



Appeal Decision

Site visit made on 14 September 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/W1715/D/20/3254141

28 Brownhill Road, Chandler's Ford, Eastleigh SO53 2EA

- 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 David Green against the decision of Eastleigh Borough Council.
 - The application Ref H/20/87218, dated 20 January 2020, was refused by notice dated 29 April 2020.
 - The development proposed is 3m rear extension with interior changes.
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Decision

1. The appeal is allowed and planning permission is granted for 3m rear extension with interior changes at 28 Brownhill Road, Chandler's Ford, Eastleigh SO53 2EA in accordance with the terms of the application, Ref H/20/87218, dated 20 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 following approved plans: Proposed elevations submitted to the local planning authority at 1703 hrs on 29 August 2020.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The proposal is clearly described on the application form as a 3m rear extension but due to an error on the plans the Council has made its assessment on the basis that the roof ridge of the bungalow would be increased in height by 0.6m. The appellant has confirmed that there is no intention to raise the roofline; the mezzanine floor would be accommodated within the restricted roof space as a storage area with a vaulted ceiling over the living room. A revised plan has been submitted to reflect this explanation. No party would be prejudiced by my determining the appeal on the basis of this revised plan.

Main Issue

3. The main issue is the effect of the proposed extension on the living conditions of the occupiers of 30 Brownhill Road, with particular reference to outlook, daylight and sunlight.

Reasons

4. No 28 Brownhill Road lies within a row of similarly designed bungalows which are orientated gable-on to the road. The road is on a gradient such that No 30 is set at a lower level than the appeal site. This neighbour has a side facing kitchen window which faces towards the appeal property. The outlook from this window is severely restricted due to the proximity of No 28 and the difference in ground levels. Daylight and sunlight are also adversely affected.
5. The window fails the 45 degree rule of thumb set out in the Building Research Establishment guidelines¹ 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. The Council is concerned that the proposal would compromise daylight and sunlight further and increase the sense of enclosure within the affected room. However, in my judgement the window is already so heavily compromised that the additional mass of a 3m deep rear extension to No 28, bearing in mind the confining effect of an existing fence on the boundary, is unlikely to make a significant difference to living conditions within the neighbouring property.
6. I therefore conclude that the proposal would not cause material harm to the living conditions of the occupiers of 30 Brownhill Road. There would be no conflict with Saved Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011 insofar as it seeks to avoid undue interference with adjoining uses in respect of matters such as daylight and outlook.

Other Matters

7. The property may already have permitted development rights to construct a 3m deep extension. However, in the absence of a Certificate of Lawfulness under S192 of the Act I cannot be certain that this represents a realistic alternative to the appeal scheme. Although I have taken account of the fallback argument it is not one which has been determinative.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

¹ Referenced in the Council's 'Quality Places' Supplementary Planning Document (2011)