



Appeal Decision

Site visit made on 24 November 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 06 December 2017

Appeal Ref: APP/E1210/D/17/3181093

2 Huntingdon Gardens, Christchurch BH23 2TW

- 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 Spencer against the decision of Christchurch Borough Council.
 - The application Ref 8/17/0608/HOU, dated 3 March 2017, was refused by notice dated 2 June 2017.
 - The development proposed is a 2 storey extension.
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Decisions

1. The appeal is allowed and planning permission is granted for a 2 storey extension at 2 Huntingdon Gardens, Christchurch BH23 2TW in accordance with the terms of the application, Ref 8/17/0608/HOU, dated 3 March 2017, subject to the following conditions:
 - 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: Proposed floor layouts '3 rev E'; Proposed elevations '4 rev C'; and Proposed block plan '5 rev A'.
 - 3) 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting, or modifying that Order), no further windows, dormers/dormer/windows (other than those expressly authorised by this permission) shall be constructed in the north-west side-elevation or north-west or north-east (rear) roof-slope of the extension hereby permitted.

Main Issue

2. The effect of the proposal upon living conditions of the occupiers of neighbouring properties.

Reasons

3. The appeal site is within a spacious residential area which includes large dwellings laid out within substantial plots. The existing dwelling at the appeal

site is a large detached building on a corner plot. There is a driveway running alongside the house, between it and the neighbouring dwelling at No 4 Huntington Gardens. No 4 also has a driveway to that side. The dwelling at No 4 is a little further rearward into its plot than the dwelling at the appeal site. A side window in that dwelling at ground level faces towards the boundary fence separating the adjoining gardens. The Council has confirmed that this window, along with the another in the rear of No 4 serve a kitchen.

4. A front porch is proposed which the Council considers is acceptable and I agree. The primary cause of concern is the proposal for a 2 storey extension to the rear of the dwelling at the appeal site. This would add a 4m to the depth of the dwelling.
5. The extension would produce a dwelling deeper than the rear of No 4 going beyond the position of the side kitchen window in that adjoining property. I carried out a site visit early in the morning just after 08:00 hours on a bright, late autumnal day. The existing dwelling at the appeal site was already casting a shadow across the ground floor side window within No 4. The extension, would be to the south east of that window and would cause additional overshadowing earlier in the morning but for much of the day would not significantly affect the level of direct sunlight reaching it or the adjoining garden. Given that there would be a substantial distance between the extension and the side of No 4 (the Council refer to the distance being 5m), I do not consider that there would be a significant impact upon the amount of ambient daylight reaching the adjoining garden or that side window. The Council has referred to the Building Research Establishment document 'Site Layout Planning for Daylight and Sunlight' but I have no detailed calculations about the degree of impact from the proposal.
6. The high side wall of the proposed extension would affect the amount of sky visible from window within No 4 above the solid boundary fence. This would therefore affect the outlook from that window. However, this would be at a substantial distance across the side garden of No 4 and the driveway within the appeal site. In my view would not have an imposing effect upon the adjoining occupiers and would not bring about any substantially increased sense of enclosure for them inside their dwelling or the garden area. I do also give some weight to the prospects of the alternative 'permitted development' scheme which the Council confirms could be constructed only 1m shallower than this proposal and which would have very similar impacts.
7. The new ground floor window within the kitchen of the proposal would face towards the high boundary fence between the site and No 4 and would therefore make little difference to the privacy of that adjoining property. The proposed bedroom windows would only allow for some constrained sideway views towards the garden of No 4. However the existing windows already look out upon the rear garden of that property. These first floor windows would be closer to No 58 Suffolk Avenue to the rear of the appeal site but would only enable limited views towards the side elevation and front driveway of that dwelling. The proposal would not lead to a harmful degree of overlooking of adjoining properties. The Council has suggested a planning condition to prevent further windows and dormer windows being installed without planning permission. With that safeguard the proposal would not have a harmful impact upon privacy of adjoining properties.

8. The proposal would have a satisfactory relationship with nearby properties not adversely impacting upon the amenities of adjoining occupiers. In relation to the main issue, the proposal would have a satisfactory effect upon living conditions for occupiers of neighbouring properties. This would comply with Policies HE2 of the Core Strategy¹ and H12 of the Local Plan².

Other Matters

9. The rear extension would be of similar design as the existing dwelling. This would elongate the building but would not look out of keeping with it or the surrounding dwellings. A substantial amount of the rear garden would be retained which would continue to separate the building from No 58 Suffolk Avenue and which would allow sufficient amenity space for occupiers of the dwelling.
10. A proportion of the garage at the appeal site would be removed but space for parking would remain on the retained driveway. I have no evidence to indicate that the proposal would lead to highway safety concerns or substantial additional on-street parking if the development were to lead to further occupants within the dwelling.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

¹ Christchurch and East Dorset Local Plan, Part 1 – Core Strategy Version for Council adoption April 2014

² Borough of Christchurch Local Plan, adopted March 2012