
Appeal Decision

Site visit made on 29 December 2014

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 5 January 2015

Appeal Ref: APP/X1735/D/14/2228116

27 Clovelly Road, Emsworth, Hampshire PO10 7HL

- 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 Paul Mothersele against the decision of Havant Borough Council.
 - The application Ref APP/14/00699 was refused by notice dated 16 September 2014.
 - The development proposed is single storey extension, dormer windows and carport.
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Decision

1. For the reasons that follow I dismiss the appeal insofar as it relates to the dormer windows. I allow the appeal, however, insofar as it relates to the single storey extension and carport, in accordance with the terms of the application, Ref APP/14/00699, dated 3 July 2014, 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 hereby permitted shall be carried out in accordance with the following plans: Location plan, block plan, 14/13/1, 14/13/2 and 14/13/3.
 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.
 4. No development shall take place until details of tree protection works in accordance with BS5837 2012: "Trees in relation to design, demolition and construction" have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved tree protection works which shall be put in place and maintained throughout the course of the works on the site, during which period no access, or placement of fuels or chemicals, soil or other materials shall take place inside the area of the tree protection area.

Main issues

2. The main issues are:
 - (i) The effect of the development on the character and appearance of the existing dwelling and surrounding area, including the effect on a protected tree; and

- (ii) The effect of the development on the living conditions of occupants of 37 Warblington Road, having particular regard to matters of light, privacy and outlook.

Reasons

Character and appearance

3. 27 Clovelly Road is a chalet style property with large central dormers on either side of a half hipped and pitched roof. It is located on a corner plot at the junction of Clovelly Road and Warblington Road. The property fronts onto Clovelly Road; the main entrance being located here, and has areas of private garden either side of this. Whilst fronting onto Clovelly Road it's siting on the junction means it also forms part of a staggered formation with residential properties along the north side of Warblington Road.
4. The single storey extension is proposed on the southern side of the property. Whilst this is not technically the front of the house or front garden given the layout of the host property, this area does have a relationship with Warblington Road akin to that of a front garden in that it has the potential to be a prominent area due to its siting.
5. The property is, however, set well back from Warblington Road and this area is enclosed with fencing, and mature trees and shrubs along the property's boundaries. Public views of the single storey extension would therefore be limited, even in winter. In any event the staggered nature of the building line along this section of Warblington Road would also ensure the extension would not appear unduly prominent.
6. The proposal would result in the loss of two ground floor bay windows, which is regrettable as these add character. However, the single storey extension in itself would appear subservient to the host dwelling and not so out of keeping so as to amount to substantial harm.
7. I turn now to the carport which is to be located over an existing area of hard standing. It would be modest in scale and domestic in design. The carport would be erected adjacent to a protected maple tree on the adjoining neighbour's land. The tree is substantial in size and located adjacent to Clovelly Road and as such is clearly visible in the street scene. It therefore makes a positive contribution to the visual amenity of the area.
8. The council has raised concerns regarding this tree in relation to carport piling, and state that insufficient information has been provided to show how the tree would be protected during and after construction. Nothing on the evidence before me suggests the works to construct the carport would involve piling. The appellant states that the new foundations would be pads of maximum dimensions 500mm x 500mm x 600mm deep.
9. With this in mind I have considered the imposition of a condition requiring the submission of tree protection measures detailing how this tree would be protected during the course of the development. Subject to such a condition, I am satisfied that this protected tree could be adequately safeguarded, thereby preserving the character and appearance of the surrounding area.
10. Taking the above points together, the proposal would not cause significant harm to the character and appearance of the existing dwelling or the

surrounding area. I therefore find no conflict with policy CS16 of the Havant Borough Core Strategy (2011), which, amongst other things, requires a high quality of design which is informed by existing characteristics. Similarly the National Planning Policy Framework (the Framework) confirms that the planning system should contribute to and enhance the natural and local environment.

Living conditions

11. The appeal property, as noted above, is located in a staggered formation with its neighbouring properties along Warblington Road. As a result it is set well forward of neighbouring property 37 Warblington Road. Both nos. 37 and 27 are located in close proximity to each other. No. 37 is a two storey detached property. It has a two storey front bay window feature which is located towards the shared boundary with no. 27. These bay windows serve a sitting room at ground floor and a master bedroom at first floor.
12. The proposed southernmost dormer on the eastern roof slope would sit forward of the front elevation of no.37 and would look directly across the frontage of this property. It would be readily visible from the rooms served by the bay windows at no. 37 due to its close proximity and forward siting on the roof of no. 27. Whilst outlook from these windows is already impeded by no. 27 the dormer would further intrude upon this outlook to a harmful degree. In addition to this the bedroom would suffer from a harmful level of overlooking.
13. Both these rooms have smaller windows in the side elevation through which the northernmost dormer proposed in the eastern roof slope would be visible. These are, however, secondary windows and currently their outlook is greatly impeded by no. 27 therefore in this respect I find limited harm. Notwithstanding this, the secondary window in the bedroom would experience a further loss of privacy from this dormer.
14. I have considered the imposition of a condition for these dormers to be obscure glazed and non-opening but due to their proximity and positioning in relation to windows at no. 37, an acute awareness of these would remain, giving occupants a perception of a loss of privacy. In any event, such a condition would not overcome the harm identified above with respect to outlook.
15. Whilst the extension would be set significantly forward of the front of no. 37, having consideration for the southerly aspect of the frontage of this neighbouring property, in conjunction with the single storey nature of the proposed extension and the existing boundary treatments, I am satisfied that this would not result in significant harm to the living conditions of occupants of this neighbouring property in terms of loss of light or outlook.
16. For the reasons given, the proposal would harm the living conditions of occupants of no. 37 in terms of a loss of outlook and privacy. The proposal would therefore conflict with policy CS16 of the Havant Borough Core Strategy (2011) and the Havant Borough Design Guide Supplementary Planning Document (December 2011) which, amongst other things, aim to protect the amenity of neighbours against matters including loss of privacy and outlook. Similarly the Framework seeks to always secure a good standard of amenity for all existing occupants of buildings.

Conditions and conclusion

17. Those elements of the development that I have found to be unacceptable are severable from the remainder of the proposal. Therefore, for the reasons given above, I conclude that the appeal should succeed in relation to the single storey extension and carport. However, in relation to the dormers I conclude that the appeal should be dismissed.
18. In addition to the standard time limit condition I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition concerning the materials to be used is also required to ensure that the appearance of the development is satisfactory.

H Butcher

INSPECTOR