

Appeal Decision

Site visit made on 22 April 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 April 2016

Appeal Ref: APP/X1735/D/16/3142162

55 Deverell Place, Waterlooville, Hampshire PO7 5ED

- 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 & Mrs A Wilson against the decision of Havant Borough Council.
 - The application, Ref. APP/15/01209, dated 21 October 2015, was refused by notice dated 18 December 2015.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension in accordance with the terms of the application, Ref. APP/15/01209, dated 21 October 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. 4353/1 Rev. A; 4353/2 Rev. B; 4353/3 Rev. C; 4353/200; 4353/500; OS based Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are (i) the effect of the size of the garden following the construction of the extension on the character and appearance of the dwelling and its area, and (ii) whether it would be an adequate amenity area for existing and future occupiers of the dwelling.

Reasons

3. On the first issue, the Council refers to 'a cramped and congested layout'. However, the garden is visually contained to the rear by other property boundaries and two properties a short distance to the east, Nos. 53 and 51 have rear garden depths of 3.5m and 5.75m respectively. The dwelling is also set well back from the road frontage (by about 11m) and even with the extension in place would not occupy an unduly high proportion of its plot. I therefore see no harm being caused on this issue.
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4. On the second point, the appellants have decided that the additional internal living space created by the extension and the remaining overall rear garden space of 44sqm would be appropriate for their family. Any prospective future occupier of the property would be able to decide for themselves whether this area of garden would be adequate for their own family needs.
5. In a situation where the 10m garden depth is a general guideline rather than any statutory minimum; where the extension would normally be permitted development, and where there is already a rear conservatory which would be demolished so the effect would not be one of a fundamental change in the amount of external space, I consider that the planning system should allow for some flexibility to allow residents an element of choice. In this case the remaining rear garden, although of a modest size, would be of a sufficient size for sitting out and for children's play.
6. As pointed out for the appellant, the policies of the National Planning Policy Framework 2012 are more than just about scrutiny, they also embrace variety and choice provided that the overall quality of an area is maintained. In this regard I do not consider the appeal proposal would have a negative impact in respect of either of the main issues and I am unable to ascertain any specific conflict with either the wording or the objectives of Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.
7. I have noted the Council's reference to an appeal decision at No. 67 Bondfields Crescent, Havant, but as a proposed new dwelling in a different part of the Borough I do not see the Inspector's support for a minimum amenity area in that case as necessarily comparable to the particular circumstances in this appeal.
8. For the above reasons I consider that I should allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition stipulating matching external materials will ensure that the extension is in keeping with the host dwelling.

Martin Andrews

INSPECTOR