
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: Friday, 26 July 2019

Appeal Ref: APP/X1735/D/19/3226705

40 Bushey Mead, Waterlooville, Hampshire PO7 5DY

- 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 Alistair Ferguson against the decision of Havant Borough Council.
 - The application Ref APP/19/00118, dated 24 January 2019, was refused by notice dated 22 March 2019.
 - The development proposed is the erection of a double garage in the rear garden of 42 Bushey Mead recently acquired by client of 40 Bushey Mead.
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Decision

1. The appeal is dismissed.

Background

2. At the time of my site visit I saw works which appeared to be carried out by way of a partly constructed garage. However, on the evidence that is before me I cannot be certain if these works are related to the proposal before me. In which case, I have dealt with this appeal on the basis of the description of development as set out above.

Main Issue

3. The main issue is the effect of the proposed garage on the living conditions of the occupiers of No 17 Valley Close in respect of outlook.

Reasons

4. The site of the proposed double garage is approximately 15.0 metres south of the rear elevation of No 40 Bushey Mead, within a parcel of land which originally formed part of the rear garden of the neighbouring property No 42 Bushey Road.
5. No 17 Valley Close is an end of terrace two storey dwelling sited south of the proposed garage. It has a rear conservatory with windows along its west and north elevations which outlook toward a relatively small rear garden. It shares part of its northern boundary with the appeal site. Along this part of the boundary there is a brick wall measuring approximately 2.0 metres in height: the wall forms part of the construction work noted in paragraph 2 above.
6. The brick wall along the northern boundary is not parallel with the north elevation of No 17 hence the separation distance varies. However, between the

north west corner of the conservatory of No 17 and the brick wall the separation distance is approximately 4.0 metres.

7. The south elevation of the proposed garage would be along 7.7 metres of the northern boundary. It would be 2.5 metres in height at its eaves and 3.95 metres in height at the ridge of the roof.
8. Taking into account the relatively small garden area, and the separation distance and height of the south elevation, the proposed garage would have a significant enclosing effect and be a dominant and overbearing feature in the outlook from the garden and conservatory windows of No 17.
9. Therefore, notwithstanding the appellant's argument that the proposed garage would serve a bungalow recently granted planning permission, I conclude that the proposal would result in a harmful change to the living conditions of the occupiers of No 17. Consequently, it would be in conflict with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework (the Framework) which, requires amongst other things, that new development does not cause unacceptable harm to the amenity of neighbours through loss of outlook.

Other matters

10. The appellant refers to other development in the surrounding area and specifically to how matters relating to loss of light and overshadowing were dealt with by the Council. However, I am not aware of the full circumstances of these other cases and in any event, I have determined the appeal on its individual planning merits based on the evidence before me.
11. The appellant states that there have been no objections from occupiers of neighbouring properties. However, the Council's case officer report refers to three representations received: based on the evidence before me all the representations were made in writing and two of the three were objections to the proposed development.
12. The appellant pointed out that a flat roofed garage 2.5 metres high could be erected without the need for planning permission. Be that as it may, in my judgement any such development would not be as substantial as the proposal before me now and would be unlikely to have such a harmful effect on the living conditions of the occupiers of No 17.

Conclusion

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

Andrew Bremford

Inspector