
Appeal Decision

Site visit made on 18 November 2013

by Nick Fagan BSc(Hons) DipTP MRTPI

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

Decision date: 22 November 2013

Appeal Ref: APP/X1735/D/13/2206288

84 Stakes Hill Road, Waterlooville, Hampshire PO7 7LE

- 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 P Kerry against the decision of Havant Borough Council.
 - The application Ref APP/13/00703, dated 15 July 2013, was refused by notice dated 10 September 2013.
 - The development proposed is a single storey rear extension and front porch.
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Decision

1. The appeal is dismissed insofar as it relates to the rear extension. The appeal is allowed insofar as it relates to the front porch at 84 Stakes Hill Road, Waterlooville, Hampshire PO7 7LE in accordance with the terms of the application Ref APP/13/00703, dated 15 July 2013 so far as relevant to that part of the development hereby permitted and 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the neighbour at 82 Stakes Hill Road, with particular relevance to outlook, sunlight and daylight.

Reasons

3. The Council granted permission for a porch of identical design and a rear extension with a lower ridge height earlier this year¹. It considered the porch would be subservient in scale and in keeping with the style of the dwelling, and would not therefore harm the street scene. I see no reason to disagree with this view and accordingly grant permission for the front porch subject to the standard implementation condition and a matching materials condition, which I consider to be necessary to ensure the porch harmonises with the character of the area, as suggested by the Council.

¹ APP/12/00044 granted 13 March 2013

4. The footprint of No.84 extends slightly further back into the site than the footprint of No.82. The rear extension would extend back approximately 4.8m in depth continuing the line of the existing pitched and hipped roof.
5. I agree with the appellants that the design of this rear extension, including its roof, would be in keeping with the design of the existing bungalow and would have no impact on the street scene. However, the Council has refused the proposal because of its impact on the outlook and amenities of the neighbour at No.82.
6. The roof of the extension would slope away from No.82's boundary at an angle of 40 degrees and I agree with the appellants that the highest part of the roof would therefore be about 5m from the boundary. However, the extension would only be about 1m from the boundary and no more than 4m from the nearest (habitable room) window in No.82's rear elevation. No.84 is located to the south-east of No.82 and, because of the relative proximity of the proposed extension to the footprint of No.82, the proposed height of its roof, and the fact the footprint of No.84 is already set slightly further back into the site than No.82, it would be likely to significantly diminish the amount of sunlight and daylight reaching this window.
7. I also consider that the outlook from this window and the immediately adjacent area of No.82's rear garden would be seriously harmed by such a large bulky extension so close to the boundary.
8. Policy CS16 of the Havant Borough Local Plan (Core Strategy) requires that development should not cause unacceptable harm to the amenity of neighbours through loss of outlook or overlooking amongst other matters. Although the proposal would not involve overlooking it would give rise to serious loss of outlook and for this reason is contrary to Policy CS16. It would also conflict with paragraph 4.16 of the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011, which requires rear extensions to have "*particular regard to neighbouring properties and should not cause an adverse effect.*" Paragraph 2.02 of this Design Guide makes clear that the Guide's purpose is to supplement and help implement Policy CS16 of the Core Strategy.
9. Core Strategy Policy CS16 and its attendant Guidance reflect the core planning principles in the National Planning Policy Framework, particularly that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
10. For the reasons set out above I conclude that the appeal should be allowed insofar as it relates to the proposed porch but dismissed insofar as it relates to the rear extension.

Nick Fagan

INSPECTOR