
Appeal Decision

by Richard Thomas BA DipArch RIBA IHBC

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

Site visit made on 1 July 2014

Decision date: 9 July 2014

Appeal Ref: APP/X1735/D/14/2219160

1A Milton Road, Waterlooville, Hampshire, PO7 6AB

- 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 I Miah against the decision of Havant Borough Council.
 - The application Ref APP/13/01214 was refused by notice dated 28 February 2014.
 - The development proposed is rear and first floor extensions and alterations to provide additional living accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for rear and first floor extensions and alterations to provide additional living accommodation at 1A Milton Road, Waterlooville in accordance with the terms of the application Ref APP/13/01214, dated 2 December 2013, subject to the following conditions:
 - 1) The development hereby permitted shall commence before the expiration of three years from the date of this permission.
 - 2) Prior to works commencing on the extensions and alterations hereby permitted, the existing detached garage at the property shall be demolished and the debris removed from the site.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 3571/500 Rev J (Site Layout Plan), 3571/200 Rev J (Roof Plan), 3571/4 Rev J (Proposed Ground Floor Plan), 3571/5 Rev J (Proposed First Floor Plan), 3571/6 Rev J (Proposed Elevations) and 3571/8 Rev J (Proposed Cross Section).
 - 4) 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.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, building or enclosure shall be erected within the curtilage of the property.
 - 6) The development hereby permitted shall not be brought into use until a minimum of three of the car parking spaces shown on Drawing No. 3571/500 Rev J have been provided and thereafter all of those spaces shall be kept available for that purpose.

Main issues

2. The main issues in this case are;
 - (a) the effect of the proposed development on the living conditions of the occupiers of No 1 Milton Road with particular regard to visual impact.
 - (b) the effect of the proposed development on the living conditions of the occupiers of No 1A Milton Road with particular regard to the adequacy of the private amenity space.

Reasons

Visual impact

3. The appeal property currently has a vertical gable on its north-eastern flank which contains a bedroom and bathroom window at first floor level facing the side of No 1. In the proposed scheme the majority of the rear extension would be set back at first floor level from the flank wall by approximately 3m. In relation to No 1, the visual impact of this element of the development would therefore be less than the existing gable and so it would not be harmful. The height and depth of the single storey element of the rear extension would be no greater than what would be acceptable in isolation under permitted development rights and so this too would not be harmful.
4. The width of the gable at first floor level would be increased by a maximum of around 1.5m on either side. However, the visual impact of this additional bulk would be more than compensated for by the vertical gable being changed to a hipped roof form which slopes away from No 1. I consider this change in the roof form would generally result in a better relationship between the two properties, particularly given the existing bedroom and bathroom windows are to be changed to roof lights that would reduce the level of inter-visibility with the first floor bedroom windows found on the side of No 1. It would also have a positive effect in respect of daylight to the kitchen and dining room of No 1.
5. Accordingly, the proposed development would not have an unacceptably harmful effect on the living conditions of the occupiers of No 1 Milton Road with particular regard to visual impact. It would therefore not be contrary to policy CS16 of the Council's Core Strategy 2011 (CS), or the National Planning Policy Framework 2012 (NPPF).

Amenity space

6. The proposed demolition of the existing detached garage of approximately 30 sqm would adequately compensate for the loss of amenity space deriving from the increased footprint of the house. A rear garden area of an acceptable size and shape for family relaxation would be provided which meets the increased demands arising from the expanded habitable accommodation. The feeling of being hemmed-in referred to by the Inspector who considered the previous proposal (Appeal Ref: APP/X1735/D/12/2188663) would no longer be applicable due to the demolition of the garage and part of the rear extension being single storey, which would reduce the sense of enclosure.
7. The Council's officer report highlights that in order to preserve a sufficient level of amenity space at the property, the removal of the garage and the introduction of future extensions and outbuildings would have to be controlled by way of a Unilateral Undertaking (UU) and planning conditions. In the event

of the appeal being allowed the Council has suggested a condition that would require the completion of the UU which has been partially drawn up. However, it would be inappropriate by way of a condition to require what is essentially a voluntary agreement.

8. In the absence of a UU being put before me and given the fact the National Planning Practice Guidance advises the use of a condition in favour of a planning obligation to overcome objections to a development where possible, I see no reason why a pre-commencement condition could not secure the demolition of the garage instead. Such a condition shall duly be imposed as well as a condition which withdraws permitted development rights in respect of extensions and the erection of buildings or enclosures within the curtilage of the property.
9. Subject to the imposition of the conditions referred to above, the proposed development would not have an unacceptably harmful effect on the living conditions of the occupiers of No 1A Milton Road with particular regard to the adequacy of the private amenity space. It would therefore not be contrary to policy CS16 of the CS or the NPPF.

Other matters

10. The occupier of No 72 Hambledon Road has raised concerns about a loss of privacy and the visual impact of the proposed development. There would be two new windows on the south-west flank elevation facing the rear of No 72. However, one of these would be a ground floor window located behind the intervening boundary treatment and the other would be a roof light.
11. The submitted plans indicate the roof light would rise from a point which aligns with the top lights to the first floor windows on the front elevation. Consequently, its high positioning is such that it would not give rise to an unacceptable loss of privacy. There would be an increase in the bulk of development visible from No 72 but given the change from a vertical gable to a hipped roof form which slopes away from the boundary, the visual impact would not be unacceptably harmful.
12. Other neighbouring houses are located a sufficient distance away to ensure the living conditions of the occupiers of these properties would not be harmed. As the properties in the immediate surroundings are varied, the design would not be harmful to the character and appearance of the area.
13. Additional concerns raised by objectors to the proposed development, particularly with regard to the relationship with No 70 Hambledon Road (which is in the appellant's control) and the future occupation/use of the appeal property, are acknowledged. These matters were considered in the Council's officer report and I supported the view that the concerns raised do not warrant the refusal of the scheme.

Conditions

14. In addition to the standard commencement condition, one that requires the development to be undertaken in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition which requires the external surfaces to match those of the existing building is necessary in order to ensure a satisfactory appearance to the proposed development.

15. A condition which requires the provision and retention of three off street parking spaces is necessary in the interests of highway safety and to meet the Council's parking standards. The wording of the conditions suggested by the Council has been modified accordingly for greater precision.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal should be allowed and planning permission granted.

R Thomas

INSPECTOR