



Appeal Decision

Site visit made on 15 May 2018

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2018

Appeal Ref: APP/Y9507/W/17/3181594
16A Lavant Street, Petersfield GU32 3EW

- 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 Mrs Rosie Packham-Boyns of Salon Sixteen against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/16/05851/FUL, dated 23 November 2016, was refused by notice dated 15 June 2017.
 - The development proposed is described as 'ground and first floor extension to hairdresser salon with full width first floor extension to north end that narrows by just over 2 metres for about 20 metres to ensure daylight provision into adjacent garden before being full width again towards the south end and the Swan Street car park'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Packham-Boyns against the South Downs National Park Authority (the SDNPA). This application is the subject of a separate Decision.

Procedural Matters

3. The Authority has used a different description of development to that appearing on the application form and the appellant appears not to have confirmed its agreement to the altered description being used. For the purposes of the banner heading above I have therefore used the description of development shown on the application form.
4. The planning authority is the SDNPA, with East Hampshire District Council acting as its agent. Notwithstanding the agency agreement between the SDNPA and the District Council, the Authority's appeal statement does not refer to it being prepared and submitted on its behalf. That appears to be an administrative error and I do not consider that this of itself misrepresents the SDNPA's appeal case.

Main Issue

5. The main issue is the development's effect on the living conditions of the occupiers of the flat at 14 Lavant Street (the Flat), with particular regard to the outlook from and lighting of the Flat's garden.

Reasons

6. The appeal premises, 16A Lavant Street (No 16A), is a single storey building that occupies much of the grounds to the rear of No 16. No 16A is occupied as a hairdressing saloon. The development would involve the construction of part first floor and part two storey extensions to provide additional saloon space, treatment areas, a training area and staff welfare facilities. No 16A's floorspace would be more than doubled¹ and at first floor level the maximum width of the extension would be 33 metres², taking No 16A's front and rear elevations³ as the reference points. While part of the development would occupy No 16A's full depth, a first floor central section of around 15 metres would be inset by 2.0 metres from the boundary shared with the Flat's garden.
7. No 16A's rear elevation is 2.8 metres high⁴ and extends along the majority of the boundary shared with the Flat's rear garden. The Flat's other side garden boundary comprises the flank wall of a single storey rearward projection at No 12, which is of a similar height to No 16A. Given the height of the garden's side boundary walls that space is already subject to significant enclosure. The raising of No 16A by a storey would result in the Flat's garden becoming significantly more enclosed and, even allowing for the central offset section of the first floor extension, I consider a substantial element of No 16A's additional mass would still be very evident to the users of the Flat's garden. I consider the presence of that additional mass would unacceptably reduce the outlook from within the Flat's garden, which would be an unneighbourly effect of the development.
8. The Flat may be unusual for the town centre, in that it has a long rear garden. However, I consider that the safeguarding of the outlook from within this neighbouring garden should be afforded similar weight as would be the case if this dwelling was located in a predominantly residential area.
9. The appellant's shadow diagrams show that there would be some additional overshadowing of the Flat's garden in the later afternoon period. However, compared with the prevailing situation I consider that the additional overshadowing would not be of such significance as to be harmful to the living conditions of the occupiers of the Flat.
10. For the reasons given above I conclude that the development would unacceptably affect the living conditions of the occupiers of the Flat because of the loss of outlook from within that property's garden. I therefore consider that the development would not accord with paragraph 17 (the fourth core planning principle) of the National Planning Policy Framework (the Framework) because it would not secure a good standard of amenity (living conditions) for all existing and future occupants of a neighbouring building. That national policy is a material consideration that I attach great weight to.
11. The reason for refusal cites conflict with Policies CP27 and CP29 of the East Hampshire District Local Plan Joint Core Strategy of 2014 (the Core Strategy), which was adopted by the SDNPA on 26 June 2014. Policy CP27 of the Core

¹ Based on the floorspace figures stated on the planning application form

² This dimension and others subsequently quoted being taken from paragraph 5.3 of the appellant's appeal statement

³ As notated on the application drawings

⁴ Dimension taken from the Council's officer report

Strategy seeks to ensure that new development is non-polluting and, amongst other things, states 'Development will not be permitted if it would have an unacceptable effect on the amenity of the occupiers of neighbouring properties through loss of privacy or through excessive overshadowing'. With respect to the safeguarding of the living conditions of the occupiers of the Flat, as I have found that there would be no excessive overshadowing, I consider there would be no conflict with Policy CP27 of the Core Strategy. The opening paragraph to Policy CP29 states 'The District's built environment must be of an exemplary standard and highly appealing in terms of visual appearance. All new development will be required to respect the character, identity and context of the district's towns, villages and countryside and must help to create places where people want to live, work and visit'. Policy CP29 then goes on to list eleven criteria which the design for new development should meet. Those criteria do not directly relate to the effect of development on the living conditions of the occupiers of neighbouring properties. I therefore consider that Policy CP29 is not of direct relevance to the consideration of the appeal development's effect on the outlook from or receipt of light to the Flat's garden.

Other Matters

12. The development would enable fifteen additional full and part staff to be employed at No 16A and support the establishment of a training facility for hairdressing and the provision of beauty treatments. The reconfiguration of the premises would also facilitate improved access for disabled employees and customers. The development would improve No 16A's appearance, a building of an undistinguished design. Making improvements to No 16A would enhance the conservation area's appearance, given that this building occupies a prominent position within a public car park. That change would amount to a public benefit in the Conservation Area.
13. The foregoing matters would variously be social, economic and environmental benefits of the development. Those matters garner development plan and national planning policy support and weigh for the development. However, the attainment of those benefits would entail No 16A's floorspace being more than doubled, with there being consequent unneighbourly harm to the living conditions for the occupiers of the Flat. I consider that the harm to the living conditions of the occupiers of the Flat would be significant and that the development's benefits would be outweighed by that harm, harm that could not be overcome by imposing reasonable planning conditions.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR