

Appeal Decision

Site visits made on 10 July and 20 July 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 31st July 2017

Appeal Ref: APP/E1210/D/17/3174872

2 Cricket Close, Mudeford BH23 3HT

- 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 Brown against the decision of Christchurch Borough Council.
 - The application Ref 8/16/2476/HOU was refused by notice dated 20 March 2017.
 - The development proposed is single storey side and rear extensions, raise ridge height of existing roof with half hipped gable ends to front and rear and the erection of two pitched roof dormer windows and roof light to the south west side elevation. Remove existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have made two site visits in connection with this appeal, as indicated in the heading above. The second was made in order to enable me to assess the effect of the proposal from the neighbouring dwelling at 129 Mudeford Lane.
3. The plans were amended during the Council's consideration of the application so that the description of development given on the planning application form is inaccurate. As it provides an accurate reflection of the revised scheme, in the heading above I have, in consequence, used the description given on the Council's decision notice and repeated by the Appellants on the appeal form. It is on this basis that I shall consider the appeal.
4. It is acknowledged that the planning application was recommended for approval by the Planning Officer. The current scheme seeks to address the Council's reasons for refusing a previous application. Nevertheless, these matters do not, in themselves, confer acceptability and I must consider the appeal strictly on its own planning merits.

Application for Costs

5. An application for costs was made by the Appellants against Christchurch Borough Council. This application will be the subject of a separate decision.

Main issue

6. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at 129 Mudeford Lane, with regard to whether the extended dwelling would appear overbearing and overlooking.
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Reasons

7. The appeal concerns a detached bungalow that has a side elevation facing the rear garden of the neighbouring dwelling at 129 Mudeford Lane. The host dwelling is only set back fairly modestly from this boundary and is directly opposite the rear elevation of the adjacent chalet style dwelling, while the depth of the neighbouring garden is fairly modest. The especially short ridge and hipped main front and rear roof slopes significantly limit the bulk and mass of the existing dwelling and its consequent impact on the outlook from the adjacent property.
8. The flat roof side extension would be similar in height to the boundary fence, so that this part of the development would not be unduly bulky. The new main pitched roof would have the same eaves height as at present, while sloping down towards the boundary and having cropped gables. However, the roof pitch at 42 degrees would not be particularly gentle and the length of the ridge would be substantially greater than at present while also being 0.9m higher. As a result, there would be a significant increase in the expanse of roof facing the adjacent dwelling.
9. The extent of the increase in the bulk and mass of the host dwelling would be unacceptable, especially given the proximity to the back garden and the rear of the neighbouring dwelling. This would result in an unpleasant and oppressive sense of enclosure, with the enlarged dwelling appearing overbearing when seen from the adjacent garden as well as the ground floor kitchen and lounge. In correspondence with the Council the Applicants suggest that the neighbouring property is at a higher ground level than the appeal site and also refer to boundary vegetation. However, when considering the proposal at the adjacent dwelling, I saw that the detrimental effect would occur despite these matters.
10. The rear first floor window serving a juliet balcony would only enable overlooking of a relatively limited part of the rear garden at 129 Mudeford Lane and at a particularly oblique angle. The ground floor windows in the flank of the side extension could be glazed with obscured glass. In these circumstances there would be no unacceptable overlooking, either actual or perceived, despite the use of the part of the garden referred to as a sitting out area with a patio.
11. However, because of the overbearing impact it is concluded that the living conditions of the occupiers of the adjacent dwelling would be harmed. This would be contrary to the intentions of Christchurch and East Dorset Local Plan Part 1 Core Strategy Policy HE2 that development should be compatible with its surroundings in terms of the relationship to nearby properties, including minimising general disturbance to amenity.
12. Policy H12 2) of the Borough of Christchurch Local Plan is concerned with preventing adverse effects in relation to noise, disturbance, light and privacy, which would not arise. However, the inappropriate scale of the enlarged dwelling would be contrary to Policy H12 1).
13. There would also be conflict with the core planning principle of the National Planning Policy Framework (The Framework) that planning should always seek to secure a good standard of amenity for all existing occupants.

Other considerations

14. My attention has been drawn to development permitted at 129 Mudeford Lane and 3 Cricket Close. However, the impact of these schemes would not be comparable to that of the current proposal as the relationship to adjacent properties is different. As a result, these permissions lend no significant support to the appeal.
15. Factors such as their distance from the proposed development and orientation in relation to it would prevent any adverse impact at other dwellings in the vicinity with regard to matters such as privacy and light. There is no technical evidence to support concerns raised in relation to car parking or noise. I also note that the Environmental Health Officer has raised no objections in relation to the wood burning flue. The extended dwelling would be adjacent to chalet style properties in Mudeford Lane and I do not consider that there would be any adverse effect on the character and appearance of the locality.
16. The second bullet point to the part of Paragraph 14 of the Framework concerned with decision taking applies if the development plan is absent, silent or relevant policies are out of date and that is not the case in this instance. In any event, the economic and social benefits of such a fairly modest domestic development would be relatively limited. Moreover, they would be significantly and demonstrably outweighed by the environmental harm arising from the overbearing impact of the development. As a result, the proposal would not comprise sustainable development in the terms of the Framework anyway.

Conclusion

17. Because of the harmful effect on the living conditions of the adjacent occupiers and taking account of all other matters raised, it is determined that the appeal fails. In reaching this decision I have considered the views of local residents, including those in support of the proposal, as well as other interested parties.

M Evans

INSPECTOR