



Appeal Decision

Site visit made on 1 May 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/W1715/W/18/3218210
282 Fair Oak Road, Bishopstoke, SO50 8JR

- 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 Greenwood against the decision of Eastleigh Borough Council.
 - The application Ref F/18/83447, dated 18 June 2018, was refused by notice dated 5 September 2018.
 - The development proposed is demolition of side extension and construction of new detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of side extension and construction of new detached dwelling at 282 Fair Oak Road, Bishopstoke, SO50 8JR in accordance with the terms of the application, Ref 18 June 2018, dated 18 June 2018, and the plans submitted with it, subject to the conditions set out at the bottom of this decision.

Main Issue

2. The main issue is whether the effect of the development on living conditions for existing and future occupiers would be acceptable, with regard to privacy.

Reasons

3. The appeal site contains a two-storey detached house with a single-storey side extension. The proposal would see the removal of the extension and its replacement with an additional two-storey dwelling.
4. Parking for the existing and proposed houses would be on a shared driveway in front of the properties. The Council is concerned that cars driving in and out of the spaces and residents entering and leaving their cars would result in a loss of privacy for occupiers of both properties.
5. Whilst there would likely be a degree of inter-visibility, and the Council advises me that the front window of the existing house serves a living room, I do not think that the proximity between the parking spaces and the front of the houses is such that the relationship would be a very problematic one. Residents of the existing property would not spend a prolonged period driving past the front windows of the proposed dwelling and spaces serving the proposed house would be furthest away from the houses, separated by the space serving the

original property. Overall, I do not consider the relationship to be particularly unusual in an urban environment and I find that it would be acceptable.

6. The proposed house would have ground floor side facing windows and a road serving a block of garages runs past that elevation. The Council is also concerned that drivers and pedestrians using this road would be afforded views into those windows, undermining privacy for occupiers there.
7. The windows are set in from the boundary of the site by a landscaped area and the plans show how landscaping could be used to limit views in. I am satisfied that the arrangement would not be unduly problematic. Many properties have smaller garden areas fronting the highway and whilst the road will clearly be utilised by users of the garaging to the rear of the site, it did not appear to me on my visit to be particularly heavily trafficked by cars or pedestrians. Any visibility into side facing windows is not likely to be of an extent that would undermine the enjoyment of the house overall.
8. I am satisfied that when taking into account the urban context, the privacy enjoyed by both existing and future residents would be acceptable, and in conformity with the requirements of Saved Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011 in so far as it seeks to protect living conditions and the Quality Spaces Supplementary Planning Document 2011.

Other Matters

9. There is reference in the Council's officer report to a concern that an existing hedge at the front of the property could be put under pressure for removal by the proximity of car parking spaces. Whilst this does not form part of the Council's reason for refusal, I am satisfied that a condition requiring details of a landscaping scheme for the site should ensure that the scheme proposed at that part of the plot would be acceptable.

Conditions

10. Whilst the Council has provided a list of suggested conditions, they have not indicated in the officer's report or by way of a statement why they are required or why, in the case of pre-commencement conditions, they need to be complied with at an early stage.
11. I have attached conditions requiring that the development is carried out within three years and in accordance with the approved plans. I have also attached conditions requiring details of materials, landscaping, and drainage although I consider that these can be provided at ground floor slab level stage, rather than prior to commencement. These conditions would ensure that the appearance of the development and water management were acceptable. I have also attached a condition requiring that the car parking is in place prior to first occupation so as to ensure that adequate parking is provided.
12. The Council has suggested conditions requiring a Construction and Demolition Method Statement and limiting hours of construction, demolition and delivery. For a development of this scale, and in the absence of evidence to the contrary, I am not satisfied that existing, non-planning legislation should not be relied upon to achieve the objectives that the Council has cited in its reasons for these suggested conditions. Accordingly, I am not satisfied that these conditions are necessary, and I have not imposed them for that reason.

Conclusions

13. For the reasons that I have described, I consider that the appeal should be allowed and planning permission granted.

N Smith

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: 140/01, 140/02E, 140/03E, 140/04D, 140/05, 140/06A, 140/07.
- 3) No development above ground floor slab level shall take place before samples of materials to be used in the construction of external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the submitted details, no development above ground floor slab level shall take place before details of hard and soft landscaping and boundary treatment have been submitted to and approved in writing by the local planning authority. The hard and soft landscaping and boundary treatment shall be completed in accordance with the approved details prior to the first occupation of the dwelling hereby approved and shall be permanently retained thereafter.
- 5) No development above ground floor slab level shall take place before a scheme for the sustainable disposal of surface water and the disposal of foul water has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 6) The car parking spaces shown on drawing 140/06A shall be completed prior to the first occupation of the new dwelling at the site and shall be permanently retained thereafter.

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