



Appeal Decision

Site visit made on 12 August 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/D1780/D/19/3229331

103 Oaktree Road, Bitterne, Southampton SO18 1PJ

- 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 Jayne Potheary against the decision of Southampton City Council.
 - The application Ref 19/00245/FUL, dated 16 February 2019, was refused by notice dated 12 April 2019.
 - The development proposed is a rear first floor extension, external store & internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a rear first floor extension at 103 Oaktree Road, Bitterne, Southampton SO18 1PJ, in accordance with the terms of the application Ref 19/00245/FUL, dated 16 February 2019, subject to the conditions set out below.
 - 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: 01 A Location Plan & Block Plan; 02 A Existing Floor Plans; 03 A Existing Elevations & Sections; 04.1 A Proposed Plans; 05.2 A Proposed Elevations & Sections.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted.

Main Issues

2. The main issues are the effect that the proposed extension would have on the living conditions of the occupiers of the neighbouring property, 105 Oaktree Road (No 105), with particular reference to outlook and on the privacy of the occupiers of neighbouring properties.

Reasons

3. Guidance in Southampton City Council's Residential Design Guide (2006) (RDG) states that extensions should ensure that access to natural light, outlook and privacy is maintained for existing occupants and neighbours in their homes and gardens. The Council is concerned that the habitable rooms of the neighbouring property, 105 Oaktree Road (No 105) would not receive satisfactory outlook as a result of the proposal.
4. The RDG seeks to ensure that extensions do not adversely affect a neighbour's outlook or daylight. It uses the "45 degree rule" to help assess the potential impact a development may have on adjoining properties. I saw on my visit that there are several windows in the side elevation of No 105 and that these windows are already compromised to a certain extent by overshadowing from the side elevation of the two-storey appeal property.
5. At ground floor level there are two openings, which according to the plans, serve the lounge and the kitchen/diner. Above these are windows to two bedrooms. The windows to the lounge and one bedroom face towards the rear garden whilst the windows to the kitchen and further bedroom face towards the two-storey flank elevation of the appeal property. Both windows to the lounge and kitchen/diner appear to be secondary windows with the main larger openings serving these rooms facing the front and rear of the property. Accordingly, the living conditions of the neighbouring occupier using these rooms would not be unduly compromised by the addition of the proposed first floor extension.
6. However, according to the drawings, the two windows at first floor level provide the sole point of entry for light to two of the bedrooms. I note from the plans that the proposed extension would encroach upon a line drawn at 45 degrees from the nearest quarter point of the rear facing bedroom window. It is acknowledged that the proposed extension would exceed the guidance here and would remove part of the wider outlook from that room and reduce daylight to a degree. A sun-path study has been provided by the appellant to demonstrate the effect of the proposal on No 105 at certain times throughout the year. The study shows the effect, in terms of shadowing, on No 105 would be limited and from the evidence before me, I do not see any reason to take a contrary view.
7. Notwithstanding that there would be some technical conflict with the RDG, the separation gap between the appeal property and No 105 plus the open aspect provided by the generous back to back distance to the properties beyond, would ensure a reasonable outlook remained for the occupiers of No 105. In addition, due to the limited scale of the proposal; the siting away from neighbouring boundaries; and design, with lower ridge and eaves, I do not consider that it would appear as an overly dominant or overbearing addition when viewed from the neighbouring properties.
8. The effect on outlook and light on the occupiers of the neighbouring property to the southwest, 101 Oaktree Road, would be less significant, due to the position of windows and compass orientation. Additionally, the positioning of the proposed extension would not infringe upon the 45 degree line drawn from the rear first floor window.

9. Turning to the matter of a loss of privacy for the occupiers of neighbouring properties, the extension, although projecting further towards the rear would not unduly affect privacy. A degree of mutual overlooking can be expected between residential properties in built-up areas and this can be seen at present here. The proposal would not worsen the situation or have a detrimental impact upon the privacy currently enjoyed by the occupants of neighbouring properties.
10. Among the considerations of saved Policy SDP1 of the City of Southampton Local Plan Review (as amended 2015) (LP), the Council seeks to improve the quality of life for the citizens of Southampton. Saved Policies SDP7 and SDP9 of the LP have more particular regard for the character and/or appearance of an area, the effect of scale, massing and appearance. Core Strategy (as amended 2015) Policy CS13 is an overarching policy to promote a built environment which will impact positively on its citizens.
11. Notwithstanding that there would be some technical conflict with the RDG, from the evidence before me I am satisfied that the development would not have a detrimental impact upon the living conditions of the occupiers of the neighbouring properties and would not result in unacceptable harm. Consequently, the proposed extension would accord with the above-mentioned policies.

Conditions

12. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I agree this latter condition would be appropriate in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved plans to provide certainty. There is exceptional justification for the removal of specified permitted development rights in the interests of the living conditions of the occupiers of the neighbouring properties, based on my deliberations set out above.

Conclusion

13. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be allowed.

S Hanson

INSPECTOR