



Appeal Decision

Site visit made on 9 October 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2023

Appeal Ref: APP/Z1775/D/23/3325511

77 Lawson Road, Southsea, PO5 1SD

- 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 & Mrs Wainwright against the decision of Portsmouth City Council.
 - The application Ref. 22/01314/HOU, dated the 6 September 2022, was refused by notice dated the 21 April 2023.
 - The application is for construction of single storey side extension joining existing garage to form first floor roof terrace with 1.8m high obscure glazed balustrades; new front access and garage doors and bi-fold doors to south elevation allowing terrace access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal refers to the National Planning Policy Framework (Framework), but since the refusal was issued the Framework has been revised, in September 2023. Whilst the Council have not referred to a specific part of the Framework, I have assumed that this should be paragraph 130 f) which requires new development to secure a high standard of amenity for existing and future occupiers. This paragraph remains unchanged in the September 2023 version of the Framework.
3. The description of the proposed development on the application form is different to that in the Council's decision notice. I have adopted the latter as it more succinctly and accurately describes the development.
4. The Appellant has referred to the delay in processing the planning application and the failure of Officers to undertake a site visit. These are unfortunately not matters that I can comment on within the context of an appeal submitted under section 78 of the Town and Country Planning Act 1990. The only advice I can give is that if the Appellant wishes to pursue these complaints further then they should, in the first instance, take these up directly with the Council.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers.

Reasons

6. The appeal site is located on the corner of Lawson Road and comprises a two storey end of terrace property with a small enclosed courtyard at the rear as well as a single storey flat roofed garage. The surrounding area comprises similar two storey terraced properties.
7. The appeal proposal involves the construction of a single storey side extension to the main house and enlargement of the existing garage. The new extension would provide a utility room, access to the garage and access to a new terrace created on the roof of the new extension and enlarged garage. New bi-folding doors would provide access to the proposed roof terrace from an existing first floor bedroom. The proposed roof terrace would be enclosed, on the road frontage, by a dwarf wall (parapet) with obscure glazed balustrade of some 1.1 metres in height and on the rear by a 1.8 metre high parapet with obscure glazed balustrade.
8. The Council do not object to the proposed single storey side extension and enlargement of the existing garage. I concur with the Council's findings in this respect and consider that this aspect of the proposal would improve the appearance of this part of the appeal site when viewed from the road. The Council's objection relates to the rear screen (1.8 metre glazed balustrade) which they contend would harm the living conditions of the occupiers of 75 Lawson Road (No.75).
9. The flat roof to the new side extension and enlarged garage would be much higher than the existing flat roof to the garage and boundary wall that encloses the courtyard (as I observed on site the latter also sits at a lower level to the garage's flat roof). The proposed 1.8 metre high balustrade (with parapet) would sit on top of this and would extend from the back wall of the main house along the length of the new roof, a distance of approximately 5.4 metres. As such, it would extend along and above a large section of the common boundary with No.75. As a consequence, the proposed balustrade would be highly visible to the occupiers of that property, particularly from their rear garden and rear windows. It would also, to a lesser extent, be visible to the occupiers of the properties to the east and south of the appeal site.
10. With the new flat roof being higher than existing and on top of this the height increasing further through the proposed 1.8 metre high balustrade (with parapet), this aspect of the proposal would, in my view, tower above the common boundary to No.75. It would result in a development that would be visually dominant and overbearing to the living conditions of the occupiers of that property, creating a tunnelling effect and a sense of enclosure that would be harmful to their outlook and to the enjoyment of their rear amenity area. The fact that the neighbours have not objected to the application does not affect these findings or outweigh the harm that would arise or the need to ensure that new development secures a high level of amenity for both existing and future occupiers.
11. As I observed on my site visit, the proposal would also impact on the living conditions of other neighbouring occupiers, but to a lesser extent. Overall, the proposed increase in height resulting from the new extension and enlarged garage combined with the proposed rear balustrade (and parapet) would be excessive in such close proximity to the rear garden and rear windows to No.75.

12. I fully understand the reasons why the Appellant is seeking to improve their property and the benefits that would be secured by creating a new roof terrace in the absence of a formal garden. However, these considerations are not sufficient to outweigh the harm that would result from the proposal. I also accept that the proposed obscure glazing to the balustrade would prevent any direct overlooking of the rear garden and windows to No.75, as well as to adjoining properties and that its glazed construction would also allow sunlight and daylight to permeate through. Even so, these considerations would not mitigate for the harm that would arise, specifically from the introduction of a large obscure glazed screen, whose impact would be accentuated by the proposed increase in height of the new extension and enlarged garage, extending for some 5.4 metres along and above the common boundary to No.75, where no such similar structure currently exists. The fact that the rear garden to No.75 was overgrown also does not affect my findings on this issue, although I understand the garden has recently been tidied up.
13. The Appellant contends that a precedent for the proposal has been set by a similar roof terrace on the rear of 86 Stanstead Road, which is located to the south west of the appeal site. Whilst I viewed this on site, I understand this terrace is enclosed at the rear by a similar height fence to that on the frontage, which appears to be some 1.1+ metres high. Even so, I have not been provided with any planning background to this existing terrace or indeed any evidence to indicate that the terrace is either lawful or benefits from planning permission. In the absence of this information/evidence I am unable to attach any weight to it or to reach a finding on whether it is in any way comparable to the appeal proposal. Consequently, this example does not affect my findings on this issue.
14. Accordingly, I find that the proposed rear screen (obscure glazed balustrade) would result in significant harm to the living conditions of the neighbouring occupiers at No.75 and would thus be contrary to policy PCS23 of The Portsmouth Plan (Core Strategy) (January 2012) and paragraph 130 f) of the Framework. These policies seek, amongst other requirements, to ensure that new development does not cause unacceptable harm to the living conditions of existing or future occupiers.

Conclusions

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

G Roberts

INSPECTOR