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: 17 November 2010**

**Appeal Ref: APP/X1735/D/10/2138346**
**20 Dances Way, Hayling Island, Hampshire PO11 0JP**

- 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 Dudley Clarke-Jervoise against the decision of Havant Borough Council.
- The application Ref APP/10/00502, dated 17 July 2010, was refused by notice dated 29 September 2010.
- The development proposed is a two storey side extension.

## Decision

1. I dismiss the appeal.

## 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 two storey semi-detached property situated within a residential road. Because of the curvature of the road, the appeal dwelling is set further back in relation to the neighbouring dwellings to the south. Because of this the appeal dwelling, No 20, extends for a considerable distance beyond the main rear elevation of No 18, although there is an extension to the rear of No 18 at ground floor level only.

4. For this reason, I am concerned that the proposed two storey side extension, by reason of its height, length, bulk and proximity to the common boundary, would have an oppressive and overbearing effect on the outlook from the first floor rear windows of No 18. Although there would be no overshadowing, as No 18 lies due south of No 20, I am also concerned that the extension would cause a significant reduction in daylight to the first floor rear windows of No 18.

5. This would make the existing situation at No 18 materially worse, because the proposed two storey extension would have a considerably greater size, height and bulk than the original attached single storey garage (removed due to fire damage). The slight setback from the common boundary is not sufficient to overcome this objection.

6. The development would also materially increase the degree of overlooking of its rear garden from a first floor bedroom window in the side elevation of the proposed extension. This would likewise make the existing situation at No 18 materially worse, because the proposed extension would bring the first floor side elevation of No 20 significantly closer to the common boundary than at present, thereby increasing the degree of intrusion.

7. This leads me to conclude that the proposed development would cause significant harm to the living conditions at No 18 Dances Way in relation to light, outlook and privacy. It follows that the proposal conflicts with saved Policy D1 of the adopted Havant Borough District-Wide Local Plan, which seeks, amongst other things, to prevent harm to the amenities of occupiers of neighbouring properties. Other policies cited by the Council do not add significantly to my consideration of the appeal.

8. Whilst in other respects, including the effect on the character and appearance of the host dwelling and the surrounding area, there may be no objections to the proposal, the harm that I have identified above is significant and over-riding. Therefore, for the reasons given, the appeal does not succeed.

*Simon Miles*

INSPECTOR