

Appeal Decision

Site visit made on 22 August 2022

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/C1760/D/20/3255333

21 Ferndale Road, Andover SP10 3HQ

- 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 Richard Hicks against the decision of Test Valley Borough Council.
 - The application Ref 19/02598/FULLN, dated 29 October 2019, was refused by notice dated 7 April 2020.
 - The development proposed is a 2 storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. A new version of the National Planning Policy Framework was published on 20 July 2021, after this appeal was submitted. Having considered the role and content of the Framework in relation to this case, I see no need to re-consult the main parties about this change in national policy.

Main issue

3. The main issue is the effect of the proposal on living conditions at the neighbouring property 23 Ferndale Road, in terms of outlook and sunlight.

Reasons

4. 21 and 23 Ferndale Road are a pair of semi-detached houses. The proposal would replace or encompass a small, flat roofed single storey rear section to form a much deeper 2 storey extension that would sit right up to the boundary with No 23.
5. No 23 does not have any rear extension and the glazed doors to a dining room sit near to the shared boundary. The 2 storey high flank wall of the proposed extension would be much taller than the existing boundary fence and would stretch well to the rear, creating a highly dominant and overbearing structure in views from both the dining room doors and from the patio area at the back of No 23.

6. The extension would sit to the south-east of No 23, so that it would also block a substantial amount of direct morning sunlight. Although the back of No 23 would still get sunlight for much of the day, this overshadowing effect would be sufficiently severe to seriously affect living conditions there, due to the size and position of the proposed extension.
7. I conclude that the proposal would unacceptably harm living conditions at 23 Ferndale Road, due to loss of outlook and sunlight. It therefore conflicts with the aim of Policy LHW4 of the Test Valley Borough Revised Local Plan, to ensure that developments provide for the amenity of occupiers of neighbouring properties.
8. I note that the neighbour at No 23 has also proposed a 2 storey rear extension which was dismissed at appeal for similar reasons to those set out here¹. The appellant refers to discussions with the Council about a legal agreement, but no such agreement has been submitted. In the absence of a current proposal for an extension to No 23 and without any legal agreement to make sure the extensions would be built together, I assess this case on its own merits.
9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

¹ APP/C1760/D/20/3260600