



Appeal Decision

Site visit made on 22 January 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2025

Appeal Ref: APP/Z1775/D/24/3348888

2 Oakhurst Gardens, Portsmouth PO7 5AX

- 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 K Cole against the decision of Portsmouth City Council.
 - The application Ref is 23/01444/HOU.
 - The development proposed is front, side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the character and appearance of the dwelling and wider street scene; and b) the protected trees.

Reasons

Character and Appearance

3. The appeal property is a semi-detached dwelling located on Oakhurst Gardens, near to the corner of London Road. It is similar in appearance to the other dwellings in Oakhurst Gardens, and in the adjacent Oaklea Close and Greenlea Close. These houses are generally two-storeys with a brick finish and simple pitched, tiled roofs. As part of their original design most of these houses appear to benefit from modest ground floor, flat roof front projections. Although there have been some alterations and extensions to some of these dwellings, there is a high degree of homogeneity which contributes positively to the cohesive character and appearance of this area.
4. The proposal comprises several elements. The Council has not objected to all of them, indicating acceptance of the single and two storey rear extensions and the new mono-pitch roof over the existing flat roof at the front of the house. Based on the evidence before me and my own observations I have no reason to disagree with the Council on these aspects of the scheme.
5. As such, the main areas of dispute are the continuation of the side extension across the front of the house which then wraps around the side of the existing dwelling; the new canopy over the front door; and the use of render.
6. The design of the wraparound extension proposed here does not incorporate any sort of 'step back' from the front of the building. The existing front projection would be subsumed into the wraparound extension and the works as a whole would result in a prominent development which would draw the eye and unduly dominate

the appearance of the dwelling. It would not be in keeping with the overall form and appearance of the other dwellings on the road. The proposed canopy projecting to the front of the building would add to the dominance of the works and thus the harm to the character of the host dwelling and Oakhurst Gardens streetscene.

7. There are some rendered properties on London Road, opposite the appeal site. It has also been used on the side boundary wall of a dwelling at the corner of Oakhurst Gardens and Meadow Edge. However, given the location and positioning of the appeal property, these are not the main setting within which the extended dwelling would be most readily seen. Rather, it is the other properties in Oakhurst Gardens, Oaklea Close and Greenlea Close and which are similar in appearance and external finish to the appeal property, that provide its main context. As render is not a commonly used material on these dwellings, its use on the appeal property would only serve to further emphasise the intrusive appearance of the proposal.
8. Overall, the works would appear as awkward additions that not only unbalances the pair of semi-detached dwellings but disrupts the main architectural style of the building and the others nearby. Accordingly, the proposal would appear incongruous and out of keeping, harming both the character and appearance of the host dwelling and wider streetscene.
9. The proposal would therefore be contrary to Policy PCS23 of the Portsmouth City Local Plan 2006 which, amongst other things, requires developments to respect the local character and be of appropriate appearance and materials.

Protected Trees

10. Two protected trees are located within the site. These are a large Scots Pine and a Yew which are highly visible, particularly along London Road. They contribute to the verdancy of the site and street scene and are of amenity value. The trees were not initially shown as needing to be removed as part of the proposal but this was identified as a concern by the Council.
11. My site visit confirmed that the side extension would be in very close proximity to the protected trees and within their root protection areas. I have little substantive evidence to adequately demonstrate that these trees' important roots would not be seriously damaged or compromised as a result of the development. While it may be possible to design a development that avoids unacceptable damage to the tree roots, this has not been demonstrated. Consequently, I cannot be certain that the siting of the development would not harm the future health of these trees.
12. In March 2024, a Tree Report was submitted in support of the proposal. It indicates that it is the lean of the Pine tree which would necessitate its removal, rather than the requirements of the extension. The report indicated that this is causing root heave, such that the tree would need to be removed within six months. A further Tree Health and Condition Survey and Report was produced in April 2024. I have had regard to both documents.
13. I observed when I visited the site that there were some roots protruding through the adjacent lawn and there was some unevenness to the paving slabs between the wooden shed and the tree's trunk. However, there were no other signs within the vicinity of the tree which might indicate root heave. It is not clear the length of

time over which the current situation has evolved or whether it has noticeably changed since the report was prepared.

14. The Pine's growth, which is lop-sided, does appear to reflect how it is leaning. This is clearly something which has occurred over a period of time but has not unduly affected its contribution to the amenity of the area. The lean may over time reduce the life expectancy of the tree or cause its removal on safety grounds but there is insufficient evidence before me to conclude at this stage that that time has arrived.
15. The removal of the Pine would allow more light to the adjacent Yew. However, the Yew does not appear to be suffering as a result of their close proximity, particularly as it is to the south of the Pine and so access to light is not greatly restricted.
16. I therefore conclude that there is insufficient evidence to demonstrate that the retention of the Pine could be adequately secured or that it should be removed and that the resulting harm to the amenity of the area would be justified.
17. Whilst there is no indication from the Council that this would be contrary to any Local Plan policies, it would nonetheless be contrary to the aims of the National Planning Policy Framework, which acknowledges the important contribution trees make to the character and quality of urban environments.

Other Matters

18. It is suggested that render is both a cheaper and better quality finish than the existing bricks used in the dwelling. It is also suggested that other residents would wish to undertake similar works. Be that as it may, the remit of this appeal is to consider the proposal in the context of the existing situation and whether the development as a whole would be harmful to the prevailing character and appearance, which is what I have done.
19. The appellant suggests that permitted development would allow the construction of a porch or canopy similar to that proposed. However, the canopy is one small element of a much larger scheme and there is no indication that such an addition would be constructed on its own. Even if it were to be constructed under permitted development rights, the building's overall characteristics would endure and the effect on the wider area would be more limited than the scheme before me. As such, any weight it might carry in my decision is limited.
20. I have not had further regard in this decision to concerns over how the Council handled the application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case.

Conclusion

21. The proposal would conflict with the development plan taken as a whole. 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 not succeed.

Stewart Glassar

INSPECTOR