The Planning Inspectorate

Appeal Decision

Site visit made on 14 November 2011

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 21 November 2011

Appeal Ref: APP/X1735/D/11/2161669
10 Rownhams Road, Havant, Hampshire, PO9 4QB

- 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 Jennifer Campbell against the decision of Havant Borough Council.
- The application Ref APP/11/01017, dated 10 May 2011, was refused by notice dated 25 August 2011.
- The development proposed is described as '*retrospective application for lodge to rear of garden as additional bedroom accommodation'*.

Decision

1. I dismiss the appeal.

Main Issue

2. I consider the main issue to be the effect of the use of the lodge as additional residential accommodation on the living conditions of residential neighbours as well as the current occupiers of the lodge.

Reasons

3. The appeal property, 10 Rownhams Road, is a two storey mid-terrace house located in a built-up, relatively high density residential area. In addition to houses either side, the rear garden backs on to a similar terrace of houses which runs parallel with Rownhams Road. The rear garden of the appeal property therefore adjoins the side and rear gardens of the adjoining and neighbouring properties.

4. The appellant has erected a detached lodge in the rear half of the rear garden of the property. The lodge was required to provide additional living accommodation within the curtilage of the appellant's home in order that members of her family could live together as part of a single family unit after the appellant's daughter, her fiancé and his son were made homeless in August 2010.

5. The building comprises an 'L' shaped bed/sitting room, together with a separate small child's bedroom/box room. The Council advises that the lodge does not have its own water or drainage facilities, and indeed I saw no kitchen, toilet,

bathroom or laundry facilities inside the lodge. I understand these facilities are shared with the main house.

6. Due to the building's lack of basic facilities, the occupants would, I believe, need to make regular trips back and forth across the small open retained back garden to use the facilities in the main house. While such visits would no doubt generally be made during sociable hours, they might equally be made late in the evening or during the night. In addition to the need to open and close doors, such comings and goings would also be likely to result in the need, at least at intermittent intervals, for some form of external lighting. I consider that on balance the levels of noise and general disturbance that would result from the use of the lodge as a bed/sitting room annex to the main family house would be likely to result in significant harm to the living conditions of neighbouring residential occupiers.

7. Furthermore, nearby residents, if not subject to disturbance from say the T.V. or lights, would be constantly aware of the lodge's occupation as an extension of the dwellinghouse by two adults and a child. This would, in my opinion, lead to a perceived loss of privacy detracting from the neighbours' otherwise quiet enjoyment of their property. Although not in itself a reason for refusal, it nevertheless adds weight to my conclusion that the proposed lodge would cause significant harm to the living conditions of neighbouring residential occupiers by reason of noise and general disturbance.

8. The Council is silent as to why it contends that the lodge fails to provide adequate living conditions for the current occupiers. However, I am of the view that the building, if it were to continue to be occupied as at present, would be required to comply with other statutory legislation outside the scope of this appeal, such as the national building regulations. I do not consider that it is therefore for me to speculate as to whether the building would or would not meet such requirements. However, as the lodge is detached and does not provide for even the most basic washing or toilet facilities it must, at the very least, be awkward and inconvenient to use as currently occupied.

9. I conclude in respect of the main issue that the proposal would result in harm to the living conditions of neighbouring residential occupiers, due to noise and general disturbance, resulting from the occupation of the lodge as an extension of the family home. This would be contrary to the aims of Policy CS16 of the adopted Havant Borough Core Strategy 2011 which, amongst other things, seeks to protect the amenity of neighbours.

10. A number of appeal decisions have been drawn to my attention by the appellant. However, as I am not aware of the circumstances surrounding those matters, and as only a minority of cases are ever comparable, I have determined this appeal on its individual planning merits.

Other matters

11. Both the Council and appellant have suggested that if I were minded to allow the appeal that the use could be conditioned for the sole benefit of Mrs J Campbell and her family. However, I do not consider, for the reasons set out above, that a personal permission would in this case overcome the harm that I have identified.

Conclusions

12. For the reasons given above and while sympathetic to the appellant's desire to provide much needed accommodation for her daughter and family, I conclude, having regard to all other matters raised, that the appeal should be dismissed.

Philip Willmer

INSPECTOR