The Planning Inspectorate

Appeal Decision

Site visit made on 21 February 2012

by Martin Whitehead LLB BSc(Hons) CEng MICE

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

Decision date: 5 March 2012

Appeal Ref: APP/X1735/D/12/2168648
19 Shillinglee, Purbrook, Waterlooville, Hampshire PO7 5RW

- 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 David Scott against the decision of Havant Borough Council.
- The application Ref APP/11/01527, dated 7 October 2011, was refused by notice dated 5 December 2011.
- The development proposed is a rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a rear extension at 19 Shillinglee, Purbrook, Waterlooville, Hampshire PO7 5RW in accordance with the terms of the application, Ref APP/11/01527, dated 7 October 2011, 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 approved plans: Drawing Nos SCOTT 01, SCOTT 02, SCOTT 03, SCOTT 04, SCOTT 05a, SCOTT 06 and SCOTT 07.

   3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in type, colour and texture those used in the existing building.

   4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed above ground floor level on the east and west side elevations.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 21 Shillinglee, with particular regard to outlook.

Reasons

3. The proposed rear extension would be single storey. It would have the same width as the existing detached dwelling and would continue the roofline with a hipped end to reflect the existing. It would be about 6m deep and would be about 3m from the boundary with the rear garden to the adjacent single storey dwelling at 21 Shillinglee. At my site visit, I observed that there is a wall along this boundary between the rear of the dwelling at No 21 and the garage

building on the appeal site. Although the garage would be removed, there is nothing to prevent it being replaced by a similar height boundary fence or wall.

4. The appeal dwelling eaves level is not significantly higher than that of the dwelling at No 21. When viewed from the rear garden of that adjacent property, much of the extension side wall would be hidden by the boundary wall. Although the ridge of the roof would be relatively high, it would be pitched away from the boundary with a hipped end, which would reduce the overall impact that it would have on the outlook from No 21.

5. I have been given no reason to question the appellant's claim that a 4m deep extension with a similar roof height and width as that proposed would be able to be constructed under permitted development rights. As such, I am satisfied that, due to its hipped roof, the extension would not appear significantly more dominant from No 21 than an extension that could be constructed under permitted development rights.

6. Base on the above, I find that the proposed extension would be far enough away from the boundary with No 21, and small enough, to ensure that it would not have an unacceptable harmful effect on the outlook from that property.

7. With regard to the concerns of a local resident, the above mentioned factors would ensure that the extension would not cause any unacceptable harm to the amount of daylight or sunlight reaching the rear garden at No 21. Also, although the boundary wall has holes in it, they are insufficient to allow any significant loss of privacy to the occupants of No 21 from the proposed windows on the side elevation. Furthermore, appropriate boundary treatment would ensure that adequate levels of security would be provided and I have found that the extension would not have a significant harmful effect on the open aspect of No 21, which has a generous sized rear garden.

8. For the reasons given, I have found that the proposal would not have an unacceptable harmful effect on the living conditions of the occupiers of 21 Shillinglee. As such, it would accord with Havant Borough Core Strategy 2011 Policy CS16, as it would not cause unacceptable harm to the amenity of neighbours. Therefore, having regard to all matters raised, I conclude that the appeal should succeed.

Conditions

9. I have considered the conditions suggested by the Council should the appeal be allowed, including the standard time for commencement of development. A condition to ensure compliance with the plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition regarding materials is necessary to protect the appearance of the building and the surrounding area. A condition to control new windows on the side elevations above ground floor level is necessary to protect the privacy of neighbouring residents. I am satisfied that all these conditions are reasonable and necessary and I have worded them to reflect the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*.

M J Whitehead

INSPECTOR