
Appeal Decision

Site visit made on 6 December 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 20th January 2017

Appeal Ref: APP/B1740/D/16/3155204

33 Rookes Lane, Lymington, Hampshire S041 8FP

- 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 P Young against the decision of New Forest District Council.
 - The application Ref 16/10076, dated 19 January 2016, was refused by notice dated 11 May 2016
 - The development proposed was originally described as “Demolish existing single garage; new single storey side extension to dwelling with carport and replacement single garage”.
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Decision

1. The appeal is allowed and planning permission is granted for “demolish existing single garage; new single storey side extension to dwelling with carport and replacement single garage” at 33 Rookes Lane, Lymington, Hampshire S041 8FP in accordance with the terms of the application, Ref 16/10076, dated 19 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: PL/02 Revision A.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those of the existing building.

Main Issue

2. The Main issue is the effect of the proposal on the living conditions of the occupiers of 33A Rookes Lane, having regard to outlook and sunlight.

Reasons

3. The appeal site comprises a two storey dwelling with detached single and double garages to the side. The single garage lies adjacent to the common boundary with a neighbouring property at 33A Rookes Lane. The neighbouring dwelling has a single storey element comprising a studio room to the rear, with garden beyond sited at a lower level than that of the appeal property. Additionally, there is a passageway between the flank of the neighbouring dwelling and the boundary.
 4. In comparison with the existing single garage, the replacement would be positioned closer to the common boundary. It would also be deeper by reason
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- of the incorporation of a garden store and WC to the rear. Its roof design would also be different with a gable flanking the neighbouring property whereas previously there was a sloping pitched roof. The roof ridge level would also be higher roughly matching that of the eaves of the neighbouring dwelling.
5. However, the new garage would be sited partly alongside the neighbour's dwelling such that only approximately half of it would project behind the rear of the neighbouring dwelling. Much of the garage would also be behind the fence along the boundary between two properties. Consequently, the neighbour's outlook from their garden would be mainly of a half section of the garage's gable, with a roof sloping down from a ridge, and a much smaller lean to roof over a garden store and WC. A small part of the upper wall of the garage would also be visible. For these reasons, the flank of the garage would not be dominating or overbearing.
 6. In respect of the studio room, a pair of glazed doors faces directly onto the neighbour's rear garden. Consequently, views of the garage from the studio would be peripheral by reason of the distance between the doors and the common boundary, and the proposed garage beyond. Similarly, there would not be any significant loss of outlook from other openings on the neighbouring dwelling which are sited even further away from the garage. Turning to the passageway, it is already restricted in terms of outlook quality by reason of its narrowness and siting between a boundary fence and the side of the neighbouring dwelling, with a partial roof eaves overhang. Furthermore, it serves largely a functional purpose to achieve access from the front to the rear of the property.
 7. In summary, there would be no significant loss of outlook to the occupiers of the neighbouring property from the garden, studio and passageway for all these reasons.
 8. In respect of sunlight, the replacement garage would be sited to the south of the neighbouring dwelling. Nevertheless, the effect of overshadowing and loss of sunlight would not be significant by reason of the single storey scale of the garage and its part siting alongside No 33A resulting in reduced building projection behind the neighbouring property. Additionally, this neighbouring property benefits from a spacious sized garden which ensures a substantial part of it would not be overshadowed from the south.
 9. In conclusion, the height, siting and design of the garage would not harm the living conditions of the occupiers of the neighbouring property, having regard to outlook, overshadowing and sunlight. Accordingly, the proposal would comply with Policy CS2 of the Core Strategy for the New Forest District Council outside the National Park 2009, which amongst other matters, requires new development to well-designed and not to cause unacceptable effects by reason of visual intrusion and shading.
 10. The difficulties of constructing the garage are matters for the Appellant to resolve in any Building Regulation certification. In terms of difficulties posed by damaged fencing and property maintenance, I am not persuaded that there would not be solutions to these matters if they arose. Cumulatively and individually, these considerations would therefore not outweigh the acceptability of the proposal. An alternative design and siting of the replacement garage has been put forward by the neighbour but I am duty

bound to consider the merits of the appeal proposal before me which I have done.

11. Turning to planning conditions, it is necessary to ensure that the development is carried out in accordance with the approved plans in the interests of certainty. Taking into account the character and appearance of the area, a condition is necessary to require the development to have matching materials in relation to the existing dwelling.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR