
Appeal Decision

Site visit made on 5 January 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/N1730/D/20/3258596

7 The Lea, Fleet GU51 5AX

- 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 Michael Kus against the decision of Hart District Council.
 - The application Ref 20/00947/HOU, dated 25 April 2020, was refused by notice dated 22 July 2020.
 - The development proposed is described as "*part single-storey and part two-storey side and rear extension with front canopy and top porch extension*".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's appeal statement confirms that the appellant no longer intends to proceed with the front canopy and top porch extension elements of the appeal scheme. I have not been provided with copies of amended plans, and the planning appeals procedural guidance¹ (Annexe M) advises that, if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application.
3. Moreover, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have determined the appeal on the basis of the scheme which was refused by the council.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the host property and the surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of 5 The Lea, with particular reference to outlook, sunlight and daylight.

¹ Procedural Guide. Planning Appeals – England. The Planning Inspectorate August 2019.

Reasons

Character and appearance

5. The appeal property is a modern, semi-detached two storey house, located within an established suburban residential area. It has brick finished walls under a tiled hipped roof. There are single storey pitched and flat roofed additions to the side and a conservatory to the rear. Although not yet constructed, the evidence before me is that Prior Approval under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended) (the GPDO), has been granted in April 2020 for a flat-roofed single storey extension across the width of the house, as shown on the existing and proposed schemes on the planning application drawings. I have dealt with the appeal accordingly.
6. Nos.7 and 9 comprise a pair of houses which are typical of the dwellings found within this part of The Lea. Whilst not all buildings are identical in their design detailing, they comprise a series of semi-detached two-storey houses, with each pair exhibiting a strong symmetrical appearance, and having distinct gaps to each side of the building. These spaces provide a clear visual separation between the buildings and allow views through from the street to a distant green backdrop of mature trees, making a positive contribution to the street scene. This strong rhythm of development is clearly perceived from the public realm, due to the prevailing low height of front boundary enclosures.
7. The original strong sense of symmetry across nos. 7 and 9 has been maintained, including a simple hipped roof form, incorporating matching hipped roof front projections, feature brick chimneys, matching materials and regular positioning of fenestration across the front elevation. The existing side extensions to no.7 appear subsidiary in scale in relation to the building as a whole, and do not undermine the overall symmetry of the front of building as viewed from The Lea, nor detrimentally erode the space between the building and the adjacent pair of houses. As such, the appeal property is characteristic of this stretch of The Lea and makes a positive contribution to the townscape.
8. The two-storey side extension would significantly disrupt the symmetrical appearance and balance of the host building. Notwithstanding its lower ridge height and matching materials, due to its combined height, depth, massing and 'wrap-around' nature, it would amount to a scale of extension that would not respect, or appear subservient to, the modest semi-detached nature of the existing dwelling. The large expanse of unrelieved brick on the side wall, without fenestration or visual interest, would further serve to emphasise the visual dominance of the extension in relation to the host property. This impact would be apparent in views from The Lea, Richard Close and neighbouring properties
9. The two storey extension would also harmfully erode the space to the side of the house, blocking out a notable amount of the current green backdrop when viewed from the street. This would be to the detriment of the street scene.
10. The various elements of the appeal proposal, including the two-storey extension, upper porch addition, front canopy and utility room addition, would result in a variety of different roof forms and ridge heights. When viewed from

the street, these would appear as discordant additions, which would relate poorly to, and detract from, the existing simple symmetrical hipped roof form which characterises the building as a whole.

