



Appeal Decision

Site visit made on 29 May 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2024

Appeal Ref: APP/Z1775/D/24/3342943

27 Amberley Road, City of Portsmouth, Portsmouth, PO2 0TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Mark & Carly Jones against the decision of Portsmouth City Council.
 - The application Ref 24/00124/HOU, dated 26 January 2024, was refused by notice dated 04 April 2024.
 - The development proposed is the construction of a first-floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a first-floor rear extension at 27 Amberley Road, City of Portsmouth, Portsmouth, PO2 0TG in accordance with the terms of the application, Ref 24/00124/HOU, and the plans submitted with it, subject to the conditions in the attached schedule.

Background and Main Issues

2. The Council's Officer Report states that that the appeal proposal "would not significantly affect the neighbours' amenity in terms of its scale or position, or overlooking". However, the reason for refusal includes a reference to the proposal detrimentally affecting the "amenity of neighbouring occupiers". Although not explicitly referenced in the reason for refusal, the Officer Report also states that the appeal extension would provide a "questionable" standard of accommodation, due to its internal room height being lower than that of the existing dwelling. I will therefore address the above matters as an additional main issue below.
3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area, and;
 - the effect of the proposed development on the living conditions of surrounding neighbours and future occupiers.

Reasons

Character and appearance

4. The appeal site (No. 27) fronts Amberley Road, a straight and tree-lined residential road mainly consisting of two-storey semi-detached and terraced dwellings. Many properties share similar design features, frontage widths and

gaps to the side between dwellings. This gives this street a strong uniform character, although there is some variation to the external material types.

5. The appeal dwelling contains a deep single storey rear extension with a flat roof, as well as a flat roof rear dormer extension that spans across most of its roof slope. The proposed design includes a part-pitched and part-flat roof, as a response to the Council's concerns raised at pre-application stage. The Officer Report however states that first floor extensions with flat roofs, such as the appeal proposal, are generally discouraged as they fail to meet the standard of "excellent architectural quality or delight and innovation". This is a specific reference to the first two bullet point requirements of Policy PCS23 of the Portsmouth Plan.
6. Another relevant Policy PCS23 requirement requires proposals to be of appropriate scale, layout, appearance and materials in relation to the particular context. Although I did not see any other examples of first floor flat roofs, there are several examples of sizeable and conspicuous flat roof rear dormers within the immediate vicinity. As such, the provision of a flat roof would not, in itself, form an alien addition to the appeal site and its immediate setting. The proposed lower flat roof height would mean that, although still visible at first floor level, it would sit lower than the existing eaves and the adjacent top part of the rear bay window of the host dwelling.
7. When viewed from along Amberley Road, the appeal scheme would be visible within its immediate frontage. It would however sit within the existing deeper single storey extension beneath, and wider views are restricted due to the proximity to the nearest neighbouring side elevation of No. 25.
8. The proposed external walls would comprise tile hanging to match that of the existing dwelling's rear dormer. This would depart from the white render and pebbledash on the appeal dwelling but would reflect its existing red brickwork along its ground floor level. This mix of external materials is also prevalent along the surrounding dwellings. The proposed external materials would therefore sufficiently integrate with the character and appearance of the host dwelling and the surrounding area.
9. For the above reasons, I conclude that the scale and design of the appeal proposal would exist comfortably within the context of the existing scale and form of the host dwelling, and its specific immediate context. It would therefore avoid an incongruous appearance and would respect the character and appearance of the host dwelling and the surrounding area. The proposal therefore complies with the relevant design requirements of Policy PCS23 of the Portsmouth Plan (2012), when read as a whole, and the National Planning Policy Framework (2023) which requires development to be sympathetic to the surrounding built environment.

Living conditions of surrounding neighbours and future occupiers

10. Policy PCS23 also requires new development to protect amenity and provide a good standard of living environment for neighbouring and local occupiers, as well as future residents of the development.
11. The appeal proposal would project beyond the first-floor rear elevations of the neighbouring dwellings at each side (Nos 25 & 29). The appeal scheme would be set in from the adjoining side boundary with No. 29 and although it would

be sited closer to No. 25, the nearest affected area of this neighbour contains a paved area in front of its rear garage, with its rear garden being further away and enclosed by a brick wall along its side.

12. The rear elevations are north-facing and given this, along with the separation distances to the ground and first floor rear elevation windows of the neighbouring dwellings, there would be no materially harmful loss of light. This arrangement is also sufficient to avoid any adverse impact in terms of loss of outlook or overbearing impact. The separation distances to other surrounding neighbours are also sufficient to avoid material harm to living conditions.
13. The plans include a cross section of the overall bedroom to be extended, which shows only the rear section of this room to have a lower internal height than the existing arrangement. The resultant room would have a sufficient span of the existing higher ceiling height and as such, would not in my view provide a substandard level of accommodation for current or future occupiers.
14. I therefore conclude that the appeal proposal would provide a good standard of living environment for surrounding neighbours and future occupiers, as required by Policy PCS23 of the Portsmouth Plan (2012) and the National Planning Policy Framework (2023).

Conditions

15. The Council has suggested two conditions governing implementation and compliance with the plan details. I also consider it necessary and reasonable to impose an additional condition to ensure that the external materials match those of the existing dwelling, so that the development integrates with its context. The planning application form states that the proposed external materials are to match those of the existing dwelling. As such, the imposition of this condition would not prejudice any of the parties.

Conclusion

16. For the reasons given above the appeal should be allowed.

R Cahalane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: proposed floor plans, elevations and section (Drawing No. 8018.24.1).
- 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.