



Appeal Decision

Site visit made on 18 February 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal Ref: APP/Z1775/D/24/3358216

The Croft, Wilton Place, Southsea, City of Portsmouth PO5 2BG

- 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 Mike Stephens against the decision of Portsmouth City Council.
 - The application Ref is 24/00936/HOU.
 - The development proposed is construction of first floor roof terrace, including new parapet wall, railings and timber privacy screen, and raising of the existing dormer/extending its width (to allow for external door).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above is not taken from the application form, but an amended wording agreed between the parties which more accurately describes the proposal. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed roof terrace on the living conditions of the occupiers of 2a and 2b Merton Road with particular regard to privacy and noise disturbance.

Reasons

4. The appeal property is a two-storey dwelling on a restricted and irregular shaped plot, located at the end of Wilton Place which comprises dense residential development of two and three storey height and commercial uses. The appeal property is located within Owen's Southsea conservation area.
5. The proposed development would create an outdoor amenity space for the property in an elevated position compared with neighbouring dwellings. The existing amenity space is limited to a small area outside the front door; hence the proposed space would be the main focus for socialising and outdoor recreation for the occupants of the appeal property. The development would allow for the creation of a first-floor terrace and associated external alterations including a privacy screen to the northern side of the terrace adjacent to the rear garden of 2b Merton Road (No 2b).

6. Whilst I am satisfied the proposed privacy screen would avoid direct overlooking into the rear garden of No 2b, the proximity and elevated position of the terrace and privacy screen would be intrusive for the neighbours and make them feel as if their privacy was being invaded. The close relationship of the terrace to the rear garden of No 2b would also interfere with the occupier's quiet enjoyment of their outdoor amenity space at No 2b as it is likely that conversations between the occupiers of each property would be mutually overheard.
7. The proposed development and 2a Merton Road (No 2a) are separated by mature foliage, but there is no guarantee this would endure in the long term. As such, there is the potential for harm through overlooking to the private amenity space of No 2a. The appellant suggested the privacy screen could be extended; however, no plans have been provided and it is important that what is considered by the Inspector is essentially what was considered by the Council. I have therefore determined the appeal on the basis of the plans as originally submitted. Therefore, whilst the intervening distance is such that the occupiers of No 2a would not suffer from unacceptable noise disturbance, the proposal would give rise to the potential for loss of privacy for those neighbours.
8. In support of the appeal my attention was drawn to other properties within the area that have elevated balconies (in particular Unit 1 & 2 Converted Store Building). None of the properties drawn to my attention had the same relationship with another property as the proposed development. The balcony at Unit 1 & 2 Converted Store Building is not big enough to be considered sociable amenity space and is sufficient distance from No 2b to afford only glimpsed and oblique views which would not be considered intrusive.
9. My attention has also been drawn to the relationship between the neighbouring property Laurel Cottage and 4 Merton Road (No 4) with particular regard to privacy. The rear windows at Laurel Cottage appear to be part of the original building and face the rear garden of No 4. However, the windows are obscurely glazed and top opening only, therefore reducing the possibility of direct overlooking. There is no significant potential for noise disturbance to the occupiers of No 4 as conversations are unlikely to be mutually overheard.
10. The appellant contends that the relationship of the proposed terrace would be comparable to that which presently exists between properties in Merton Road. I acknowledge that there are opportunities for overlooking between those properties and neighbouring gardens, particularly from No 2b. However, any overlooking tends to be at an oblique angle which limits casual views. By contrast, the proposed terrace would afford direct views towards the garden of No 2a and its elevated position would make it more intrusive from a noise perspective for the occupiers of No 2b.

11. To conclude, although direct overlooking could be prevented by a suitable privacy screen for No 2b, this does not address my concerns regarding the perception of overlooking or to the potential loss of privacy to No 2a. Furthermore, the elevation of the proposed development would lead to noise disturbance to the occupiers of No 2b. The proposal therefore conflicts with Policy PCS23 of the Portsmouth Plan 2012 which seeks to protect amenity and secure the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

Other Matters

12. The Council does not raise concerns regarding the effect of the proposed development on the conservation area and based on the information provided and my own observations at the site visit I have no reason to take a different view.

Conclusion

13. For the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR