

Appeal Decision

Site visit made on 9 September 2020

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/B1740/D/20/3248255

36 Mayfield Avenue, Totton SO40 3JS

- 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 and Mrs Barlow against the decision of New Forest District Council.
 - The application Ref 19/11347 was refused by notice dated 13 December 2019.
 - The development proposed is described as 'single story rear extension and alterations to existing flat roof to form pitched roof. Addition of detached single story garage in garden'.
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Decision

1. The appeal is allowed and planning permission is granted for a single story rear extension and alterations to existing flat roof to form pitched roof. Addition of detached single story garage in garden at 36 Mayfield Avenue, Totton SO40 3JS in accordance with the terms of the application, Ref 19/11347, dated 21 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: PL/01.
 - 3) The external materials to be used in the development hereby permitted shall match in colour, form and texture those of the existing building.

Main issue

2. The main issue in the appeal is:
 - the effect of the single storey rear extension element of the proposed scheme on the living conditions of the adjoining property to the north east, with particular regard to outlook.

Reasons

3. The appeal property is a previously extended 2-storey detached house on the north west side of Mayfield Avenue. The shared north eastern boundary of the rear garden area is enclosed by a boundary fence approximately 1.8m in height. The proposed rear single storey extension would be across the full width of the house and approximately 6m long. Its roof would have a shallow pitch with an approximate eaves height of 2.4m and a maximum roof height of
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4m. The proposal would align with the flank wall of the appeal property would be set in approximately 0.8m of the shared north eastern boundary.

Living Conditions

4. Policy 13 of the New Forest District Local Plan Review 2016-2036 seeks amongst other things to ensure new development avoids 'unacceptable effects by reason of visual intrusion or overbearing impact'. I have therefore carefully considered the Council's representations in relation to the effect of the proposed single storey rear extension with regard to outlook, in particular the proposed rear projection of approximately 6m.
5. I accept that the upper part and roof of the proposed rear extension would be visible from the adjoining properties side facing windows and conservatory. However, given the likely restricted field of vision from the side facing windows and the intervening close boarded fence and gate, the proposal would not materially increase visual intrusion, materially reduce light nor would it appear overbearing. Similarly, with regard to the neighbouring conservatory I consider that the bulk of the proposed rear extension would be screened by the fence and existing brick outbuilding that is located on the shared boundary within the neighbouring properties rear garden.
6. I therefore consider that there would be adequate separation and screening between the proposed single storey rear extension and the adjoining property to the north east, meaning that the proposal would not have an unneighbourly or overbearing impact on the outlook from adjoining properties, in particular the property to the north east.
7. Having reached the conclusions above the proposal would not materially harm the living conditions of the neighbouring properties and as such, the development would not conflict with Policy 13 of the New Forest District Local Plan Review 2016-2036.

Other considerations

8. In reaching my decision, I have had due regard to the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it in accordance with s149 of the Equality Act 2010. However, after taking into account the protected characteristics of the neighbour and their particular health problems, I have concluded that the proposal would not cause any significant reduction in the quality of the living conditions they currently experience.

Conditions

9. The conditions suggested by the Council have been considered in light of the advice contained within the national Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, it is necessary for certainty, to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the scheme it is necessary for the materials used in its construction to match those of the host dwelling.

Conclusion

10. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR