The Planning Inspectorate
EST 1909

Quality Assurance Unit
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0117 372 8252
Customer Services: 0117 372 6372

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

Your Ref:

Our Ref: APP/X1735/D/10/2137613

Date: 15 November 2010

Dear Miss Wooden

Town and Country Planning Act 1990
Appeal by Mr & Mrs P Rudman
Site at 54 Westways, Bedhampton, Havant, PO9 3LN

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

If this appeal is subject to an application for costs, a decision on any application will follow separately, as soon as possible.

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.

If you have any queries relating to the costs application you should contact:

Costs and Decision Team
The Planning Inspectorate
4/12 Eagle Wing
Temple Quay House

Phone No. 0117 372 8594

HAVANT BORDOUGH COUNCIL
17 NOV 2010
RECEIVED

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

2 The Square, Temple Quay
Bristol BS1 6PN

Yours sincerely



Stephen Adgey

COVERDL1HAS

You can use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

The Planning Inspectorate

Appeal Decision

Site visit made on 8 November 2010

by Simon Miles BA(Hons) MSc MRTPI

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

Decision date: 15 November 2010

Appeal Ref: APP/X1735/D/10/2137613
54 Westways, Havant, Hampshire PO9 3LN

- 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 P & H Rudman against the decision of Havant Borough Council.
- The application Ref APP/10/00360, dated 7 July 2010, was refused by notice dated 1 September 2010.
- The development proposed is a two/single storey rear extension.

Decision

1. I allow the appeal and grant planning permission for a two/single storey rear extension at 54 Westways, Havant, Hampshire PO9 3LN in accordance with the terms of the application Ref APP/10/00360, dated 7 July 2010, 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: 01 and 02A.

   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 dwelling.

   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 or other openings (other than those expressly authorised by this permission) shall be constructed on the first floor north or south side elevations of the extension hereby permitted.

   5) The first floor bathroom window in the north side elevation of the extension hereby permitted shall be obscure glazed. This window shall also be fixed (non-opening) below 1.7m above finished first floor level. The window shall be retained as such thereafter.

Main Issue

2. I consider this to be the effect of the proposed development on the living conditions at neighbouring properties.

Reasons

3. The appeal relates to a modestly sized two storey semi-detached property. There is an existing conservatory to the rear of the dwelling and the adjoining semi-detached dwelling at No 56 Westways also has a rear conservatory, although of shallower depth. Because of its proximity, this adjoining house, No 56, is the property that would be most directly affected by the development.

4. However, the two storey element of the proposed extension would be set away from the common boundary at a sufficient distance to ensure an unimpeded 45 degree line of sight from the centre of the nearest first floor (bedroom) window in the rear elevation of No 56. Although this provides no more than a general guideline, such a degree of separation is widely considered sufficient to ensure that neighbouring properties do not suffer serious loss of light or outlook. Having inspected both the appeal property and No 56, I am satisfied that this would be the case here, particularly as No 56 is situated due south of the appeal property, and would therefore continue to enjoy good levels of sunlight and daylight for much of the day.

5. I am also satisfied that the single storey element of the proposed extension, given its moderate height and bulk, would not cause any significant loss of light or outlook. The arrangement of fenestration is such that no significant overlooking would occur. I note the concerns of the occupier of No 56 that the extension might amplify noise and even damage the adjoining property by creating a wind vortex. However, given the moderate size of the proposed extension, which is by no means excessive for a property of this size, I consider these concerns to be unfounded.

6. In relation to other nearby properties, whilst the proposed extension would be visible from No 52, there is sufficient separation between this property and the appeal dwelling to ensure that any limited effects on the light and outlook at No 52 are within acceptable limits. I note that a small window would be inserted in the first floor side elevation of the extension facing towards No 52. However, this window serves a bathroom and is shown to be obscure glazed and fixed (non-opening) below 1.7m above first floor level. This is sufficient to prevent any undue visual intrusion or loss of privacy.

7. This leads me to conclude that the proposed development would cause no significant harm to the living conditions at neighbouring properties. It follows that there is no conflict with saved Policy D1 of the adopted Havant Borough District-Wide Local Plan, insofar as this policy seeks to prevent harm to the amenities of the occupiers of neighbouring properties. In other respects, I consider the design of the proposed works to be appropriate to the character and appearance of the host dwelling and surrounding area and I see no reason why the development should appear visually obtrusive from the vantage point of other properties in the locality.

8. For the reasons given above, I find that the appeal should succeed. In addition to the standard time limit, I will impose a condition detailing the relevant plans

for the avoidance of doubt and in the interests of proper planning. I will impose a condition in relation to materials in the interests of the character and appearance of the area. A condition is also reqruired to control the insertion of first floor side windows, to prevent problems of overlooking. It is necessary to apply this restriction to both north and south side elevations to protect the living conditions at Nos 52 and 56. Although not suggested by the Council, a further condition relating to the glazing of the first floor bathroom window is justified by the circumstances described above and to ensure compliance with the details given on the application drawings. I allow the appeal and grant planning permission accordingly.

Simon Miles

INSPECTOR