



Appeal Decision

Site visit made on 7 January 2025

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2025

Appeal Ref: APP/Z1775/D/24/3352641

Boom Tower, West Street, Portsmouth, PO1 2JW

- 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 Mark Smith against the decision of Portsmouth City Council.
 - The application Ref is 24/00666/HOU.
 - The development proposed is described as installation of glass canopy over existing forecourt.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the appeal application was refused the National Planning Policy Framework 2023 has been replaced. Within the current National Planning Policy Framework December 2024 (the Framework) paragraphs 203, 205, 206 & 208 have been renumbered 210, 212, 213 & 215, although their content has remained unchanged. As such these changes have not affected my ability to determine this appeal. I confirm that in this decision I refer to the 2024 Framework.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the Conservation Area 04 Old Portsmouth (OPCA).

Reasons

4. The OPCA occupies a key position at the mouth of Portsmouth Harbour and comprises the old town of Portsmouth. The harbour area; various landmark buildings; imposing three storey Georgian houses; two-storey houses fronting narrow streets; large expanses of soft landscaped open spaces and grassed areas; and an abundance of trees all contribute to the character, appearance and significance of the OPCA.
5. The appeal site is located in a part of the OPCA is known as Portsmouth Point. Whilst the area has seen a considerable amount of modern redevelopment, its narrow streets and alleys; intensity of development which includes a diverse mix of primarily older terraced dwellings; notable individual historic buildings; strong sense of enclosure; setting close to Camber and Portsmouth harbour and associated maritime activities are all central to its prevailing historic character and appearance. They contribute to and reinforce the historic significance of Portsmouth Point and the OPCA. The more recent buildings have blended into the townscape with

varying degrees of success. Collectively they add to the diversity and vibrancy of Portsmouth Point.

6. The appeal property is located on the northwest edge of the OPCA and fronts onto West Street, which is a narrow single lane street flanked by a diverse range of buildings interspersed by marine related yards. A short distance to the south along Tower Street are the old ramparts and Round Tower, which is Grade I listed. Round Tower comprises a stone built tower that is now used for a museum. There is public access to the gun deck from where there are expansive views over parts of the OPCA, the Solent and the entrance to Portsmouth harbour. A short distance to the north of the appeal site is Quebec House which is a mid C18th timber framed and clad bathing house with a hipped slate roof.
7. Boom Tower occupies a fairly prominent position within the street scene, adjacent to a bend in West Street and the junction of West Street and Tower Street. The host dwelling comprises a detached split level contemporary house with red brick and grey rendered walls under a split-level flat roof. Its roof terraces are enclosed by a combination of glazing, rendered walls and horizontal railings. The dwelling is set back from the street behind an enclosed front garden whose front boundary comprises a tall red brick and rendered wall, together with tall solid wooden gates.
8. The appeal property is flanked on either side by harbour related sites, which include boat storage. The site to the north includes an older part red brick and part rendered single storey harbour building, which adjoins the appeal site and projects up to the highway. The front section of this building is visible from West Street and the junction of West Street and Tower Street across the front garden of the appeal property.
9. Directly opposite the appeal site is a contemporary dwelling, with a split-level flat roof and balconies enclosed by glass panels. Immediately to the east of this building is a former public house called 'The Seagull'. Whilst it is not stated whether or not this building is listed, it is clearly of historic value. It has glazed brown bricks at ground floor level, with timber framed stucco walls above, corner turrets, rounded head windows and doors and a plain tiled roof. 'The Seagull' occupies a prominent position within the street scene and makes a valuable contribution to the historic character of Portsmouth Point. From the junction of Broad Street and West Street there are views of part of the appeal site which is located a short distance beyond 'The Seagull'.
10. Collectively paragraphs 210, 212, 213 & 215 of the Framework state that in determining applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance. Any harm to a heritage asset or from development within its setting, requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
11. Consistent with this policy PCS23 of the Portsmouth Plan-Portsmouth Core Strategy (2012) (PCS), states that new development should relate well to the

history of Portsmouth, particularly the conservation areas and should protect and enhance the city's historic townscape. Development should be appropriate in scale, layout, appearance and materials in relation to its context. Paragraph 135 of the Framework similarly states that new development should be of a high standard of design and should be sympathetic to local character and history, including the surrounding built environment and landscape setting. It should establish or maintain a strong sense of place whilst optimising the potential of the site.

12. Whilst the northern section of the proposed glazed canopy would sit comfortably to the front of the existing house, the other sections would relate poorly to the host dwelling both vertically and horizontally. As a result, the proposed canopy would appear awkward and contrived and would materially detract from the bold and uncluttered lines of the host dwelling.
13. The proposed canopy would not be visible from Round Tower, including from the gun deck and would similarly not be visible from Quebec House. Accordingly, the proposal would not detract from their settings or significance. From the north in views along West Street the proposed canopy would be screened by the existing building that sits alongside the appeal property. It would also be screened from the pavement immediately outside the appeal site provided the front entrance gates were shut. Due to the distance between 'The Seagull' and the appeal site, the proposal would not have a material impact on the setting to the former public house.
14. However, from the east along West Street and from the junction of West Street and Tower Street the proposed canopy would appear prominent and visually awkward. Due to its combined size, design and appearance it would materially and unacceptably detract from the character and appearance and significance of the street scene and this part of the OPCA.
15. Whilst the harm that would be caused by the proposed canopy to the significance of the OPCA as a whole would be modest and thus not substantial, as required by paragraph 215 of the Framework this harm needs to be weighed against the public benefits of the proposal. In this instance no public benefits have been cited that would outweigh the harm that would be caused to the OPCA. As stated in paragraphs 4.6 and 138 of English Heritage Conservation Policies and Guidance (2008), new proposals should aspire to quality in design and execution which may be valued both now and in the future. They should not materially harm the values of the place.
15. The harm that would be caused by the proposed canopy would also clearly outweigh the benefits for the appellant and their family that would result from the provision of a covered parking area. This is not a matter that could be satisfactorily addressed through the imposition of conditions.
16. Finally, whilst I note the concerns raised concerning the maintenance of the adjoining building, they are a private matter which fall outside the scope of this appeal.
17. I conclude on the main issue that the proposal would harm the character and appearance of the OPCA and its setting and the harm it would cause to the significance of the OPCA would not be outweighed by any public benefits.

Accordingly, the proposal conflicts with CS Policy PCS23 and paragraphs 135 and 205–214 of the Framework.

Elizabeth Lawrence

INSPECTOR