

Appeal Decision

Site visit made on 19 December 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 11 January 2017

Appeal Ref: APP/W1715/D/16/3160714

22 Upper Northam Close, Hedge End, Southampton SO30 4BB

- 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 Mrs Claudine Sharp against the decision of Eastleigh Borough Council.
 - The application, Ref. F/16/78528, dated 28 April 2016, was refused by notice dated 11 August 2016.
 - The development proposed is a two storey rear extension with a pitched roof.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension with a pitched roof at 22 Upper Northam Close, Hedge End, Southampton in accordance with the terms of the application, Ref. F/16/78528, dated 28 April 2016, 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 in accordance with the following approved plans: Drawing Nos. PL78516A1; EX78516A2; BP78516A3; LP78516A4;
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 4) Notwithstanding the approved plans, the first floor window on the rear elevation of the extension shall be either: a) Obscure glazed to Pilkingtons level 3 or its equivalent with restricted opening and no more than a clear glazed and full opening toplight, or b) a re-designed clear glazed window not less than 1.7m above the floor of the bedroom. Once installed the window shall be permanently maintained in that condition;
 - 5) The first floor en-suite window shall be obscure glazed to Pilkingtons level 3 or its equivalent with no more than a top opening fanlight. Once installed the window shall be permanently maintained in that condition.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for the occupiers of No. 1 Strawberry Fields as regards privacy.
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Reasons

3. The existing bedroom already overlooks part of the rear garden of No. 1 Strawberry Fields, and as I saw on my visit, the first floor windows of other surrounding houses also overlook this garden. The appeal proposal would result in views over the garden being over 4m closer, but a gap of approaching 8m to the mutual boundary would still remain.
4. From my visit to the property and to No. 1 Strawberry Fields I am minded to agree with the contention in the grounds of appeal that the extent to which the existing overlooking would increase would not be significant.
5. However, I differ from the appellant's case in that a perception of being overlooked is a material consideration and should be given weight in what inevitably is a subjective assessment within the framework of adopted policy. In this case it is clear that the occupiers of No. 1 Strawberry Fields do have a strong perception that their privacy would be reduced.
6. Government policy in the Planning Practice Guidance 2014 is that '*Conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development*'.
7. In this instance the obscure glazing of most of the proposed bedroom window, or alternatively its re-design to a window with a higher internal cill height, would prevent any overlooking and the perception of a reduction in privacy. The Council has suggested conditions to achieve this if the appeal is allowed and the appellant has accepted the principle of partial obscure glazing.
8. This is not ideal for a bedroom but if, as in this case, it enables the appellant's to achieve their objective of accommodation needed for the family I consider it to be a reasonable compromise, especially as the room concerned is not a main bedroom.
9. With such conditions in place I consider that permission can be granted without harmful conflict with saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) 2006; Policy DM1 of the Submitted Eastleigh Borough Local Plan (2011-2029), and the core planning principles of the National Planning Policy Framework 2012.
10. I shall therefore allow the appeal. In addition to the conditions already discussed, a condition to prevent overlooking from the en-suite bathroom will safeguard the privacy of the occupiers of No. 20 Upper Northam Close. A condition requiring the development to be carried out with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. Finally, an external materials condition will ensure that the extension appears in keeping with the existing building.

Martin Andrews

INSPECTOR