



Appeal Decision

Site visit made on 1 March 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/Z1775/D/23/3328668

43 Military Road, Hilsea, Portsmouth, PO3 5LS

- 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 Moon against the decision of Portsmouth City Council.
 - The application Ref. 22/00427/HOU, dated 18 February 2022, was refused by notice dated 12 June 2023.
 - The development is proposed new mansard roof to facilitate 1 new bedroom with ensuite and 1 new living space and bathroom.
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Decision

1. The appeal is allowed and planning permission is granted for proposed new mansard roof to facilitate 1 new bedroom with ensuite and 1 new living space and bathroom at 43 Military Road, Hilsea, Portsmouth, PO3 5LS in accordance with the terms of the application, Ref. 22/00427/HOU dated 18 February 2022, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified in the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: A201/Rev.A; A101/Rev.A.
 - 4) The flat roof on the second floor western elevation of the development hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden, terrace or similar amenity area without the grant of planning permission from the Local Planning Authority.

Preliminary Matters

2. I have taken the description of development from the application form. In doing so, I have deleted the reference in brackets to "*with roof terrace*" as I understand this element of the proposed development was removed during the determination of the application. This is reflected on the plans that form part of the refusal, which do not show a roof terrace and the '*Materials Schedule*' to those plans where the reference to a "*paved terrace*" and "*glazed balcony railing*", shown on the original plans, have been removed. I have proceeded to determine the appeal on that basis.

3. Revised versions of the National Planning Policy Framework (Framework) were published in September 2023 and then in December 2023, after the appeal was lodged. Even so, the relevant design and amenity policies of the Framework remain the same, albeit some of the paragraph numbering is different.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to their outlook.

Reasons

5. The appeal site comprises a large two storey and part single storey detached property on the corner of Military Road and Firgrove Crescent. The property has a unique design with a flat roof to its main two storey element and part curved facade. The appeal proposal involves the construction of a new floor above the flat roof, in the form of a mansard addition, to provide additional accommodation at second floor level.
6. The Council contend that the proposal by virtue of its excessive bulk and design would represent an overbearing and unneighbourly development detrimental to the amenities of adjoining occupiers, notably in terms of their outlook. In support, the Council refer to policy PCS23 of The Portsmouth Plan (Core Strategy) (January 2012) (TPP). This policy requires, amongst other matters, that new development protects amenity and provides for a good standard of living environment for neighbouring occupiers. The policy's supporting text does not expand further on this requirement or how it is to be interpreted. My attention has also not been drawn to any design guidance for extensions or any amenity standards that the Council apply to such developments.
7. The general approach to amenity and new development set out in policy PCS23 is broadly consistent with that in paragraph 135 f) of the Framework, which requires new development to secure a high standard of amenity for existing and future users. Paragraph 135 c) also requires decisions to ensure that development is sympathetic to local character including the surrounding built environment "*while not preventing or discouraging appropriate innovation or change (such as increased densities)*".
8. The Officers Planning Committee Report (PCR) recommend that the appeal proposal be approved and in doing so referred to a planning permission for a similar extension granted in February 2008 (ref. 07/02054/FUL). The PCR noted that the footprint and proportions of the appeal proposal were similar to the extension approved in February 2008, but that this consent had since expired. The appeal application was subsequently refused by Committee, as is confirmed in the Minutes of that meeting, due to the alleged overbearing impact and harm to the outlook of neighbouring occupiers.
9. The proposed mansard would have a height of some 2 metres and would be set back (in) from all four edges to the existing flat roof of the host property. As such, the appeal proposal would be subservient and proportional to the host property. To the east of the appeal site, is 45 Military Road (No.45), a two storey semi-detached property with a traditional pitched roof and gable end, which appears to include additional accommodation. Whilst, as a result, No.45 is taller than the host, the proposed mansard would result in a development of

similar scale to No.45. For all these reasons, the appeal proposal would not be visually prominent within the streetscene.

