



Appeal Decision

Site visit made on 4 February 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/W1715/D/19/3235093

43 Ascot Road, Horton Heath, SO50 7JP

- 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 Alison Ryan against the decision of Eastleigh Borough Council.
 - The application Ref: H/19/85831 dated 10 June 2019, was refused by notice dated 5 August 2019.
 - The development proposed is described as an 'extension to front of garage and the creation of a new second floor with small dormer windows'.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to front of garage and the creation of a new second floor with small dormer windows at 43 Ascot Road, Horton Heath, SO50 7JP in accordance with the terms of the application, Ref: H/19/85831 dated 10 June 2019, 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: 17.RYAN-HPP-SLP Location Plan and Block Plan (dated 10.06.19), 17.43AR.HP.01 Existing Floor Plans, 17.43AR.HP.02 Existing Front and Rear Elevations, 17.43AR.HP.03 Existing Side Elevations, 17.43AR.HP.04 Proposed Ground Floor Plan, 17.43AR.HP.05 Proposed First and Second Floor Plan, 17.43AR.HP.06 Proposed Front and Rear Elevations and 17.43AR.HP.07 Proposed Side Elevations.
 - 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 dwelling.

Procedural Matters

2. The Council's first reason for refusal refers to Policy DM1 of the Submitted Eastleigh Borough Local Plan 2016-2036 (SEBLP). From the evidence before me, the Examination of this Plan is still underway. Paragraph 48 of the National Planning Policy Framework (the Framework) explains that weight may be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the Framework.

3. Although the SEBLP has reached an advanced stage in its preparation the independent examination has yet to be concluded. Whilst emerging Policy DM1 is broadly consistent with the Framework, I have not been advised whether or not there are any unresolved objections to this policy. I can therefore give only limited weight to this emerging policy in my determination of this appeal.

Main Issues

4. The main issues are the effect of the proposed development on i) the character and appearance of the host dwelling and the area and ii) the living conditions of the occupiers of neighbouring properties, with particular regard to the occupiers of 15 Newmarket Close.

Reasons

Character and appearance

5. The appeal property is part of a large modern development comprising a series of culs-de-sac leading off Ascot Road with predominantly detached, two-storey dwellings. A number of the properties have double garages, including the appeal property.
6. The proposed extension to the front of the garage would extend the building towards Ascot Road. The extension would be visible when approaching the property from the north. However, the drawing of the proposed side elevations of the development indicate that the extended garage would be no higher than the existing garage and it would be seen in the context of the existing larger and higher dwelling. The extension to the garage would therefore not have a materially harmful effect on the street scene.
7. The gable end of the appeal property faces Ascot Road so the proposed dormers would be side on to the road. They would also be visible when approaching the property from the north. However, they would be small and, when approaching, would be seen in the context of the existing roof slope. Although in the top half of the roof slope, the dormers would not rise above the ridge line of the existing roof and would be set in from the gable end.
8. Although not a common feature, the appellant draws my attention to a number of examples of dormers on other properties in the area including 11 Ascot Road, and I observed a number for myself during my site visit. Whilst these were larger than those proposed and mainly above garages rather than in the main roof slope, dormer windows are not an incongruous feature of the area. Furthermore, I have not been advised that the existing roof forms in the area are of any particular merit or interest such that it is particularly desirable that they remain unaltered.
9. I therefore conclude that the proposed development would not adversely affect the character or appearance of the appeal property or the area. Consequently, I find no conflict in this respect with Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011 (EBLPR) or Policy DM1 of the SEBLP, which, amongst other things, seek to protect the character and appearance of the locality. The development would also comply in this respect with paragraph 127 of the National Planning Policy Framework (the Framework) which, amongst other things, requires planning decisions to ensure that developments are visually attractive and sympathetic to local character.

Living conditions

10. The proposed dormer windows would face the rear elevation and look over the rear garden of 15 Newmarket Close (No. 15). The Council's Quality Spaces Supplementary Planning Document (2011) (the SPD) sets out that there should be 22 m minimum distance between first floor habitable room windows (20 m minimum when both new build), plus 5 m for each additional storey. From the evidence before me, the existing separation between the first-floor windows in the main elevation of the appeal property and those in the rear elevation of No. 15 is 20 m.
11. The proposed dormers would be further away, but not the minimum 25 m required by the SPD. However, this is only guidance, and the weight I can attach to it is less than that of a development plan policy. Given that a degree of overlooking is unavoidable and to be expected in urban developments such as that in which the appeal property is located, the existing degree of overlooking of No. 15 from the first-floor windows of the appeal property and the small size of the proposed windows, in my judgement the proposed dormers would not result in materially greater harm resulting from overlooking for the occupier(s) of No. 15.
12. The occupier of No. 15 has objected to the proposed development on the grounds of its effect on the rear garden of that property and on light entering the property's kitchen and dining area. However, the drawing of the proposed side elevations of the development indicate that the extended garage would be no higher than the existing. The extension to the front is in the context of the higher and larger main dwelling behind as experienced from No. 15.
13. The proposed dormers are within the existing roof slope of the dwelling and any additional shadowing from them would be minimal. The proposed development would therefore not have a material effect on the living conditions of the occupier(s) of No. 15 in respect of being overbearing or overshadowing. I note that the Council did not refuse planning permission on the basis of these considerations.
14. I therefore conclude that the proposed development would not have a significant harmful effect on the living conditions of the occupiers of neighbouring properties, including No. 15. Consequently, I find no conflict in this respect with Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011 (EBLPR) or Policy DM1 of the SEBLP, which, amongst other things, seek to protect the living conditions of the occupiers of neighbouring properties. Nor do I find any conflict with paragraph 127 f) of the Framework which requires planning decisions to ensure that developments have a high standard of amenity for existing and future users.

Other Matters

15. The appeal property is within the Solent Disturbance Mitigation Zone, being within 5.6 km of the Solent Special Protection Areas (SPAs) which comprise the Chichester and Langstone Harbours SPA, the Portsmouth Harbour SPA and the Solent and Southampton Water SPA. The Solent SPAs are coastal and estuarine designations established on the basis of the particular value of their habitats, including mudflats, shingle and saltmarshes, which provide essential winter feeding and roosting grounds for birds.

16. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy (SRMS), a net increase in housing development within 5.6 km of the Solent SPAs is likely to result in impacts to the integrity of these sites through a consequent increase in recreational disturbance.
17. Given my conclusions on the main issues above, I am minded to allow this appeal. The proposed development is not directly connected with or necessary to the management of the Solent SPAs. It is therefore necessary for me, as the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended), to determine whether or not the proposal is likely to have a significant effect on the designated features, either alone or in combination with other plans or projects.
18. As the proposed development would not result in a net increase in housing numbers, it is my conclusion that the proposed development would not, either alone or in combination with other plans or projects, be likely to have a significant effect on the internationally important features of the Solent SPAs. I note that the Council came to the same conclusion.

Conclusion

19. For the reasons given above, the appeal is allowed, and planning permission granted subject to conditions.

Martin Small

INSPECTOR