



Appeal Decision

Site visit made on 3 August 2020 by Ben Phillips BSc MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/H1705/D/20/3249166

3 Inkpen Gardens, Lychpit RG24 8YQ

- 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 Shirine and Ashan Moosun against the decision of Basingstoke and Deane Borough Council.
- The application Ref 19/02901/HSE, dated 7 November 2019, was refused by notice dated 24 January 2020.
- The development proposed is described as single storey rear extension, construction of new lean to style porch, conversion of garage and part raising of roof to provide accommodation above together with loft conversion including two dormer windows and velux windows.

Decision

1. The appeal is dismissed insofar as it relates to the dormer windows. The appeal is allowed and planning permission is granted for the single storey rear extension, construction of new lean to style porch, conversion of garage and part raising of roof to provide accommodation above at 3 Inkpen Gardens, Lychpit RG24 8YQ in accordance with the terms of application Ref 19/02901/HSE, dated 7 November 2019 and 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, insofar as they relate to the development hereby permitted: Location Plan, Block plan – drawing number B.01 (B), Proposed Site Layout – drawing number P.01 (A), Proposed Floor Plans and Elevations – drawing number P.03 (A), Proposed Floor Plans and Elevations in relation to number 4 Inkpen Gardens- drawing number P.05.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Amended plans were received during the consideration of the application illustrating a reduction in the depth of the proposed single storey rear extension. The Council based their decision on these amended plans and as such I also have.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the area;
 - highway safety, with particular regard to the car parking proposed; and
 - the effect of the proposal on the living conditions of nearby occupiers, with particular regard to privacy, outlook, light and noise and disturbance.

Reasons for Recommendation

Character and Appearance

5. The appeal property is a mid-terrace/linked two storey unit located in a modern residential estate, characterised by similar and distinctive dwellings of a uniform design, scale and finish, with front projecting gables and attached garages apparent with consistent ridge heights.
6. The proposed front porch, garage conversion and the rear extension would be limited in scale and, given their siting and design, would not harm either the host property or the wider character of the surroundings.
7. However, the proposed side dormers, due to their location either side of the front gable, scale and visibility from Great Binfields Road, would be prominent, incongruous additions on this attractive property which would significantly detract from its appearance. The proposal would also be out of keeping with the surroundings and detrimental to its distinctive and cohesive existing character. The use of matching materials would not mitigate this harm.
8. Whilst there is an example of visible side dormers at No 41, they do not compare with the visual impact of the entirety of the proposal set out above. Further examples of development within the wider estate are also set out by the appellants, including the loft conversion at No 5, rear dormer at No 40 and rear extension at No 33. However, these examples are not directly comparable with the dormers proposed given their respective nature and context.
9. I acknowledge that the appellants consider that some of the work would fall under permitted development (PD) rights, and the Council do not disagree. Whilst noting the fall-back position, the proposal before me forms part of an application for planning permission, and I have assessed the proposal accordingly. In this case I find that the dormers would be harmful to the character and appearance of the area in conflict with the Development Plan. It is however clearly open to the appellants to exercise their PD rights in this regard if they so wish.
10. In light of the foregoing, I conclude that the new dormer windows would be harmful to the character and appearance of the area, in conflict with the aims

of Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029 (2016) (LP), Policy OB&L 7 of the Old Basing and Lychpit Neighbourhood Plan 2015-2029 (2018) which, along with the National Planning Policy Framework (the Framework), collectively require development to positively contribute to local distinctiveness. In addition, there is conflict with the advice set out in section 11 of the Supplementary Planning Document Design and Sustainability (2018), which states that extensions must be designed having regard to the impact on the whole street or particular group of surrounding building.

Highway Safety

11. The proposal would result in an increase in the number of bedrooms at the property and the loss of the garage parking space. The parking plan submitted show three spaces however it is understood that one (directly outside the garage) would be slightly smaller than the dimensions required, as set out by the Council's Parking Supplementary Planning Document (2018) (SPD). As such there is conflict with this SPD which sets out that in this location 3 parking spaces are required for the proposed development.
12. I observed that, whilst space immediately next to the property is tight given the layout, that there are parking opportunities nearby within the development. There were some vehicles parked in the road at the time of my visit and I observed that vehicles were able to pass them safely. I acknowledge that other parts of the day would be busier in terms of traffic movements, however no evidence has been provided to demonstrate that on-street car parking within the area causes congestion within the road or estate or has resulted in safety issues to users of the highway.
13. Accordingly, and in the absence of evidence to demonstrate otherwise, it is unlikely that on-street parking in the area has reached saturation, or that which does exist results in highway safety issues. Paragraph 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
14. Given my findings, I conclude that the parking demands that would be likely to be generated by the proposal would not have an unacceptable impact on highway safety or the flow of traffic in the locality. Accordingly, whilst there would be conflict with the standards set out in the SPD, there would be no conflict with the road safety or traffic management objectives of LP Policies CN9 and EM10. Moreover, there would be no conflict with the Framework in this regard.

Living Conditions

15. The new dormer windows would serve a shower room and stairwell. The submitted drawings show that they would be obscure glazed, a matter which could be controlled by planning condition. Accordingly, and whilst acknowledging that the windows would be visible from the neighbouring properties, I am satisfied that harm to nearby occupiers living conditions in terms of loss of privacy would not be adversely affected by this aspect of the proposal.
16. No 2 has ground and first floor elevation fenestration directly facing the existing garage projection of the appeal property at close proximity. The

proposed roof extension to the garage would have a half hip design and the additional height proposed would be small and I find that the roof extension would not be overbearing on the outlook from the rear of No 2. It is notable that the Council's Committee Report sets out that the overall impact on both the ground and first floor windows "would not be significant when compared to the existing situation". The presence of the extension in this location would not make the rear rooms of No 2, or its garden less pleasant to use.

17. The dormers, set within the existing roof scape and modest in scale in relation to the roof scape, whilst altering the appearance of the dwelling would be unlikely to be overbearing on the outlook from nearby properties, particularly given their relationship to them. Moreover, the flat roof single storey rear extension would extend above the new boundary fence by only a small amount. Its limited rearward projection and height would ensure that it would not be overbearing on the occupiers of No 4. The new porch would be located away from the party boundary with neighbouring properties and would have no impact on the living conditions of their occupiers.
18. Given the scale of the proposals and their orientation relative to nearby properties, and in the absence of substantive evidence to demonstrate otherwise, I find that the proposal would be unlikely to affect light reaching any neighbouring property to a degree that would be harmful to its occupiers' living conditions. Whilst there would be some noise and disturbance caused during the construction of the development, this would be likely to be for a short period of time and would be unlikely to be so disruptive to result in harm to the living conditions of nearby occupiers.
19. In light of the foregoing, I conclude that the proposal would not be harmful to the living conditions of nearby occupiers. Accordingly, there would be no conflict with the aims of LP Policies EM10 and EM12 which collectively seek to protect living conditions.

Other Matters

20. It is acknowledged that the proposal was recommended for approval by the Councils' planning officers however the Council's decision was to refuse the proposal for the reasons set out above. I have considered the proposal on the evidence before me and the observations made on my visit.

Conclusion and Recommendation

21. I find that the dormer windows are clearly severable from the rest of the proposal and therefore, based on my findings above, I recommend that a split decision is issued in this case, dismissing the dormer windows and allowing the single storey rear extension, construction of new lean to style porch, conversion of garage and part raising of roof to provide accommodation above.

22. For the part of the proposal that I am recommending is approved, conditions are necessary requiring that the development is undertaken in accordance with the approved drawings and that materials match the existing property, to protect the character and appearance of the area.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed insofar as it relates to the dormer windows and allowed in all other respects.

RC Kirby

INSPECTOR