



Appeal Decision

Site visit made on 18 March 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/Z1775/W/24/3351279

234 Queens Road, Fratton, Portsmouth PO2 7NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jack Cotton against the decision of Portsmouth City Council.
 - The application Ref is 23/01603/FUL.
 - The development proposed is the change of use from a C3 dwellinghouse to sui generis house in multiple occupation.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Comments of the main parties have been sought and consideration has been given to those received in reaching the appeal decision.
3. The description of development in the heading above has been taken from the original planning application form. However, in Part E of the appeal form it is stated that the description of development has changed, and a different wording has been entered. Neither of the main parties have provided written confirmation that a revised description of development has been agreed. Accordingly, the one cited above is that provided with the original application.
4. It was apparent from the site inspection that the change of use of the property had taken place, although the room that is the subject of the appeal was not occupied. Notwithstanding this, the appeal has been determined upon the basis of the submitted drawings, rather than what has occurred on site.

Application for Costs

5. An application for costs was made by Mr Jack Cotton against Portsmouth City Council. This application is the subject of a separate decision.

Main Issue

6. The main issue is the effect of the scheme upon the living conditions of future occupiers, having particular regard to outlook and light levels.

Reason

7. The appeal property is a mid-terraced house positioned within a mostly residential area that comprises long rows of similarly styled and sized houses. 234 Queens Road has been converted into a house in multiple occupation (HMO), and the bedroom described as number 7 on the submitted drawings is the subject of the appeal. This ground floor room has an ensuite, with a window looking out onto the narrow strip of rear garden between the outrigger extension and the shared boundary wall.
8. The window serving this bedroom is positioned within a south facing wall, at one end of the room. The window is narrow, reflecting the dimensions of the external wall, and is also close to the kitchen extension that projects outwards towards the property boundary. Having regard to the proximity of the window close to the kitchen extension and to the boundary wall, the outlook for future occupiers of the room would be oppressive with only a limited and constrained view available.
9. The window is at one end of a narrow neck of space. Even with its south facing aspect, the size and positioning of the window away from the main living area would result in limited natural light levels within the room, with the proximity to the kitchen extension and the boundary wall further exacerbating the harm. Future occupiers would experience some direct sunlight when the sun was high in the sky. However, the proximity of the tall walls of the host building and also those of the neighbouring house, along with the projection of the kitchen extension, would cast shade for long periods of the day, thereby reducing the levels of daylight and sunlight experienced.
10. Prior to the change of use the room was not a bedroom but part of the living space of the house, with the appellant pointing out that the window provided acceptable living standards for this use. Nevertheless, the room has changed in function, shape and dimension, including with the window being at one end of the narrow extension. There is no dispute between the main parties that the size of the room is acceptable, and the provision of an ensuite and use of the shared kitchen and dining area would be available to future occupiers. Irrespective of this, the room would provide a private space that would experience low light levels and an oppressive outlook on a daily basis.
11. The appellant has referred to a similar scheme being permitted by the Council for the neighbouring property, 232 Queens Road. The rear facing ground floor room in this property also has a single window, but it is not positioned at the end of a narrow room extension as occurs with the appeal scheme, nor does it have an outlook onto a kitchen extension. Given these differences, the permission at the neighbouring property does not form a binding precedent for approving the appeal.
12. The appeal submission included a drawing that depicts a proposed rooflight to bedroom 7 as well as a full height window, and it appears that the Council refused to accept these revisions during the consideration of the original application. There are windows within the first floor of the appeal building and also within 236 Queens Road. The rooflight would afford existing and future occupiers views into each other's rooms, and whilst the Council has had an opportunity to comment, others have not. In the interests of openness and fairness the revised plan has not been considered for the appeal.

13. Thus, the scheme would not provide acceptable living conditions for the future occupiers of bedroom 7, and the suggested conditions would not overcome these harms. There would be conflict with Policy PCS23 of the Portsmouth Local Plan (2012) as this seeks, amongst other things, the protection of amenity and the provision of a good standard of living for future residents and users of the development.

Other Matters

14. Given the location of the scheme, future occupiers of the HMO would be likely to visit the internationally important habitat sites of Portsmouth Harbour Special Protection Area (SPA) and Ramsar, the Chichester and Langstone Harbours SPA and Ramsar, the Solent and Isle of Wight Lagoons Special Area of Conservation (SAC) and the Solent Maritime SAC. Such uses and the increased levels of nitrogen and phosphorous into these habitat sites resulting from additional occupiers would have an adverse impact upon the integrity of these sites. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake Appropriate Assessments (AA) where there are likely to be significant effects from the proposal, either alone or in combination with other schemes, and this duty falls to occur with the appeal.
15. The appellant has provided a signed and dated S111 agreement along with a contribution to secure mitigation measures for the impact of future occupiers upon the above referenced habitat sites. However, as the appeal is being dismissed for other reasons, it has not been necessary to undertake the AAs and give further consideration of the likely effectiveness of these mitigation measures.
16. Other matters have been raised by local residents, including the density of HMOs within the area, the loss of family homes, traffic and parking concerns, pressure on services and facilities, anti-social behaviour, and impacts upon house prices. The latter two matters are not directly concerned with the planning considerations of the scheme, and of those that are, following the findings on the main issue, there is no need to consider them further.
17. The appellant's concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on the consideration of the planning merits of the appeal.

Conclusion

18. The adverse impacts arising from the scheme would significantly and demonstrably outweigh the aforementioned benefits, and the suggested conditions would not overcome these harms. The scheme would conflict with the development plan when considered as a whole, and there are no other considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR