The Planning Inspectorate

EST 1909

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Miss Karen Wooden
Havant Borough Council
Business Development & Support Team
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Havant
Hampshire
PO9 2AX

Your Ref:

Our Ref: APP/X1735/A/10/2136661/WF

Date: 24 February 2011

Dear Miss Wooden

Town and Country Planning Act 1990
Appeal by Mr Webb
Site at 119 Stakes Road, Purbrook, Waterlooville, PO7 5PD

I enclose a copy of our Inspector's decision on the above appeal.

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.

HAVANT BOROUGH COUNCIL
25 FEB 2011
RECEIVED

Yours sincerely

Dianna Wride

COVERDL1

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POSITIVE ABOUT DISABLED PEOPLE

You can use the Internet to submit 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 31 January 2011

by Adrian I'Anson Solicitor

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

Decision date: 24 February 2011

Appeal Ref: APP/X1735/A/10/2136661
119 Stakes Road, Waterlooville PO7 5PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Webb against the decision of Havant Borough Council.
- The application Ref APP/10/00132, dated 4 May 2010, was approved on 5 July 2010 and planning permission was granted subject to conditions.
- The development permitted is rear extension and provision of accommodation in extended roof, incorporating formation of gable ends to front and rear and dormers to sides.
- The condition in dispute is No 4 which states that: Notwithstanding the details shown on the plans hereby approved, the windows at or above 1st floor level in the east and west elevations of the building, since marked "X" on the plans hereby approved, shall:- (i) be of a type not capable of being opened unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and (ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's texture Glass Obscuration Level 4
- The reason given for the condition is as follows: In the interests of the amenities of the occupiers of nearby properties and having regard to saved policy D1 of the Havant Borough District Wide Local Plan 1996 – 2011, which forms part of the Havant Borough Local Development Framework (the Local Plan) and Planning Policy Statement 1 (PPS1).

Decision

1. I dismiss the appeal.

Main Issue

2. This is the effect that removing the disputed condition would have on the living conditions of occupiers of neighbouring properties, namely no. 117 Stakes Road (no. 117) and no. 121 Stakes Road (no. 121).

Reasons

3. The appeal building is a small brick bungalow with a hipped roof set in a row of detached dwellings which are mainly bungalows. The property has already had a small kitchen extension on its north-western corner. The proposal is to extend a further 3.9m beyond the rear of the existing extension and to create an upper floor with three bedrooms. The bedrooms on the western and eastern sides would have dormer windows to the side and comparatively small windows in the northern elevation.

4. The sole window on the eastern elevation of the neighbouring property – no. 117 – is a kitchen window. The distance between no. 117 and the appeal site comprises the vehicular access for each of the properties and amounts to some 8m. The dormer bedroom window at issue would be some 6m from the kitchen window of no. 117. Given the considerable distance and the oblique angle between the two windows, I consider that there is no real prospect of overlooking from the proposed dormer window to the kitchen window of no. 117. However, the proposed dormer window would give a direct view of the garden of no. 117 and I consider that this would have an adverse effect on the living conditions of those using that garden.

5. The eastern elevation of the appeal building and its proposed bedroom dormer window would be almost directly opposite and some 6m distant from a window serving the living/dining room of no. 121. This window is not the primary window of this room. Even so, I consider that the privacy of those using this room would be adversely affected. To the south of the living/dining room window, no. 121 has a conservatory which is used as a utility room. I consider that the utility room would not be used to such an extent that its privacy would be an issue. Views of the rear garden at no. 121 from the proposed dormer window are currently restricted by a garden shed at no. 121. As the garden shed is a moveable structure, I have taken no account of this restriction. These views of the garden from the proposed bedroom window are somewhat oblique but sufficiently direct and close to adversely affect the privacy of its users.

6. In reaching my decision, I have taken account of the fact that the two bedrooms in the proposed extension which are affected by the condition in dispute are not the only windows. There are relatively small windows in the northern elevation serving each of the bedrooms. However, I have given some weight to the Council's statement that each of these windows can be increased in size (by 0.3m) to give an overall width of 0.9m. Enlarging these windows would alleviate the appellant's concern regarding a feeling of enclosure.

7. The obscure glazing and limit on opening bathroom and ensuite windows is a normal arrangement and the appellant's objection, in this regard, is limited to concerns regarding adequate ventilation. The Council have pointed out that mechanical ventilation in bathrooms is not unusual in bathrooms and also suggest that a variation to the condition could be applied for to allow the relevant windows to contain top lights positioned above eye level.

Conclusion

8. I conclude that, to avoid harm to the living conditions of nos. 117 and 121 Stakes Road, with particular reference to privacy, it is necessary for the condition at issue to remain. This would ensure that the proposed development accords with saved Policy D1 of the Local Plan and PPS1.

A F I'Anson

INSPECTOR