
Appeal Decision

Site visit made on 20 March 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 13 April 2017

Appeal Ref: APP/W1715/W/16/3165338

Land to the rear of 63 Upper Northam Road, Hedge End SO30 4EA

- 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 Roy Edwards against the decision of Eastleigh Borough Council.
 - The application Ref F/16/79348, dated 6 October 2016, was refused by notice dated 1 December 2016.
 - The development proposed is the change of use of a garage to form 1 no. one bed dwelling and associated external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a garage to form 1 no. one bed dwelling and associated external alterations at Land to the rear of 63 Upper Northam Road, Hedge End SO30 4EA in accordance with the terms of the application, Ref F/16/79348, dated 6 October 2016, subject to the conditions set out in the Annex to this decision.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the character and appearance of the surrounding residential area, and
 - ii) Whether the proposal would provide satisfactory living conditions for the occupiers of the proposed dwelling, with particular regard to the provision of amenity space.

Reasons

Character and appearance

3. The appeal building is a detached two storey outbuilding at the rear of the long garden of a bungalow at 63 Upper Northam Road. The building is finished in render with a tiled, pitched roof, with a large central dormer window in the roof slope facing the road. It is used as a garage/store with ancillary residential use at first floor level. The physical changes to the building to convert it to a dwelling would be minimal; the building already looks like a small dwelling, and is separated from the garden of 63 Upper Northam Road by a retaining wall and fence, giving it the appearance of having a well-defined curtilage.
 4. The area has a mixed character; in the vicinity of the appeal site Upper Northam Road is mainly characterised by detached bungalows with good sized
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rear gardens. The appeal site is fronted by Chalice Court, a road which leads to a cul-de-sac development of larger, 4/5 bedroom, two storey houses, with medium sized gardens. The proposed dwelling would be considerably smaller than the surrounding houses and in a more restricted plot, and it would appear squeezed and incongruous. To an extent, this disparity would be disguised by the existence of a high hedge along the Chalice Court frontage which hides the division between the plot and the garden of 63 Upper Northam Road.

5. Whilst accepting that the proposed dwelling would be out of keeping with the character and appearance of the surroundings, the building is already there and the physical changes proposed would be relatively minor. The building is already used for incidental residential uses, and a change to use as an independent dwelling would have only a limited impact on the way in which it would be perceived from surrounding viewpoints. However, the site would be more open to view as a result of the removal of the gates in front of the garage, and this would make the building appear more obvious as a separate dwelling, out of keeping with the more sizeable and spacious properties surrounding it.
6. I therefore conclude on the first main issue that the proposal would harm materially the character and appearance of the surrounding residential area, and would conflict with saved Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011 (LPR), which deals with good design, and amongst other things, requires full account to be taken of local context. It would also conflict with Policy DM1 of the Eastleigh Borough Local Plan (EBLP) 2011-2029 Submission version which has similar provisions, but owing to its emerging status, I can only afford it limited weight.

Living conditions

7. The Council's *Quality Places* Supplementary Planning Document (SPD) seeks a minimum amenity space equivalent to 60% of the floor area of the dwelling. It also says that the size of amenity areas should increase where the local context requires it.
8. The terrace is an attractive and useable amenity area. Whilst the adjacent high hedge and fence would overshadow the terrace at times of the day, it would still receive good levels of sunshine for much of the day. There is also an open area immediately to the south of building. The Council disputes that this area would have any significant amenity value, but I disagree. It would receive direct sunshine for parts of the day, and is wider than would be necessary solely to gain access to the bin and bike storage at the rear of the dwelling. I therefore consider that it should be included as useable amenity space, and taking this into account, the total useable space would comply with the Council's guidance.
9. One of the objectives of the National Planning Policy Framework (the Framework) that planning should seek to secure a good standard of amenity for all existing and future occupiers of land and buildings. Bearing in mind that the proposed dwelling would be fairly large for a bedroom unit, I consider that there is insufficient justification to seek a greater amount of amenity space than is necessary to meet the Council's 60% standard.
10. I therefore conclude on this issue that the proposal would provide adequate amenity space to ensure satisfactory living conditions for the occupiers of the

proposed dwelling. The Council alleges a conflict with criterion vii of saved LPR Policy 59.BE, but this does not refer to occupiers' living conditions or the adequacy of amenity space, and so I find no conflict in this regard. For similar reasons I find no conflict with Policy DM1 of the EBLP. It would comply with the Council's SPD, to which I have referred above.

Other matters

11. Residents of Chalice Court have expressed concerns about the implications for car parking on the road fronting the site. The Highway Authority had no objection to the proposal. Although there were few cars parked in the road at the time of my visit, the photographs submitted by residents suggest that it well used for overspill parking by Chalice Court residents and others. Even so, the proposal would provide two on-site parking places, which I consider to be sufficient for a small dwelling.
12. I have also had regard to concerns about overlooking, but I consider that the angle between the first floor window and the garden of 1 Chalice Court would be sufficiently tight to ensure that overlooking would not be harmful. There would be adequate distance and/or hedge screening between the window and other gardens to ensure that adequate privacy would be retained.
13. Having regard to the component dimensions of sustainable development there would be social benefits in providing an additional dwelling in a borough where there is evidently a shortfall and by adding to the local community. Economic advantages would also arise from the occupation of the house through the payment of Council tax and the New Homes Bonus.

Planning balance

14. The appellant contends that the Council cannot demonstrate a 5 year supply of housing land. This has not been refuted by the Council, in which case, paragraph 49 of the Framework is engaged which says that in such circumstances relevant policies affecting the supply of housing shall be considered to be out of date. LPR Policy 59.BE deals with design, which affects the way in which housing proposals are considered, and thus must be considered to be out of date. Paragraph 14 of the Framework says that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted
15. There are no policies in the Framework relevant to this proposal which indicate that development should be restricted. I have referred above to the benefits that would arise from the proposal. Whilst they are modest benefits, they are benefits nevertheless. I have found harm arising to the character and appearance of the area, but because of the particular circumstances where the proposal would result in only small changes to the building and the way in which it is perceived, that harm is limited.
16. Such limited harm does not "significantly and demonstrably outweigh the benefits" and thus, applying the presumption in favour of sustainable development to this proposal, I find that permission should be granted.

Conditions

17. The Council has suggested a number of conditions which I have assessed against national guidance. A condition requiring compliance with the approved plans is needed to achieve certainty. Matching materials are needed in the interests of appearance. A condition to secure the provision and retention of two car parking spaces is needed in the interests of highway safety. The removal of permitted development rights is justified because of the small size of the plot, and its closeness to neighbouring dwellings. Although not suggested as a condition, the Council has referred to the need to secure obscure glazing in the south facing first floor window, which I consider is necessary to protect the privacy of occupiers of 63 Upper Northam Road.

Conclusions

18. I therefore conclude that, for the reasons given above, the appeal should be allowed.

JP Roberts

INSPECTOR

ANNEX

- 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 plans: Refs: E-NM-429.01, E-NM-429.02, E-NM-429.03 Rev A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour and texture those used on the existing building.
- 4) The use as a dwelling hereby permitted shall not commence until the two car parking spaces have been provided in accordance with the approved plans and thereafter they shall be permanently retained and used only for the purpose of parking vehicles incidental to the enjoyment of the dwelling house as such.
- 5) The use as a dwelling shall not commence until the first floor window in the southern elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Classes A, B, C, D, E, F of Part 1 of Schedule 2 of the Order shall be carried out.