



Appeal Decision

Site visit made on 11 January 2021

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/C1760/D/20/3260600

23 Ferndale Road, Andover SP10 3HQ

- 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 Mrs Lucy Dominguez against the decision of Test Valley Borough Council.
 - The application Ref 20/00673/FULLN, dated 17 March 2020, was refused by notice dated 15 July 2020.
 - The development proposed is described as 'two storey & single storey rear extension & two storey side extension'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development does not include a single storey rear extension. The Council dealt with the proposal on this basis and so shall I.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 21 Ferndale Road with respect to outlook and sunlight.

Reasons

4. The appeal property is a two storey semi-detached dwelling located on the southern side of Ferndale Road. The proposal is for a two storey side and rear extension.
5. Although it would have a hipped roof to match the form of the existing building and a lower ridge height, the proposed development would nevertheless be substantial, extending around 5 metres at ground and first floor level beyond the rear elevation of the host property. It would also be positioned along the shared boundary with No 21 Ferndale Road, the neighbouring left-hand half of the pair of semi-detached properties.
6. Thus, the proposal would introduce a large expanse of flank wall along the boundary significantly greater in height than the existing boundary fence and well beyond the main rear elevation of No 21 and the single storey extension attached to its rear elevation. Although the development would not be directly to the rear of No 21, owing to its siting, size and scale, it would nonetheless be

a dominant and overbearing feature in the outlook from the windows at ground and first floor levels within the rear elevation of the property and in the outlook from the garden area immediately adjacent to its rear elevation.

7. The windows within the rear elevation of No 21 provide south-western sunlight into rooms at ground and first floor levels. The proposal would be to the west, so, by virtue of its position and scale, it would result in overshadowing to the rear elevation windows of No 21 during the later afternoon period. Consequently, the proposal would unacceptably reduce the amount of sunlight reaching the accommodation within the adjacent property.
8. For the reasons outlined above, the proposed development would cause significant and unacceptable harm to the living conditions of the occupiers of No 21 in regard to outlook and loss of sunlight. Consequently, it would be contrary to the living conditions aims of Policy LHW4 of the Test Valley Borough Revised Local Plan DPD 2016 which, amongst other things, requires that development provides for the amenity of the occupiers of neighbouring properties and does not reduce the levels of sunlight reaching existing properties to below acceptable levels.

Other Matters

9. The appellant has raised concerns about the Council's handling of the application, mainly in regard to delays to the decision-making process linked to a two year history of continued applications, the willingness of the appellant to meet and discuss the applications and attempts to alter plans in order to seek a positive outcome. However, I have determined the appeal proposal on its individual planning merits based on the evidence before me. Consequently, while I appreciate the appellant's frustration in regard to the aforementioned matters, they do not alter or outweigh my overall conclusion on the main issue.
10. An interested party has raised concerns over a number of other matters including restriction of view, natural light and construction traffic and noise associated with the proposed building works. However, as I am dismissing the appeal for other reasons it is not necessary for me to explore these other matters further.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR