

Appeal Decision

Site visit made on 15 March 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref: APP/X1735/D/23/3314847

62 Ferndale, Waterlooville, Hampshire PO7 7PB

- 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 Neil Perkins against the decision of Havant Borough Council.
 - The application, Ref. APP/22/00540, dated 25 May 2022 was refused by notice dated 28 October 2022.
 - The development proposed is the erection of a rear (southeast) first floor extension.
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Application for Costs

1. An application for costs was made by Mr Neil Perkins against Havant Borough Council. This is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of the proposed extension on the living conditions for the occupiers of No. 64 Ferndale in terms of outlook.

Reasons

4. The Planning Officer's report on the appeal application includes reference to an earlier refusal for a full width first floor rear extension. This was subsequently dismissed on appeal in June 2020 as it was considered the extension would harm the living conditions for the occupiers of No. 64 Ferndale. The report also explains that a further application for a first floor rear extension has been approved and constructed, but set in by 4.1m from the side elevation.
 5. In the Council's view this approval addressed the previous refusal and the appeal Inspector's support for that decision in the dismissal of the appeal. However, it is considered that the current appeal scheme, despite differences with its predecessor, would insufficiently address *'the concerns which led to the previous appeal dismissal in terms of the impact of new development upon the amenities of occupiers of No. 64'*.
 6. From comparing the proposed north elevation of the current scheme with that of the earlier dismissed appeal application, it would appear that the area of wall now to face No. 64 would be slightly smaller in depth and somewhat lower in height. On the other hand, instead of the previous flat roof there would now be a pitched roof. And although this would partly occupy space formerly taken by
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the top of the wall, it would extend 'built form' significantly higher than previously, albeit with the roof plane sloping away from the boundary.

7. On the reasonable assumption that these differences between the two proposals broadly even themselves out as regards the amount of open aspect that would be lost, I agree with the officer's report that little if any regard has been had in the development to the previous Inspector's concerns. In terms of an adverse effect by way of enclosure and dominance on the outlook from the garden at No. 64 closest to the house, there would be no material difference. All that would have happened is that the appellant had achieved a full width first floor extension in two stages rather than one.
8. However, in addition to an overbearing impact that a first floor extension would have on the outdoor living environment of the occupiers of No. 64, I consider that the outlook from that dwelling's side windows and clear-glazed door is also a legitimate cause for concern. The effect in terms of light has effectively been dismissed by the appellant's consultant on the basis that the glazing is to a non-habitable room. However, the occupiers of No. 64 have explained that it is used on a daily basis, including for meals at a small table.
9. From the photographs submitted by this neighbour and from my own observations on my visit, I am satisfied that there would be a significantly harmful effect on the outlook from these windows and the door as a result of the appeal scheme. As regards light, the neighbour has submitted their own expert's report which confirms there is likely to be an unacceptable effect on daylight given the use of the room. The report of 5 September recommended a meeting with the appellant's consultant but this appears not to have occurred.
10. In summary, I find that the now proposed occupation of the 4m width between the approved and constructed first floor extension and the side elevation that was previously left to reduce the impact on the outlook from No. 64, would have an unduly harmful effect on the living conditions for the occupiers of that property as regards outlook. This would conflict with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and paragraph 130f) of Government policy in the National Planning Policy Framework 2021.
11. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR