



Appeal Decision

Site visit made on 11 December 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/Z1775/W/23/3320462

32 Drummond Road, Portsmouth PO1 4HP

- 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 Miss Jessica Dalton against the decision of Portsmouth City Council.
 - The application Ref 22/00421/PLAREG, dated 27 March 2022, was refused by notice dated 6 March 2023.
 - The development proposed is described as a garage conversion - existing building is connected to the main house, an adjoining door added to give access from the main house into the garage. The space will be used as an extra bedroom and part time for lodgers/Airbnb, Garage structure to remain as is with a new garage door.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Miss Jessica Dalton against Portsmouth City Council. This application is the subject of a separate Decision.

Procedural Matters

3. On visiting the site, it is evident the conversion works have been completed and I am satisfied the plans represent that which has been built.

Background and Main Issues

4. The appellant's position is that the conversion of the garage would constitute permitted development and as the conversion would create additional accommodation for the host dwelling it could also be rented out without altering the primary use of the site, which is residential. Nevertheless, under advisement from the Council they have applied for permission. The Council have then considered the proposal an independent residential dwelling with the reasons for refusal relating to this.
5. However, it is not for me, under a section 78 appeal, to determine whether planning permission is required, and I am duty bound to consider the application before me.
6. Therefore, the main issues are whether the proposed development would constitute ancillary accommodation; whether it would provide acceptable living conditions for future occupants in relation to internal and external space, light and outlook, provide adequate cycle storage, and its effect on the Solent Special Protection Areas.

Reasons

Whether the proposal would constitute ancillary accommodation

7. The converted space is open plan and provides a bedroom with a kitchen including cooker, hob and sink, a sitting area and an ensuite bathroom. It is directly accessible from the street as well as the main corridor in the host dwelling. As the space does not have any windows other than a large sealed rooflight, it relies on mechanical ventilation.
8. It is acknowledged that that appellant sees the space as additional bedroom to be used on occasion by a lodger or Airbnb. However, the conversion has all the facilities to provide self-sufficient accommodation independent of the main dwelling. It has a separate access and could be used on a day-to-day basis without interactions with the existing household or facilities within the host dwelling.
9. Consequently, I find the evidence before me fails to justify the ancillary nature of the accommodation proposed and the proposal is, therefore, tantamount to a separate dwelling.

Living conditions

10. Even if I were to consider the proposal as an extension to No 32, and therefore find the internal size and outdoor space adequate, it would still be necessary for the new room to provide acceptable living conditions in relation to light and outlook.
11. During my site visit it was evident that the roof light would provide good access to daylight. However, the lack of outlook is obvious, and this creates an insular and oppressive space which could have a detrimental impact to any long-term users of that room. It is appreciated that the appellant is only considering its use as occasional, nevertheless it is important to consider the potential impact on all future users of the space.
12. Therefore, I find the proposal would fail to provide adequate living conditions for future users due to a lack of outlook. The proposal would therefore fail to comply with Policy PCS23 of the Portsmouth Plan (LP) insofar as it seeks the provision of a good standard living environment for the users of new development.

Cycle storage

13. During the site visit the appellant confirmed they use the rear garden to store bicycles. Although not the most accessible, there is nothing before me to dispute this as the current cycle storage for the dwelling nor is there anything stating the garage in its original form is required to provide cycle storage.
14. Where I to consider the proposal as an extension to No 32 I am satisfied that adequate cycle storage could be accommodated in the current rear garden location, in accordance with the Council's Parking Standards and Transport Assessments Supplementary Planning Document (SPD) and secured by condition. The proposal could therefore comply with LP Policies PCS17 and PCS23 as far as they require compliance with the SPD to ensure secure and well-designed cycle storage.

Solent Special Protection Areas (SPAs)

15. The SPAs qualify for such protection due to the unique feeding and roosting habitats they provide for wildlife including Brent geese, which are susceptible to residential disturbance and any increased discharge of nitrogen and phosphorous into the water environment.
16. The proposal either as an additional dwelling or an extra bedroom whilst minimal on its own, would contribute to an increased population in combination with other plans, projects, and developments in the area. Given the proximity of the development to the SPAs, it is likely that its contribution to the increase in population could lead to an increase in visitor and recreational pressure within the SPAs and additional residential accommodation could increase the discharge of nutrients into their water environments via an increase in wastewater production.
17. Therefore, given the susceptibility and vulnerability of the qualifying features of the SPAs, the proposal would likely have an adverse effect on their integrity in combination with other projects.
18. However, clause 63(1) of regulation 63 of the Conservation of Habitats and Species Regulations 2017 states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. This is not, therefore, necessary where there is no intention to grant permission. As I am dismissing the appeal for other reasons, I am not required to pursue this matter further.

Other Matters

19. I acknowledge the various appeals¹ and applications² the appellant has drawn my attention to, nevertheless these do not alter my findings in terms of the harm identified.
20. The appellant has stated that in line with paragraphs 7 and 8 of the National Planning Policy Framework (the Framework) the proposal would not compromise the ability of future generations to meet their own needs within the dwelling; that the Airbnb use would bring tourists to the area which would contribute to the local economy and society, and by using an existing structure the proposal meets the environmental objective of sustainable development. I have had regard to this position.
21. However, this should not come at the cost of the living conditions of future occupants or the protection of the SPAs. Consequently, when weighed against the policies in the Framework taken as a whole, I find that the adverse impacts of granting planning permission would outweigh the proposed benefits.

Conclusion

22. Whilst I have found that the proposal could provide adequate cycle storage, this would be a lack of harm and thus, by definition, is incapable of weighing against the harm I have identified regarding the living conditions of future occupants and the SPAs.

¹ APP/N1025/D/20/3251022; APP/W5780/W/17/3190911; APP/D1520/D/19/3244187; APP/D1780/D/21/3282424

² 19/00567/CPL and 21/01715/FUL

23. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR