

# Appeal Decision

Site visit made on 24 April 2017

**by Michael Evans BA MA MPhil DipTP MRTPI**

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

**Decision date: 10<sup>th</sup> May 2017**

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**Appeal Ref: APP/W1715/D/17/3169767**

**152 Pitmore Road, Eastleigh SO50 4LT**

- 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 Simon Parker against the decision of Eastleigh Borough Council.
  - The application Ref F/16/79244 was refused by notice dated 29 November 2016.
  - The development proposed is a first floor side and rear extension.
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## Decision

1. The appeal is dismissed.

## Main issue

2. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at Rock Bottom, with particular regard to outlook.

## Reasons

3. The appeal concerns a semi-detached two storey dwelling, which is significantly closer to the street in Pitmore Road than the adjacent dwelling, Rock Bottom. The neighbouring property faces in the opposite direction and has its rear garden adjacent to the flank of the dwelling at 152 Pitmore Road. At present the parts of the host dwelling next to the boundary are only single storey in height. However, the development would result in a fairly substantial full two storey elevation in relatively close proximity to the boundary.
  4. In consequence, users of the adjacent garden would experience a fairly unpleasant and oppressive sense of enclosure and unduly restricted outlook, due to the bulk, height and proximity of the addition. This would be particularly detrimental given the two storey gable end close to the other side boundary of the garden, which already results in a significant degree of enclosure.
  5. Rather than being a consideration in favour of the proposal, the fact that the dwelling at Rock Bottom is offset from those to either side means that the quality of the outlook from the garden is especially vulnerable to first floor extensions such as that now proposed. Due to these factors, it is concluded that the living conditions of the occupiers of Rock Bottom would be harmed. This would be the case even if the effect on light levels was considered acceptable.
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6. The undue conflict with the adjoining use in terms of loss of outlook would be contrary to Eastleigh Borough Local Plan Review Policy 59.BE vii. The proposal would therefore conflict with the statutory development plan anyway so that the weight to be accorded to the Revised Pre-Submission Local Plan Policy DM1 is not a significant consideration.
7. Despite not being specifically referred to by the Council, there would also be conflict with the core principle of the National Planning Policy Framework that planning should always seek to secure a good standard of amenity for existing occupants of buildings.
8. The Appellant makes a generalised reference to such extensions not being uncommon in the area and suggests that the dwelling at 154 has had a similar enlargement to that now proposed. However, the full details and background of any other scheme that might enable a comparison with the current proposal have not been provided. In any event, the situation of the dwelling at no. 154 is clearly different as it is adjacent to the flank of the neighbouring property, rather than the garden as in this instance. This matter does not therefore provide any meaningful support to the appeal.
9. I note the concerns expressed by the Appellant regarding the Council's handling of this matter but I must consider this appeal strictly on its own merits. The proposal would not result in any detrimental effects in respect of matters such as the character and appearance of the locality, car parking and overlooking. However, mere acceptability in these regards would not justify accepting a development that would result in such an adverse effect on living conditions.
10. Taking account of all other matters raised, it is therefore determined that the appeal fails.

*M Evans*

INSPECTOR