



Appeal Decision

Site visit made on 19 November 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/X1735/D/19/3235984

77 The Brow, Waterlooville PO7 5BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M Ayling against the decision of Havant Borough Council.
 - The application Ref APP/19/00311, dated 26 March 2019, was refused by notice dated 12 June 2019.
 - The development proposed is single storey garage extension.
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Decision

1. The appeal is allowed, and planning permission is granted for single storey garage extension at 77 The Brow, Waterlooville PO7 5BY, in accordance with the terms of the application, Ref APP/19/00311, dated 26 March 2019, and the plans submitted with it, subject to the following 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: Proposed block plan (3010.19.BT), 3010.19.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers of 75 The Brow, with regard to outlook.

Reasons

3. Located within an established residential area, the appeal site comprises a two-storey detached dwelling with an attached single garage set away from the side boundary shared with no 75 The Brow (no 75). This neighbouring dwelling sits at a lower level than the appellant's property.
4. The main parties have referred to a largely similar extension, which was previously approved by the Council in August 2010¹. Limited information has been provided in respect of this particular approval. I also note that the unimplemented permission, which was granted prior to the publication of the

¹ Local Planning Authority Reference APP/10/00289.

National Planning Policy Framework (the Framework), as well as the adoption of the Havant Borough Local Plan - Core Strategy² (CS) and the Council's Design Guide SPD³, is no longer extant. This limits the weight which can be afforded to this previous consent.

5. The depth and height of the extension would be similar to the existing garage, which is visible from no 75. Despite the proposal's proximity to the boundary shared with this neighbouring property and the changes in level, the eaves height would not appear excessive, and the sloping nature of the mono-pitched roof would ensure that the proposed development does not appear overbearing. It is also noted that the garden of this neighbouring property is relatively large, and the siting of the proposed development would therefore ensure that it does not appear visually intrusive to the occupiers of no 75 and adversely affect their enjoyment of their private outdoor space.
6. Furthermore, the window serving the kitchen of no 75 lies at reasonable distance from the boundary shared with the appellant's property, which would ensure that there would be no significant loss of outlook for the occupiers of this neighbouring property as a result of the proposal. The Case Officer's report confirms that light levels would be unlikely to be affected by the proposal, which would comply with the 45 degree line guidance outlined within the Council's Design Guide SPD.
7. For these reasons, I conclude that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring occupiers of no 75, with regard to outlook. Consequently, there would be no conflict with CS Policy CS16 or the Council's Design Guide SPD, which seek to ensure that development proposals do not cause unacceptable harm to the amenity of neighbours, notably through outlook. Additionally, the proposal would accord with the Framework.

Other Matters

8. Concerns have been raised by interested parties in respect of the effect of the proposal on property values. It is however a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

9. In addition to the standard time limit, I have imposed a condition specifying the relevant drawings, as this provides certainty. The requirement to use materials matching the existing property is considered necessary to safeguard the character and appearance of the area.

Conclusion

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

S Edwards

INSPECTOR

² March 2011.

³ December 2011.