



Appeal Decision

Site visit made on 4 November 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/Z1775/D/25/3372032

120 St James's Road, Southsea, Portsmouth PO5 4JA

- 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 Rajiv Pillai against the decision of Portsmouth City Council.
 - The application Ref is 25/00641/HOU.
 - The development proposed is creation of new off-road parking space suitable for an electric vehicle by removal of dwarf wall to back of footpath including painted metal balustrade above to allow access, repaving of forecourt in porous resin bound gravel to newly formed parking bay and repaved path to entrance reusing existing herringbone paving blocks, relaying existing block edgings and formation of 2 no. planting beds, new wrought iron gate installed to pathway between existing piers to match those to adjoining terraced houses, granite sett paving laid to back of footpath to replace dwarf wall and installation of domestic electric vehicle charging point.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has advised that the appeal property, together with adjoining properties, is covered by an Article 4 (2) Direction, removing permitted development rights in relation to the alteration or demolition of front boundary walls / gates / railings.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the King Street Conservation Area, and
 - The effect of the proposal on highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal property is a mid-terrace, period property on the west side of St James's Road within a predominantly residential area and within the designated heritage asset of the King Street Conservation Area. It is three storeys plus basement and set back from the pavement edge with a modest front garden, which is predominantly laid out with hardstanding. As with the adjoining three properties in the terrace to the south, the front gardens are demarcated with low boundary walls

and railings with taller pillars either side of the pedestrian entrance leading to the raised ground floor entrances. These are of consistent design and scale, albeit with different finishes. The terrace continues to the north but with the properties sited much closer to the pavement edge with very small front gardens. Most of the properties retain some form of boundary treatment but they are much more varied in terms of style and materials including different forms of railings and some with low boundary walls.

5. The proposal would seek to remove the low boundary wall and introduce a dropped kerb to create a vehicular access within the front garden area, together with an EV charging point. The existing hardstanding would be resurfaced with a porous material together with other alterations to the front garden including the provision of a black iron gate to the pedestrian entrance.
6. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The significance of the King Street Conservation Area relates to the historic period terraces dating from the Victorian era but interspersed with post-war flats and more recent developments, showing the development of this part of Southsea since the nineteenth century. The attractive terrace, and the general consistency in appearance of the four houses, which includes the appeal property, with their front boundary treatments remaining in place makes a positive contribution to the significance of the Conservation Area, in terms of both its character and appearance, as well as historical development.
8. I have taken into account all the proposed changes to the front garden. However, the removal of the front boundary wall and railings to enable vehicular access to the front garden hardstanding would disrupt the consistent pattern of front boundary treatments along the terrace. This would create an uncomfortable and visually discordant gap along the terrace that would materially harm the positive contribution that the appeal property and terrace make to the significance of the Conservation Area. It would not preserve its character and appearance.
9. I therefore conclude that the proposal would harm the significance of the King Street Conservation Area and would not preserve its character and appearance. This would conflict with Policy PCS23 of the Portsmouth Local Plan and the National Planning Policy Framework (Framework) and in particular Sections 12 and 16, all of which amongst other matters seek a high quality of design which respects the local context and the significance of designated heritage assets.
10. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use. It is my conclusion that the proposal, in harming and failing to preserve the character and appearance of the Conservation Area would result in less than substantial harm to the significance of the designated heritage asset.
11. Most of the benefits in terms of creating an off-street parking space would be private rather than public benefits. However, the provision of an EV charging point to secure a more sustainable form of development is to be supported and accords with the sustainability objectives of the Framework and the development plan, and

would be regarded as contributing to wider objectives and to that extent a public benefit. Paragraph 212 of the Framework is clear that great weight should be given to the conservation of a designated heritage asset and that this is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. In the particular circumstances of this case, I do not consider that the very modest public benefit identified would outweigh the harm I have identified to the significance of the Conservation Area through failing to preserve its character and appearance.

12. The Appellant has referred to other environmental benefits he is seeking to introduce to the property including reference to heat pumps and solar panels. However, it would not appear that these proposals are directly related to the provision of an off-street parking space with EV charging point.

Highway Safety

13. St James's Road runs one way northwards, with double yellow lines on the western side and on-street parking available on the eastern side of the road.
14. The submitted plan shows the provision of one off-street parking space. However, the plan does not include measured dimensions for the parking space and on the basis of my site visit and the information in front of me I am not satisfied that the space available would be able to meet the required depth of 5m, as set out under the Council's guidance for crossovers. As a result, I share the concerns of the Council that vehicles could overhang the highway and partially obstruct the pavement, which would be detrimental to pedestrians seeking to walk past along St James's Road.
15. I have had regard to the particular vehicle the Appellant would seek to park at the property but if granted and implemented, the parking space would be available for future residents of the property, who might have a different sized vehicle. It is therefore important to ensure that the space would meet the guidance set by the Council for the depth of parking spaces to ensure that a standard vehicle could park without overhanging the pavement.
16. The Appellant has also referred me to other properties where he contends that vehicles overhang the parking space and obstruct the pavement outside. However, I have limited information on these other examples but the existence of other spaces that may not meet current guidance does not persuade me that more should be permitted given the harm I have found to pedestrian movements.
17. Given the lack of turning space within the site, it would be probable that most vehicles would need to reverse out of the space onto St James's Road. There is existing frontage vegetation at the adjoining property at No 122, and as a result this would impair the views of the driver when reversing out of the space. This would be harmful to highway and pedestrian safety. The Appellant has drawn my attention to other locations in the vicinity where there are restricted views, but they do not persuade me that permission should be granted for a new, substandard access which would have an unacceptable impact on highway and pedestrian safety.
18. I therefore conclude that the proposal would have an unacceptable impact on highway and pedestrian safety. This would conflict with the Framework, and with particular regard to paragraph 115 which seeks for safe and suitable access to sites for all users.

19. The benefit of securing a more sustainable transport option through the provision of an EV charging facility at the property would not outweigh the harm I have concluded to highway and pedestrian safety.

Conclusion

20. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR