



Appeal Decision

Site visit made on 23 May 2011

by R P E Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI

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

Decision date: 27 May 2011

Appeal Ref: APP/X1735/D/11/2150853

67 St Mary's Road, Hayling Island PO11 9DB

- 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 P Francis against the decision of Havant Borough Council.
 - The application Ref APP/11/00122, dated 3 February 2011, was refused by notice dated 4 April 2011.
 - The development proposed is the construction of a first floor rear extension.
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Decision

1. The appeal is allowed , and planning permission is granted for the construction of a first floor rear extension at 67 St Mary's Road, Hayling Island PO11 9DB in accordance with the terms of the application, Ref APP/11/00122, dated 3 February 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 shall be carried out only in accordance with the plan numbers: CLCKHSE3/1; CLCKHSE3/2; CLCKHSE3/3; & CLCKHSE3/BSP.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building in type, colour and texture.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows, dormer windows, doors or other openings shall be constructed on the north east elevation or that roofslope.
 - 5) Demolition, clearance, excavation or construction works shall take place only between the hours of 08:00 and 18:00 on Mondays to Saturdays and not at all on Sundays or public holidays.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupier of 69 St Mary's Road in respect of sunlight, daylight and outlook.

Reasons

3. Policy CS16.1(e) of the Havant Borough Core Strategy (2011) requires that all development should demonstrate that its design 'does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook,

noise and overlooking'. It does not refer to sunlight or daylight. However those remain capable of being material planning considerations.

4. No 67 is a small dwelling with a kitchen and two reception rooms at ground floor level and only one bedroom with en-suite bathroom at first floor level. The proposed extension would add a small second bedroom at first floor above part of the existing lounge. This additional accommodation would considerably enhance the living conditions of the occupiers and would make the accommodation much more flexible. The small triangular plot rules out most other options for enlarging the accommodation. The ridged roof would be lower than the existing main ridge and would be partly hipped to reduce its bulk.
5. The existing dwelling stands to the south west of the neighbouring large two-storey house at No 69. Consequently the existing first floor element and roof already cast a shadow over a small patio and part of the large garden at the rear of that dwelling. The size of that shadow would vary with the time of day and the time of year. However the main effect would be late in the afternoon or evening. The patio would already be shaded for much of the rest of the day by the house at No 69 itself.
6. The proposed rearward extension of the first floor part of the dwelling means that the shadow would be extended, particularly in the winter months, and is likely to then also reach a first floor veranda at No 69, as the Appellant acknowledges, and to reach further across the rear garden but would not shade all of the garden. It would probably cause increased shading of a south west facing shower room window beneath the veranda. In high summer it might in the evening prevent sun briefly reaching a north-west facing window in the main living room at No 69. When the sun is not shining there would be some loss of direct light from the sky which is received on the patio and in the above windows.
7. The extension would be seen from the patio and rear garden and would marginally reduce the outlook. However its modest size would not be unacceptably overbearing and these areas would retain a generally open outlook in other directions. From within No 69 the extension would only be seen at an extreme oblique angle when standing to one living room window and a first floor window. The shower room window would face the extension more directly but is obscure glazed.
8. The above effects would all have some adverse impact on the present living conditions at No 69. However the effects would be slight both individually and cumulatively. The living room is a through room which also has main windows facing the south east. The direct outlook to the north west would be hardly affected and the reduction in sunlight and daylight would be very modest. The shower room is not a main habitable room, does not have an outlook and would only be occupied for brief periods, typically early and late in the day when artificial light is likely to be used.
9. The patio is shaded for much of the day already. The veranda and other parts of the large garden would continue to be sunny and open most of the time. The loss of direct sunlight from the veranda for part of the day in winter is unlikely to be significant as that is not a time of year when such spaces are much used.

10. It is concluded that the above effects do not amount to an unacceptable impact on the living conditions of the occupier of 69 St Mary's Road for the purposes of Policy CS16 and that they are here outweighed in the public interest by the greater and more enduring benefits of the development for the present and future occupiers of No 67.

Conditions

11. The Council has suggested a series of conditions should the appeal be allowed. It is agreed that permitted development rights to install additional windows or doors in the north east elevation are needed to protect the living conditions of No 69 in respect of overlooking or loss of privacy. It is also agreed that the materials should match the existing dwelling to protect the character and appearance of the area. As this is a small site and the bedroom itself would be small it is considered that conditions to require temporary parking provision during construction and a minimum of two on-site parking spaces thereafter would be onerous. However the condition restricting construction hours is necessary and reasonable to protect local amenities. For the avoidance of doubt, a further condition should require compliance with the submitted plans.

Conclusions

12. For the above reasons the appeal should be allowed.

RPE Mellor

INSPECTOR