11. This incongruous impact would be compounded by the proposed repositioning of one of the first floor windows to accommodate the top porch extension, and the introduction of an additional front elevation door. Both of which would contribute to the perceived unbalancing of the front elevation through the disruption of the existing regular positioning of windows and doors across the front of the building as a whole.
12. As such, the proposal would detract from the appearance of the host property and no.9 when viewed within the context of the pair of properties, and would have a detrimental impact on the established pattern of housing which characterises the immediate locality.
13. The appellant has referred to the existence of other side extensions to properties within the road. However, I have not been provided with the addresses or planning history of these schemes, and there is no cogent evidence before me that they are similar to the appeal scheme. In any event, I must determine this appeal on the basis of the particular circumstances of the appeal site and its surroundings, and on the merits of the scheme before me.
14. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the host property and the wider surrounding area. As such, the appeal scheme would be contrary to Policy NBE9 of the *Hart Local Plan: Strategy and Sites 2016 – 2032* (2020) (the HLPSS), Saved Policy GEN1 of the *Hart District Local Plan (Replacement) 1996-2006* (2020) (the HDLP) and Policy 10 of the *Fleet Neighbourhood Plan 2018 – 2032* (2019) (the FNP). These policies, amongst other things, aim to ensure that development proposals seek to achieve a high quality design, positively contribute to the overall appearance of the area, complement and be well integrated with neighbouring properties in the immediate locality, and are in keeping with the local character by virtue of their scale, design, massing, height, prominence, layout and siting.
15. Whilst the principle of extending the building is acceptable, having regard to the location of the site within the designated settlement of Fleet, this is not unqualified, and does not negate the requirement for new development to accord with the *National Planning Policy Framework 2019* (the Framework) objective of achieving well-designed places as set out in Chapter 12. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Living conditions

16. Notwithstanding that the current occupants of 5 The Lea have raised no objection to the appeal scheme, I must consider the impact of the proposal on the living conditions of any future occupants of that property. The degree of the proposed projection of the two-storey side extension behind the line of the main rear wall of No.5 would give rise to a significant impact on the outlook from the part of the rear garden closest to that property. Due to the combined

height and depth of the proposed extension, and its proximity to the side boundary, I find that this impact would be unduly oppressive and overbearing.

17. I also consider that, due to its position roughly to the west of the rear garden of no.5 in close proximity to the side boundary, together with its proposed length, height and massing, the proposed extension is likely to result in a significant amount of overshadowing and reduction in afternoon sunlight to a large part of the private rear amenity space of that property. Notwithstanding the southerly aspect of the garden, I find that this impact would be materially detrimental to the enjoyment of No.5, having regard to the proximity of the affected part of the garden to the rear of the dwelling, a part of the garden which could reasonably be expected to be more heavily used as an outdoor amenity area leading directly off the house.
18. The Council has also raised concern that the proposal would result in a loss of natural daylight to the rear facing windows of no.5. However, this has not been supported by an objective assessment using a recognised tool for assessing daylighting impacts. Having regard to the juxtaposition of the rear windows of no.5 in relation to the proposal, and in the absence of cogent evidence to the contrary, I am not persuaded that there would be a materially harmful loss of daylight to any principal rooms served by the rear elevation windows.
19. For the above reasons, I therefore conclude that, whilst I find no material harm in respect of daylight impacts, the appeal scheme would materially harm the living conditions of the occupiers of 5 The Lea, with particular reference to outlook and sunlight impacts. As such, the development would not accord with one of the aims of HDLP Policy GEN1, which is to protect the quality of life of the District's residents.
20. This is generally consistent with paragraph 127 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

Other Matters

21. Whilst I have given careful consideration to the reasons for the appellant's desire to provide additional living accommodation, I am mindful of the advice contained in Planning Practice Guidance² that, in general, planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the aforementioned harm that I have found in respect of the main issues and the conflict with the development plan and the Framework.
22. I note the appellant's comments that the proposal would not result in harm to parking, highway safety, biodiversity and neighbour privacy. However, these are requirements of the development plan in any case, and do not outweigh my conclusions on the main issues.
23. Notwithstanding that the Framework encourages the effective use of land, and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified, and would not address, or outweigh the aforementioned harm I have identified in respect of the main issues.

² Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

24. Whilst there would be economic benefits arising from the construction of the appeal scheme, these would be limited, given the scale of the proposal and would not outweigh the harm that I have identified.
25. The appellant has referred to an increase in property value arising from the appeal scheme. This is not a matter for consideration as part of this appeal.

Conclusion

26. For the above reasons, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR