The Planning Inspectorate

Appeal Decision

Site visit made on 3 April 2012

by C Tokley MRTPI Dip Env Planning

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

Decision date: 5 April 2012

Appeal Ref: APP/X1735/D/12/2169864
33 Lymbourn Road, Havant, PO9 2SL

- 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 J W Sandell against the decision of Havant Borough Council.
- The application Ref APP/11/01288 was refused by notice dated 23 November 2011.
- The development proposed is a rear conservatory.

Decision

1. The appeal is allowed and planning permission is granted for a rear conservatory at 33 Lymbourn Road, Havant, PO9 2SL in accordance with the terms of the application Ref APP/11/01288. The permission is 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 external materials to be used shall match those of the existing conservatory in type, colour and texture.

   3) The windows in the north flank of the building shall be of a type that cannot be opened and they shall be glazed with obscured glass providing a degree of obscuration that is not less than level 4 of the "Pilkington" scale of obscuration. Those windows shall remain un-openable and obscured.

   4) The development hereby permitted shall be carried out in accordance with the drawings stamped PLAN 1, PLAN 2, PLAN 3, PLAN 4 and PLAN 5 and received by Havant Borough Council on 29 July 2011.

Main issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 31 Lymbourn Road as regards light and outlook.

Reasons

3. Numbers 31 and 33 Lymbourn Road form part of a terrace of houses within the Lymbourn Road Conservation Area (CA) that were built with two-storey rearward projections. These result in the houses having L-shaped floor plans with narrow open areas between the flanks of the projections that are divided between neighbouring houses.

4. The rear projection of the appeal property has been extended by the addition of a conservatory and the space between the flank of the original rear projection and the boundary has been filled by a single storey lean-to. The proposal would

extend this lean-to alongside part of the conservatory. Within the context of the existing rear extensions the proposal would preserve the character and appearance of the CA.

5. The proposal would be visible from the window in the rear wall of No 31 which provides light to and an outlook from the ground floor living area at the back of the house. The view from the room towards the rear garden is limited by the rear projection of No 31 and by the flank wall of the lean-to at No 33 and the wall and close boarded fence beyond. The proposal would be higher than the fence but it would occupy a narrow angle of view when seen from within the living room. As a result of this, and a combination of its height and distance from the window, I consider that the proposal would not be unduly over bearing and would not unacceptably detract from light reaching the rear window or the outlook from it.

6. The ground floor of the rearward projection of No 31 is occupied by the kitchen which is lit by glazed doors opening onto the rear garden, a window in the flank wall above the sink and a glazed door in the side wall. The view from the side window is dominated by the lean-to and the roof of the conservatory at No 33. The proposal would occupy more of the field of view than the conservatory but this is a secondary outlook from the kitchen and, taking account of its height, I consider that the presence of the proposal would not unacceptably detract from living conditions in this part of the house as regards either light or outlook.

7. The main part of the garden of No 31 lies beyond the rear projection and as a result of its size and position the proposal would not detract from the outlook from the garden or the light reaching it.

Conclusion

8. I have taken account of the concerns raised by the occupier of No 31 and viewed the proposal from that property. I have concluded that the proposal would not unacceptably detract from the living conditions of the occupiers of No 31 Lymbourn Road as regards light and outlook and in this respect it would not conflict with Policy CS16 of the Havant Borough Core Strategy of March 2011. Having regard to all matters I have concluded that the appeal should succeed.

Conditions

9. In order to prevent unacceptable overlooking of No 31 I have imposed a condition requiring that the windows in the side panels are glazed with obscured glass and are un-openable. I have refined the condition suggested by the Council to require that the materials employed in the exterior of the proposal match those of the conservatory. To accord with best practice I have also included a condition identifying the approved drawings.

Clive Tokley

INSPECTOR