10. The southern and western elevations to the proposed extension would face onto Military Road and Firgrove Crescent respectively, and the new addition would, as a result, not harm the living conditions of the neighbours located to the south and west of the appeal site. These neighbours would be separated from the appeal proposal by the respective roads and front and side gardens. Given also the modest height and bulk of the proposed mansard, the resulting building relationships would reflect those that you would commonly expect to see within a streetscene.
11. In relation to 28 Firgrove Crescent (No.28FC), located to the rear (north) of the appeal site, as I observed on my site visit there are a number of windows at first floor level within the side elevation of this property, facing the rear of the appeal site. Even so, due to the modest height and bulk of the new mansard, including it being set back, and the distance that separates the proposal from the side of No.28FC, I am satisfied that the appeal proposal would not result in any harm to the living condition of No.28FC. The main views and outlook from No.28FC, provided by its windows that face to the front (west) and to the rear (east), would remain unaffected. I also note that in the Officers assessment in the PCR they attached weight to the understanding that the side windows to No.28FC were secondary and as such the proposal would not result in the loss of light to habitable rooms within that property.
12. Turning to No.45, as I observed on site this property also has some windows on its side elevation, facing the side elevation of the host property. Even so, the proposal would be sited to the west of this property. Combined with the fact that No.45's main windows and views are orientated to the south and north, the modest height of the proposed extension and the fact that it would be set in from the edge, I am again satisfied that the proposal would not result in any harm to the living conditions of the occupiers No.45. There would still remain a reasonable gap between the two properties, the proposal would not result in the host property extending any closer to No.45 than existing and the resulting building relationship would be no different to those commonly found within built up urban areas.
13. The Council do not contend that the proposal would breach any commonly used tests or other design criteria for assessing the acceptability of the relationships that arise and no substantive evidence has been submitted that would lead me to find that the proposal would be overbearing or unneighbourly. I accept that the proposal would be visible to adjoining occupiers and that there would be some impact on their outlook, but the level of impact would be limited and not harmful. Those views that do occur would be at an oblique angle or mitigated by the distance separating them from the proposal or mitigated by the modest scale and height of the new mansard, including its set back. For all the above reasons, the proposal would not result in any harmful loss of light or overshadowing or have any overbearing impact on the outlook of neighbouring occupiers.
14. Accordingly, I find that the appeal proposal would not lead to any harm to the living conditions of neighbouring occupiers and would be compliant with policy PCS23 of TPP and paragraph 135 f) of the Framework.

Other Matters

15. The Minutes indicate that Committee Members raised concerns in relation to the impact on the proposal on the character and appearance of the area. Also, that similar concerns were raised by interested parties. Even so, the Council did not object to the appeal proposal on these grounds. As I stated earlier, the host property has a somewhat unique flat roofed design, but is located in an area that has no uniform character or style, with a mixture of detached, semi-detached and terraced properties, constructed from a pallet of materials and with a variety of roof forms. Within this context and with the appeal site occupying a corner location, the proposed zinc mansard roof would represent a high quality and sympathetic addition to the host. The proposal would integrate well with the design of the host and the streetscene, resulting in an extension that sits comfortably the appeal site and a development that would both maintain and enhance the character and appearance of the area.
16. Concerns have also been raised by interested parties in relation to the future use of the host property, loss of tree top views, parking, loss of privacy and the stability of foundations. However, there is no substantive evidence before me to support any of these concerns or any evidence that would lead me to find that these concerns would result in any harm or any conflict with the policies of the development plan. I also note that they are not matters that were raised by the Council in its objections to the appeal proposal. These issues were also addressed within the PCR, with Officers concluding that they were either not material or did not result in any harm or policy conflict. As to the future use of the property, I can only determine the proposal that is before me, which in this instance seeks planning permission for an extension to a single family dwelling.

Conditions

17. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions.
18. A condition requiring compliance with the submitted plans is necessary and reasonable to secure a high-quality development and to reflect the details included in the application. I have added a list of plans for clarity. Although not put forward by the Council, I have added a condition that requires the development to be constructed in accord with the materials listed on the approved plans, which is again necessary to secure a high quality development.
19. I have also added a condition that requires planning permission to be obtained to use the flat roof, on the western side of the second floor, as a terrace or balcony or amenity area. This is reasonable, in my view, in that it reflects the agreement to remove the proposed balcony shown on the original plans and as it would also protect the living conditions of neighbouring occupiers.

Conclusion

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

G Roberts

INSPECTOR