



Appeal Decision

Site visit made on 16 January 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/N1730/D/22/3311930

1 Kingscroft, Fleet, Hampshire, GU51 3NH

- 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 Matthew Charman against the decision of Hart District Council.
 - The application Ref 22/01093/HOU, dated 18 May 2022, was refused by notice dated 2 September 2022.
 - The development proposed is a rear dormer with roof lights on front slope.
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Decision

1. The appeal is allowed and planning permission is granted for a rear dormer with roof lights on front slope at 1 Kingscroft, Fleet, Hampshire, GU51 3NH in accordance with the terms of the application Ref 22/01093/HOU, dated 18 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan – Drawing Number A11, Drawing Numbers: A02, A03, A04, A05, A06. A07. A08. A09 and A10, all dated 30 April 2022.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.

Procedural Matters

2. At the suggestion of the Council, I viewed the appeal proposal from number 29 Aldershot Road. The owners/occupants of number 29 objected to the proposed dormer on grounds of overlooking. I have considered the objection in my assessment of the development.
3. Since the appeal was lodged, the Council has granted a Lawful Development Certificate (LDC) for a loft conversion with rear dormer and insertion of 3 roof lights on the front roof slope (reference: 22/02216/LDC. At my site visit, I observed that the development subject to the LDC was under construction and at an advanced stage. Notwithstanding, I am required to consider the appeal as submitted. However, the granting of the LDC is a material consideration.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupants of number 29 Aldershot Road (number 29), with regard to privacy.

Reasons

5. The appeal property is a two-storey detached dwelling, which is situated in a residential area. Other dwellings and their gardens adjoin the site on three sides.
6. The proposal is to convert the loft area and construct a rear facing dormer with 3 roof lights on the front roof slope. The dormer would extend across most of the roof and would be at the same height as the existing ridge. It would provide additional accommodation in the form of a new bedroom, bathroom and storage area. The dormer would contain relatively large windows that would face towards the rear garden. Views, albeit at an angle, would also be available towards the rear of properties on Aldershot Road, including number 29. The occupants of number 29 objected on the grounds of overlooking into the rear garden, kitchen, bedroom and bathroom/wc areas.
7. Saved Policy GEN1 of the Hart District Local Plan 2006 (LP) is a general policy for all development, but it does seek to ensure that proposals do not result in a material loss of amenity to adjoining residential uses through loss of privacy and overlooking. Furthermore, paragraph 130 of the National Planning Policy Framework 2021 requires planning decisions to create places with a high standard of amenity.
8. Having viewed the proposal from the affected rooms and garden at number 29, I recognise that there would be an impact on the privacy of the occupants. Although any overlooking would be at an angle and views are already available from the existing first floor windows of the appeal property, the higher level large windows that are proposed as part of the rear dormer, would increase the perception and threat of overlooking into the garden and first floor rear windows of number 29. Consequently, the proposal would conflict with Policy GEN1 of the LP.
9. However, a material consideration is the dormer currently under construction that is subject to the LDC. I have examined the approved plans for the development and whilst that dormer is smaller, the position and size of the windows are similar. Consequently, the effect on privacy from the appeal proposal would not be materially different to that from the dormer that is currently under construction. For this reason, I am led to a position where dismissing the appeal would not make any discernible difference to the living conditions of the occupants of number 29.

Conditions

10. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance.

Conclusion

11. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR