
Appeal Decision

Site visit made on 16 September 2014

by L Gibbons BA (Hons) MRTPI

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

Decision date: 22 October 2014

Appeal Ref: APP/X1735/D/14/2220023

26 Castlemans Lane, Hayling Island, Hampshire PO11 0PZ

- 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 Mrs Serita Campbell against the decision of Havant Borough Council.
 - The application Ref APP/14/00287, dated 14 March 2014, was refused by notice dated 12 May 2014.
 - The development proposed is a two storey rear extension and single storey conservatory with changes to ground floor roof at the front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 28 Castlemans Lane in respect of outlook.

Reasons

3. The appeal site is located with a row of detached and semi-detached houses on the east side of a narrow rural lane. The houses are of varying ages, design and constructed with a variety of materials. The Council do not object to the principle of development or the changes to the side and front of No 26 Castlemans Lane or the detailed design of the scheme. The Council also does not object to the effect on the occupiers of No 24. Having noted the other front and side extensions in the road and the relationship of No 26 with No 24, I see no reason to disagree with these matters.
4. However, the Council are concerned about the effect of the rear two-storey extension on the occupiers of No 28. I have been referred to the Havant Borough Design Guide Supplementary Planning Document (SPD) 2011. This provides guidance on the design of rear extensions including the regard to be given to neighbouring properties in respect of an effect on light and outlook.
5. No 28 is adjacent to Nos 26 and they do not have the same building line. No 28 is set back in its plot by some distance. There is a single storey conservatory to the rear of No 26 and a separate small single storey garage, close to the boundary with No 28. Although No 28 retains a front door, this appeared to be not in use. The main entrance to No 28 is via a side door on the south side of the house in to the kitchen. There is only one kitchen window, which is next to this door slightly further east. Although the main door has a canopy above, the

entrance and kitchen window have a southerly aspect with the outlook partly towards a small single storey garage and the garden at No 26. As a result, the entrance and kitchen did not feel dark or enclosed. To the east of the kitchen, there is a small sitting room with a high and narrow south facing window. Beyond is a conservatory, which is bright and opens towards the garden area. However, due to the arrangement of these rooms they do not provide a significant amount of light into the kitchen.

6. I note the appellant's concerns regarding the classification of kitchens as non-habitable rooms. Nevertheless, the proposed two-storey rear extension would be highly visible from the kitchen window and at the entrance to the No 28. Due to the depth of the north wall, which would be further east than the existing conservatory, in combination with its proximity to No 28, it would appear unduly intrusive to the occupiers at No 28. In addition, as the proposed extension would extend beyond the door and part of the kitchen window this would lead to these areas feeling appreciably more enclosed and darker. This would have a detrimental effect on the occupiers of No 28.
7. I accept that the proposal would result in the removal of the small garage at No 26; however, this building is not particularly large or prominent. I note the appellant's proposal to replace the low shrubbery on the boundary with No 28 with a 1.8 m high fence; notwithstanding this, the fence would not be as tall or prominent as the proposed two-storey rear extension.
8. The appellant has pointed out that the appeal property could be extended without the need for planning permission and I note that such a situation could occur. However, an extension that could be built under permitted development would not extend as far and it would be further away from the boundary with No 28 than the proposed two-storey extension. In this way, it would have less of an impact on the sense of openness and light within the kitchen and at the entrance at No 28. I therefore conclude that the implications of the scheme would be worse than would be the situation with the suggested 'fall back position' of the permitted development extension.
9. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of the occupiers of No 28 Castlemans Lane in respect of outlook. It would be in conflict with Policy CS16 of the Havant Borough Core Strategy 2011, which amongst other things seeks new development, which does not cause unacceptable harm to the amenity of neighbours through outlook. It would be contrary to the SPD and the provisions of the National Planning Policy Framework which requires development to provide a good standard of amenity for all existing and future occupiers of land and buildings.

Conclusion

10. For the above reasons, having regard to all other matters raised, the appeal is dismissed.

L Gibbons

INSPECTOR