



Appeal Decision

Site visit made on 6 August 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/N1730/D/19/3230039

14 Hatts Close, Hartley Wintney, Hook RG27 8WX

- 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 Kopit against the decision of Hart District Council.
 - The application Ref 19/00614/HOU, dated 19 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is second storey side extension and two storey front extension.
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Decision

1. The appeal is allowed and planning permission is granted for second storey side extension and two storey front extension at 14 Hatts Close, Hartley Wintney, Hook RG27 8WX in accordance with the terms of the application, Ref 19/00614/HOU, dated 19 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos. 01A and 02A.
 - 3) The external materials to be used in the construction of the extensions hereby permitted shall match those used in the existing dwelling.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the west elevation of the second storey extension hereby approved.
 - 5) The parking space hereby permitted shall be provided before the extensions hereby permitted are made habitable, and shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Procedural Matter

2. The Council's second refusal reason refers to Policy URN16 of the Hart District Local Plan (Replacement) 1996 – 2006. It is evident from the Officer Delegated Report and the policies submitted by the LPA, that this is a typing error and Policy URB16 is the relevant policy. I have dealt with this appeal accordingly.

Main Issues

3. The main issues are:

- Impact on the character and appearance of the host property and surrounding area;
- Effect upon the living conditions of the occupiers of no.12 Hatts Close, with particular reference to overbearing and overshadowing impacts; and on the living conditions of the occupiers of the host property, with particular reference to the amount of outdoor amenity area.

Reasons

Character and appearance

4. The appeal property comprises a modern, two-storey house, finished in facing brick under a pitched tiled roof. It is sited at the eastern end of Hatts Close within the suburban St Mary's Park residential development. Unlike the terraced, two-storey properties to the west of the site which front directly onto Hatts Close, the appeal property faces east.
5. The surrounding residential development is characterised by modern, two-storey properties. There are a variety of building designs and densities within the vicinity of the appeal site, including terraced, semi-detached and detached houses. Notably, there are large detached houses on the eastern edge of the built-up area adjacent to the landscaped open space.
6. The proposed first floor side extension would be built above the existing extension without increasing the existing building footprint. The roof ridge and eaves heights, materials and window designs would match those of the existing building. When viewed from the public domain to the east, the extension would appear more compatible with the original building design than the existing single storey extension, having regard to its roof form, and would re-balance the southern end of the front elevation.
7. The proposed two-storey front extension would keep the same building footprint as the existing porch to be replaced. The proposed materials would match those of the main building and the roof eaves height and pitch would be consistent with those of the main building and the front dormers respectively. Although higher than the existing porch, due to its limited width and depth, the proposed front extension would look subservient in scale.
8. For the above reasons, I find that the proposed extensions would be compatible in scale with the existing property. The enlarged building would sit comfortably on the site, having regard to the prominent corner position of the dwelling which lends itself to a larger building than those of the terraced properties to the west. The proposal would be compatible with the character of the eastern edge of this part of the housing estate which comprises larger detached houses.
9. In light of the above, I find that there would be no harm to the character and appearance of the appeal property and surrounding area. The proposal would accord with Policies GEN1, GEN4 and URB16 of the Saved Policies of the Hart District Local Plan (Replacement) 1996 – 2006 and First Alterations to the Hart District Local Plan (Replacement) 1996 - 2006 (LP) which aim to ensure that

development proposals are in keeping with the scale and character of the existing dwelling and surrounding properties and that they sustain or improve the urban design qualities of settlements.

Living Conditions

10. The proposed second storey extension would be built above the existing single storey side extension. There would be no change to the existing building footprint, so that the south side wall of the extension would not extend beyond the line of the single storey rear wall of no.12 and would be set back about 1.2 m behind it. Having regard to the proposed juxtaposition of buildings, the solid nature of the side wall of no.12, and the position of the proposed extension immediately to the east of no.12, assessing the scheme against the existing and proposed site circumstances, I find that the changes would not give rise to any harmful overbearing or overshadowing impacts on the occupiers of no.12.
11. Having regard to the neighbour concerns regarding privacy, I do not find that there would be any harmful overlooking to the occupiers of no.12 resulting from the proposed second storey extension. No new first floor rear elevation windows are proposed, and a planning condition can ensure that no further first floor windows or dormer windows are installed in this elevation of the extension. The existing side elevation first floor bedroom window would be replaced by a similar first floor window in the new side extension, which would face in the same direction as the rear windows of no.12. A degree of overlooking from first floor windows to neighbouring rear gardens is an expected occurrence within urban residential environments. The proposed first floor side elevation window would not therefore give rise to materially harmful overlooking to no.12.
12. Having regard to the amenity of the occupiers of the host property, the private, enclosed external amenity area to the side of the appeal property includes a paved patio leading off the single storey extension and raised areas of planting, shingle and lawn, together with a timber garden shed. There is also a narrow decked area between the appeal property and the side wall of no.12. I am mindful that the Council has no adopted amenity space standards. Nevertheless, the proposal would not reduce the amount of space around the house and I consider that there is sufficient garden area to accommodate domestic activities such as sitting out, drying clothes and children's play, in spite of the increase in living accommodation proposed, and the garden size is acceptable.
13. Having regard to the above, I find that there would be no material harm to the living conditions of the occupiers of no.12 Hatts Close and the host property. The proposal would accord with LP Policies GEN1 and URB16, which aim to ensure that new development protects the amenities of existing and adjoining residential uses.

Other Matters

14. Whilst not refusing the application on parking grounds, the Council has suggested a condition requiring the provision and retention of parking spaces. On my site visit I observed that on-site parking is currently provided to the front of the appeal property to the south side of the front porch. However, this is not shown on the application drawings. The appeal proposal includes the

provision of a new parking space to the north side of the dwelling, and the Council has raised no objection to this space. Notwithstanding the neighbour concerns, I find that the replacement of soft landscaping with a parking space in this location would not be harmful to the street scene, since hardstanding parking areas directly in front of houses is a characteristic of Hatts Close. The Council has confirmed that the appeal property was originally approved with one parking space. I am therefore proposing a condition requiring the provision, and future retention, of the proposed single parking space shown on application drawing 02A, in order to ensure adequate parking provision for the resulting four-bedroomed appeal property.

15. In response to neighbour objections, whilst the construction process may be disruptive, it would be short term and is not a reason to withhold permission. Structural damage and damp issues are not matters for consideration under this appeal.

Conditions

16. I have considered the Council's suggested conditions in accordance with the national Planning Practice Guidance. In addition to the standard implementation condition, it is necessary to define the plans in the interests of the character and appearance of the area. A restriction on new windows is necessary to protect living conditions of neighbours, and a condition is required to ensure the provision of adequate car parking.

Conclusion

17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR