



Appeal Decision

Site visit made on 7 July 2020

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

an Inspector appointed by the Secretary of State

Decision date: 13th July 2020

Appeal Ref: APP/W1715/D/20/3251266

3 Oakwood Close, Chandler's Ford, SO53 5NW

- 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 Zaed Hamady against the decision of Eastleigh Borough Council.
 - The application Ref: H/20/87294 dated 31 January 2020, was refused by notice dated 2 April 2020.
 - The development proposed is hall extension and garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for garage conversion incorporating raising of roof and single storey front extension at 3 Oakwood Close, Chandler's Ford, SO53 5NW in accordance with the terms of the application Ref: H/20/87294 dated 31 January 2020, 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 approved drawings: A Existing & Proposed Elevations, B Existing Ground Floor Plan, C Proposed Ground Floor Plan, D Location & Site Plans and Boundary Section Plan.
 - 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 description of the proposed development in the banner heading above is taken from the application form. However, I have used the description from the Council's decision notice and the appellant's appeal form in my decision as more accurately describing the proposed development.
3. The Council's reason for refusal refers to Policy DM1 of the Submitted Eastleigh Borough Local Plan 2016-2036 (2018) (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.

4. Although the SEBLP has reached an advanced stage in its preparation the independent examination has yet to be concluded. The consistency of Policy DM1 with the Framework is a matter for the examining Inspector and I have not been advised whether or not there are any unresolved objections to this policy. I therefore give only moderate weight to this emerging policy in my determination of this appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and on the street scene of Oakwood Close.

Reasons

6. Oakwood Close is a cul-de-sac comprising seven bungalows on one side, a vegetated area and stream to the other and a 3-storey block of flats at the end. Six of the bungalows, including the appeal property, are of the same distinctive design with gables to the front elevations, steep pitched roofs, the main entrance door to the side and attached flat-roofed single garages set back from the front elevations linking pairs of the dwellings. To the front of the garages are canopies providing shelter to the entrance doors, with a brick wall separating the area under the canopy of each property from that of its linked neighbour.
7. The dwellings are set back from the road which, together with the gaps between them above the garages and the further setting back of the garages, creates a sense of spaciousness. This, together with the form and design of the bungalows, gives Oakwood Close a distinctive character.
8. The proposed development is the conversion of the garage of the appeal property to habitable accommodation and the infilling of the area under the canopy to the front. The new front elevation would have a new door and window, the latter to serve a proposed WC, with a short canopy over the new front door. The roof height of the converted part would be increased slightly.
9. The proposed development would result in some alteration to the character and appearance of the appeal property through the loss of the open area under the existing canopy, the new front elevation to the converted part and the increase in height. However, the essential form and design of the dwelling would remain largely unaltered, with the distinctive front gable and steep pitched roof retained. Although slightly higher than the neighbouring garage of No.4 Oakwood Close (No.4), the flat-roofed form of the linking element would also be retained and consequently the gap between the properties above it.
10. The area to be enclosed is small and would still be noticeably set back from the front elevation of the main dwelling. It would not, therefore, significantly erode the sense of space to the frontage of the appeal property. Other than the proposed canopy over the new front door, the proposed development would not project beyond the existing brick wall between it and No.4. Consequently, it would not significantly diminish the sense of space to the side of No.4. Although the appeal property and No.4 would no longer be 'link detached' in the same way as presently, the existing pattern of development of pairs of dwellings linked by single-storey elements set back from the main front elevations would be maintained.

11. Furthermore, the enclosed area would be hidden by the appeal property and No.4 when approaching along the cul-de-sac from either direction and so would only be apparent when passing the property. It would therefore not be prominent in the street scene.
12. I therefore conclude that the proposed development would not be harmful to the character or appearance of the host property or to the street scene of Oakwood Close. Accordingly, I find no conflict in this respect with saved Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011 (2006) and emerging Policy DM1 of the SEBLP, which, amongst other things, seek to protect the character and appearance of a locality. Neither do I find any conflict in this respect with paragraphs 127 or 130 of the Framework which, amongst other things, seek to protect and improve the character and quality of an area.
13. The development would not fully comply in this respect with the guidance set out in the Council's Quality Places Supplementary Planning Document (2011) (QPSPD) which encourages symmetry. However, this is guidance rather than policy and I find no conflict with the guidance on proportions in the QPSPD given that the increase in height and depth would not be significantly different to the existing garage in relation to the dwelling as a whole.
14. I do not find any conflict either with the guidance for the Hiltingbury Road West Character Area, in which the appeal property is located, in the Chandlers Ford and Hiltingbury Character Areas Supplementary Planning Document (2005). The guidelines include that development proposals should be compatible with the character of adjacent good quality properties, fits well into the overall street scene and respects the existing building line along street frontages.

Other Matters

15. The occupier of No.4 has raised a number of concerns including the party wall between the garages, a right of way, potential structural issues, smell, loss of light and loss of privacy. However, some of these are legal matters outside my jurisdiction and the scope of this appeal.
16. With regard to the other concerns, the window to the proposed WC would ventilate to the front of the property rather than to the side facing No.4. The occupiers of and visitors to the appeal property already have to pass the window in the side elevation of No.4 to gain access to the existing main door. The increase in height of the converted part would be limited and only a small canopy would extend beyond the existing wall between the canopied areas in front of the current garages. Therefore, I do not consider that the proposed development would result in significant harm to the living conditions of the occupier(s) of No.4.
17. I have had regard to the representations made by interested parties on other matters including precedent and drainage. However, none of these matters have been determinative in this appeal.

Conditions

18. In addition to the standard time limit for commencement, the Council has suggested conditions requiring compliance with the approved plans and requiring materials to match those of the existing dwelling. I consider these to

be necessary for the avoidance of doubt and in the interests of the character and appearance of Oakwood Close.

Conclusion

19. For the reasons given above, and having regard to the other matters raised, the appeal is allowed and planning permission is granted subject to conditions.

Martin Small

INSPECTOR