



Appeal Decision

Site visit made on 16 May 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/X1735/D/23/3316332

31 Roman Way, Havant, Hampshire PO9 3PR

- 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 and Mrs Hardy against the decision of Havant Borough Council.
 - The application Ref APP/22/00738, dated 27 July 2022, was refused by notice dated 1 December 2022.
 - The development proposed is two storey side and rear extension, single storey rear extension and erection of detached garden outbuilding to be used as home office.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 29 Roman Way (No 29), with particular regard to outlook, daylight and sunlight.

Reasons

3. The appeal site is a semi-detached dwelling on Roman Way within a residential area. Dwellings typically have even proportions with narrow driveways separating pairs of semi-detached houses that provide parking and access to rear gardens.
4. The property of No 29 lies to the side of the appeal site, and has windows, including patio windows, and a single-story conservatory type extension on the rear elevation. Whilst there are buildings within the rear gardens of properties, these are typically single storey. This, together with the presence of gardens either side and the scale and arrangement of adjacent buildings, means that the rear elevation and garden of No 29 has a sense of openness.
5. The scheme includes a proposal for a two-storey extension at the rear of the dwelling, which would also extend out to the side so that it would be constructed on the common boundary between the two properties. Further, it would extend along the rear boundary and, due to its two-storey height and bulk, would loom large over the outside area and rear windows of No 29.
6. This would be significant in terms of creating a dominant, overbearing and enclosing form of development, despite the ridge height of the extension being set well below the host dwelling, the absence of side facing windows and the closest first floor window at No 29 being an obscured glazed bathroom window.

This is notwithstanding the appellant's consideration of a 45-degree angle from the bathroom window.

7. The two-storey extension would cause a degree of additional overshadowing to No 29, particularly during the evening. However, the extent of that would be for a limited period in the day, given the position of the appeal scheme to the west and the presence of existing buildings. In this context, any additional overshadowing would not be significant and existing daylight levels would be substantially maintained. As such, the proposal would not cause adverse detriment with regard to daylight or sunlight.
8. The proposal also includes single storey extensions to the rear as well as a detached outbuilding. These would be modest in scale and appearance. As a result, these elements would not cause harm to the living conditions of No 29. However, having regard to the proposed two storey extension, the whole effect is a scheme that would result in an undue sense of enclosure, causing significant harm to the outlook of the occupiers of No 29.
9. The appellant has brought to my attention extensions related to 4, 28 and 38 Parkside, which lie near the appeal site. However, having noticed these developments during my site visit, I concur with the Council that these buildings have a different spatial context and relationship in comparison to the scheme before me, including that these two-storey extensions are to the side. I have considered this appeal on its own merits and these examples do not deflect from my concerns relating to the appeal proposal.
10. Whilst the proposal would not result in unacceptable harm in terms of daylight or sunlight, significant harm would arise from the two-storey extension on the living conditions of the neighbouring occupiers of No 29, with particular regard to outlook. As such, in relation to this main issue, there would be conflict with Policy CS16 of the Havant Borough Core Strategy March 2011 which, amongst other things, requires that development does not cause unacceptable harm to the amenity of neighbours.
11. For similar reasons, the proposal would be contrary to Chapter 12 of the National Planning Policy Framework 2021 (the Framework) which requires high quality design with a high standard of amenity for existing and future users.
12. The proposed development would also be contrary to the guidance contained in Section 5 of the Council's Design Guide Supplementary Planning Document December 2011, which seeks to ensure that, in general, extensions should not be closer than two metres from the boundary and should not cause an adverse effect.

Other Matters

13. I acknowledge the appellant's contention that the site lies within a settlement and that it would provide extended accommodation. I also note the parties agree the proposed development would have an acceptable impact on the character and appearance of the host building and area. Whilst, having regard to the location of the appeal scheme, I agree the extension would not be prominent, these matters do not outweigh my conclusions on the main issue.

Conclusion

14. The proposal would conflict with the development plan as a whole and there are no material considerations identified, including the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR