
Appeal Decision

Site visit made on 22 November 2016

by **C J Ball** DArch DCons RIBA IHBC

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

Decision date: 14 December 2016

Appeal Ref: APP/D1780/D/16/3156476

72 Petworth Gardens, Southampton SO16 8EF

- 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 Robin Abraham against the decision of Southampton City Council.
 - The application Ref 16/00448/FUL, dated 16 March 2016, was refused by notice dated 3 June 2016
 - The development proposed is a second storey addition to the rear.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this case is the impact the extension would have on the living conditions of neighbours, with particular regard to loss of outlook.

Reasons

3. The property is a narrow, 2-storey dwelling lying at the northern end of a terrace of similar dwellings, within a leafy estate of terraced and semi-detached houses. It has the benefit of a side access and so has a longer, wider rear garden. A full width single storey extension has been added to the rear, extending about 4 metres from the original rear wall into the garden. The proposed additional storey would be constructed on top of the existing extension, full width but set back so that it would project about 3 metres. The new extension would have a hipped gable roof, with a simple lean-to roof over the remaining single storey part.
 4. The Council's Residential Design Guide SPD provides guidance on how the policy requirements of the development plan to protect the amenities of residents can be met. It requires extensions to be designed to maintain the outlook for existing and neighbouring occupants from homes and private gardens. It also confirms that it is important to leave an appropriate gap between neighbouring buildings and extension to ensure reasonable outlook to habitable rooms.
 5. The adjacent property, No.71, is owned by the appellant, who indicates that he is not concerned about the impact of this extension. However, it is the occupiers of the house who would be affected, regardless of ownership, and it is their living conditions which should be protected. No.71 has a narrower, smaller garden. Windows to the main habitable rooms face onto the garden, with some very close to the party boundary. Without an appropriate gap, the
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2 storey high, 3 metre deep wall on that boundary would result in an overbearing sense of enclosure of the small garden, particularly at its most private and useable part close to the house.

6. The Design Guide sets out a '45° Test', intended to protect the outlook from the windows of habitable rooms. In this case the 3 metre projection on the common boundary at first floor would be so close to the affected window that it would encroach well into the 45° zone, severely restricting the outlook. The proposal would fail to maintain the outlook from habitable rooms for the neighbouring occupiers. That would be particularly unneighbourly.
7. The serious loss of outlook from habitable rooms and garden would conflict with policies SDP1, SDP7 and SDP9 of the Local Plan Review, policy CS13 of the Core Strategy and Part 2 of the Council's Residential Design Guide SPD. Altogether I consider that the proposed extension would have an unacceptably harmful impact on the living conditions of neighbours.
8. For the reasons given above I conclude that the appeal should be dismissed.

Colin Ball

Inspector