



Appeal Decision

Site visit made on 17 October 2012

by John D Allan BA (Hons) BTP MRTPI

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

Decision date: 24 October 2012

Appeal Ref: APP/X1735/D/12/2180246

2 Pembury Road, Havant, Hampshire PO9 2TS

- 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 Stuart Apperley against the decision of Havant Borough Council.
 - The application Ref APP/12/00505 was refused by notice dated 10 July 2012.
 - The development proposed is a first floor extension over existing kitchen.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing kitchen at 2 Pembury Road, Havant, Hampshire PO9 2TS in accordance with the terms of the application Ref APP/12/00505, and the plans submitted with it, 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: Drg Nos 11/2PR/PM/PBR/O1 Rev B1 and 03 Rev F1.
 - 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) The window at first floor level in the east elevation of the extension hereby permitted shall:-
 - (i) be fitted with opening restrictors in accordance with details to be submitted and approved in writing by the local planning authority. The window shall be installed in accordance with the approved details and thereafter maintained; and
 - (ii) before the first occupation of the extension, be fitted with obscured glass which shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4, and shall be permanently retained in that condition.

Main Issues

2. The main issues are the effect of the proposal on: - (i) the living conditions of nearby occupiers, with particular regard to overlooking, and (ii) the living conditions of future occupiers at 2 Pembury Road.

Reasons

3. The proposal would include a first floor window to the side elevation of the appeal property. It is proposed that the window would be fitted with obscure glass. Furthermore, the appellant has indicated that they would be willing to arrange the side opening casement in a manner as may be required, in order to avoid any overlooking towards the adjoining rear gardens of properties along Pook Lane, in particular No 34. This could be achieved by a condition, similar to that which has been suggested by the Council, which would require window opening restrictors to be used.
4. In those circumstances, there would be no opportunity for any level of overlooking from this window, or from any other part of the proposed extension, towards adjoining gardens that would seriously affect the levels of privacy enjoyed by neighbouring occupiers.
5. The first floor window facing towards 34 Pook Lane would provide the only window opening to a bedroom. Nevertheless, there is no suggestion that the room would be inadequately ventilated or lit through natural daylight.
6. I recognise that it would normally be desirable to be able to have some degree of outlook from a bedroom window. However, I have been given no substantive evidence to show that, in the absence of any meaningful outlook, there would be any adverse impact on the living conditions of any occupiers of the dwelling. Having regard also to the ample space and quality of the living environment that would be provided throughout the remainder of the dwelling, as well as the reasonably large garden to the rear, I am not persuaded overall that this minor shortcoming would be seriously harmful to the health and wellbeing of anyone occupying such a space. I therefore do not share the Council's view that any possible future pressure to relieve the window of its obscure glazing would be difficult to resist.
7. I have carefully considered other issues raised by some nearby residents. The proposed extension would be set to the rear of the property. Although it would be seen, to a degree, from Pembury Road, obliquely across the rear garden to 34 Pook Lane, it would not have any significant impact upon the street scene. Whilst I accept that there would be clear sight of the extension from the rear of properties in Pook Lane, in particular Nos 30-34, I find that it would appear as a well-considered and integrated part of the original dwelling. Due also to the reasonably deep gardens to those properties, and the separation distance between their rear facing elevations and No 2, there would be no significant impact upon daylight or sunlight affecting these properties' living spaces, or the majority part of their rear gardens. For these same reasons the proposal would not appear overbearing or dominant in relation to any of them.
8. For the reasons given, I conclude overall that the proposal would not be harmful to the living conditions of any adjoining occupiers, or future occupiers of the proposed development. There would therefore be no conflict with the aims and objectives of either Policy CS16 of the Havant Borough Core Strategy 2011 or those of the National Planning Policy Framework 2012, both of which

seek to secure a high standard of design and a good standard of amenity in all development. Accordingly, and having regard to all other matters raised, the appeal is allowed.

9. For the avoidance of doubt and in the interests of proper planning it is necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. In order to safeguard the character and appearance of the area it is also necessary to impose a condition relating to the materials of construction.

John D Allan

INSPECTOR