The Planning Inspectorate

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Miss Karen Wooden
Havant Borough Council
Business Development & Support Team
Civic Centre
Havant
Hampshire
PO9 2AX

Your Ref: 10/00126

Our Ref: APP/X1735/A/10/2141166/NWF

Date: 9 March 2011

Dear Miss Wooden

Town and Country Planning Act 1990
Appeal by Mr and Mrs Slater
Site at 110 Bosmere Gardens, Emsworth, PO10 7NR

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 0207 947 6655.

Yours sincerely

HAVANT BOROUGH COUNCIL
10 MAR 2011
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Erin Lindell

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INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

The Planning Inspectorate

Appeal Decision

Site visits made on 28 February and 7 March 2011

by David Harmston FRICS DipTP MRTPI

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

Decision date: 9 March 2011

Appeal Ref: APP/X1735/A/10/2141166

110 Bosmere Gardens, Emsworth, Hampshire PO10 7NR

- 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 Slater against the decision of Havant Borough Council.
- The application (Ref APP/10/00126), dated 5 May 2010, was refused by notice dated 1 July 2010.
- The development proposed is additions, alterations and conversion of the existing house to form 2 X two-bedroom houses.

Decision

1. I dismiss the appeal.

Preliminary Matters and the Main Issue

2. The Council's second reason for the refusal of the application was that, in the absence of appropriate, binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, the proposals were unacceptable and in conflict with Saved Policies T10 and IMP1 of the Havant District Wide Local Plan 1996 – 2011 (Local Plan). I understand that the sum sought by way of the contribution was £3,745. The appellants have now prepared and submitted a signed and dated Planning Obligation by way of an Undertaking under Section 106 of the Act in the full amount.

3. In these circumstances I regard the second reason for the refusal of the application as having been satisfied and I shall consider the matter no further. In this light, the only outstanding matter at issue in this appeal is the effect of the development on the living conditions of the occupiers of the adjoining dwellinghouse – No 86 Victoria Road.

4. The proposals involve the development of domestic garden land. In June 2010 Planning Policy Statement 3 *(Housing)* was revised so that land within the curtilages of dwellinghouses, such as this, is no longer included within the definition of previously developed land for the purposes of that guidance. I have taken that matter into account in this appeal.

Reasons

5. No 110 Bosmere Gardens is a two-storey, semi-detached house lying on a large estate of similarly-designed dwellings within the built-up area of Emsworth. It lies close to the junction with Victoria Road so that the pair of

semi-detached houses situated to the north of the site (Nos 84 and 86 Victoria Road) are angled in their siting to face the road junction with the rear and side garden to No 86 lying alongside the side boundary with the appeal site.

6. The proposals would add a further small dwelling to the side of the existing semi-detached house converting the whole building into a terrace of three dwellings. In all detailed respects the design and appearance of the proposed house would closely match the style and character of the existing building. At the front and on the side boundary between the appeal site and No 86 Victoria Road there is a hedge, about 2m high. To the rear is a fence with mature vegetation. The built frontage width of No 110 Bosmere Gardens as it exists now is about 7.5m with a gap to its northern boundary of about 4.2m. The proposal is to extend the property to the side by about 2m reducing the gap to about 2.2m. The resultant building shell would then be divided more or less equally to create two, two-bedroom houses. A gap of about 7.2m would be retained between the side of the extended building and the south elevation of No 86 Victoria Road.

7. In my view the resultant juxtaposition of the adjacent buildings would be such as to mean that a materially harmful impact would be experienced by the occupiers of No 86 Victoria Road. This is because of the way in which the two buildings are sited in relation to each other. The rear elevation of No 86 Victoria Road faces towards the rear of the appeal site at an angle. The substantial bulk of building, two-storeys high, even removed from the boundary, would introduce a very oppressive and overpowering feature into the undeveloped space between the buildings. This currently provides a reasonable degree of separation and spaciousness and, in my view, this should be preserved.

8. A significant part of the extension would lie behind part of the rear elevation of No 86 Victoria Road and the side and rear gardens of that property would be dominated in their outlook by the massing and height of the development. In summary, it is not the loss of natural light or overlooking of land which are of paramount concern in this proposal. Primarily, it is the impact arising from the bulk, scale and siting of the proposed development which, I consider, would be unneighbourly and the cause of unacceptable harm to the occupiers of No 86 Victoria Road in the ways I have described.

9. I therefore conclude that the proposals would conflict with the provisions of Saved Policy D1 of the Local Plan. I have considered everything else that has been raised in connection with this appeal including the guidance set out in the Council's Development Control Advice Note 7: *Home Extensions – A Design Guide* and the contents of the Design and Access Statement submitted with the application. Nothing that I have seen or read is of sufficient weight, however, to alter my conclusions above and the reasons for them.

David Harmston

Inspector