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# Appeal Decision

Site visit made on 8 March 2023

**by E Pickernell BSc MSC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 May 2023**

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**Appeal Ref: APP/H1705/D/22/3298633**

**82 Foxdown, Overton RG25 3JQ**

- 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 Philip Denning against the decision of Basingstoke and Deane Borough Council.
  - The application Ref 21/01898/HSE, dated 3 June 2021, was refused by notice dated 21 April 2022.
  - The development proposed is a bedroom and en-suite bathroom on top of our garage.
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## Decision

1. The appeal is allowed, and planning permission is granted for a bedroom and en-suite bathroom on top of our garage at 82 Foxdown, Overton, RG25 3JQ in accordance with the terms of the application, Ref 21/01898/HSE, dated 3 June 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not 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, Block Plan, Proposed Floor Plan and East Elevation and Existing and Proposed Elevations.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

## Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring residents at No 81 Foxdown (No 81) with particular regard to outlook and overshadowing.

## Reasons

3. The appeal property comprises a semi-detached house located within a modern development, built on land which slopes down to the south. The garden of the appeal site, in common with neighbouring properties, is relatively short.
4. The proposed extension would be constructed on top of the existing single storey attached garage. Due to the topography of the area, No 81 is on lower land and the proposed extension would be in a notably elevated position when viewed from the garden of No 81. However, it would not extend significantly beyond the rear of No 81, it would be recessed from the rear elevation of the

parent dwelling and would not be significantly more overbearing than the existing flank wall when viewed from both the garden and internal living spaces of the neighbouring property. Therefore, despite the topography, the staggered building line and the proximity of the proposed extension to the shared boundary with No 81, it would not have a demonstrably harmful impact upon outlook. Furthermore, because the extension would not project beyond the rear elevation of the parent dwelling and would be lower than it, and due to the separation afforded by the neighbouring garage and footpath, it would not result in significant additional overshadowing of either the garden or the habitable rooms of No 81.

5. Consequently, I conclude that the proposal would not harm the living conditions of neighbouring residents at No 81 with particular regard to outlook and overshadowing. As such the development accords with policy EM10 of the Basingstoke and Deane Local Plan (2011 – 2029) (Adopted May 2016). Amongst other things this policy seeks to ensure that development provides a high quality of amenity for occupants of developments and neighbouring properties having regard to issues including access to natural light and outlook. It would also accord with the Design and Sustainability Supplementary Planning Document (July 2018) which, amongst other things states that extensions should avoid overshadowing and having an overbearing impact upon neighbouring properties. Furthermore, it would accord with the National Planning Policy Framework (the Framework) which seeks to ensure that developments achieve a high standard of amenity for existing and future users. The officer report makes reference to Policy LBE1 of the Overton Neighbourhood Development Plan, however this policy does not relate to living conditions and as such is not determinative in this case.

### **Conditions**

6. In the interests of certainty, I have imposed a condition specifying the approved plans. Matching materials are required to ensure the development has a satisfactory appearance.
7. The Council suggests a condition for the removal of rights to insert additional openings under the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order). The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. There are other restrictions on the insertion of opening in side elevations in the Order, and there is little scope for additional openings on the rear elevation. As such, in this circumstance I do not consider a condition limiting these rights to be necessary.
8. The Council also suggests a condition requiring the provision of three parking spaces. However, the dwelling benefits from a driveway which provides at least 2 parking spaces and there is scope for on-street parking nearby, as such this condition is unnecessary.

### **Conclusion**

9. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

*E Pickernell* INSPECTOR