



Appeal Decision

Site visit made on 8 January 2013

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 17 January 2013

Appeal Ref: APP/X1735/D/12/2188663

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/12/00866 was refused by notice dated 30 October 2012.
 - 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 dismissed.

Main issues

2. The main issues are the effect of the proposal on the living conditions of neighbouring residential occupiers, with specific reference to overlooking, outlook and natural light; living conditions of future residential occupiers of the proposed development with specific reference to adequacy of external amenity space; and on the character and appearance of the streetscene.

Reasons

3. The appeal property is a two-storey detached dwelling which occupies a constricted plot within a residential area. The proposed extensions would significantly enlarge the building, with the greatest impact being to the side elevations, and particularly in relation to the next door property at 1 Milton Road, to the north-east, which it faces across a gap between the two dwellings.
4. Although there would be no increase in the ridge height of the appeal property, the proposed north-east elevation would extend the building back by a third into the back garden at a height of two stories. The effect would be overbearing on the outlook of the next door occupiers of the next door property at no. 1, where it would directly face their kitchen and dormer bedroom windows due to the height of the extension and its proximity to the next door dwelling. The limited shadow effect and slight loss of light, however, which the next door property would experience, would be at a level that is not unusual in urban areas and would not be unacceptable.
5. The appeal property is sufficiently distant from any other neighbouring properties (to the south-west, west and north-west) not to harm the living conditions of these occupiers, in terms of overlooking, loss of outlook, overshadowing or loss of light. Moreover, any visual impact would be

mitigated by the existing high hedges and fencing, which enclose the rear garden of the appeal property.

6. Regarding external amenity space, the existing gardens are small, with part of the back garden taken up by a detached garage. The additional bedrooms (from three to five) would increase the demand for amenity space. The development, however, would reduce the size of the back garden to an unacceptable level, both in terms of the small remaining area for family relaxation and in view of the increased feeling of being hemmed in by the enlarged appeal building, garage and boundary fencing and planting. The front garden would also be lost to car parking.
7. I conclude that the proposed development would unacceptably harm the living conditions of both the next door residential occupiers of no.1, and future occupiers of the scheme. For these reasons it would be contrary to one of the core planning principles in the National Planning Policy Framework (*the Framework*)¹, which highlights the importance of amenity (living conditions) for all existing and future occupiers of land and buildings (paragraph 17); it would also be contrary to the Council's *Core Strategy*² policy CS16, which requires all development to demonstrate that it does not cause unacceptable harm to the amenity of neighbours.
8. Finally, the visual impact of the proposal facing Milton Road, including the fenestration and entrance, would have acceptable proportions and would not harm the character and appearance of the streetscene, which is already varied. The resultant building would therefore not be contrary to the design principles in *the Framework* (section 7) or *Core Strategy* policy CS16. I have examined the possibility of issuing a split decision, but I consider that the two parts of the proposal have a measure of interdependency.
9. Whilst I have found no harm in relation to the character and appearance of the streetscene, this is outweighed by the harm to the living conditions of the next door residential occupiers at no. 1, with specific reference to outlook, and to the living conditions of future residential occupiers of the proposed development with specific reference to adequacy of external amenity space. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR

¹ Department for Communities and Local Government: National Planning Policy Framework (*the Framework*); March 2012.

² Havant Borough *Core Strategy*; March 2011.