



Appeal Decision

Site visit made on 23 March 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2022

Appeal Ref: APP/A1720/D/21/3288214

248 Botley Road, Burridge, SO31 1BL

- 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 & Mrs Bell against the decision of Fareham Borough Council.
 - The application Ref P/21/1596/FP, dated 24 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is detached garage outbuilding with room above, associated storage, landscaping and access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of development as it appears on the decision notice as it better describes the proposal.

Main Issues

3. The main issues are the effect of the proposed development on: (a) the open character and appearance of the area, with particular regard to local amenities and the adjacent public footpath; and (b) the living conditions of neighbouring occupiers, with particular regard to overlooking.

Reasons

Character and appearance

4. The appeal site comprises a large, detached property set within a substantial plot. The host property is accessed from Botley Road and at the time of my site visit the construction of this new house was well advanced. To the north is a further large, detached property 250 Botley Road (No.250). Beyond this is a separate narrow vehicular access which runs along the northern boundary of No.250 and leads to the rear part of the appeal site, whose garden effectively therefore encircles the rear garden of No.250. The submitted plans indicate that this vehicular access would serve the proposed garage outbuilding.
5. Immediately to the north of the proposed driveway and running along its entire length is a public footpath, which continues further east providing a pedestrian and cycle link to the housing areas also located further to the east. To the north of the public footpath is 232 Botley Road, again a large, detached property facing the road as well as the rear gardens of the large, detached properties on Caigers Green.

6. The common boundary between the public footpath and the properties to the north is formed by a brick wall. As I observed on site, a wall is also in the process of being constructed on the boundary between the proposed driveway and the public footpath. Whilst I have not been provided with any details of the latter, I have assumed that the gaps between the brick piers that I observed on site will be filled in by wooden or similar panels. Although not shown on the submitted plans a strip of landscaping appears to have recently been planted along the eastern section of this new boundary wall.
7. The proposed outbuilding is shown sited in the north eastern corner of the appeal site. The scale and footprint of the building is substantial. Whilst I accept that it is not uncommon to find outbuildings in similar locations, the scale, height and massing of the proposed building is excessive and would have a significant impact on the spaciousness and openness of this part of the appeal site and adjacent public footpath. That impact would be accentuated by the fact that the long gabled element to the proposed building would be sited hard up against the northern boundary of the appeal site with adjacent public footpath. This element of the proposal would be highly visible and prominent to users of the public footpath as would, to a lesser extent, the hipped element, which extends south from the gabled element.
8. The harmful impact of the proposed building would be further accentuated by the difference in ground levels. This is not shown on any of the submitted plans, but it is clear from my site visit that the appeal site is at a higher level to the adjacent public footpath. In the absence of a section plan showing this it is not possible to approximate the difference in levels, but the difference is clearly material and as I confirmed it compounds the harmful impact that the proposed building would have visually on the spaciousness and openness of this part of the public footpath and surrounding area.
9. The Council have referred to the potential impact on adjoining neighbouring amenities and I understand this relates to the land to the east of the appeal site, where planning permission has been granted new housing. Whilst it appears that construction of this new development has commenced, I have not been provided with any plans of the approved development and I am not therefore able to determine whether the proposed building would result in any harm to the amenities of these future occupiers.
10. Even so, I am satisfied, based on the evidence before me and my observations on site that the scale, height and prominent siting of the proposed building so close to the appeal site's boundaries and adjacent public footpath would result in significant harm to the spaciousness and open character of the public footpath and surrounding area.
11. Reference has been made to other properties or outbuildings that are sited close to the public footpath, but none of the examples I viewed on my site visit affect the findings I have reached above or provide justification for the proposal that is before me. Moreover, I do not know the full planning circumstances that led to these developments and have, as is required, determined the appeal proposal on its individual merits having regard to the particular circumstances of this case. Neither these examples nor the fact that the proposed building would provide a secure facility to park the Appellants mobile home affect the findings I have reached above.

12. The Appellant contends that the policies referred to by the Council do not include any reference to outbuildings. Whilst that may be so, policy CS17 of the Fareham Borough Core Strategy (2011) (FCS), referred to in the reason for refusal, seeks to secure a high quality of design from all forms of new development and buildings. The policy includes several criteria, which, amongst other requirements, place emphasis on ensuring that all new development responds positively to and respects the key characteristics of an area including landscaping, scale, form and spaciousness.
13. The Appellant also alleges that the decision to refuse planning permission was largely based on Officers opinions. However, where issues involve, as in this case, an assessment of the impact of development on the character and appearance of an area the decision maker is often required to apply their planning judgement to the acceptability of the relationships and potential impacts that could arise. This approach is common and involves the decision maker having to draw on their experience of similar schemes and apply the relevant provisions of the development plan as well as national policies.
14. Accordingly, I find that the appeal proposal would result in significant harm to the open character and spaciousness of the appeal site and surrounding area contrary to policy CS17 of the FCS.

Living conditions - neighbours

15. As I understand the Council's objection it relates to the proposed western roof windows and the potential for overlooking of the development proposed on the land to the east of the appeal site. However, as I confirmed above, I have not been provided with a plan showing the layout of this approved housing development and it is not possible for me to determine whether any harm would arise in this respect.
16. Even so, the Appellant has provided a section plan of the internal layout to the proposed building. This shows that the height of the proposed cill level to the new roof windows would be 1.7 metres above the internal floor height of the proposed first floor room (shown covering part of the new garages/storage area on the ground floor). This section also shows that the new windows would be flat and embedded within the plane of the roof. Consequently, the proposed windows would be sited above eye level, with only oblique views and no direct views over the adjacent development site.
17. Accordingly, based on the above, I am satisfied that the appeal proposal would not lead to any significant harm to the living conditions of future neighbouring occupiers and would be compliant in this respect with policy DSP3 (Impact on living conditions) of the Fareham Borough Local Plan Part 2: Development Sites & Policies (2015).

Conclusions

18. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR