



Appeal Decision

Site visit made on 25 January 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2ND February 2022

Appeal Ref: APP/X1735/D/21/3285712

9 Privett Road, Waterloo, PO7 5HJ

- 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 Bob Ware against the decision of Havant Borough Council.
 - The application Ref APP/21/00484, dated 25 April 2021, was refused by notice dated 5 August 2021.
 - The development proposed is car port (retrospective).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (a) the effect of the proposed development on the character and appearance of the host property and surrounding area; and (b) the effect of the proposed development on the living conditions of the neighbouring occupiers at 11 Privett Road.

Reasons

Character and appearance

3. The appeal site comprises a single storey semi-detached bungalow with accommodation in the roof. Whilst there are similar semi-detached and detached bungalows to the west and east of the appeal site, they do vary in terms of their design, style and form. Even so, all of these properties are set back from the road with their open frontages taken up by parking, driveways and landscaping or laid to lawn. Opposite the appeal site are some larger detached chalet bungalows and detached two storey properties, as well semi-detached bungalows, particularly further east on Privett Road, that are again set back from the road with their largely open frontages again taken up by parking, driveways and landscaping or laid to lawn.
4. The appeal proposal seeks retrospective planning permission for a car port that has been erected within the frontage to the appeal site. The car port comprises a timber frame, with a trellis on the upper part and a pitched polycarbonate roof. It sits behind a brick boundary wall and close to the common boundary with 11 Privett Road (No.11). The rear of the car port is sited close to the main front wall of the host property.
5. The car port is sited well in front of the established building line that is formed by the host property and its neighbours, to the west and east. As I observed

on my site visit, the new structure occupies a prominent location and is highly visible when approaching the appeal site in either direction on Privett Road. The scale, siting and design of the car port is completely out of keeping with the host and its immediate context and fails to respond positively to the prevailing built form and open character of the frontages to the properties on Privett Road. Its harmful impact on the visual amenities of the streetscene is accentuated by its large polycarbonate pitched roof.

6. There are no other similar car ports or garages or other outbuildings within the frontages to the properties in this part of Privett Road and as I confirmed above, there is a well established building line formed by the host and its neighbours. The appeal proposal is highly visible from various public vantage points, from where it dominates the open character of the appeal site and adjoining properties. It results in a marked change in the character and appearance of this part of the streetscene.
7. The Appellant refers to the improvements they have undertaken to the host property, their wish to retire here, life limiting conditions and inability to financially support the storage of their boat/classic car due to Covid 19. Whilst I sympathise with those personal circumstances, they are not sufficient to outweigh or mitigate against the harm I have identified above. Whilst I also observed on my site visit some timber sheds within the frontage of two properties to the south east of the appeal site, these are not comparable to the appeal proposal in that they are simply small-scale storage units, occupying a very small part of the frontages in question and largely screened by existing boundary fencing.
8. Policy CS16 of the Havant Borough Core Strategy (March 2011) (BCS) requires new development to respond to and respect local character and provide a positive relationship between buildings, streets and spaces. The policy is expanded in the Havant Borough Council Borough Design Guide Supplementary Planning Document (December 2011) (SPD). Paragraph 5.21 sets out the recommendations for accommodating the car in new developments, but the guidance equally applies, in my judgement, to existing properties in that it recommends that garages and car ports should not project forward of the building line. Whilst there is no further guidance on garages and car ports, paragraph 5.36 also states that front extensions to existing properties should not be prominent in the streetscene and should respect the common or established building line. This guidance supports the findings I have reached above.
9. Accordingly, I find that the appeal proposal would be contrary to policy CS16 of the BCS, the relevant guidance in the SPD and paragraph 130 of the National Planning Policy Framework (July 2021) (Framework). The latter requires decisions to ensure that development adds to the overall quality of the area and is sympathetic to local character.

Living conditions

10. As I observed on my site visit, the appeal proposal is sited close to the common boundary with No.11. The new structure extends from just in front of the main wall to the host property along the length of the common boundary with No.11 to a position slightly set back from the front boundary wall. The top part of the car port, which includes the trellis and polycarbonate pitched roof, sits well above the boundary wall that separates the appeal site from No.11.

In relation to the frontage of No.11, this is set aside for parking. On the main front elevation to No.11 is a large window, close to the boundary with the appeal site, and then a front door.

11. Within this context, the design of the trellis and polycarbonate roof to the new car port is such that they allow sufficient light to permeate through to the frontage of No.11. On balance, I am satisfied, therefore, that the appeal proposal does not result in a harmful loss of light to this property.
12. However, the scale, height and length of the car port, occupying as it does the majority of the boundary with No.11, adversely affects the outlook from that property and results in a sense of enclosure that is harmful to the living conditions of this neighbouring property. The fact that the neighbours have not objected to the appeal proposal does not affect my findings in this respect.
13. The Appellant argues that Council Officers reached a subjective judgement, which is not based on fact. However, where issues of light and outlook arise the decision maker is often required to apply their planning judgement to the acceptability of the relationships that arise. This approach is, in my view, common, and involves the decision maker having to draw on their experience of similar developments as well as relevant policy guidance.
14. Accordingly, I find that the appeal proposal would adversely affect the outlook and thus the living conditions of the occupiers of No.11 contrary to policy CS16 of the BCS and paragraph 130 of the Framework. These policies seek to ensure, amongst other requirements, that new development does not cause harm to and secures a high standard of amenity for existing and future occupiers.

Conclusions

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

G Roberts

INSPECTOR