



Appeal Decision

Site visit made on 29 March 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/N1730/D/22/3302237

5 Linkway, Fleet, GU52 7UN

- 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 & Mrs J Milstead against the decision of Hart District Council.
 - The application Ref 22/00402/HOU, dated 23 February 2022, was refused by notice dated 28 April 2022.
 - The development proposed is described as demolition of conservatory and erection of a single storey extension to side and rear, first floor rear extension to create accommodation in roof space, insertion of roof light to front roof slope. Extend dropped kerb and alterations to windows and doors.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is whether the proposal would result in an unacceptable loss of a dwelling suitable for elderly and/or disabled persons. The second main issue is the effect of the proposal on the living conditions of the occupiers of 3 and 7 Linkway (No.3 & No7) and 39 Longmead (No.39), with particular regard to privacy.

Reasons

Dwelling type

3. The appeal site is located within a long established mixed residential area. The adjacent highway is relatively level and there are good sized pavements with street lights and grass verges to the rear of them. On the opposite side of the road to the appeal property is a local parade of shops which includes convenience stores, coffee shop, pharmacy, hairdressers, barbers, and several other shops.
4. The appeal property comprises a modest sized two-bedroom semi-detached bungalow, with good sized rooms and level access between them. It has a level and modest sized rear garden, and the front garden is both level and includes on-site parking with sufficient space for disabled access. A garage located to the side of the dwelling and there is ample room for outside access between the front and rear gardens.

5. As a result of these factors the proposed dwelling and its location are suitable for elderly and/or disabled persons.
6. As pointed out by the appellant a number of bungalows in the locality have had roof extensions. Whilst some of them are very modest in form and size, providing limited accommodation at first floor level, others are larger and have resulted in larger family sized homes. The council has stated that these larger loft conversions were formed before the adoption of the Fleet Neighbourhood Plan 2018 – 2032 (FNP) in 2019.
7. The FNP advises that suitable properties for the increasing number of older persons and for those with disabilities are limited. There is also limited stock available for older persons wanting or needing to downsize to smaller dwellings. The FNP goes on to advise that Fleet's older bungalows are suitable for single level living and adaptation to meet building for life standards.
8. To help address this need, FNP Policy 11 seeks to safeguard such building stock for people with limited mobility, including people with disabilities and older residents. It states that proposals for the conversion of bungalows to two storey dwellings, that will result in the loss of homes especially suited to occupation by older people, or people with limited mobility will not be supported.
9. The FNP is an integral part of the development plan for the area. As stated in paragraph 47 of the National Planning Policy Framework (the Framework), planning law requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
10. With the proposal the property would be changed to a four-bedroom family dwelling with no bathrooms on the ground floor. Thus it would not be suitable for those wanting to downsize to one/two bedroom homes or those seeking lifetime homes, with all facilities accessible and at ground level.
11. I acknowledge that the loft of the existing dwelling could potentially be converted to provide additional living space at first floor level. However, the resultant first floor living space would be limited and the dwelling would remain comparatively modest in size.
12. For these reasons, having regard to the identified limited supply of smaller homes that are suitable for elderly and disabled persons, the harm that would be caused by the proposal would outweigh the benefits of the proposed additional living space for the appellant and their family.
13. I conclude on the first main issue that the proposal would result in an unacceptable loss of a small dwelling suitable for elderly and/or disabled persons. Accordingly, it would conflict with FNP Policy 11.

Living conditions

14. Together and amongst other things, paragraph 130 of the National Planning Policy Framework (the Framework), and policy GEN1 of the First Alterations to the Hart District Local Plan (Replacement) 1996 – 2006 – Saved Policies (LP), seek to ensure that new development provides a high standard of amenity for existing and future users. Development should not cause a material loss of amenity for local residents due to loss of privacy.

15. The council has also referred to policy NBE9 of the Hart Local Plan (Strategy and Sites) 2032 (HLP32) and FNP Policy 10. Whilst these policies do not specifically refer to living conditions, they do refer to design in general. Development should be well integrated with neighbouring properties in terms of scale, density, massing, separation, and layout.
16. Typically, there are good sized separation distances between the rear elevations of the dwellings in Linkway and those in Longmead. However, No.39 is located at right-angles and close to the rear boundaries of No.3 and 3a Linkway (No.3a). The dwelling at No.39 is two storeys in height with a deep flank wall, which includes two first floor windows. The rear garden at No.3 ranges between approximately 8.5 and 12.5 metres in depth and is less than nine metres in width. Consequently, this rear garden is visually enclosed and the outlook from the garden and rear facing windows is dominated by the flank wall of No.39.
17. With the proposal the small rear garden at No.3 would be directly overlooked from the two large bedroom windows in the proposed rear dormer extension. This would result in a material loss of privacy for the occupiers of No.3. Together with the combined height, mass and proximity of the proposed dormer extension, this loss of privacy would add to the sense of enclosure within the rear garden at No.3. It would unacceptably harm the living conditions of the occupiers of that property.
18. I acknowledge that the existing loft area could be converted within the existing permitted development tolerances and that any associated rear facing windows would result in a loss of privacy for the occupiers of No.3. However, any such scheme would be more modest and thus its impact on the occupiers of No.3 would not be as great.
19. The proposed single storey side/rear extension would be sited a short distance from the side boundary with No.7. It would have a flat roof and whilst it includes a window in its side elevation, this could be screened from No.7 by boundary screening. Also, the proposed single storey extension would not project as far into the rear garden environment as the adjacent conservatory extension at No.7. For these reasons, the proposal would not have a visually overbearing impact on the outlook from No.7.
20. There is a good-sized gap between the proposed dormer extension and the dwelling at No.7. Thus, any overlooking of the rear section of the conservatory and the rear garden at No.7 would be at an oblique angle. Similarly, the proposed rear dormer windows would result in some overlooking at oblique angles towards the rear facing windows and garden at No.39. However, I note that the appeal property is similarly overlooked at oblique angles from the rear facing first floor rooms at No.39.
21. For these reasons, whilst the proposed resultant overlooking of No.7 and No.39 would not amount to a reason for dismissing this appeal, it adds to my concerns relating to the overall loss of privacy that would result from the proposal.
22. Due to the juxtaposition and/or distances between the proposed dormer extension and the dwellings and rear gardens at No.3a, No.35 & No.37, I am satisfied that the proposal would not result in a material and unacceptable loss of privacy for the occupiers of those properties.

23. I conclude on the second main issue that the proposal would unacceptably harm the living conditions of the occupiers of No.3 due to loss of privacy. Accordingly, the proposal would conflict with LP Policy GEN1, HLP32 Policy NBE9 and FNP Policy 10.

Other matters

24. In relation to design, as indicated by the council the proposal would be largely screened from the street scene and so would not have a materially adverse impact on the character and appearance of the locality. The side/rear extension would not project deeper into the rear garden than the existing rear projecting wing and would not impact on the nearby trees within the rear garden environment.
25. The proposed crossover extension would have an urbanising impact on the street scene. Notwithstanding this, much of the front garden is already hard-surfaced and with the proposal there would be sufficient space within the front garden to provide a reasonable amount of space for soft planting. Accordingly, this aspect of the scheme would not amount to a reason for dismissing this appeal.
26. The concerns expressed relating to construction activities are understood and apply to many developments. As such only in exceptional circumstances would they amount to a reason for dismissing an appeal. In this instance, had I found in favour of the appellant on all other matters it is something that could have been partially addressed through the imposition of conditions which control construction practices and hours.
27. Finally, matters relating to the proximity of the proposed extensions to buildings and land outside the appellants ownership or control is a private legal matter.

Conclusion

28. Whilst I have found in favour of the appellant on some points, the conclusions on both main issues amount to compelling reasons for dismissing this appeal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR