
Appeal Decision

Site visit made on 10 January 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 27 January 2017

Appeal Ref: APP/B1740/D/16/3162462
3, Kingsfield, Lymington, SO41 3QY

- 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 and Mrs Kavanagh against the decision of New Forest District Council.
 - The application Ref 16/11107, dated 5 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is single and two storey additions; external alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of those in No. 43 Westfield Road with special reference to privacy.

Reasons

Main issue

3. The appeal property is a detached house in Kingsfield, a small cul-de-sac off Westfield Road. It is located to the rear of houses in Westfield Road. The proposal is to extend the house to the rear at 2 storey level. A bedroom window at first floor level in the proposed extension would look out directly towards the rear garden and patio of No. 43 Westfield Road. As things currently stand views from the window in this direction would largely be obscured from view by a short length of tall conifer hedge. However, there is no guarantee that this hedge would always remain in place or at the same height even though it affords mutual privacy. This would especially be the case as it would be likely to substantially restrict light to, and outlook from, a kitchen window in the proposed extension. With the hedge lowered or removed the proposed bedroom window at this proximity to the neighbour's rear garden boundary would result in an unacceptable loss of privacy.
4. I appreciate that the garden of No. 43 is already overlooked to a degree from existing windows in the appeal property, as is an adjoining garden. However, that does not make causing a greater degree of overlooking more acceptable. The proposed development would result in the removal of a bedroom window on the opposite side of the appellants' house which overlooks an adjoining

property in the cul-de-sac. However, from what I saw any benefit thereby would be limited and would not outweigh the harm identified.

5. I note the difficulty of providing a balanced elevation in the absence of the bedroom window overlooking No. 43. However, this does not justify the harm that would be caused. I note also the appellants' concerns on the way the application was presented to Committee, and on the precise nature of a neighbour's objection. However, my decision is based substantially on what I saw.
6. It is concluded that proposed development would detract from the living conditions of those in No. 43 Westfield Road with special reference to privacy. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park which, amongst other things, requires new development to cause no unacceptable effects by reason of overlooking.

Other matters

7. Unlike some locally I consider that the proposed extension would be sufficiently removed from adjoining houses to cause no harm through loss of light or over-dominance. Nor, given the location of proposed windows, would overlooking arise other than to the extent referred to in the main issue.
8. As well as extending the house as proposed the alterations to be made would involve a change in roofing materials, new windows of a different design and painted brickwork. This would alter the appearance of the existing house in a cul-de-sac characterised to a fair degree by houses of a similar design and appearance. However, these changes are such as could be undertaken without planning permission and would not look unacceptably out of keeping. And although the site is close to a Conservation Area the changes proposed would not be so pronounced as to cause a failure to comply with the statutory duty that new development should preserve or enhance the character or appearance of such areas.
9. However, the lack of harm identified above would not make the proposed development more acceptable given the harm found on the main issue.

Conclusion

10. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR