



Appeal Decision

Site visit made on 21 January 2026

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/Z1775/W/25/3370596

45A Fawcett Road, Southsea, City of Portsmouth PO4 0DA

- 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 Mrs Kelly Sellwood against the decision of Portsmouth City Council.
 - The application Ref is 25/00061/FUL.
 - The development proposed is demolition of existing garage and construction of new single dwelling (2 x Bedrooms).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants of the proposed dwelling, with regard to outlook, light and the size of outdoor space;
 - the effect of the proposed development on the living conditions of the occupiers of 45 Fawcett Road (No. 45), with regard to outlook and light;
 - whether the proposal provides suitable on-site bicycle and refuse storage; and
 - the effect of the proposed development on the Solent Special Protection Areas (SPAs).

Reasons

Living conditions for future occupiers

3. The appeal site is a small backland plot behind 45 – 47 Fawcett Road, enclosed by surrounding built form and accessed from Telephone Road. The proposal comprises a two-storey dwelling with a ground floor kitchen/dining/living area and two first-floor bedrooms. It is therefore necessary to consider whether the internal layout would provide acceptable living conditions for future occupiers.
4. The south-facing bedroom would rely solely on high-level rooflights. While these would admit daylight, their height would prevent any meaningful outward view. In a compact two-bed dwelling with no dual aspect, the absence of outlook is a significant shortcoming weighing against the scheme.

5. The ground-floor kitchen/dining area would depend on high-level south-facing windows and borrowed light from the living room. Given the depth of the space and the position of the openings, parts of the room would receive limited natural light. Although functional, the overall quality of the space would fall below a good standard of amenity.
6. I recognise the appellant's point that rooflights are commonly used in constrained urban settings and that similar schemes have been approved elsewhere. However, no directly comparable examples have been provided, and the acceptability of rooflight-only bedrooms depends on the dwelling's overall configuration. Here, the combination of a compact layout, lack of dual aspect and absence of meaningful outlook would result in substandard accommodation.
7. The proposal also lacks private outdoor space. Although the site is within an established urban area with access to public open spaces, the absence of any dedicated external area compounds the concerns regarding internal light and outlook. Policy PCS23 of the Portsmouth Plan (2012) (PP) requires new dwellings to provide adequate amenity, which would not be achieved in this case.
8. I have considered the appellant's argument that many existing dwellings in Portsmouth do not have private outdoor space. While this reflects the character of some of the city's housing stock, it does not justify creating new accommodation with a clearly diminished standard of amenity, particularly where internal limitations relating to light and outlook are already present.
9. For these reasons, the proposed development would not provide acceptable living conditions for future occupants of the proposed dwelling, with regard to outlook, light and the size of outdoor space. Consequently, it conflicts with Policy PCS23 of the PP, insofar as it seeks the provision of a good standard of living environment for future residents and users of development.

Living conditions of existing residents

10. The existing garages sit close to the eastern elevation of No. 45, which contains a first-floor window facing the site. The appellant states, and the evidence supports, that this window serves a bathroom. The Council does not dispute this.
11. The existing garages do not establish a comparable relationship to that which would arise from the proposed dwelling. They are low, visually recessive structures that sit well below the level of the first-floor window. By contrast, the proposed dwelling would introduce a taller elevation in closer proximity to the window, and the change in scale would be perceptible.
12. Even so, the site's orientation means the proposal would not lead to a noticeable reduction in sunlight reaching No. 45. The Council has not provided any analysis or other evidence to demonstrate that the development would result in a significant loss of natural light.
13. Furthermore, the window in question serves a bathroom, and therefore the level of protection afforded to its outlook is more limited than for a habitable room. While the proposed building would be taller than the existing garages, the increase in height would not, in my view, result in an oppressive or overbearing relationship. The modest scale of the dwelling, combined with its siting to the north and

north-west of No. 45, means that any increased sense of enclosure would not be so great as to materially harm the living conditions of neighbouring occupiers.

14. For these reasons, the proposed development would not materially harm the living conditions of the occupiers of No. 45, with regard to outlook or light. Consequently, it complies with Policy PCS23 of the PP, insofar as it seeks to protect a good standard of living environment for neighbouring and local occupiers.

Bicycle and refuse storage

15. The submitted plans do not show dedicated facilities for bicycle parking or refuse and recycling storage. However, the site layout indicates that there is sufficient space adjacent to the entrance to accommodate a modest enclosed structure without impeding access or compromising the operation of the dwelling. Given the small scale of the development and the flexibility available within this part of the site, I am satisfied that appropriate provision could be achieved.
16. The Council has not demonstrated that such facilities could not be accommodated, nor that their absence on the submitted drawings would give rise to any unavoidable harm. In circumstances such as this, where the principle and feasibility of providing suitable storage are clear, it is reasonable and proportionate to secure the final details by condition.
17. For these reasons, subject to a condition requiring the submission and approval of details of bicycle and refuse storage prior to occupation, the proposal would provide suitable facilities. The development therefore complies with Policy PCS23 of the PP in this regard.

Solent SPAs

18. The site lies within the zone of influence of the Solent SPAs, designated European sites of international importance for its bird populations and associated habitats. Residential development within these areas gives rise to recognised pathways of impact, including increased recreational pressure on sensitive coastal habitats and additional nutrient loading arising from wastewater generated by new dwellings.
19. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations), mitigation must be secured before planning permission is granted where a likely significant effect cannot be ruled out. Without such mitigation in place, the competent authority cannot be certain that the integrity of the SPAs would be protected.
20. I note that the appellant has raised no objection to entering into a necessary legal agreement to secure mitigation. Nonetheless the appellant has at no stage during the appeal process submitted a legal agreement. The Procedure Guide: Planning Appeals – England states at Paragraph 18.2.2 that an executed and certified copy of any planning obligation must be made at the time a written representations appeal is submitted to the Inspectorate. The Council's reason for refusal on this matter was clear. It is not necessary for me to go back to the appellant requesting this documentation.
21. The appellant's final comments also reference that mitigation measures could be secured by condition. On the evidence before me, I cannot be certain that such an approach would be effective. The Planning Practice Guidance on Use of

Conditions cautions that a condition requiring an applicant to enter into a planning obligation raises issues of whether it would be enforceable or appropriate.

22. This appeal, for a single dwelling, does not give rise to exceptional circumstances for a negatively worded condition requiring a planning obligation or other agreement to be entered into before a certain development can commence.
23. Although it appears that such mitigation could, in principle, be achieved, there is no legal agreement before me to secure the necessary measures to avoid the identified harms. As such, as the competent authority in undertaking an Appropriate Assessment of the proposal under the Habitats Regulations, I have necessarily taken a precautionary approach. Accordingly, I cannot conclude that the integrity of the SPAs would be protected. The proposal therefore conflicts with Policy PCS13 of the PP, which requires development to avoid harm to internationally designated nature conservation sites, including the Solent SPAs, and to comply with the Habitats Regulations.

Other Matter

24. Concerns have been raised regarding the way the planning application was handled, including the extent of engagement during the determination period. These are procedural matters relating to the Council's administration of the application. Such concerns do not alter my assessment of the planning merits of the scheme, nor do they affect the outcome of the appeal.

Planning Balance

25. The proposal would deliver a single dwelling on previously developed land in a highly accessible urban location. The efficient use of brownfield sites is supported by the National Planning Policy Framework, and the replacement of the existing garages, currently in poor condition and associated with antisocial behaviour, would enhance the appearance and security of the area. These environmental and design improvements attract modest weight in favour of the development.
26. Portsmouth faces acute housing pressures, with a persistent shortfall in delivery and limited opportunities for outward expansion. In this context, the addition of even one dwelling would make a small, but meaningful, contribution to housing supply in a densely populated urban area. This attracts moderate weight.
27. The site's proximity to shops, services, public transport and public open spaces means that future occupiers would have good access to day-to-day facilities without reliance on the private car. This sustainable location aligns with national policy objectives and carries modest weight.
28. These benefits must be weighed against the identified harms. The dwelling would not provide acceptable living conditions for future occupiers, owing to the lack of meaningful outlook, limited natural light and the absence of private outdoor space. These matters attract significant weight, as they relate directly to the quality of the residential environment and the aims of Policy PCS23 of the PP.
29. In addition, the absence of a completed legal agreement securing mitigation for recreational pressure and nutrient impacts means that the development would be likely to have an adverse effect on the integrity of the Solent SPAs. Compliance with the Habitats Regulations requires certainty that no such harm would occur.

The resulting conflict with Policy PCS13 of the PP and the Habitats Regulations attracts very substantial weight.

30. Taking all matters into account, the adverse impacts of the development, particularly the unresolved harm to the SPAs and the unacceptable living conditions for future occupiers, outweigh the above stated benefits.

Conclusion

31. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR