



Appeal Decision

Site Visit made on 19 October 2021

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 25th October 2021

Appeal Ref: APP/D1780/D/21/3279721

6 Branksome Avenue, Southampton, SO15 5NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
 - The appeal is made by Mrs Helen Angus against the decision of Southampton City Council.
 - The application Ref 21/00500/PAH, dated 24 March 2021, was refused by notice dated 5 May 2021. The development proposed is erection of a single storey rear extension (Max Depth 5 m, Max Height 3.18 m, Eaves Height 2.90 m).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have used the description from the decision notice and the appeal form as this gives more detail about the proposal.
3. The submitted plan appears to not fully depict the proposed extension on the (Right) elevation. However, in this case I am able to assess the proposal based on the proposed floor plans and Rear 3D View.
4. Under Schedule 2 Part 1 Class A.1(g) of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GDPO) planning permission is granted for single-storey rear extensions subject to conditions and limitations.

Main Issue

5. The main issue is whether the proposal requires prior approval under Schedule 2 Part 1 Paragraph A4(7) of the GPDO; and if so, whether prior approval should be granted.

Reasons

6. A condition under Paragraph A4 is that the developer must provide information about the proposal to the Council who must notify each adjoining owner or occupier about the proposed development. Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. In this case an objection was received. Accordingly prior approval is required, and the impact of the proposed development on the amenity of any adjoining premises must be taken into account when considering whether or not it should be granted.

7. The appeal property and the adjoining semi-detached property at No 8 Branksome Avenue are houses with good sized gardens in a residential area. No 8 has an outbuilding adjoining an outbuilding at No 10 Branksome. The former can be seen above the fence between Nos 6 and 8. The proposed 'L' shaped rear extension would project some 5m along the shared boundary with No 8. There is a fence some 1.9m high on the boundary nearest to the back walls of Nos 6 and 8.
8. The extension would have a flat roof with a surrounding coping wall. The overall height to the top of the coping wall would be 3.18m which is significantly higher than the fence. The extension would be to the north west of No 8. This combined with its overall length and height means the proposed extension would over shadow and unacceptably reduce sunlight to the ground floor habitable room window to the rear of No 8 and that part of the garden closest to the house. This would create gloomy and oppressive living conditions for the occupiers of that property both from inside the property and the garden area closest to the house.
9. Due to the distance from No 4 Branksome Avenue, and as the extension would be 2m in depth on that side, there would be no harmful impact on the occupiers of No 4.
10. For the reasons set out above I conclude the proposed extension would have a harmful effect on the living conditions of the occupiers of No 8 due to loss of light and outlook. There would be conflict with saved Policies SDP1(i), and SDP9 (i)(v) of the City of Southampton Local Plan Review 2015 (the LP); Policy CS13 of the Local Development Framework Core Strategy Development Plan Document 2015; the Residential Design Guide 2006 and those principles of the National Planning Policy Framework that require a good standard of amenity for all. Although cited on the Decision Notice, Policy SDP7(i)(iii)(iv) of the LP relates to character and appearance, so is less relevant in the context of this appeal.

Other Matters

11. The appellant has provided a drawing showing an extension 3m long and 4m high that could be built under another permitted development right without the need for prior approval (the so called fall-back position). However, it seems to me that an extension this high would obscure part of the appellant's first floor window and therefore I consider there is little reasonable prospect that such an extension would be implemented. Accordingly I give this fall-back position little weight as a benefit in the context of this appeal.
12. A large holly tree that was close to the shared boundary has been removed. This would have had some impact on light at No 8. However, it seems improbable that this would have been 5m wide and there is other legislation that could control a line of two or more trees that are higher than two metres.
13. My attention has been drawn to other examples of extensions allowed on Branksome Road. No 28 Branksome Avenue has an extension in a similar position relative to the neighbouring property No 30. However, that extension is shown on the plans as some 200mm shorter and the main part of the roof is shown as about 300mm lower than the appeal proposal, albeit the roof lantern which is set in from the shared boundary, is higher. Being smaller, that extension does not lead me to any different conclusion in respect of the appeal

before me, whether or not the occupiers of No 30 value the privacy afforded by the wall of the extension, or whether the appellant considers there to be sufficient light in their dining room. Moreover, it is clear from the Council's Delegated Report that no objection was received to the notification about that proposal and so the prior approval process, when the effect on amenity must be taken into account, did not apply.

14. The examples at Nos 1 and 27 Branksome Road are on the opposite side of the road and consequently the relationship with the respective adjoining properties is different to that of the appeal proposal. In the case of No 1 the adjoining property at No 3 appears to have an extension of similar length and so would not be affected by the proposal: the objections appear to have been from properties further away. In the case of No 27 the extension proposed was 4m, which is considerably shorter than the proposal before me. Accordingly these examples do not lead me to any different conclusion in relation to this appeal.

Conclusion

15. For the reasons set out above I conclude that prior approval is required and should not be granted. The appeal is dismissed.

S Harley

INSPECTOR