

Appeal Decision

Site visit made on 13 December 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal Ref: APP/X1735/D/19/3240030

2 Capel Ley, Waterloooville PO7 5PU

- 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 M Robinson against the decision of Havant Borough Council.
 - The application, Ref. APP/19/00595, dated 5 June 2019, was refused by notice dated 9 October 2019.
 - The development proposed is a single storey rear extension, hip to gable enlargement and insertion of rear dormer window.
-

Application for Costs

1. An application for costs was made by Mr and Mrs M Robinson against Havant Borough Council. This is the subject of a separate Decision.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the host dwelling and its surroundings, and (ii) the effect on the living conditions for the occupiers of No. 1 Capel Ley as regards outlook and light. Within these issues the appellants have referred to the presence of a 'fall-back' position that is considered to weigh in their favour in terms of the overall planning balance.

Reasons

4. On the first issue I saw on my visit that the appeal property is a semi-detached bungalow at the head of a small cul-de-sac that includes other dwellings of a similar character, albeit that No. 5 is noticeably different because of its detached form and front gable.
 5. The officer's report refers to the loss of symmetry with No. 1 that would occur with the hip to cropped gable / half hipped enlargement, the loss of the chimney and the introduction of the roof lights. It is however concluded, correctly in my view, that the particular setting of the property and the variety in roof form exhibited by No. 5 are such that this element of the scheme would have a relatively modest impact on the street scene and thereby be acceptable.
-

6. However, as regards the proposed 'dormer' to the rear, this would be flat-roofed, extend almost the full width of the original roof plus the hip to gable extension and project beyond the existing eaves line onto the existing ground floor rear extension. And irrespective of whether it can reasonably be described as a 'dormer', the combination of the size and design of this proposed rearward first floor extension clearly brings this part of the scheme into clear conflict with the Council's Design Guide SPD as a result of its visual impact both on No. 2 itself and on the overall building comprising the pair of dwellings.
7. The officer's report describes the proposed rear extension as projecting about 7.8m beyond the existing rear extension with some effective increase in height the further it projects from the existing dwelling due to a fall in the land level. The additions in total would more than double the dwelling's original depth and run alongside the majority of the rear garden boundary with No. 1. The pitched roof would combine with this length to reduce the perception of subservience.
8. The single storey extension would be read with the first floor addition as a disproportionate and unsympathetic addition to the host building. I agree with the Council's objection that when taken as a whole this would be contrary to the Design Guide and have a harmful effect on the character and appearance of the dwelling and its surroundings. I acknowledge that the grounds of appeal refer to other alterations to buildings in the locality, including one particularly unfortunate roof extension in Shillinglee. But I do not consider that there is sufficient reason for these factors to preclude the appeal proposal from being assessed on its individual merits.
9. There is some mitigation to this harm as the additions would be seen mainly in private views from surrounding properties and their gardens rather than the public realm. However, from my visit to the site I am satisfied that the extensions as a whole would draw the eye and be visually intrusive in these private views. The proposed rear elevation of the appeal scheme illustrating the change in roof shape, the large flat roof dormer and the pitched roof extension shows just how much this combination has changed the original building's form and facilitates an appreciation of the extent of the contrast with the adjoining No. 1. And in my view it is reasonable to conclude that in terms of the first main issue, the harm caused would be sufficient to result in an unacceptable conflict with Policy CS16 Part 1 of the Havant Borough Local Plan Core Strategy 2011 ('the Local Plan') and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019 ('the Framework').
10. Turning to the second issue of the effect on the occupiers of No. 1, the fact that the appeal dwelling is one half of a semi-detached pair inevitably forms a potential constraint on the form and scale of development. In this instance No. 2 lies to the south of No. 1 and the latter has a bedroom window close to the boundary.
11. Given this relationship I am satisfied that the combination of the large first floor extension and the elongated single storey extension close to the boundary would significantly affect the outlook from the bedroom window of No. 1 and from a substantial part of that dwelling's rear garden as a result of the increased degree of enclosure. The perception of enclosure and loss of outlook would be made worse because of the modest size of No. 1's rear garden. I also

- consider that there would be a reduction in sunlight and daylight, especially in the late afternoons and on summer evenings. This loss of light and increase in enclosure would unacceptably affect the living conditions as regards outlook and light for the occupiers of No. 1 and be contrary to Local Plan Policy CS16 Part 1(e); the Council's Design Guide, and paragraph 127f) of the Framework.
12. For the appellant the issue of a 'fall back' under permitted development has been raised and I agree that in the form of the Certificate of Lawful Development dated 23 May 2019 this is a material consideration in this case. However, given the substantial harm and conflict with local and national policy that in my view the appeal scheme would cause, for the permitted development in the fall-back to outweigh my findings and enable the appeal to succeed it would need to have either essentially the same effect or one that is worse in terms of one or both of the main issues.
 13. As regards the effect on the character and appearance of the host dwelling and its surroundings, the fall-back has a smaller dormer that would be more proportionate to the existing bungalow. Furthermore, the flat roof of the single storey rear addition and the detached summer house would also read as being more appropriately subservient to the host building. In terms of the effect on the outlook and light enjoyed by the occupiers of No. 1, again the overall more restrained scale of development would assist in 'reducing' the degree of enclosure and loss of daylight and sunlight that would occur as a result of the appeal scheme.
 14. In this context I acknowledge the appellants' analysis that the fall-back scheme is 0.4m higher than the appeal proposal at its closest point to No. 1 which in the fall-back is the actual boundary whereas in the appeal scheme it would be set back 0.45m. However, the fact that the appeal proposal does not have a height of 2.5m until 1.3m from the boundary does not alter the point that the maximum height of the appeal extension (the apex of the pitched roof) would be 3.5m and it is this measurement with its additional metre that in my view would be the more important factor in restricting light and creating an undue sense of enclosure. Under a different permitted development scheme this height could be exceeded by 0.5m but because this could not be closer than 2m from the boundary it lacks credibility as a fair and reasonable comparison.
 15. The proposed side elevations for the appeal scheme on the one hand and the chosen permitted development fall-back on the other in my view show that in respect of both main issues the former would have a much more substantial impact. Accordingly, the fall-back does not in my view weigh favourably for the appellants in the planning balance. I have also had regard to the objections from residents of Shillinglee in terms of the impact of the extensions, but although I do not consider that it would cause a loss of privacy or outlook to these properties this does not overcome the main drawbacks of the appeal application.
 16. For the reasons explained above and having had regard to all other matters raised the appeal is dismissed.

Martin Andrews

INSPECTOR