



Appeal Decision

Site Visit made on 19 July 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/W1715/D/21/3274552

2 Pine Road, Chandler's Ford, Eastleigh SO53 1LP

- 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 Purchase Construction Ltd against the decision of Eastleigh Borough Council.
 - The application Ref H/20/87640, dated 24 March 2020, was refused by notice dated 12 February 2021.
 - The development proposed is side, rear and first floor extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in July 2021. Neither main party has relied on any specific policy of the previous Framework, published in February 2019. I have taken the Framework into account in my decision.
3. In its decision, the Council referred to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review May 2006 (the LPR) and to Policy DM1 of the Eastleigh Borough Local Plan 2016-2036 (the LP). The LPR was adopted several years ago and the LP is an emerging plan. The Council's appeal questionnaire provides a 'tracked change version with initial proposed modifications – July 2019' copy of LP Policy DM1. Both policies, which refer respectively to 'design criteria' and 'general criteria for new development', are broadly consistent with relevant policies in the Framework.
4. At the prior request of the occupiers of No 67a Hiltingbury Road, I also viewed the appeal site from within the rear garden and rear ground and first floor rooms of this dwelling.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the existing occupiers of No 67a Hiltingbury Road, with regard to outlook and daylight and sunlight.

Reasons

6. No 2 Pine Road is a modest size bungalow in a low density, suburban residential part of Chandlers Ford. It has a narrow, low pitched, gable side elevation sited next to part of the short rear garden of a large chalet bungalow on a corner plot at No 67a Hiltingbury Road. This side elevation also faces

towards habitable rooms in the rear elevation of No 67a comprising a ground floor open plan dining room and kitchen and a first floor bedroom.

7. The proposal includes increasing the depth and height of the side elevation (the proposed side elevation). The ground floor of this part of the development would not be significantly different to what already exists on the appeal site. It would therefore have no material adverse impact on the use and enjoyment of the rear garden or these habitable rooms at No 67a.
8. However, the proposal would significantly increase the pitch and height of the front roof slope of No 2 and, in particular, would result in an almost two-storey vertical height to roof eaves level at the rear. Consequently, the proposed side elevation would substantially increase the scale, massing and sheer bulk of the resulting dwelling facing No 67a at first floor level. Despite being at a lower level than No 67a due to the slope of Pine Road, the siting and design of this part of the development, and its close proximity to the boundary with No 67a, would therefore be physically and visually unduly overbearing during use of the rear garden, particularly the upper part which slopes up from Pine Road closest to the proposed side elevation.
9. In addition, the proposed side elevation would appreciably restrict daylight and sunlight received into the rear garden in the afternoon (from the south) and into the evening (from the west), including in the most secluded and private upper part. While this affect would vary depending on the time of the year, it would nonetheless occur at times of the day (and year) when the rear garden is most likely to be in use and would have a significant unacceptable impact on the use and enjoyment of it.
10. Although the rear garden of No 67a is wide and mostly screened by boundary treatments, the lower part, furthest from the proposed side elevation, is closer to Pine Road. This part is therefore likely to be the least private and tranquil, for example due to noise and disturbance from passing vehicles or pedestrians. It would, in any event, be unreasonable to rely on the status quo of boundary treatments being maintained in order to carry out and safeguard normal domestic activity in the rear garden or for the proposal to dictate how different parts of the rear garden are used.
11. The kitchen of No 67a is mainly lit from the south by a glazed back door porch and from the east by a wide window. This part of No 67a is sited forward of the front elevation of No 2, closer to Pine Road, and is on higher ground furthest from the proposed side elevation. As a result, the proposal would not be overbearing or unduly affect views out of the kitchen or adversely affect daylight and sunlight received into it.
12. The proposed side elevation would partly overlap the first floor bedroom window of No 67a and restrict some angled views in the direction of No 2. Nonetheless, the separation distance and the central, elevated position of this wide window would be such that the proposal would not appear overbearing in this view or materially affect daylight or sunlight received into this bedroom. Moreover, due to the staggered set back in the siting of No 2, and consequently the proposed side elevation, there would be no effect on perpendicular views from the bedroom window or on angled views in the other direction past the front corner of No 2.

13. Despite being on higher ground, the dining room window of No 67a would be significantly closer to the proposed side elevation. This juxtaposition would not materially affect angled views from the dining room past the front corner of No 2. However, the siting, height and scale and massing of the proposed side elevation would significantly restrict perpendicular views, and angled views towards the rear of No 2, above gardens and up towards the sky. It would therefore appear unduly overbearing in these views. In addition, while the effect would also vary depending on the time of the year, it would nonetheless unduly restrict daylight and sunlight received into the dining room during the afternoon (from the south) and into the evening (from the west).
14. While there are some tall trees located to the south-west of No 67a, these are a significant distance away. These trees therefore have a limited influence on daylight and sunlight experienced in the rear garden or received through the windows of these rear facing habitable rooms of No 67a. The hipped roof in the proposed side elevation would be narrow, with a high facing eaves level. Albeit that the sloping plane of this roof would recede away from No 67a, it would therefore have little meaningful effect on the overall height, scale and massing of the proposed side elevation. Consequently, it would not mitigate the adverse impacts of the proposal on the rear garden or dining room of No 67a in any meaningful way.
15. Considering the above, while the proposal would not unduly affect the use of the kitchen and a first floor bedroom, it would have an unacceptable adverse impact on the use of the rear garden and the dining room of No 67a. As such, it would therefore cause harm to the living conditions of the existing occupiers of No 67a Hiltingbury Road, with regard to outlook and daylight and sunlight.
16. Consequently, it would not comply with LPR Saved Policy 59.BE or LP Policy DM1. These policies include that development should be appropriate or compatible in siting, design, mass and scale in relation to adjoining buildings, spaces and views, avoid unduly interfering, disturbing or conflicting with adjoining uses (especially loss of daylight and outlook) and not have an unacceptable impact on the residential amenities of existing residents. It would also conflict with the associated provisions of the Council's Quality Places Supplementary Planning Document, November 2011 relating to site context, layout and massing, residential amenity and natural daylight. It would also not be consistent with the Framework which seeks to ensure that development should provide a high standard of amenity for existing users, such as the occupiers of neighbouring dwellings.

Other Matters

17. I appreciate that the appellant sought to overcome the Council's objections by amending the proposal before the Council's decision. I have also been referred to a planning permission granted by the Council for extensions to an original bungalow on the other side of the appeal site at No 4 Pine Road¹, since carried out. I note that the shallow main roof pitch and low rear eaves level of this chalet bungalow ameliorates the overall height, scale and massing of its side elevations and that the extensions were not sited next to another rear garden. While that development was in close proximity to a bedroom window in No 2, bedrooms are likely to be used in a distinctly different manner, and at different times of the day, to a dining room. This planning permission and development

¹ Application number F/15/77569.

can therefore be distinguished from the circumstances of the current case. I have, in any event, determined the appeal on its individual planning merits.

Planning Balance and Conclusion

18. The development would result in some social, economic and environmental benefits associated with construction work, an increase in the supply of dwellings of the type and size proposed and improvements to the quality and appearance of a dwelling on the appeal site. Given the modest scope of the proposal, these benefits would therefore have limited weight.
19. The proposal would not unduly affect the use and enjoyment of the kitchen or first floor bedroom of No 67a. Notwithstanding the concerns raised by some interested parties, I am satisfied that the development would have no unacceptable effect on the living conditions of the occupiers of other nearby dwellings or adversely affect the character and appearance of the area. It would also not have any negative effect on ecology, trees or surface water drainage. It would make satisfactory provision for parking and would not be at risk of flooding. The absence of harm or compliance with the Council's development plan in these regards is a neutral factor in my decision.
20. However, notwithstanding that the benefits would be aligned with the Framework, I have found that by virtue of the proposed side elevation the proposal would cause harm to the living conditions of the existing occupiers of No 67a with respect to its rear garden and dining room. I give substantial weight to these considerations.
21. Consequently, the proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
22. Therefore, for the reasons given above, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR