The Planning Inspectorate

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/10/2135982

Date: 4 November 2010

Dear Miss Wooden

Town and Country Planning Act 1990
Appeal by Mrs J.E Brough
Site at 14 Haslemere Gardens, Hayling Island, PO11 9SD

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

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POSITIVE ABOUT DISABLED PEOPLE

HAVANT BOROUGH COUNCIL
05 NOV 2010
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2 The Square, Temple Quay
Bristol BS1 6PN

Yours sincerely

Amanda Baker

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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 26 October 2010

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 4 November 2010

Appeal Ref: APP/X1735/D/10/2135982
14 Haslemere Gardens, Hayling Island PO11 9SD

- 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 Mrs JE Brough against the decision of Havant Borough Council.
- The application Ref: APP/10/00120, dated 28 April 2010, was refused by notice dated 5 July 2010.
- The development proposed is alterations and additions to a garage to form ancillary accommodation.

Decision

1. I allow the appeal and grant planning permission for alterations and additions to a garage to form ancillary accommodation , at 14 Haslemere Gardens, Hayling Island PO11 9SD in accordance with the terms of the application Ref: APP/10/00120, dated 28 April 2010, subject to the conditions attached to the schedule at the end of this decision.

Main issues

2. I consider the main issues to be the effect on the character and appearance of the area and on the living conditions of the occupiers of the adjacent dwellings and the proposed ancillary accommodation.

Reasons

3. The proposal concerns a detached garage located to the rear of the host bungalow. The additional height would allow the creation of an upper floor in the extended roofspace. However, despite this and the additional depth, the extended building would be subordinate in scale to the associated dwelling with its substantially greater footprint. The position towards the rear south-east corner of the plot would emphasise its status as an outbuilding and because of the distance from the street it would not be prominent. There would be no separate curtilage and the building would neither be tantamount to, nor have the appearance of a separate dwelling.

4. The footprint of the outbuilding would not be extended towards the sycamore tree so that the roots would not be adversely affected. Furthermore, the fairly modest additional height would not result in the need for an unacceptable degree of pruning. Because of the ancillary nature of the accommodation and

the position of the main opening, facing to the west, there would be no undue pressure to lop or fell the adjacent tree.

5. As a consequence of these factors, there would be no harm to the character and appearance of the area. The proposal would not result in any unacceptable conflict with the aims of Havant Borough District Wide Local Plan 1996-2011 policy D1, in relation to local character, or policy L6, which seeks to avoid damage to trees.

6. Because of the distance from the rear of the dwelling at 7 Itchenor Road and the relatively modest increase in height of the outbuilding, there would be no unacceptable loss of outlook at the adjacent property. A condition requiring obscured glazing would prevent the first floor landing window in the extended garage resulting in unacceptable mutual overlooking in relation to the adjacent dwelling. A condition could be imposed requiring the building to be used purely on an ancillary basis to the host dwelling. This would address concerns regarding the harmful effects that might arise from the activity resulting from the occupation of the extended building as a separate dwelling.

7. As a result of these factors there would be no harm to the living conditions of the occupiers of the adjacent dwellings or the proposed ancillary accommodation. The proposal therefore complies with policy D1, which also seeks to ensure proposals do not adversely affect the amenities of the occupiers of neighbouring properties.

8. Because of the absence of harm, taking account of all other matters raised, the appeal is allowed. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition specifying the approved plans is therefore justified. To protect the appearance of the area the facing materials of the extensions should be controlled.

Schedule of Conditions

1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the plans submitted with the application and appeal.

3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extensions have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 14 Haslemere Gardens.

5) No building operations shall take place until specifications or samples of obscure glass to be installed in the proposed first floor window in the elevation facing towards 7 Itchenor Road have been submitted to and approved in writing by the local planning authority. The glazing as approved shall be fitted before the ancillary accommodation is occupied and shall be permanently retained thereafter.

M Evans

INSPECTOR