
Appeal Decision

Site visit made on 25 September 2019

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/N1730/D/19/3233300
73 Kings Road, Fleet GU51 3AS

- 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 Andrew Till against the decision of Hart District Council.
 - The application Ref 19/00426/HOU, dated 26 February 2019, was refused by notice dated 25 April 2019.
 - The development proposed is the removal of a garage and shed and proposed detached garage and hobbies room.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage and hobbies room at 73 Kings Road, Fleet GU51 3AS in accordance with the terms of the application, Ref 19/00426/HOU, dated 26 February 2019, and the plans submitted with it 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 only in accordance with the following approved plans: Location Plan, Existing Block Plan and Proposed Block Plan all numbered 5145B and Drawing Nos. SJS/2018/17/1/R and SJS/2018/17/2.
 - 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) The development hereby permitted shall remain ancillary to the residential occupation of 73 Kings Road.

Main Issues

2. The main issues are the effect of the development on: a) the character and appearance of the area; and b) on the living conditions of the occupiers of the adjacent property with regard to outlook.

Reasons

Character and appearance

3. The appeal site is a substantial property set in a large plot, its appearance is relatively discreet given the extent of vegetation along the road frontage.

There is an existing double garage and outbuilding on the site which occupies the gap between the appeal property and No. 71 Kings Road. The existing structure is in a poor state of repair though appears to have been flat roofed with the shed having a shallow pitched roof.

4. The proposed garage would be pitched roofed sloping away from the side boundary. The proposed structure would be simple in its appearance and be constructed in facing brickwork and tiled roof which would reflect the existing house. Whilst the footprint of the proposed building would be greater than the existing garage it would occupy the same general footprint of existing buildings and would not be significantly more prominent in views from Kings Road than the existing garage.
5. In views from the adjacent garden the roof slope would be visible above the existing timber boundary fence along with the top few courses of brickwork however the roof would angle up away from the boundary and the effect would not be untypical in the area.
6. The Hart Urban Characterisation and Density Study characterises the area as a mixed period development with Late Victorian and Edwardian houses standing out as of particular interest. The appeal property may be within a group of buildings which are of particular interest with a medium sensitivity to change but this does not preclude the construction of ancillary buildings.
7. I find that the proposal is of a scale which would not be out of place in the locality in providing a double garage and hobbies room. In the context of the existing structures and the available screening it would represent a relatively modest increase in size even though the roof would be pitched rather than flat and therefore more visible. Although larger in scale than the existing garage the proposed building would, in my view, appear unassertive being set well back into the site. It would therefore effectively blend into the townscape; it would not be out of keeping with the general pattern of development in the area.
8. Consequently, the proposal would not conflict with Policies GEN1 and GEN4 of the Hart District Local Plan (Replacement) 1996-2006 or the guidance set out in the National Planning Policy Framework which together seek to ensure developments are in keeping with local character and where they sustain or improve the urban design qualities of the town.

Living conditions

9. There is no dispute on the issue of impact of the development on the amenity of the adjacent property with regard to overlooking as there are no openings proposed in the roof. Openings in the walls are on proposed on the rear and side elevation which face the appellants' property and garden. Whilst the roof would be more visible than the existing structure from No 71 Kings Road this would not be of such magnitude as to warrant the withholding of permission. No substantive evidence has been provided to show that the proposed building would overshadow No 71 to an unacceptable degree
10. For these reasons the proposed development would not adversely affect the living conditions of the occupiers of 71 Kings Road and would not therefore conflict with saved Policy URB16 (ii) which seeks to ensure that extensions do

not materially detract from the amenities of adjoining dwellings by virtue of siting or massing.

Other matters

11. In reaching my findings I have taken into account the representations made by the neighbour and viewed the proposal from the neighbours' property. Whilst a request to lower the height of the roof by a metre has been made (rather than the 5 metres proposed) I do not regard this to be necessary or warranted given the proposed pitch of the roof rises away from the boundary and would not unacceptably affect the outlook from the adjacent property.

Conditions

12. The Council has suggested conditions which I have considered in light of Government guidance. A standard commencement condition, a condition specifying the approved drawings, and a materials condition are necessary and reasonable to comply with statutory guidance and in the interests of clarity and precision, they would also ensure that the development protects the character and appearance of the area.
13. In addition to standard conditions the Council has recommended two conditions regarding the accommodation remaining ancillary to the host property and a further condition to prevent the building being sold off separately. As these conditions effectively seek the same end it is not necessary to impose both. I shall impose that which relates to ancillary use in the interests of clarity and because the use of the building as a separate unit would require further consent to be sought.

Conclusion

14. For the reasons given above, and taking into account all matters raised, the appeal is allowed.

Janet Wilson

INSPECTOR