

Appeal Decision

Site visit made on 27 February 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 3 March 2017

Appeal Ref: APP/W1715/D/16/3165836
36 Tickner Close, Botley SO30 2SW

- 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 Anne Wildin against the decision of Eastleigh Borough Council.
 - The application ref: F/16/78811, dated 28 June 2016, was refused by notice dated 5 October 2016.
 - The development is described as "the removal of an existing building (pse see attached photograph) and replace it with a purpose built family living room. The family room is to be constructed in accordance with the attached drawing which was presented along with required documentation to Eastleigh Council Building Control in February of this year. Confirmation and acceptance of the works was received on the 12th February (pse see attached form). Prior notification of our building intentions was passed to the home owners of both number 37 and 35 Tickner Close during March for their consideration. Due to unavoidable circumstances, the start of the building project was delayed until 6th June 2016 at which point, no comments/objections were received from either party."
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Decision

1. The appeal is allowed and planning permission is granted for a family living room at 36 Tickner Close, Botley SO30 2SW in accordance with the terms of the application, Ref F/16/78811, dated 28 June 2016, and the following drawings: site location plan at 1:1250 scale on A4, block/site plan at 1:500 scale on A4, and the plan entitled 'proposed extension to rear of main building – replacing current lean-to'.

Procedural Matter

2. I have taken the description of the development in the banner heading directly from the application form. However, that includes references to the history of the proposal which form no part of the description of the development. The development has also now been completed. Consequently in my formal decision, in the interests of clarity, accuracy and succinctness, I have amended the description to delete all references to the pre-existing structure and the proposal's history; and to avoid references to it as a proposal.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the host property and the area; and ii) the living conditions at nos. 35 and 37 Tickner Close with particular regard to the outlook from those properties.

Reasons

Character and appearance

4. The appeal site is located in an area which contains a number of short residential terraces in a similar architectural style. The dwellings in those terraces are modestly-proportioned, with narrow plot widths. In those regards, the appeal property, which sits towards the end of one such terrace, is typical of the area. Many of the other properties in this terrace and in the nearby terraces, have rear extensions or conservatories, which cover all or most of the plot's width, but are of a limited single storey height. Many have a flat, or gently sloping, roof. I have no reason to dispute the Council's statement that those extensions are typically less than 3m deep.
5. The plans show that the extension is 4m deep, and it is clearly deeper than the other rear extensions in this terrace. However, given its rearward siting, and the presence of boundary treatment, including a tall brick wall where no. 37 addresses the highway, it is not prominent in the streetscene. Whilst it can undoubtedly be seen from the rear windows and gardens of other dwellings in this terrace, its height is broadly similar to many of the terrace's other rear extensions. The structure's predominantly flat-roofed form is not out of context with its neighbours, and assists in limiting its mass; whilst the lantern adds some interest at roof level. Furthermore, a significant proportion of the extension is below the height of many nearby boundary walls and fences.
6. Although this development may have more brickwork than some of the nearby conservatories/extensions, those bricks, and the style of the openings, broadly respect the host dwelling. As the extension is much lower, and has a much smaller scale and volume than the host dwelling, it is clearly subservient to it.
7. As well as examples in this terrace, the appellant has drawn my attention to other nearby rear extensions, such as at nos. 26 and 27 Tickner Close. Those examples support my finding that the development has not caused significant harm to the character and appearance of the host property or to the area.
8. Amongst other matters, policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011 (2006) ('LP') states that development shall take full account of the site's context and adjoining buildings, including the character and appearance of the locality, with regard to matters such as mass, scale, layout and siting. The Council's Quality Places Supplementary Planning Document 2011 ('SPD') takes a similar approach, particularly with regards its advice on analysis of a site's context. The National Planning Policy Framework ('Framework') sets out the great importance attached to good design. For the above reasons the development does not conflict with those policies or guidance.

9. Whilst the Revised Pre-submission Eastleigh Borough Local Plan 2011-2029 ('RPSLP') is not part of the development plan, and the Council states that very little weight can be given to it, the scheme does not in any event conflict with policy DM1's similar stance at parts i. and iii.

Living conditions

10. No. 35 Tickner Close has a short, single storey rear projection with glazing, and a patio and the rest of the garden beyond. As this development is longer than that projection and it is adjacent to the boundary, its flank wall is clearly visible from that glazing and from the adjacent patio. However, the scheme has a modest height, and only the uppermost section is taller than the timber fence on other parts of this boundary. From the rear of no. 35 the principal outlook straight down that property's own rear garden is largely unaffected. Consequently whilst the outlook from no. 35's rear projection and from its patio is more enclosed to one side as a result of this development, the scheme has not resulted in a significant overbearing impact.
11. Turning to no. 37, that property does not have a rear extension, but has glazed doors which are set in from the boundary fence with trellis, and which lead to a patio. No. 36's extension is also set in slightly from that fence, and given its limited height, only part of its side wall is visible above the fence from no. 37's glazed doors and patio. I also note that as no. 37 is at the end of the terrace, it is on a slightly wider plot and has no adjoining building to the west. Consequently, the scheme has not had a significant overbearing impact on that property.
12. The Council also asserts that the scheme has an unacceptable overshadowing effect. However, given its modest height, and with due regard to the terrace's southerly aspect, from the limited evidence before me I am not persuaded that either neighbouring property has been unduly affected.
13. For those reasons the scheme does not conflict with LP policy 59.BE's requirement for development not to unduly interfere with adjoining uses in terms of loss of outlook. Although I have not been directed to any particular part of the SPD, the scheme does not conflict with its key design principle that development must respect the residential amenity of existing occupiers, or with RPSLP policy DM1's similar stance at part i. The Framework's core principle that planning should secure a good standard of amenity for all existing occupants is also satisfied.

Other matters

14. The appellant, the Council, and a neighbour all refer to events that led up to the Council's decision. However, regardless of that history, I have dealt with the development before me on its merits and with regard to relevant planning policies and guidance.

Conditions and conclusion

15. In the event that the appeal is allowed, the Council suggested a condition requiring that the development be carried out in accordance with the approved plans. However, as the development is already in place, I have referred to the approved drawings in my formal decision rather than by condition. For the

above reasons, I conclude that the development does not cause significant harm to the character and appearance of the area, or to the living conditions of adjacent occupants. Consequently, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR