
Appeal Decision

Site visit made on 2 May 2017

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

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

Decision date: 16 June 2017

Appeal Ref: APP/L1765/W/16/3164993

7 Mallard Close, Bishops Waltham, SO32 1LW

- 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 Rob Bryan against the decision of Winchester City Council.
 - The application Ref 16/00946/FUL, dated 29 April 2016, was refused by notice dated 5 October 2016.
 - The development proposed is the erection of a new dwelling to the south of 7 Mallard Close.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since the making of the appeal, the Winchester Local Plan Part 2 - Development Management and Allocations was adopted on 5 April 2017, and three policies supersede those referred to in the decision notice. The appellant has been referred to these policies and has had an opportunity to comment on them. I shall refer to them further below.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding residential area, and
 - ii) the effect of the proposal on the living conditions of the occupiers of 14 Mallard Close with particular regard to outlook, visual impact, light and privacy.

Reasons

Character and appearance

4. The proposed dwelling would occupy most of the wide side garden of 7 Mallard Close, a detached two-storey dwelling, and would be close to the side of the neighbouring house at 14 Mallard Close. The new dwelling would be narrower and lower than either of the neighbouring houses, and markedly narrower than any other dwelling in the close.
 5. Mallard Close is a cul-de-sac of 29 dwellings, with a variety of house types and layouts. The wide side garden of No 7 is not a characteristic feature of the
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close, and in any event, planning permission has been granted on appeal¹ for a large side extension to No 7, which would infill much of this gap. Moreover, several of the dwellings in the close have only narrow gaps between them and their neighbours, as is the case with the houses at Nos 14 and 15. There are also some dwellings which are both close to their neighbours and have significant height differentials, such as at Nos 1 and 2 and Nos 17 and 18, where two storey houses sit cheek-by-jowl with bungalow neighbours.

6. Whilst the plot width is narrower than others in the road, there would remain a gap at first floor level between the side of the proposed house and the two-storey part of the dwelling at No 14. Even so, I consider that the combination of the proposed dwelling's narrowness and its low height in relation to its immediate neighbours would make the dwelling appear markedly different, out of scale incongruous in the street scene. Consequently it would appear as squeezed and dwarfed in comparison with the others in the close. The front garden would be uncharacteristically dominated by car parking, the spaces for which would only just be large enough to keep cars clear of the footway, and this would exacerbate the incongruity. I find that the proposal would fail to respond positively to its neighbours and the local context.
7. I have had regard to the large extension already approved, but that would appear as just that – an extension to a wide dwelling, the scale of which relates satisfactorily to the host dwelling. This is materially different from the separate dwelling proposed here, and does not serve to justify harmful development.
8. I therefore conclude that the proposal would result in material harm to the character and appearance of the area, and would conflict with Policy CP13 of the Winchester District Local Plan Part 1 Joint Core Strategy (LP1) adopted in March 2013, and with LP2 Policies DM15 and DM16, which respectively deal with site design criteria and site development principles.

Living conditions

9. The proposed dwelling would be close to the conservatory which is located towards the rearward part of the side elevation of the neighbouring house at 14 Mallard Close. The conservatory has a clear-glazed monopitch roof which slopes down towards the side boundary, and is about 1.5m away from the boundary at its closest point. The proposed dwelling would be sited between 1.2m and about 2.3m from the boundary.
10. The eaves of the conservatory sit only slightly above the level of a close-boarded boundary fence with planting overtopping it, and therefore the outlook from the side of the conservatory is already constrained, and the proposal would make little difference to that. The main aspect of the conservatory is to the front and, more importantly, to the rear, towards the back garden of No 14, and the proposal would not impinge on that outlook in any significant way. The outlook via the roof would be changed, but this, in my view, is of lesser importance. However, I accept that the presence of a two storey building within 3m or so of the conservatory roof would change the outlook through the roof.
11. In allowing the side extension to No 7, the Inspector found that it would not be overbearing or oppressive, and he concluded that it would not diminish outlook

¹ Ref: APP/L1765/W/15/3006101

to a significant degree. The approved extension would not extend as far to the rear as would the proposed dwelling, and it would be further away from the side boundary. On the other hand, the extension would be significantly higher, both at eaves and ridge level, and a tall chimney would also feature towards the rear of the side elevation.

12. I consider that there is a realistic prospect of the approved extension being implemented if the appeal were to be dismissed, and thus it represents a fallback position which I can properly take into account. Whilst acknowledging that there are differences between the two proposals, I find on balance that the current proposal would not result in a materially wise impact on outlook compared to that already approved. Nor do I consider that it would result in a significant loss of privacy as only a hall and landing window would face the side of No 14, and the first floor rear facing bedroom window is in the part of the rear elevation which is furthest from the boundary, where the combination of distance and angle would ensure that privacy would not be seriously diminished. There would also be some small reduction in light received over and above that which would be the case in respect of the approved extension, but this would not be sufficient to justify dismissing the appeal.
13. The Council also alleges harm arising from an intensification of residential use. The appeal site forms part of the residential garden of a family home, and some noise from normal domestic activities would be expected to be discerned from neighbouring properties. There would be a greater concentration of activity nearer to No 14, but the closeness of the proposed house and garden to the neighbour's property is not dissimilar to the relationship between other dwellings in the close. I consider that no material harm to living conditions would result from noise and disturbance.
14. I therefore conclude on the second main issue that the proposal would not result in material harm to the living conditions of the occupiers of 14 Mallard Close or conflict with LP1 Policy CP13 or LP2 Policy DM16, both of which include criteria aimed at protecting neighbours' amenity.

Other matters

15. I have had regard to the assertions that the submitted plans are inaccurate. I recognise that there has been some disparity in the dimensions quoted in various submissions. I have based my decision on the submitted plans and I am satisfied that they are sufficient to enable me to determine the appeal.
16. I have taken into account the letters of support from local residents but they are not sufficient to alter my conclusions.
17. I have also weighed the benefits of the proposal in the balance of considerations. The proposed dwelling would make a modest contribution to meeting the housing needs of the area, and there would be some small economic benefits arising from the construction and occupation of the dwelling. However the harm to character and appearance that I have found would be significant and would clearly outweigh the benefits; the environmental dimension of sustainable development would not be fulfilled.

Conclusion

18. Although I have found no material harm to neighbours' living conditions, this is outweighed by the significant harm that I have found that would be caused to

the character and appearance of the area. I find that the proposal would conflict with the development plan as a whole, and for the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR