The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2011

by J O Head BSc(Econ) DipTP MRTPI

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

Decision date: 1 April 2011

Appeal Ref: APP/X1735/D/11/2147712
3 Wallis Gardens, Waterlooville, Hampshire PO7 7SA

- 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 T Town against the decision of Havant Borough Council.
- The application Ref APP/10/00550, dated 20 August 2010, was refused by notice dated 7 January 2011.
- The development proposed is a part single-storey and part two-storey rear extension, including dormers, together with a front extension and covered way to detached garage.

Decision

1. **I dismiss** the appeal insofar as it relates to the part single-storey and part two-storey rear extension, including dormers. **I allow** the appeal insofar as it relates to the alterations to the front of the dwelling and I grant planning permission for a front extension and covered way to detached garage at 3 Wallis Gardens, Waterlooville, in accordance with the terms of the application, Ref APP/10/00550, dated 20 August 2010 (so far as relevant to that part of the development hereby permitted) and ***subject to the condition*** that the materials to be used in the construction of the external surfaces of the extension and alterations hereby permitted shall match those used in the existing building.

Main Issue

2. The extensions are in course of construction. Insofar as work requiring planning permission has already been carried out, I have treated the appeal as being against the Council's refusal of permission for its retention. For the avoidance of doubt, the dormer window that has been constructed on the south-east elevation of the original house (facing No 1e Wallis Road) is agreed by the appellant and the Council to be permitted development and it does not form part of the appeal proposal.

3. The main issue is the impact of the proposed development on the living conditions of the occupiers of the adjoining properties at Nos 2 and 4 Wallis Gardens and No 1e Wallis Road, with particular reference to visual impact, privacy and levels of light.

Reasons

4. The appeal property is a detached chalet bungalow, with a detached garage, on the east side of Wallis Gardens. The proposed front extension would link the garage to the side of the dwelling by means of a tiled roofed canopy. This would not have any adverse impact on the adjoining property and would improve the appearance of the dwelling and the street scene. The single-storey rear extension (referred to as a conservatory) is not prominent and is in keeping with the scale and appearance of the original dwelling. Although it has south-facing windows, it is some distance away from the boundary with No 4 Wallis Gardens. It does not allow views that would result in any significant loss of privacy nor does it cause any other material harm to the living conditions of the occupiers of that property.

5. Although the single-storey extension is linked internally to the two-storey extension and could not be retained separately without some alteration, the front extension and covered way could be constructed and/or retained independently of the rear extensions. Provided that they are completed with materials to match the original chalet bungalow, in order to ensure a satisfactory appearance, there would be no conflict with the design requirements of Policy D1 of the Havant Borough District-Wide Local Plan 1996-2011. As the front extension and covered way are acceptable, the appeal succeeds insofar as that aspect of the proposed development is concerned.

6. Turning to the two-storey extension and dormers, the rear gardens of the properties on this side of Wallis Gardens are limited in depth. The two-storey extension, which is substantially completed, is to the south of No 2 Wallis Gardens. It is close to the boundary with No 2 and extends substantially beyond its rear wall, thereby enclosing the area to the south of the rear addition at that property. Although the extension has a pitched roof sloping away from the boundary and also a partly hipped end, the bulk of the roof facing No 2 is greatly increased by the large dormer with monopitched roof[1] that occupies most of the north-east facing roof slope.

7. The two-storey extension, with its large dormer, is prominent from No 2 Wallis Gardens and, because of its height and bulk, has a noticeable overbearing and enclosing impact on the southern side of the rear garden of that property. It would, in my estimation, cause some loss of sunlight to part of the garden, particularly in the winter. The extension also appears intrusive and enclosing when viewed from the dining room windows of No 2 and it restricts daylighting to the high level window of that room, making the room less bright.

8. The two windows at first floor level facing No 2 would have the potential to cause some loss of privacy. They are, however, intended to serve an en-suite shower and a bathroom and could be obscure glazed, as is indicated on the submitted plans. That could be ensured by condition if the appeal were to be allowed and would prevent any harm to the living conditions of the occupiers of No 2 from that source.

9. The south-east facing first floor gable window of the extension allows a view of the side and part of the rear garden of No 1e Wallis Road, which is at a lower level than the appeal site. Both the side and rear gardens of No 1e are used as amenity space by its occupiers. Nevertheless, the existing rear extension

[1] Referred to in the representations as a "slip" dormer.

window at No 2 Wallis Gardens is a similar distance from the boundary with No 1e and the side and rear gardens are already overlooked by the first floor windows of a number of the other surrounding dwellings, so that they are not secluded. Whilst the gable window of the appeal extension has increased, to some extent, the perception of overlooking that exists in the gardens, it causes no significant reduction of the existing level of privacy there. There are windows in the side elevation of No 1e that face the appeal site, but the distance between the buildings is, on the Council's figures, some 10.5 metres and the relationship is not an unusual one for an urban situation.

10. The dormer window on the south-west roof slope of the extension lights the same bedroom as the gable window. It faces over the single-storey extension towards the side and rear of No 4 Wallis Gardens, which is also at a lower level than the appeal site. However, because of an intervening extension at No 4, little of the rear garden can be seen from the dormer window. The window is also shown on the submitted plans to be obscure glazed. Even if there were to be some additional perception of being overlooked in the rear garden of No 4, the obscure glazing would prevent the occupiers of that property from experiencing any actual loss of privacy.

11. Although its bulk and prominence is somewhat unneighbourly, the impact of the two-storey extension on Nos 1e Wallis Road and 4 Wallis Gardens is not so severe as to cause any material harm to the living conditions of the occupiers of those properties. However, in relation to No 2 Wallis Gardens, the proximity of the extension, together with its bulk, height and design, has an overbearing impact on the small rear garden and the rear windows of the dwelling and reduces light to the dining room window. That harms the amenities of the occupiers of No 2, contrary to the requirements of Local Plan Policy D1. Notwithstanding the lack of significant harm to Nos 1e Wallis Road and 4 Wallis Gardens, the harm caused to the living conditions of the occupiers of No 2 Wallis Gardens indicates that the part single and part 2-storey extension including dormers is unacceptable. Accordingly, as far as that aspect of the proposal is concerned, the appeal does not succeed.

12. The extensions, if completed in accordance with the submitted plans, would be generally in keeping with the design of the original dwelling and there would be no harm to the street scene in Wallis Gardens or Wallis Road. The appellant says that his intention was to erect the extensions as permitted development and that, because of the location of a drain, the rear extension has been constructed some 650mm longer than the maximum permitted by Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. The Council says that the extension is approximately 1 metre too long. Whichever figure is correct, this is a relatively small increase over and above the size of an extension that could be erected without the need to apply for planning permission. Nonetheless, it is sufficient for the extension to have a noticeably greater impact on the living conditions of the occupiers of No 2 Wallis Gardens than would otherwise be the case.

John Head

INSPECTOR