

Appeal Decision

Site visit made on 6 December 2016

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 21 December 2016

Appeal Ref: APP/W1715/D/16/3158301

34 Orchards Way, West End, Southampton SO30 3FB

- 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 Ben White against the decision of Eastleigh Borough Council.
 - The application Ref F/16/78542, dated 6 May 2016, was refused by notice dated 4 July 2016.
 - The development proposed is a garden shed.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form refers to the site address as 34 Orchards Way, West End SO30 3FB. However, the appellant's appeal form and the decision notice of the Council include reference to Southampton, albeit the former cites a different post code. From what I saw at my visit and as the fuller description more precisely describes the site location, I have referred to Southampton above, including the use of the SO30 postcode.
3. The Council have explained that the emerging Eastleigh Borough Local Plan 2011 – 2029 (2014) is to be replaced by a plan covering the period up to 2036. Although not formally withdrawn, the Council consider very little weight should be given to this emerging plan. On the basis of the evidence before me I have no reason to disagree and the degree of weight I have given to this plan is therefore limited.

Main Issues

4. The main issues are *firstly*, the effect of the proposed shed on the character and appearance of the area; and *secondly*, the effect of the proposal on the living conditions of the occupiers of 12 Glenlea Close, having particular regard to outlook.

Reasons

Character and Appearance

5. The appeal property is positioned upon a hillside within a residential area. 34 Orchards Way is one of several similarly styled and aged houses that comprise a small estate. There are a number of garage blocks nearby, and these form a loose group that step up the hillside. The presence of several
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mature trees, including those within the gardens and open space of Orchards Way, gives a verdant character and appearance to the area.

6. The proposed detached shed would be positioned within the eastern corner of the side garden, and would be very close to the boundaries of the appeal property. Due to the steep slope of the hillside the elevated position of the shed would allow it to be seen within the surrounding area, both from public and private views. Even with its flat felt roof, the position of the shed, its large size and detached form would make it a harmfully eye-catching addition to the area.
7. I appreciate the building could be constructed of materials to match its surroundings and note that this part of the garden is not otherwise used by the appellant. Nevertheless, the large size and residential appearance of this building with its square form and domestic styled window and doors would be such that it would be noticeably different to the utilitarian appearance of the other garden sheds, outbuildings and garage blocks found nearby.
8. Thus for the reasons given, the proposed shed would unacceptably harm the character and appearance of the area. It would fail to accord with Policy 59.BE of the Eastleigh Borough Local Plan Review (2006) (LP). This LP policy requires amongst other things, development to take account of the context of the site and the character and appearance of an area, reflecting an objective of the National Planning Policy Framework (the Framework).

Living Conditions

9. The proposed shed would be very close to the boundary with 12 Glenlea Close. As this bungalow and its garden are at a much lower level than the appeal property, taken together with the size and height of the shed, the building would be unduly overbearing when viewed from No 12. The shed would dominate the outlook from the garden of this property, and would also give an oppressive outlook to the users of the single storey extension to the bungalow.
10. The appellant has pointed out that there have been no objections from the neighbours to the proposal. However, a requirement of the Framework is to seek a good standard of amenity for all existing and future occupants of land and buildings. The proposal would neither accord with this objective nor that of LP Policy 59.BE and the guidance of the Council's Quality Places Supplementary Planning Document (2011). These seek, amongst other things, the protection of the living conditions of nearby occupiers.

Other Matters

11. Within the garden of 32 Orchards Way is a semi-mature conifer, part of the canopy of which grows over the appeal site. Although the Council have confirmed this conifer is not covered by the Tree Preservation Order that protects many of the trees within the area, nevertheless it does contribute towards the verdant character and appearance of the estate. The proposed building would be close to this tree, thereby necessitating works to its canopy and its roots, and in the absence of any evidence as to how the tree would be protected, I am unable to ascertain the impact of the proposal upon it. However, as I am dismissing the appeal for other reasons the effect of the scheme on the tree has not been decisive in my decision.

Conclusion

12. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR