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/11/2167712
34 Wittering Road, Hayling Island, Hampshire PO11 9SP

- 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 Richard Marsden against the decision of Havant Borough Council.
- The application Ref APP/11/00304, dated 18 March 2011, was refused by notice dated 11 October 2011.
- The development proposed is extensions and alterations to existing property and replacement garage.

Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations to existing property and replacement garage at 34 Wittering Road, Hayling Island, Hampshire PO11 9SP in accordance with the terms of the application, Ref APP/11/00304, dated 18 March 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 156/PL01 Revision 04 and 156/PL02 Revision 03.

    3) The materials to be used in the construction of the external surfaces of the extensions and alterations 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/doors or other openings other than those expressly authorised by this permission shall be constructed above ground floor level on the south east and north east elevations.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding area; and its effect on the living conditions of the occupiers of 32 Wittering Road, with particular regard to matters of privacy.

Reasons

3. The appeal site is located at the corner of the junction of Earnley Road with Wittering Road, in a predominantly residential area. The 2 storey detached dwelling on the site has a low pitched roof and timber cladding. It is distinct in design and appearance from any of the other surrounding dwellings, which include a substantial detached house constructed in bricks with a high hipped tiled roof adjacent to the site at 32 Wittering Road, and an adjacent 3 storey modern style flat roofed building at 36 Wittering Road. The appeal building and these adjacent buildings are set back a significant distance from the road junction behind generous gardens. This gives that area a green and open character and appearance.

4. I agree with the Council that the proposed contemporary design would be appropriate, as it would reflect that of the taller structure at No 36 which, with the substantial coniferous trees on the boundary, acts as a backdrop to the appeal building. Whilst the proposal would increase the overall height of the building to be similar to that of No 36, the proposed third storey would be set back from the main building line behind a roof terrace on the north west elevation. This terracing would act as a gradual transition between the higher adjacent buildings and the lower more traditional dwellings to the west, and would ensure that the extended building would not appear over dominant in views from Earnley Road or Wittering Road.

5. Although the scale and design of the extended building would relate more to that of the dwelling at No 36 than the other more traditional dwellings in the area, its position near to No 36 would ensure that it would not be prominent in the street scene or appear out of keeping with the overall character of the area. Therefore, having regard to the above, I find that the proposal would not have an adverse effect on the character and appearance of the surrounding area.

6. With regard to living conditions, the proposed second floor windows on the north east and south east elevations would be angled away from the adjacent house at 32 Wittering Road, and that on the south east elevation would be to an en-suite bathroom and so would be unlikely to be used for views. Furthermore, the house at no 32 is separated from the appeal building by a large garage building, which ensures that its nearest windows are a sufficient distance away to prevent any unacceptable overlooking.

7. The long garden to No 32 is less private near to Wittering Road, as views of it are available through the entrance to the driveway and from an existing first floor bedroom window at the appeal dwelling. As such, I am satisfied that the proposed first floor alterations and extensions would not result in any significant additional overlooking of the house and garden at No 32. Therefore, taking the above into account, I find that the proposal would not unacceptably harm the privacy of the residents of 32 Wittering Road.

8. For the reasons given, I have found that the proposal would not have an adverse effect on the character and appearance of the surrounding area or on the living conditions of the occupiers of 32 Wittering Road. As such, it would accord with Havant Borough Core Strategy 2011 Policy CS16, as it would respond to and respect local context and not cause unacceptable harm to the amenity of neighbours through the loss of privacy. 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 and doors above ground floor level on the elevations that face 32 and 36 Wittering Road 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