

Appeal Decision

Site visit made on 24 July 2017

by Megan Thomas Barrister-at-Law

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

Decision date: 7 August 2017

Appeal Ref: APP/H1705/D/17/3176357

10 Restormel Close, Basingstoke, RG23 8JB

- 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 D Shorthouse against the decision of Basingstoke and Deane Borough Council.
 - The application Ref.17/00725/HSE dated 24 February 2017, was refused by notice dated 15 May 2017.
 - The development proposed is the erection of a first floor extension and a front porch.
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Decision

1. I dismiss the appeal in so far as it relates to a first floor extension. I allow the appeal in so far as it relates to a front porch and I grant planning permission for a front porch at 10 Restormel Close, Basingstoke RG23 8JB in accordance with the terms of the application, Ref 17/00725/HSE dated 24 February 2017, and subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following plans so far as is relevant to that part of the development hereby permitted: 0203 01 Existing elevations; 0203 02 Existing floorplans; 0203 03 Proposed elevations; 0203 04 Proposed floorplans & 0203 05 Site plans.
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Procedural Matters

2. I consider that the two parts of the proposal are clearly severable, being both physically and functionally independent. I therefore propose to issue a split decision in this case.

Main Issues

3. The main issues are 1) the effect of the first floor rear extension on the living conditions of the occupants of nos 9 and 11 Restormel Close with particular regard to light and outlook and 2) whether the future living conditions for the occupants of a bedroom at the appeal site would be acceptable having regard to light, privacy and outlook.

Reasons

Living conditions of neighbours

4. Restormel Close is a residential cul-de-sac in the Winklebury area of Basingstoke. The appeal site is located on the northern side of the Close and is a two storey detached dwelling. On its eastern side, there is no.9 Restormel Close and on its western side there is no.11. The properties are similar in appearance and are set back from the Close. No.9 is on slightly higher ground than the appeal site and no.11 is on slightly lower ground than the appeal site. The relevant flank walls of the three properties are built close together.
5. The development proposed is broadly in two parts. There is a single storey flat roofed structure at the front of the dwelling. This would be extended to the side in order to create a front porch and a pitched roof would be constructed atop the new porch and existing flat roof. Separately to that, there would be a first floor extension at the rear of the property which would extend out to the existing rear wall of the rear extension. The resulting rear wall would be a two storey gable-shaped wall. There would also be a first floor window inserted into the east flank elevation of the appeal dwelling looking onto the flank of no.9 and on the western flank elevation of the appeal dwelling there would be a total of three first floor windows. Only one exists at the current time and this serves a stairway/landing.
6. At the rear of no.9 there is a single storey extension which is extensively glazed attached to the rear of the dwelling. It has double doors facing the rear garden of the appeal site. No.9 also has a ground floor window and a further external door on its rear elevation at the side closest to the appeal site. Given the height of the proposed eastern flank wall of the rear extension, I consider that there would be an unacceptable loss of outlook for the occupants of no.9 when in their rear extension and when using that part of the garden closest to their house. The proposed extension would also cause some loss of light to the garden.
7. At no. 11, given the depth of the proposed rear extension beyond the rear elevation of no.11, coupled with the height of the proposed flank wall, I consider the proposal would appear overbearing and there would also be a loss

of light to part of the rear garden. This would unacceptably harm the living conditions for the occupants of no.11 when using their garden.

8. In both cases I have borne in mind that I must judge the impact on amenity not only for existing neighbours but for future occupants of neighbouring houses. I do not agree with the Appellant that the proposed rear extension meets the terms of appendix 13 of the Design and Sustainability Supplementary Planning Document (adopted 2008) 'SPD'. The resulting loss of outlook is sufficient to warrant refusal on its own but there would also be windows and parts of the gardens that would lose light given the proposed mass and siting of the rear extension.
9. I have borne in mind that additional accommodation is needed in this case to raise a teenage family, however, on this issue, I conclude that the proposed rear extension would result in unacceptable living conditions for the occupants of nos 9 and 11 Restormel Close by reason of loss of outlook and loss of light. It would be in breach of policy EM10 of the Basingstoke and Deane Local Plan 2011-2029 (adopted 2016) 'LP' and the SPD.

Impact on living conditions of bedroom

10. The proposed new first floor window in the eastern flank elevation of the appeal site would be situated close to and at a similar height to the existing first floor window in the western flank of no.9 Restormel Close. The new window would serve a bedroom. However, planning conditions which secured velux rooflights to this appeal site bedroom and required the new flank window to be fitted with obscured glass would, in my view, overcome the loss of privacy and lack of light in that bedroom for those who occupied it in the future. The outlook would be primarily towards the sky and, whilst this is not always acceptable, I consider that in this particular case that would be an acceptable outlook.
11. Therefore, on this issue I find that with appropriate planning conditions, the living conditions for future occupants of the appeal site bedroom would be acceptable. There would, in those circumstances, be no breach of policy EM10 of the LP or the SPD.

Conditions

12. The Council suggested some conditions in the event that the appeal was successful or partially successful. Having allowed the front porch, I have attached a condition requiring the front extension to be built in accordance with the submitted plans in order to achieve certainty. In order to protect the character and appearance of the area and host dwelling I have attached a condition requiring the external surfaces of the front extension to match in materials those of the main house.

Conclusion

13. Notwithstanding that I have not found that there would be harm to the living conditions of occupants of a bedroom at the appeal site, I have found that there would be unacceptable harm to neighbouring living conditions from the

proposed first floor rear extension. Given that the proposed front extension is clearly functionally separate and severable from the other proposed works, I allow the appeal in part in relation to the front porch and I dismiss the appeal in so far as it relates to the other works and rear extension.

Megan Thomas

INSPECTOR