The Planning Inspectorate

Appeal Decision

Site visit made on 5 April 2011

by Megan Thomas BA Hons in Law, Barrister

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

Decision date: 26 April 2011

Appeal Ref: APP/X1735/D/11/2147094
6 Wight View, Bembridge Drive, Hayling Island, Hampshire PO11 9LU

- 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 Graham Smith against the decision of Havant Borough Council.
- The application Ref APP/10/00667, dated 21 September 2010, was refused by notice dated 29 November 2010.
- The development proposed is a "single storey extension to provide dining facility at ground floor level extend existing balcony over".

Decision

1. I dismiss the appeal.

Procedural Matters

2. The planning application originally sought use of the new roof as an extended first floor balcony but it was amended to remove that element of the development.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the living conditions of the occupants of 5 Wight View with regard to outlook and the effect on the character and appearance of the area.

Reasons

Effect on living conditions

4. The appeal site is an end terrace three storey property situated on the southern side of Bembridge Drive. There are six houses in the terrace all of a broadly similar appearance. Each has a flat roof. The rear elevations of the houses face the sea and most of them appear to have a first floor rear balcony serving a sitting room. They have long narrow gardens. There is a footpath running between the houses and the beach from where there are very open views of parts of the rear garden and the rear facades of the houses.

5. The proposed development would extend the ground floor accommodation at the rear to provide a dining room. It would have a flat roof. The appeal site

has already been extended at ground floor level by infilling the area under the balcony to make a utility room.

6. The boundary between the rear gardens of the appeal site and no.5 to its east is made up partly of wall and partly of close-boarded fence. At no.5 the first floor balcony overhangs the ground floor windows/door which are recessed. The eastern flank wall of the proposed extension would rise above the existing common boundary features and about 3.5m of the extension would be seen from the garden of no.5. This would considerably reduce the outlook from the ground floor rear room of no.5. When sitting in the garden or in the recessed area there would be an unacceptable sense of enclosure, particularly as the gardens are already narrow and elongated. I appreciate that there are currently shrubs in the garden of no.5 which are possibly there, in part, to maintain privacy. However, the proposed development would be permanent built development in form and the sense of enclosure would be long lasting and of a different nature to vegetation.

7. Therefore, I conclude that the proposal would unduly harm the living conditions of the occupants of no.5 Wight View by reason of loss of outlook and it would be contrary to saved policy D1(iv) of the Havant Borough District-Wide Local Plan (adopted 2005) 'LP'.

Effect on character and appearance

8. The principal views of the proposal would be from the public footpath adjacent to the beach. The flat roof of the proposal would be in keeping with the design of the terraced properties overall. There is built development closer to the beach than the rear elevations of the Wight View block. However, even though no.2 Wight View has a modest extension at the rear and some mid-height walls, nos 1 to 6 Wight View, viewed as a discrete block, retain a uniformity of appearance which the bulk and depth of the extension would disrupt and thereby harm. The appellant has pointed out that the badly-made boundary wall would be replaced by a more visually pleasing wall. However, this would not outweigh the harm I have identified.

9. In this particular case, I am also concerned about the precedent effect of allowing the development, as is often the case with extensions to one dwelling within a row of terraces. It would be difficult for the local planning authority to resist future similar developments and there is a possibility that the character of the block could be further eroded.

10. I conclude therefore that the proposal would unduly harm the character and appearance of the area and would be contrary to saved policy D1(i) of the LP.

11. Having taken into account all representations made, I dismiss the appeal.

Megan Thomas

INSPECTOR