
Appeal Decision

Site visit made on 19 September 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03.10.2023

Appeal Ref: APP/Z1775/D/23/3323691

8 Auckland Road East, Southsea, PO5 2HD

- 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 Paul Stonier against the decision of Portsmouth City Council.
 - The application Ref 23/00053/PLAREG, dated 13 January 2023, was refused by notice dated 28 March 2023.
 - The development proposed the retention of balcony railings to rear with installation of obscure panels to upper balcony and modification to lower balcony access door.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on a) living conditions for neighbours and b) the character and appearance of the host property and the locality.

Reasons

3. The appeal property is a terraced three storey house with a little lower three storey semi-detached outrigger to its rear. It is in an area of high-density varied development predominantly in residential use with an established character and a pleasing appearance given the ages, form, detailing and layout of local buildings. The appeal proposal is as described above and effectively embodies a small balcony with railings from first floor of the outrigger onto a flat roof and a larger balcony one floor above, again onto a flat roof. It presently has railings and the submitted plans show intended higher level obscure glazed screens to be fitted.

Living conditions

4. The immediate area is one of considerable inter-visibility between homes and onto the small outside amenity spaces which exist given the pattern of windows to be found in the principal rear and outrigger elements and also abutting flatted properties. However, the additional viewing towards, and overlooking of, spaces and windows, in both reality and perception, gained from being out on a flat roof takes this inter-visibility to another degree. I recognise that the planned frosted screen at upper level would greatly reduce the sum of this albeit to my mind this screen itself would raise its own issues for neighbours of
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uncomfortable dominance and discordance. The other concern which I have relates to noise disturbance from use of the balconies. My sense of the locality was one of peacefulness. Certainly, on almost all other nearby homes any external activity would be where it was expected, at ground level, whereas there would be significant risk of external noise generation at upper levels via use of the appeal proposal. I am concerned about residential amenity for neighbours given this.

5. Policy PCS23 of the Portsmouth Plan 2012 (PP) is pertinent. Amongst other matters it seeks to secure well-designed development which would protect standards of residential amenity for neighbours. Given the foregoing I would conclude that the appeal scheme would conflict with this policy.

Character and appearance

6. The site lies within The Seafront, Southsea, Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. The rear of the terrace containing the appeal property is generally utilitarian but fairly subtle and well-balanced given mono-pitches, limited glazing, and some discreet flat roofs. The outriggers form an integral part of the larger main part of the properties with their more flamboyant frontages. Unfortunately, the existing and proposed works relating to the appeal proposal are, and would be, in marked contrast to the prevailing scene, do not reflect the form of the host property or architecture of the wider area, and jar the eye. The planned frosted glazing screens would appear particularly out of place and a visually awkward and alien adjunct to the dwelling.
8. Given the above aesthetic concerns I conclude that the proposal would run contrary to the aims of S72(1) of the Act. At the same time, I conclude that the appeal scheme would not accord with PP Policy PCS23. The appeal scheme would fail to align with its call for well-designed development with excellent architecture being used for changes to existing buildings to achieve appropriate form and appearance for a particular context

Other matters

9. I do understand the Appellant's wish to retain the balconies and the amenity they provide. I have sympathy for the Appellant having found that works require planning permission. There has clearly been a degree of expenditure on the project. Nevertheless, to be fair to all I have to determine matters as I would with a proposal which was not in situ and I would not be allowing an appeal for this work if I had been presented with plans-only rather than a largely built-reality. I have reviewed other examples drawn to my attention but found none to be directly comparable in terms of immediate or wider context and, in any event, I must assess this case on its own merits.
10. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the two main issues identified above.

11. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to safeguard residential amenity and to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; the development plan policy which I cite mirrors these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on living conditions for neighbours and on the character and appearance of the host property and the locality. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR