



Appeal Decision

Site visit made on 20 March 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2023

Appeal Ref: APP/X1735/D/22/3292529

Larkrise, 93 Sea Front, Hayling Island, Hampshire P01 10AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Andrew James against the decision of Havant Borough Council.
 - The application Ref APP/21/01305, dated 1 December 2021, was refused by notice dated 3 February 2022.
 - The development proposed is prior approval for the enlargement of a dwellinghouse consisting of the construction of one additional storey, immediately above the topmost storey of the dwellinghouse, with a maximum height of 10.7 metres.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the appeal form and the Council's decision notice as it is the most concise.

Background and Main Issue

3. The appeal site comprises the two-storey dwelling Larkrise, 93 Sea Front and its grounds. To the east is the large four-storey apartment building housing the Bayview Flats, and to the west is the two-storey house 93A Sea Front.
4. Under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO permission is granted for the enlargement of a dwellinghouse consisting of the construction of additional storeys, subject to limitations and conditions. AA.2.(3)(a) requires that before beginning the development the developer must apply to the Council for prior approval in relation to certain matters. I have focused my assessment on the specific prior approval matter in dispute between the parties.
5. The matter in dispute is the impact of the proposal on the amenity of any adjoining premises including overlooking, privacy and the loss of light. The word 'including' connotes that the specified matters are not the be all and end all, and my assessment has therefore also considered impacts on outlook.
6. As such, the main issue is whether or not the proposal would be permitted development pursuant to Schedule 2, Part 1, Class AA (3) (a) (ii) (i) of the GPDO, with reference to the effect of the proposal on the amenity of the adjoining dwelling 93A Sea Front with regard to sunlight and outlook.

Reasons

7. Given the height of the Bayview Flats building it imposes on Larkrise, and to a lesser extent No 93A, with respect to levels of outlook and early sunlight. The proposal takes reference from this established situation and seeks to create a more consistent step down in height between the three respective buildings.
8. However, there is a critical difference between the way the Bayview Flats and Larkrise interact, and the way Larkrise relates to No 93A. The Bayview Flats align with Larkrise to the east, but Larkrise is set further back into its site than No 93A, immediately to the southeast of No 93A astride its rear garden. This means that the effect of the proposal on No 93A would be more pronounced.
9. No 93A has a large garden with fairly open boundaries to the south and west. Nonetheless, given the orientation and proximity between Larkrise and No 93A, the additional storey would likely block significant morning sunlight to the windows within the rear elevation of No 93A and to its first-floor balcony. Moreover, on site I noted that the garden and patio area adjacent to the rear of No 93A is likely to be its most functional and well utilised outside space, and it would face the foremost loss of sunlight. The resultant three storey flank elevation of Larkrise would be a dominant and immediate feature observed from No 93A and from within these specific garden areas. In my view it would therefore also unacceptably diminish the outlook of the occupants of No 93A.
10. The appellant has made the point that the addition of storeys to a dwelling is likely to always have an impact on neighbouring premises. Even so, that does not negate the requirement to assess the magnitude of each impact on its own individual merits, and it is the specific orientation and proximity between Larkrise and 93A that has rendered the scheme unacceptable in this case.

Conclusion

11. Given my findings with reference to the effect on the amenity of residents within No 93A with regard to sunlight and outlook, the proposal would not constitute permitted development under the terms of Schedule 2, Part 1, Class AA of the GPDO. Consequently, and having had regard to all other matters raised, I shall dismiss the appeal.

Matthew Jones

INSPECTOR