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## Appeal Decision

Site visit made on 20 February 2020

**by Christopher Miell MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> March 2020**

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**Appeal Ref: APP/M1710/W/19/3242082**

**32 New Odiham Road, Alton, Hampshire GU34 1QD**

- 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 Stephen Murray against the decision of East Hampshire District Council.
  - The application Ref 32489/004, dated 25 June 2019, was refused by notice dated 3 September 2019.
  - The development proposed is described as 'erection of a pair of semi-detached dwellings with habitable accommodation in the roof space'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appellant has submitted amended plans with the appeal. The amended plans propose alterations to the roof design and fenestration arrangement of the proposed development. The appeal process should not be used to evolve a scheme and it is important that I determine this appeal on the basis of what was considered by the local planning authority, and on which interested people's views were sought. Therefore, I have not had regard to the amended plans as part of the determination of this appeal.

### Main Issues

3. The main issues are (i) the effect of the development upon the character and appearance of the area; (ii) the effect of the development upon the living conditions of the occupiers of Nos 32 and 32a New Odiham Road, in respect of privacy; and (iii) whether satisfactory living conditions would be provided for future occupiers of the proposed development, in respect of privacy, outlook, and daylight and sunlight.

### Reasons

#### *Character and appearance*

4. The appeal site is occupied by a pair of two-storey semi-detached dwellings, which are of a traditional design with a hipped roof form. It is proposed to erect a pair of semi-detached dwellings to the rear of the existing buildings, which would be served via an alleyway from the front garden of Nos 32 and 32a New Odiham Road. The proposed development would feature two floors of accommodation with the first-floor accommodation located within a crown roof.

5. The surrounding area has a suburban residential character and there are a variety of property types along the eastern side of New Odiham Road, which are predominately large two-storey detached dwellings of a traditional design set within generous plots with large rear gardens. The dwellings are laid out in a linear pattern behind front gardens, which typically provide off-street parking. This creates a spacious character which contributes positively to the local distinctiveness of the area.
6. The existing dwellings at the appeal site have a shared front garden area, which provides off street parking, and a large rear garden that slopes upwards towards the rear boundary. When viewed from the street, the existing properties at the appeal site appear as one dwelling. Therefore, the existing dwellings at the appeal site are in keeping with the prevailing pattern of development.
7. On the other side of New Odiham Road, there is a large scale new residential development which is currently under construction. The dwellings which have been built are of a traditional design in keeping with the local vernacular. However, the density of the new build estate is noticeably higher than the development on the eastern side of New Odiham Road. Therefore, I consider that the respective sides of New Odiham Road have a different character.
8. The proposed dwellings would be located to the rear of the host building and would not have a road frontage, which would be a departure from the prevailing pattern of development within the local area whereby properties on the eastern side of New Odiham Road are typically detached dwellings with road frontages and large rear gardens. Therefore, the proposal would cause significant harm to the character and appearance of the area.
9. Furthermore, the proposed development would result in the sub-division of the residential gardens of Nos 32 and 32a to create four smaller plots for the existing and proposed dwellings, all of which would be significantly smaller than most of the other properties on the eastern side of New Odiham Road. As such, the proposed development would have a cramped appearance, which would be out of keeping with the area's existing spacious character.
10. In addition to the above, the design of the proposed dwellings, particularly the bulky crown roof form, would be at odds with the surrounding properties that are predominately two-storey and of a traditional appearance with hipped or gable roof forms. Whilst I acknowledge that the neighbouring flatted block has a flat roof element, when viewed from the appeal site and the street, the development has a hipped roof appearance. Therefore, the design and roof form of the neighbouring flatted block and the proposed development are not comparable.
11. The appellant argues that the proposed development would make efficient use of land. To this regard, I recognise that paragraph 122(d) of the National Planning Policy Framework (the 'Framework') states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change. In this instance, I have found that the proposal would not maintain the area's prevailing character. Moreover, based on the evidence before me, the appeal site is not within an area where the development plan specifically promotes regeneration and change.

12. The appellant points out that there are several backland and infill developments within Alton, which are located to the rear of existing properties, including a development at 'Buttery's Court' that features mansard roofs. However, I am not aware of the particular circumstances in relation to those cases. Nevertheless, the developments are located a considerable distance away from the appeal site. As such, the developments would not be seen in the context of the appeal site and would not therefore contribute directly to the distinctiveness of the local area.
13. For the reasons set out above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policy CP29 of the East Hampshire District Local Plan: Joint Core Strategy (2014) (the 'LP'), which requires development proposals to respect the character, identity and context of the district's towns, villages and countryside. In addition, the proposal would not accord with Policy DE2 of the Alton Neighbourhood Plan (2016) which states that all development in Alton will be required to seek exemplary standards of design and architecture with a high quality external appearance that respects those characteristics of its setting.
14. Given the above, the proposal would also be inconsistent with paragraph 127(c) of the Framework, which requires development to be sympathetic to the local character.

*Living conditions of neighbouring occupiers*

15. Owing to the sloping topography of the appeal site, the ground floor windows on the front elevation of the proposed dwellings would overlook the rear gardens of the host properties. The Council argue that the proposed dwellings would be located thirteen metres from the rear elevation of Nos 32 and 32a. The appellant disputes the Council's calculation and states that the distance would be fourteen metres.
16. Even if I were to take account of the higher figure of 14 metres, the proposed dwellings would still be situated in close proximity to the host properties and their rear gardens. Given the sloping topography of the appeal site and the limited separation distance, the ground floor windows would permit clear views from an elevated position, at a close proximity, into the rear gardens of No 32 and 32a. Consequently, the proposed development would create harmful levels of overlooking into the rear gardens of Nos 32 and 32a, which would result in a significant and detrimental loss of privacy for the occupiers of the neighbouring properties.
17. I acknowledge that high-level screening could be erected along the shared boundary with Nos 32 and 32a to reduce the extent of overlooking from the ground floor windows of the proposed dwellings. However, the effectiveness of the screening would be limited because the access to the proposed development would be to the front of the proposed dwellings through the rear gardens of Nos 32 and 32a, which would prevent the total enclosure of the front boundary of the proposed development.
18. The appellant points out that the rear gardens of Nos 32 and 32a are already overlooked by the rearward facing first and second floor windows on the neighbouring flatted block. However, the views of the rear gardens from the neighbouring property are from an oblique angle, whereas the proposal would

allow direct views from an elevated position. In any event, existing overlooking does not provide justification to allow further harm, which would result from the appeal proposal.

19. I recognise that similar levels of overlooking may exist within other developments within the wider Alton area. However, I am not aware of the particular circumstances in relation to those cases. In any event, I must consider the appeal proposal on its individual planning merits. Therefore, given the harm which I have identified, the other developments do not provide a compelling precedent for allowing the appeal.
20. For the reasons outlined above, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of Nos 32 and 32a New Odiham Road, in respect of privacy. As such, the proposal would not accord with Policies CS27 and CS29 of the LP which state that development will not be permitted if it would have an unacceptable effect on the amenity of the occupiers of neighbouring properties through loss of privacy or through excessive overshadowing; and that the layout and design of development is appropriate and sympathetic in terms of its relationship to adjoining buildings.

*Living conditions for future occupiers*

21. The proposed dwellings would feature bedrooms within the roof level, each of which would be served by a rooflight positioned within the upper section of the crown roof. An annotation on the proposed plans states that the rooflight windows would have opaque glazing. However, no further details have been provided relating to the level of opacity.
22. Each of the bedrooms would have a single aspect outlook towards the sky. However, the extent to which a skyward outlook could be achieved would be restricted by the level of opaque glazing. In any event, and even if clear glazing was proposed, owing to the size and positioning of the proposed rooflights, the outlook from the respective bedrooms would be severely restricted, which would create a dark, gloomy and oppressive living environment for future occupiers of the proposed development.
23. In addition to the above, given the limited separation distance between the proposed dwellings and the host properties, future occupiers of the proposed development would have limited privacy. As set out previously, I acknowledge that high-level screening could be erected along the shared boundary with Nos 32 and 32a, which would reduce the extent of overlooking. However, the effectiveness of such screening would be limited due to the positioning of the proposed access to the front of the proposed dwellings, which would prevent the total enclosure of the front boundary of the proposed development. In addition, given the limited distance between the front boundary of the appeal site and the frontage of the proposed dwellings, I consider that such an approach would reduce the outlook from the ground floor windows on the front elevation of the proposed dwellings to an unacceptable degree.
24. For the reasons outlined above, I conclude that the proposed development would not provide satisfactory living conditions for future occupiers of the proposed development, in respect of privacy, outlook, and daylight and sunlight. As such, the proposal would not accord with Policies CS27 and CS29

of the LP which state that development must not result in pollution<sup>1</sup> which prejudices the health and safety of communities and their environments; and that the layout and design of development is appropriate and sympathetic in terms of its relationship to adjoining buildings. Accordingly, the proposal would also be inconsistent with the requirements of paragraph 127(f) of the Framework, which requires that development does not have an adverse impact on the amenities of existing and future occupants.

### **Other Matters**

25. The provision of two dwellings, near to local services and public transport links would make a positive contribution to the Council's housing land supply which weighs in favour of the proposal. Furthermore, I note that the proposal would lead to the development of land within a built-up area as opposed to the open countryside. However, none of these matters would overcome the very weighty conflict with the identified development plan policies as outlined in the main issues above.
26. The appellant explains that the proposed development has been designed to maximise solar gain and reduce energy consumption. Whilst this may be the case, such benefits would not overcome or outweigh my conclusions on the main issues.
27. None of the other matters alter or outweigh my overall conclusion below.

### **Conclusion**

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

*Christopher Miell*

INSPECTOR

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<sup>1</sup> Paragraph 7.55 of the supporting text of Policy CP27 of the LP, states that pollution has an impact upon human health and amenity. The specific areas for concern in relation to pollution includes privacy and daylight.