
Appeal Decision

Site visit made on 15 June 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/M1710/D/20/3247161

111 South Lane, Clanfield, Waterlooville PO8 0RY

- 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 & Mrs T Hearn against the decision of East Hampshire District Council.
 - The application Ref 22358/016, dated 13 November 2019, was refused by notice dated 3 January 2020.
 - The development proposed is extension to existing garden store/garage including windows at first floor level and habitable accommodation. (Part alternative to 22358/014).
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Decision

1. The appeal is allowed and planning permission is granted for extension to the existing garden store/garage including windows at first floor level and habitable accommodation at 111 South Lane, Clanfield, Waterlooville PO8 0RY, in accordance with the terms of the application ref: 22358/016, dated 13 November 2019, subject to the conditions set out in the schedule at the end of this decision letter.

Preliminary Matters

2. I have taken the names of the appellants from the planning application form, although I note a Christian name has been provided on the planning appeal form.
3. The appeal site has been subject to a previously allowed appeal¹ that granted planning permission to extend the existing garden store/garage. It is clear from the evidence that the proposal would be the same as that of the previous proposed development with regard to its siting, size, scale and design apart from two changes to the proposal. This proposal seeks to incorporate first floor windows within the north and south elevations. This proposal also seeks to utilise the first floor for habitable accommodation purposes without a previous condition imposed that restricted the roof space to be used for incidental domestic storage purposes only.

¹ Appeal Ref: APP/M1710/D/19/3231738

Main Issue

4. The main issue in this case is the effect of the extension to existing garden store/garage including first floor windows and habitable accommodation upon the character and appearance of the host building and that of the surrounding area.

Reasons

5. The Council's reason for refusal centres around the position, two storey nature and appearance of the proposal and contends that it would not have an appearance consistent with an ancillary domestic outbuilding as it would not appear as a subservient ancillary garage. In terms of its position and the two-storey nature of the outbuilding, the proposal would, however, be the same as that previously allowed at appeal.
6. In considering the previous appeal the Inspector had regard to the similar large detached garages abutting the back edge of pavement at 109 South Lane and 146 Drift Road. The Inspector concluded that the proposal would satisfactorily relate to and complement the existing dwelling, whilst its siting forward of the established building line would be in keeping with the detached garages of the houses to either side. From my own observations I concur with the previous Inspector in respect of the proposal's positioning and two storey nature.
7. The inclusion of the gable windows would make a minor change to the overall appearance of this building. To my mind this would not have a significant visual impact on the appearance of the outbuilding. I see no substantive reason why this change to the outbuilding would negate its appearance as a subservient ancillary building within the grounds of the existing dwelling. It has been contended that this change would not reflect that of other ancillary buildings close by. However, I observed that the design and appearance of those ancillary buildings vary and, as such, there is no prescriptive regularity to the appearance of the outbuildings in the surrounding area.
8. Turning to the use of the first-floor level for habitable purposes. The previous Inspector commented that the enlarged garden store/garage building would be located where a new dwelling would not normally be permitted. I agree with this view. By imposing Condition 3 this restricted the building to be used for purposes incidental to the residential use of the main dwelling. Condition 3 would also prevent its habitation as an independent household and occupation as a separate dwelling, therefore, this would prevent the creation of a new dwelling.
9. Condition 4 imposed requires that the first-floor space be used for incidental domestic storage purposes only and not for habitable accommodation. This was in the interests of the amenities of the area. Notwithstanding this, I note that none of the conditions imposed would limit the ground floor to a particular use/purpose or prevent it from being used as accommodation incidental to the residential use of the main dwelling. Nonetheless, the Council is concerned that if the first floor were to be used as habitable accommodation the outbuilding would no longer appear as a subservient ancillary building.
10. By virtue of imposing Condition 3 those accessing and using the first-floor accommodation would relate to persons connected with the existing host dwellinghouse. Utilising the first-floor of the outbuilding for domestic purposes

would not be out of keeping with the existing residential use of this site. Other than the proposed gable windows the physical nature of the outbuilding would not change. I, therefore, do not consider that using the first floor for residential purposes would appreciably change the residential character of the appeal site or the subservient appearance of the outbuilding.

11. Consequently, I do not consider the use of the first floor for ancillary residential purposes by the occupiers of the existing dwellinghouse would be harmful to the character and appearance of the host dwelling or the area. Accordingly, I do not consider that there is a substantive need or justification to limit the use of the first floor to incidental domestic storage purposes only.
12. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the host building and that of the surrounding area. The proposal, therefore, would not conflict with Policy CP29 of the East Hampshire District Local Plan (EHDLP): Joint Core Strategy 2014, Policy HE2 of the EHDLP: Second Review 2006 and the EHDLP: Residential Extensions and Householder Development Supplementary Planning Document (SPD) 2018. These policies and SPD require, amongst other matters, development to respect the character, identity and context of the district's towns, villages and countryside; be appropriate and sympathetic to its setting; and, outbuildings to be subservient to the main dwelling.

Other Matters

13. The first-floor window facing 146 Drift Road would direct outlook toward the roof of the garage of that property, albeit some oblique views toward the frontage of that property could be achieved. Nonetheless the proposal would be some distance from the front elevation of No 146. The separation and orientation of outlook would not give rise to any significant overlooking that would result in a harmful loss of privacy to the occupiers of that property. Given the separation between developments I do not consider the proposal would substantially reduce light to No 146. On the available evidence the proposal would not appear to affect any trees in the locality.

Conditions

14. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the National Planning Policy Framework (the Framework) and the advice in the Planning Policy Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development be carried out in accordance with the approved plans.
15. A condition requiring the development to be constructed in accordance with those details specified within the proposal is necessary in the interests of the character and appearance of the area.
16. The enlarged garden store/garage building would be located where a new dwelling would not normally be permitted. Although not suggested by the Council, I consider, for those reasons discussed above, a condition is necessary to ensure the outbuilding would only be utilised incidental to the residential use of the host dwellinghouse and that it would not be let, sold separately or severed from that host property. The previous Inspector also considered such a condition to be necessary for the same reason.

17. For those reasons discussed above, I do not consider a condition restricting the habitable use of the first floor of the enlarged garden store/garage building and/or requiring it to be used for incidental domestic storage purposes only to be necessary.

Conclusion

18. Having regard to the above the appeal should be allowed.

Nicola Davies

INSPECTOR

SCHEDULE

CONDITONS

- 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: Drawing numbers 18/33/04 and 18/33/08 Revision B.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those detailed at section 5 of the planning application form and/or those shown/detailed on drawing number 18/33/08 Revision B.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) the enlarged garden store/garage building hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of 111 South Lane, Clanfield, Waterlooville, Hampshire PO8 0RY, from which it shall not at any time be let, sold separately or severed.