with the floors below with brickwork on all other elevations. In common with other examples in the vicinity, the mansard would be clad in slate with a traditional flat top with two arch topped dormer projections.
12. The SCA Guidelines state that extensions should have a positive visual effect and match the design the existing original property rather than overpowering

- it. The requirement to have a 'positive effect' goes somewhat beyond Policy PCS23 and the National Planning Policy Framework (the Framework) both of which require the preservation or enhancement of heritage assets.
13. As I saw when I visited the area, the site is located within the built-up envelope of Southsea which contains an eclectic mix of buildings styles and uses. Mansard and other types of roof extensions are commonplace particularly along the more sensitive Clarence Road street-scene which contains a wide array of building styles and roof forms. Whether the existing mansards are all original features or have been added later is not clear. Nonetheless, mansards are an unmistakable feature of the area and I therefore consider the principle of the development to be acceptable.
 14. The dimensions of the extension would be relatively modest. Therefore, while the extension would add additional height and mass to the building, it evidently would not add much. There would be no significant change in the building's relationship to its immediate neighbours nor would it overpower the host building. The arched dormers would add a degree of articulation to the front elevation and the fenestration would align with that on the lower floors. The materials and design would respect both the host and surrounding buildings most notably the adjacent terrace within Palmerston Road.
 15. The SCA Guidelines also highlight the importance of roof alterations including chimneys on seafront properties because they can be seen from much further away. It discourages the removal of chimneys where they are an important part of the townscape. The first point to make here is that one would be hard pushed to describe the appeal building as a 'seafront' or as occupying a 'corner' location. Although it is visible from the RPG, it does not directly address it and clearly forms part of the Palmerston Road Street scene. As such, I do not consider the roof of the appeal property to be a particularly important part of the local townscape particularly when viewed from the RPG.
 16. Secondly, the proposed extension would have a high degree of visual concealment particularly in wider or longer distance views to the east, south and west. If one knew where to look, the extension would be visible from a relatively narrow envelope along the southern flank of Clarence Parade (adjacent to 17) extending eastwards to the bellmouth of the Avenue de Caen junction. Even from here, there would be effective screening in the form of the existing street trees.
 17. I have noted the Council's criticisms of the design of the north, south and west elevations and also the lack of set-back. However, I am not persuaded this would be a reason to dismiss the scheme given that the design closely matches several nearby mansards. The southern elevation would be largely screened from views by the chimney stack to 27 Clarence Parade.
 18. Based on the foregoing, I do not consider the extension would harm the character or appearance of the SFA nor the setting of the RPG. Based on the foregoing, I am satisfied that the proposal would maintain the character and appearance of the SCA and the setting of the RPG. Consequently, there would be no conflict with PP Policy PCS23 or the Framework with respect to the protection of designated heritage assets.

Highway Safety

19. The Council is concerned that the development would generate additional demand for on-street parking in an area where such facilities are already over-subscribed.
20. The Council's Parking Standards and Transport Assessments SPD (2014) sets a requirement of 1.5 spaces for a two-bedroom flat. However, the SPD is clear that a flexible approach is to be adopted that takes account of levels of accessibility as well as the availability of alternative parking opportunities.
21. The Appellant has referred me to the recent schemes at 74 and 97 Palmerston Road where there was no objection to similar schemes lacking off-street parking. These properties are very close to the appeal site. Accordingly, there does appear to be a degree of inconsistency on the Highway Authority's part. I have noted concerns about the Appellant's failure to provide a parking survey. However, I do not consider this is a proportionate requirement for a development of this scale.
22. As I saw when I visited the area, the appeal site is located on the edge of a local centre containing a wide range of shops and services as well as bus stops. The Highway Authority accepts that very few properties in the area benefit from off-street parking and also that the surrounding roads are covered by a controlled parking zone. I am thus satisfied that the proposal would not conflict with the aims and objectives of the Parking SPD nor PP Policy PCS17. Cycle parking is a matter that could be dealt with by a suitably worded planning condition.

Conclusion

23. I have found the proposal to be acceptable with regards to parking provision and its effect on the character and appearance of the area. I also acknowledge the scheme would deliver some small-scale social and economic benefits. However, this does not outweigh the harm I have identified to the SPAs and the conflict with PP Policy PCS13 in that regard. For the reasons given above and considering all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector