
Appeal Decision

Site visit made on 5 June 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2024

Appeal Ref: APP/Z1775/W/23/3330247

39 Worthing Road, Southsea, Portsmouth PO5 2RJ

- 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 Rajdeep Laly of JCL Properties Ltd against the decision of Portsmouth City Council.
 - The application Ref is 23/00650/PLAREG.
 - The development proposed is described as the construction of a dormer window to the front and to the rear of 39 Worthing Road, PO5 2RJ, in accordance with drawing number A114768-1-002, Revision H.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The dormers have been installed and planning permission is sought to regularise this development. A specific plan is referred to within the description of the proposed development however during the application process an amended plan was submitted, A114768-1-002 Revision J, and considered by the Council. Also due to the retrospective nature of the appeal, the appellant has submitted surveyed plans of the scheme as built, reference 1016WR200 and 1016WR301. I am satisfied the surveyor plans reflect the details within the Revision J plan and both sets of plans reflect that which has been built. I have accordingly taken them into account.
3. The National Planning Policy Framework (the Framework) was updated in late December 2023. The sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. Therefore, it has not been necessary to seek their views, and the revised version has been referenced in this decision.

Background and Main Issues

4. The proposal includes a rear dormer and a front dormer. The Council do not object to the rear dormer and there is nothing before me to conclude otherwise.
5. Therefore, the main issue is the effect of the proposed front dormer on the character and appearance of the host building; and whether the proposed development would preserve or enhance the character or appearance of the East Southsea Conservation Area.

Reasons

Character and appearance

6. Worthing Road is an urban residential road which is characterised by a tight grain of two-storey semi-detached properties leading into rows of terraces. The appeal dwelling is in the middle of one of the terraces.
7. It is noted that within that terraced row 4 other dwellings have front facing dormers. However, these dormers have eaves immediately positioned above the window casement. This means they have a reasonably subservient relationship to the more generous proportions of the floors below.
8. The proposed front dormer does not follow this pattern and has an obvious separation between the window casement and dormer eaves. This incongruity means it is taller than the other dormers and disproportionate in relation to both the host dwelling and the rest of the terraced row. It dominates the roof line and overwhelms the host building both in terms of the appeal dwelling and the whole terrace. It therefore has a harmful effect on the character and appearance of the host building, and so fails to comply with Policy PCS23 of the Portsmouth Plan (PP) as far as it requires new development to be appropriate in scale and appearance in relation to its context.

East Southsea Conservation Area

9. The host dwelling is within the East Southsea Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act), requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Paragraph 195 of the Framework requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance' and paragraph 205 confirms 'great weight' should be given to their conservation.
10. The Council's Guidelines for Conservation (GC) for the CA considers its significance to stem from the piecemeal development of the area which shows the historical evolution of this part of Portsmouth. Specifically, Worthing Road shows the transition from larger semi-detached two-storey properties with two-storey bays to smaller terraced rows of properties which also have the two-storey bay feature.
11. However, the GC clearly notes that the terraced part of Worthing Road has a wider mixture of later alterations to the former part of the road, and it is this incremental creep of non-in-keeping features the CA is seeking to prevent. Specifically, the GC clearly states "additional new dormer windows at the front and extensions to existing front facing dormers will be discouraged"¹.
12. With this in mind, and the harm identified in the first main issues in relation to the host building's character and appearance, the proposal would erode the character of the terraced row it is part of and thereby fail to preserve or enhance the character or appearance of the CA.

¹ Section 5:0 Guidelines, section (e) Roofs, guideline v) of the GC

13. The proposed front dormer would constitute less than substantial harm to the CA and therefore paragraph 208 of the Framework requires the harm to be weighed against the public benefit of the proposal.
14. The appellant considers that the proposal would enhance the existing living space, in compliance with PP Policy PCS19, by providing reasonable sized accommodation for the number of people the dwelling is designed to accommodate. Notwithstanding that PCS19 appears to relate to new development or housing conversions only and not existing dwellings, there is nothing before me to show that the current accommodation is substandard or that it would fulfil a local housing need. Therefore, I do not find the proposed public benefits would outweigh the harm caused to the CA.
15. Consequently, the proposed front dormer would fail to preserve or enhance the character or appearance of the CA. It does not comply with PP Policy PCS23 insofar as it seeks new development to protect and enhance the city's historic townscape or the Framework. Nor does it satisfy the statutory requirements of the Act as set out above.

Other Matters

16. It is noted that there was a previous approval for a front dormer on the appeal dwelling. However, this is no longer extant and was for a smaller dormer, so is materially different to that which is before me. Accordingly, I am bound to consider the scheme as proposed.

Conclusion

17. 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, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR