



Appeal Decision

Site visit made on 25 June 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/M1710/W/19/3225473

24 Downhouse Road, Catherington PO8 0TX

- 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 Voar against the decision of East Hampshire District Council.
 - The application Ref 57860, dated 22 June 2018, was refused by notice dated 15 January 2019.
 - The development proposed is construction of a new 4 bedroom dwelling and detached triple garage.
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Decision

1. The appeal is allowed and planning permission granted for construction of a new 4 bedroom dwelling and detached triple garage at 24 Downhouse Road, Catherington PO8 0TX in accordance with the terms of the application, Ref 57860, dated 22 June 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, it refers to a different description of development. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The Council's refusal notice refers to the effect of the development on the character and appearance of the area. It also refers to the effect of the development on the amenity of neighbouring properties No 22 and No 26 Downhouse Road. In respect of No 22 the stated issue relates to the effect of the proposal upon the outlook from its rear windows. In respect of No 26 it refers to the "*impact on the ground floor side (study) window*". It is clear from reading the Council's officer report that in regard to the ground floor side (study) window the issue relates to sunlight. Therefore, the main issues are the effect of the proposal upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of No 22 Downhouse Road with regard to outlook and the occupiers of No 26 Downhouse Road with regard to sunlight.

Reasons

Character and appearance

4. The appeal site is a reasonably large vacant plot of land on the east side of Downhouse Road. The land rises from the road frontage toward the rear where there are some mature trees. The street-scene in Downhouse Road is characterised by a mixture of single and two-storey dwellings which vary significantly in form, scale and design. This variation is emphasised by a somewhat inconsistent building line which is not parallel to the road. Hence, the relationship between adjoining properties differs, resulting in an irregular pattern of development: this is accentuated by the presence of garages of differing size and design positioned in the front garden of some dwellings.
5. The proposed two-storey dwelling would be positioned roughly in the centre of the plot when viewed from the street, therefore similar to No 26, a bungalow to the north, and No 22, a chalet style bungalow with a large rear two-storey extension, to the south.
6. The front elevation of the proposed dwelling would be in line with No 26 and approximately 13.0 metres behind the front elevation of No 22: it would also be approximately 1.5 metres behind the front elevation of the rear two-storey extension of No 22. Hence, given the aforementioned inconsistent building line its position within the plot would not disrupt the pattern of development in the area.
7. Notwithstanding that the proposed dwelling is two-storey the height of the roof ridge would be no greater than No 26 or the rear extension to No 22. Taking into account the slope across the site this would be achieved by some ground levelling with the dwelling set into the slope. The eaves height would be higher than No 26 and the single storey front part of No 22, but lower than the rear two-storey extension to No 22. Therefore, taking into account the overall height of the roof ridge and eaves relative to the neighbouring properties, would not appear markedly out of place within the street-scene.
8. Thus, although the proposed dwelling would differ in form, scale and design to neighbouring properties, given there is no consistency in building style in regard to these characteristics in Downhouse Road, it would not be an inappropriate form of development nor out of keeping with the surrounding area.
9. The proposed garage would be positioned forward of the dwelling in the front garden. This position is unremarkable in the area, as is the disparity in the size and design of garages, and their orientation relative to the road frontage. It would be set back into the plot a similar distance from the street to the garages of neighbouring properties No 22 and No 20 and orientated such that the shorter west side elevation faces the street. Therefore, given the presence of the existing close boarded boundary fence and proposed trees shown on the site plan, behind which it would be positioned, the garage would not be an overbearing feature within the street-scene.
10. For these reasons, therefore, the proposed development would not be significantly harmful to the character and appearance of the area. Consequently, in this regard, it would accord with the design aims of

Policy CP29 of the adopted East Hampshire District Local Plan: Joint Core Strategy 2014 (JCS) and paragraph 127 of the National Planning Policy Framework (the Framework), which amongst other things set out to ensure that the design and layout of proposals respect the character of existing development in the surrounding area.

Living conditions

11. The north elevation of the proposed dwelling would be positioned approximately 2.5 metres from the south elevation of No 26. Notwithstanding that the ground floor level of the dwelling would be approximately 1.3 metres lower than that of No 26 there would be a degree of overshadowing to the windows on the south elevation and hence some loss of sunlight. However, the Council's officer report states that two windows on the south elevation are secondary windows serving a sunroom and lounge, and the other, although a sole window serving a study, has internal doors opening into the sunroom. In regard to the main issue, namely the window serving the study, taking into account that there will often be a degree of overshadowing and hence some loss of sunlight as a result of neighbouring built development, and given that it has internal doors opening into a sunroom, I do not consider the harm caused by the loss of sunlight would be sufficient to justify withholding planning permission.
12. The existing outlook from the rear windows of No 22, which are dual aspect, is towards the reasonably long rear garden of the property. The proposed dwelling would be approximately 5.0 metres beyond the rear elevation of No 22 and the separation distance between No 22 and the dwelling would be approximately 3.0 metres. The Council is concerned that the proposal would affect the outlook from and would have an overbearing impact upon the rear elevation windows of No 22 because the proposal would conflict with a 45° line drawn from the nearest windows on the rear elevation of No 22. The appellant states that the proposed dwelling meets the 45° test. Neither party has provided evidence to demonstrate their respective cases. Nevertheless, I saw on my site visit that the nearest windows on the rear elevation of No 22 are set back from the north east corner of the property at sufficient distance such that even if the proposed dwelling were to technically breach the 45° test, it would not have a significant adverse effect upon the outlook from the windows on the rear elevation of No 22.
13. For the reasons outlined above, I conclude that significant harm would not be caused to the living conditions of the occupiers of No 26 Downhouse Road in respect of sunlight and the occupiers of No 22 Downhouse Road in respect of outlook. Therefore, the proposal would suitably accord with the living conditions aims of Policy CP27 of the JCS and the Framework, which set out to ensure proposals avoid harmful effect upon the living conditions of the occupiers of neighbouring development.

Other Matters

14. The Council and third parties have raised concerns about the potential for overlooking of neighbouring property from the rear and side elevation first floor windows of the proposed development. In respect of the first floor windows on the rear elevation, taking into account the position of the proposed dwelling relative to No 22, notwithstanding the elevated topography of the rear garden of No 22, I find no harm in this regard. In respect of the first floor window on

the north elevation, which would serve an 'en suite' bathroom, and the first floor window on the south elevation, which would serve the half landing space, subject to a condition to secure the requirement for these windows to be obscurely glazed and 'non-opening' below 1.7 metres measured from the finished floor level of the room in which the window is installed, I find no harm in this regard. Therefore, overall, I find no conflict with the living conditions aims of Policy CP27 of the JCS and the Framework.

Conditions

15. I have considered the Council's suggested conditions in accordance with paragraph 55 of the Framework. Planning permission is granted subject to the standard three-year time limit condition. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of certainty. I attach a condition securing details of a scheme for foul and surface water drainage to ensure an adequate system for the drainage of the site is provided: I have combined the Council's two suggested conditions in regard to drainage because in respect of surface water the reason for the two conditions is the same, namely to prevent the discharge of surface water from the site onto the adjacent highway. A condition is required for the submission of details of ground and finished floor levels to demonstrate the satisfactory relationship between the development and adjacent buildings and public areas. A condition is also required to ensure the development incorporates mitigation and adaption measures with regard to climate change. In the interests of the character and appearance of the area, it is necessary to impose a materials condition. A condition is required to ensure the provision and establishment of a reasonable standard of landscaping. A condition is required in respect of the provision of obscured glazing to protect the privacy of the occupiers of adjoining properties. Finally, a condition is required to ensure that there is adequate car parking provision.

Conclusions

16. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Andrew Bremford

INSPECTOR

Schedule of 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: 'Plans and elevations as proposed, site and location block plans' 3037-01 Revision D; 'Composite front elevation from within the site' 3037-02 Revision B.
- 3) Prior to the commencement of the development hereby approved, details of a scheme for foul and surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include provision for all surface water drainage from parking areas and areas

of hardstanding to prevent surface water from discharging onto the highway and shall be based on site investigation and percolation tests. The proposed hard surface/s shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be retained thereafter.

- 4) Prior to the commencement of the development hereby approved, plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages, and parking areas, and the proposed completed height of the development and any retaining walls shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.
- 5) Prior to the commencement of the development hereby approved, a scheme shall be submitted to, and agreed in writing by, the Local Planning Authority to demonstrate that the built development hereby permitted incorporates measures that provides at least 10% of energy demand from decentralised and renewable or low carbon energy sources. Before any part of the development is first occupied a verification report and completion certificate shall be submitted in writing to the Local Planning Authority confirming that the built development hereby permitted has been constructed in accordance with the approved scheme. The developer shall nominate a competent person for the purpose of assessing and providing the above required report and certificate to confirm that the completed works incorporate such measures as to provide these requirements. The measures shall thereafter be retained and maintained to the agreed specification for the lifetime of the development.
- 6) No development above slab level shall commence until details / samples including manufacturers details of the materials to be used in the construction of the external surfaces and roofing of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.
- 7) All hard and soft landscaping works shall be carried out in accordance with the approved plans and details contained within the Design and Access Statement and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. These works shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless a suitable alternative species are otherwise agreed in writing by the Local Planning Authority.
- 8) The development hereby permitted shall not be occupied until the windows at first floor level in the side elevations of the dwelling have been fitted with

obscured glazing, and no part of those windows that is less than 1.7 metres above the finished floor level of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

- 9) Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.