



Appeal Decision

Site visit made on 9 April 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2024

Appeal Ref: APP/Z1775/W/23/3328044

2A Playfair Road, Southsea, Portsmouth PO5 1EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mike Blackledge against Portsmouth City Council.
 - The application Ref is 23/00585/FUL.
 - The development proposed is construction of additional storey with front balcony to form additional dwelling; and construction of rear extensions at ground and first floor levels.
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Decision

1. The appeal is dismissed and planning permission for construction of additional storey with front balcony to form additional dwelling; and construction of rear extensions at ground and first floor levels is refused.

Preliminary Matters

2. I have used the description given on the appeal form, as it describes the proposal more accurately than that given on the application form.

Main Issues

3. The appeal arises from the Council's failure to make a decision on the application. The Council has submitted a statement setting out how it would have determined the application. Based on this statement and all the evidence before me, I consider that the main issues are:
 - a) The effect of the development on the character and appearance of the area;
 - b) The effect of the development on the living conditions of the occupants of neighbouring properties, with regard to light and outlook; and,
 - c) Whether the development would provide suitable living conditions for future occupants with regard to internal space.

Reasons

Character and appearance

4. Playfair Road is composed largely of red brick terraced houses set close to the road behind low boundary walls. The houses follow the line of the road and have repeated period architectural details, such as ground floor bay windows with decorative plaster surrounds; decorated render arches over recessed front

doors; and ornate window heads and eaves detailing. There is some variation between the individual houses, but the overall similarity in scale, form and architectural detailing gives the street a pleasant rhythm and coherence, and a distinct historic character.

5. The appeal building does not conform to its surroundings, as its front gable breaks the otherwise continuous eaves line. It also lacks the architectural quality and period grace of the adjacent terraced houses. Its unbalanced window pattern, utilitarian timber balcony railings, and metal garage doors give it an anomalous appearance that does not contribute positively to the characteristic visual quality of the street scene.
6. The additional storey would result in the building being substantially out of scale with the neighbouring terraced houses, making it a very prominent, and incongruous feature. The resultant gable, stepping above the continuous roof slope of the terrace, would significantly disrupt the distinctive rhythm of the street scene. Furthermore, the design of the front façade would follow the uncharacteristic architectural style of the existing building, which would only serve to accentuate its jarring appearance alongside the fine period detailing of the remainder of the terrace.
7. Policy PCS23 of the Portsmouth Plan (2012) aims to ensure that all new development is well-designed to respect the character of the city. In particular it seeks excellent architectural quality in changes to existing buildings, protection and enhancement of the city's historic townscape, and appropriate scale and appearance in relation to the particular context. For the reasons given above, I conclude that the proposal fails to deliver these requirements, and would be harmful to the character and appearance of the area. It would, therefore, be contrary to Policy PCS23. It would also conflict with Section 12 of the National Planning Policy Framework (the Framework), which aims to achieve well-designed and beautiful places.

Living conditions of occupants of neighbouring properties

8. Policy PCS23 of the Portsmouth Plan also seeks to protect the amenity and standard of living environment for neighbouring occupiers. The adjacent dwelling to the southeast, 2 Playfair Road, is a terraced house, which has a long two-storey rear projection running parallel with, and set about 1.5 metres away from, the boundary with the appeal site. This boundary is marked by the side wall of the single storey garage at the rear of 2A, which extends just over three metres beyond the rear face of the building. No 2 has ground and first floor windows in the rear wall of the main house, and in the side wall of the rear projection facing the appeal site. At present, light reaches these windows from the west and southwest over the flat-roofed single storey garage.
9. The proposed first floor rear extension would cover the entire extent of the existing garage, increasing its height to over five metres directly on the boundary. The extension would project about four metres beyond the rear wall of No 2. Whilst light would still reach the first-floor windows of No 2 over the flat roof of the extension, the ground floor windows would be substantially shaded. The window in the rear wall would lose much of the limited afternoon sunlight that it currently receives, and the side-facing window in the rear projection would lose a significant amount of daylight as a result of the extension directly facing it in close proximity. This loss of light would be harmful to the living conditions of the occupants of this property.

10. The extension would also be a dominant presence for the occupants of No 2, due to its height and depth right on the boundary. As a result of the proposal, the window in the rear face of the house would be set about four metres back, between two two-storey structures, allowing a very restricted outlook. The ground floor window facing the appeal site would look towards the five-metre-high wall of the extension, which would be less than two metres away. It would be an oppressive structure directly in front of the window and in such close proximity. The proposal would, therefore, result in a significant loss of outlook from the ground floor windows of No 2, which would be harmful to the living conditions of the occupants.
11. Nos 80 and 82 Somers Road are perpendicular to the appeal building and have rear windows and gardens facing the site. The increased height of the building would make it a more prominent visual presence for residents of these properties. However, occupants would retain a relatively open outlook from their windows and gardens to the southwest and southeast, so the development would not result in substantial harm to their living conditions.
12. I acknowledge that no representations have been received from the occupants of adjacent residential properties. Nevertheless, the proposal would result in a significant loss of light to, and outlook from, No 2 Playfair Road. It would, therefore, have a harmful impact on the living conditions of the occupants of that property. The proposal would, therefore, be contrary to Policy PCS23 of the Portsmouth Plan.

Living conditions for future occupants

13. The evidence indicates that the Council seeks to ensure that all new dwellings meet minimum space standards for internal floorspace through the policies of the Portsmouth Plan (2012). However, a new national system of housing standards commenced, following the Written Ministerial Statement Planning Update March 2015¹ (the WMS). This set out the Government's policy on the setting of technical standards for new dwellings. The effect of the WMS was that, from 1 October 2015, existing Local Plan policies relating to internal space should be interpreted by reference to the nearest equivalent new national technical standard. Therefore, the relevant space standards to be applied through the Portsmouth Plan are now those set out in the Technical housing standards – nationally described space standard² (the NDSS).
14. The NDSS specifies that a two-bedroomed 3-person flat should have a minimum gross internal floor area of 61 square metres, with two square metres of built-in storage. The Council's evidence, which is not contested, indicates that the proposed floor area is 53 square metres, which is considerably below the required standard, and no built-in storage is indicated on the submitted drawings. Furthermore, no evidence has been supplied to demonstrate that the minimum floor to ceiling height would be 2.3 metres for at least 75% of the gross internal floor area. The accommodation does not, therefore meet the minimum standards set out in the NDSS, so would not provide suitable living conditions for future occupants.
15. The appellant has highlighted that a balcony would be provided for each flat. However, whilst these would provide some limited outdoor amenity space, they

¹ <https://www.gov.uk/government/speeches/planning-update-march-2015>

² <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

would not alter the fact that the internal space available for occupants of the new flat would fall well below the standard that should be provided in a new dwelling. The proposal would, therefore, be contrary to Policy PCS23 of the Portsmouth Plan (2012), which seeks to ensure a good standard of living environment for future residents.

Other Matters

16. The evidence indicates that the site lies within the Zone of Influence of the Solent Special Protection Areas (the SPAs). Within this zone it has been identified that any increase in residential occupancy would have a likely significant effect on the SPAs through additional recreational pressures, and pressures on nutrient neutrality. The Council has adopted Supplementary Planning Documents (SPDs) that set out how financial contributions can be secured to deal with mitigation for both of these issues. However, whilst the appellant has indicated a willingness to make the necessary contributions, no legal agreement has been submitted to secure the payments. Consequently, I cannot conclude that the development would not adversely affect the integrity of the SPAs, either alone or in combination with other projects.
17. The Council has requested that, if I were minded to allow the appeal on all other grounds, time should be allowed for the appellant and the Council to complete a legal agreement to secure suitable mitigation in accordance with the Solent Special Protection Areas SPD (2017) and The Updated Interim Nutrient Neutral Mitigation Strategy SPD (2022). However, as I am dismissing the appeal on other grounds, the impacts on the SPAs will not arise, so there is no need to consider this issue any further under this appeal.

Planning Balance

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications for planning permission, and therefore appeals, should be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposal would result in harm to the character and appearance of the area, and to the living conditions of neighbouring occupants. Furthermore, the development would not provide a suitable standard of accommodation for future occupants. The proposal would, therefore, be in conflict with Policy PCS23 of the Portsmouth Plan (2012).
19. It is not disputed that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 77 of the Framework. The evidence indicates that the current supply is 2.9 years, so the shortfall is substantial. However, paragraph 188 of the Framework makes it clear that the presumption in favour of sustainable development does not apply where the proposal is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect its integrity. In the absence of any agreed mitigation, the proposal would have a likely significant effect on the SPAs. Consequently, the approach to decision-taking described in paragraph 11d) of the Framework does not apply.
20. Nevertheless, the benefits of the proposal must be weighed against the harm that I have identified. Paragraph 60 of the Framework seeks to significantly boost the supply of homes. The development would provide an additional

dwelling, which would assist with this aim, and would make a modest contribution to reducing the identified shortfall. The site is in an accessible location that would be suitable, in principle, for residential development. Paragraph 70 of the Framework says great weight should be given to the benefits of using suitable sites within existing settlements for homes. Nevertheless, the proposed dwelling would only make a modest contribution to housing supply, and it would not provide a suitable standard of living accommodation for future occupants, so this benefit attracts little weight.

21. There would also be benefits to the economy associated with the construction phase of the development, and the future spend by occupants in the local area. However, in view of the small scale of the proposal, the economic benefits would be limited, so carry little weight in my decision.
22. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The limited benefits associated with the proposal do not outweigh the conflict that I have found with development plan policy that seeks to prevent harm to the character and appearance of the area, and the living conditions of neighbouring residents and future occupants.

Conclusion

23. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR