



Appeal Decisions

Site visits made on 2 May 2023

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal A Ref: APP/N1730/D/23/3317189

1 Chantreyland, New Road, Eversley RG27 0PA

- 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 S Motley and Miss S Wickings against the decision of Hart District Council.
 - The application Ref 22/02143/HOU, dated 16 September 2022, was refused by notice dated 1 December 2022.
 - The development proposed is a two storey hipped roof rear extension.
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Appeal B Ref: APP/N1730/D/23/3317190

2 Chantreyland, New Road, Eversley RG27 0PA

- 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 Mrs B A Wickings against the decision of Hart District Council.
 - The application Ref 22/02145/HOU, dated 16 September 2022, was refused by notice dated 1 December 2022.
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Decisions

Appeal A Ref: APP/N1730/D/23/3317189

1. The appeal is dismissed.

Appeal B Ref: APP/N1730/D/23/3317190

2. The appeal is dismissed.

Preliminary matter

3. In the addresses given in the heading above I have used the postcodes given on the Council's decision notices and the appeal forms, which are different from those given on the application forms.

Applications for costs

4. Applications for costs were made against Hart District Council by both of the Appellants in these appeals. These applications are the subject of separate decisions.

Main issue

5. The main issue in these appeals is the effect on the living conditions of the occupiers of the dwellings at 1 and 2 Chantreyland with regard to whether the

extensions would appear overbearing, the provision of private amenity space and, solely in relation to the occupiers of 2 Chantreyland, with regard to outlook.

Reasons

Living conditions

6. The appeals concern a pair of two storey semi-detached dwellings. The two storey rear extensions proposed would have the same depth and attach to each other at the side boundary between the dwellings. Planning obligations have been submitted in relation to both of the appeals. These seek to limit the construction of the extensions until the commencement of development has taken place at the other property. However, very little is needed for development to be considered to have started and merely digging a trench may be sufficient. Therefore, despite the intentions of the Appellants to build the extensions together, there can be no certainty that this would happen.
7. In these circumstances one extension might be completed while the other is at a fairly early stage and insufficiently high to fulfil the screening function necessary to mitigate the impact of the neighbouring development. As a result, the visual impact of the full two storeys of the development would be readily apparent at the neighbouring property. The height, scale and bulk of this addition projecting over 3 metres beyond the immediately adjacent rear wall would give rise to an unduly oppressive sense of enclosure.
8. In this situation the development would appear overbearing. This would be unacceptable regardless of daylight levels, which the Council considers would be acceptable in relation to no. 1. I also note that the obligation for 1 Chantreyland incorrectly states that the adjoining site is '1 Chantreyland'.
9. There are no development plan policies or informal guidelines specifically concerning the amount of external amenity space that should be provided. Moreover, there is no detailed evidence to show that the overall sizes of the resultant garden spaces would do other than meet reasonable functional needs. It is also accepted that the levels of daylight and sunlight would be satisfactory. The gardens would both have an acceptable standard of privacy. Occupiers would also have relatively good access to nearby public open space, public footpaths and the countryside.
10. However, despite these matters, the two storey extensions would significantly detract from the quality of the resultant private amenity spaces. The two storey dwelling at 5 Northwick is directly behind and in fairly close proximity to the rear boundary of the garden at no. 2. The associated single storey pitched roof outbuilding at the neighbouring property is also relatively close to the end of the garden at no. 2. As a result, there is already a significant degree of enclosure and visual dominance in views towards this property.
11. At present fairly open views are available to both sides of the back gardens. However, given the fairly narrow gaps to the rear boundaries beyond the proposed extensions of just over 2 metres, the sense of openness to one side in each case would be unacceptably diminished and restricted. As a result of this and, especially in relation to no. 2, the amenity spaces would be unduly dominated by overbearing built form, with an excessive sense of enclosure. This would be exacerbated by the effect of the bulk and visual dominance of

the dwelling at 5 Northwick. Therefore, even if both extensions were completed, the effect in relation to the adjacent amenity spaces would be unacceptable. In reaching this conclusion I have had regard to the representations made by the Appellants in relation to the Essex Design Guide and the National Design Guide but these do not alter my view.

12. The new bedroom proposed at number 2 would be served by a single window in a rooflight. The absence of any openings in the walls would result in a somewhat unpleasant and unduly enclosed environment. Moreover, the outlook provided would be fairly poor, tending to result in a somewhat awkward need to look upwards. While suggesting the primary use of the room would be for sleeping, the Appellant also points out that it might be used as a study. In the latter case, significant time periods might be spent there. In any event, merely coming and going from the room would result in a ready awareness of the lack of windows in the walls and resultant enclosure.
13. I have taken account of the assessment under the Building Regulations of the rooflight, which the Appellant has provided. This includes a consideration of means of escape, ventilation and natural light. However, the effect on outlook is a different matter, an important planning consideration and a significant determinant of the quality of the environment for an occupier. Even if the rooflight would provide better light levels than a vertical window and despite the presence of two other bedrooms, this would not justify the resultant poor outlook. As a result of these factors, rather than providing an appropriate degree of choice, the rooflight would result in the quality of the accommodation provided in the new bedroom being unduly poor.
14. It is concluded that the living conditions of the occupiers of 1 and 2 Chantreyland would potentially be adversely affected due to the extensions appearing overbearing and the inability of the planning obligations to effectively address this. The proposals would unacceptably detract from the quality and enjoyment of the resultant gardens at both dwellings because of the degree of enclosure. The outlook from the new bedroom at no. 2 would be unduly restricted. In these respects, the living conditions of the occupiers of these dwellings would be harmed.
15. Hart Local Plan (Replacement) 1996-2006 Saved Policies, Policy GEN 1 and Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2032, make no specific reference to overbearing effects, outlook or enclosure. Nevertheless, Policy GEN 1 has the general aim of protecting the amenity of residential uses with which there would be conflict. The supporting text to Policy NBE9 indicates that good design is about more than just appearance so that buildings and spaces should look good and be fit for purpose. The aims of this policy include high quality design and sensitivity to surroundings, which given the deficiencies I have found would not be achieved in these cases.
16. Furthermore, it is indicated in Paragraph 130 f) of the National Planning Policy Framework (The Framework) that developments should promote a high standard of amenity for existing and future users. This would not be satisfied by the proposals so that there would also be conflict with the Framework

Other considerations

17. The dwellings would each increase the number of bedrooms from two to three, raising the car parking requirement. The Council points out that there would,

in consequence, be a shortfall of one visitor space at each property. However, the Council has raised no objections in this respect, suggesting that visitors would tend to be short staying and intermittent in nature. Moreover, I saw at my site visit that there is space within the overall development that could be used by visitors. I therefore see no reason to take a different view.

18. Matters such as the scale, appearance and materials of the extensions would be compatible with their surroundings. As a result, there would be no detrimental impact on the character and appearance of the host dwellings and locality. The adjacent property at 5 Northwick has its side elevation facing towards the back of no. 2 and an outbuilding between it and no. 1. These relationships and the distance to any other dwelling means that the living conditions of the occupiers of other properties would not be adversely affected in respect of matters such as outlook and light.
19. The mere acceptability of the proposals in relation to the above matters cannot weigh positively in favour of the appeals and does not therefore offset the harm that I have found. Any economic benefits from the extensions would be fairly modest given their size. The occupiers of the dwellings would benefit from additional space. Set against these matters, however, would be the unduly poor internal and external environments resulting from the developments.
20. As a result of all the above factors, I consider that even if assessed solely in relation to the Framework, in terms of the balancing exercise in Paragraph 11, the adverse impact of granting permission would significantly and demonstrably outweigh the benefits. In consequence, even if the arguments regarding the relevance of the development plan policies put forward by the Appellants were accepted and this part of the Framework applied, the developments would be unacceptable anyway.

Conclusions

21. Given the harm that would arise in these cases and taking account of all other matters raised, it is therefore determined that the appeals fail. In reaching these decisions I have taken into account the representations made by local residents and other interested parties.

M Evans

INSPECTOR