



Appeal Decision

Site visit made on 20 February 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2023

Appeal Ref: APP/N1730/D/22/3312888

17 Linkway, Fleet, GU52 7UL

- 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 Jennie Ryton-Smith against the decision of Hart District Council.
 - The application Ref 22/01631/HOU, dated 25 July 2022, was refused by notice dated 16 September 2022.
 - The development proposed is a single-storey rear extension, single-storey side infill extension and removal of steps. Replace ground floor front window with door and window and creation of steps. Replace ground floor side door with window and removal of steps. Replace ground floor side window with French doors and creation of steps.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension, single-storey side infill extension and removal of steps. Replace ground floor front window with door and window and creation of steps. Replace ground floor side door with window and removal of steps. Replace ground floor side window with French doors and creation of steps at 17 Linkway, Fleet, GU52 7UL in accordance with the terms of the application Reference: 22/01631/HOU, dated 25 July 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: 11/130-006; Ground Floor Existing: 11/130-01; Ground Floor Proposed: 11/130-002; Roof Plans: 11/130-003; Existing Elevations: 11/130-004; and Proposed Elevations: 11/130-005.
 - 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.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupant(s) of number 15 Linkway Parade (number 15), with regard to outlook and natural light.

Reasons

3. The appeal property is a semi-detached single storey bungalow. An original rear off-shoot has previously been extended and the proposal is to partly infill

the gap between the side wall of the off-shoot and the shared side boundary with number 15. Other relatively minor works involve replacement and new windows, doors and steps. The proposed extension would be single storey and would provide additional living room space. It would have a hipped roof and, in design terms, I consider that it would complement the existing building.

4. The appeal proposal is essentially a revised proposal following an earlier refusal in March 2022 for an extension that was longer in length at 4.5m (Council reference: 21/03219/HOU).
5. An existing rear facing bedroom window serving number 15 is positioned close to the side boundary and the appeal extension would project some 3m beyond this neighbouring window.
6. The Council considers that the proposal would have an overbearing impact on the occupants of number 15, because of its bulk, scale and position in relation to the neighbouring property. No objections are raised in connection with other works and I consider that these are acceptable, in terms of their external appearance and impact on neighbouring residents.
7. Saved Policy GEN1 of the Hart District Local Plan 2006 (LP) is a general policy for all development. Although it does not specifically refer to overbearing, it does generally seek to ensure that proposals do not result in a material loss of amenity to adjoining residential uses. Furthermore, paragraph 130 of the National Planning Policy Framework 2021 (The Framework) requires planning decisions to create places with a high standard of amenity for existing and future occupants.
8. Although the proposed extension has been reduced in length when compared to the earlier refused application, I consider that it would still have an adverse effect on the outlook from and natural light received into the adjoining bedroom window, because of its height, length and close proximity to the shared boundary. Consequently, the proposal would conflict with the general intentions of Policy GEN1 and the provisions of The Framework, as referred to above.
9. Having said that, the appellant has drawn to my attention a fallback position, whereby it is argued that a similar extension could be constructed using permitted development rights. The appellant states that the difference between the length of the proposed appeal extension (3m) and an extension that could be built as permitted development (2.5m) is 0.5m. It is contended that the additional 0.5m would make no discernible difference on the living conditions of the occupants of number 15.
10. I have sought the comments from the Council on the appellant's reasoning and although it maintains that the extension would overbear, it agrees that a reduction in length by 0.5m would accord with permitted development criteria.
11. Whilst I maintain that the appeal proposal would have an adverse impact on number 15, I consider that the additional 0.5m would not make a noticeable difference in terms of outlook or loss of natural light. Given that this fallback position is realistic proposition, I am persuaded to allow the appeal.

Conditions

12. 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

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

Ian McHugh

INSPECTOR