



Appeal Decision

Site visit made on 7 June 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/L1765/W/22/3305299

1 Highfield House, Winchester Road, Waltham Chase SO32 2LG

- 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 Roger Hartley against the decision of Winchester City Council.
 - The application Ref 21/03063/FUL, dated 26 November 2021, was refused by notice dated 28 March 2022.
 - The development proposed is the demolition of existing outbuilding in rear garden and construction of two storey building for 2 no. 1 bed flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the second reason for refusal on the decision notice, reference is made to the effect of the development on properties to the south and west of the site. The Council has subsequently confirmed that the reason for refusal should have only referred to properties to the west of the site. Notwithstanding this, and based on the content of representations made by interested parties, it is still necessary to consider the effects of the development on the living conditions of the occupiers of property to the south.
3. Within the evidence, Lower Chase Road is also identified as Highfield Road. For clarity, I shall henceforth refer to this road as Lower Chase Road
4. The plans indicate that the first-floor flat within 1 Highfield House (number 1) is accessed via a stairwell located within the rear outdoor amenity area currently serving both flats within number 1. For the purposes of this decision, when references are made to the rear of number 1, I refer to the elevation which contains the exterior stairs and to those within the single-storey rear projection which, the plans indicate, contain a kitchen and shower room.

Main Issues

5. The main issues are the effect of the development on;
 - the living conditions of the occupiers of neighbouring properties, with particular regard to light and outlook; and
 - the character and appearance of the area.

Reasons

Living conditions

6. Two flats have been formed within the former single dwellinghouse at number 1. Within the elevations to the rear of the property, at both ground and first-floor levels, there are several clear-glazed windows.
7. Paragraphs 126 and 130 of the National Planning Policy Framework (the Framework) seek to secure a high-quality of design to create better places in which to live and work, and which provide a high standard of amenity for existing occupiers. Furthermore, within the Winchester City Council High Quality Places Supplementary Planning Document dated 2015, the importance of ensuring that new development does not have a detrimental impact on neighbouring residential properties, by, amongst other things, being overbearing and/or overshadowing/loss of light, is confirmed.
8. The submitted plans show that the ground-floor windows within the elevations to the rear of number 1 serve a ground-floor flat. They further indicate that one of these windows serves a hallway and that another, and a part glazed door, serve a kitchen. The outlook from these windows is already restricted by the existing single-storey flat-roofed outbuilding to the rear of number 1 and the exterior stairs serving the first-floor flat.
9. The proposed 2-storey building would be taller and have a substantially larger footprint than the building it is to replace. I accept that alleyways may not be unusual in flatted developments, and that from the kitchen of the ground floor flat it would still be possible to look down the narrow passageway between the side of the exterior stairs and the proposed building following the implementation of the development proposals. However, due to the increased height and scale of the proposed building, and the reduced separation distance between it and the elevations to the rear of number 1, the outlook available from within the kitchen would be further reduced to a level which would be unacceptably harmful to the living conditions of the users of this room.
10. In the absence of compelling evidence to the contrary, I also consider that the level of daylight and sunlight that would be able to enter rooms to the rear of both flats within number 1 via existing glazing, would be significantly and harmfully reduced. This is again due to both the proximity and the height and scale of the proposed building in relation to the amount and location of the glazing within the elevations to the rear of the flats at number 1.
11. The insertion of an additional window in the Lower Chase Road facing elevation of number 1, would mitigate any unacceptable harmful effects which would otherwise be caused in respect of outlook, for the occupiers of the first-floor flat. However, given that this window would be generally north facing, and in the absence of any compelling evidence to the contrary, I am unable to conclude, that it would satisfactorily mitigate the harm which would be caused by the reduction of light through the existing windows serving the first-floor kitchen in number 1.
12. The residential property known as Ludville is attached to number 1. It has a reasonably sized rear garden which is adjacent and parallel to the rear garden within the appeal site. With particular regard to light and outlook, the proposed development would not be materially harmful to the living conditions of the

occupiers of Ludville, either within their house or rear garden. This is because of the decent separation distance between the proposed building and the house and garden at Ludville; the presence of the tall close-boarded fence which separates the 2 properties; and, the siting of the proposed building to the north of the rear garden at Ludville.

13. Although in relation to this main issue, I have found no material harm would be caused to the living conditions available to the occupiers of Ludville, I have also found that unacceptable harm would be caused to the living conditions of the occupiers of both flats within number 1, with particular regard to light and outlook. Consequently, and in respect of this main issue, the development would conflict with Policy DM17 of the Winchester City Council Winchester District Local Plan Part 2 dated 2017 (the Local Plan Part 2), which seeks to prevent development that would have an unacceptable adverse impact on adjoining land, uses or property by reason of overshadowing or by being overbearing.
14. Policy DM16 of the Local Plan Part 2 which relates to local distinctiveness, is not determinative in the context of this main issue.

Character and appearance

15. Albeit close to the edge of the built form, the site is in a predominantly residential area within the settlement of Waltham Chase. I accept that in locations closer to the edge of the settlement, the density and layout of development is often lower and looser than that which can be found elsewhere within the settlement. I also appreciate that the garden of Highfield House has been previously reduced in size.
16. Excepting the employment development on the opposite side of Lower Chase Road, the appeal site is largely surrounded by existing, mainly two-storey residential development, of a variety of designs and styles. The character and appearance of the area close to the appeal site within Lower Chase Road, is informed by both the presence of roadside trees and hedgerows, and the variety of the houses and development that quite closely address the road.
17. Number 1 occupies a prominent corner plot adjacent to the junction between Winchester Road and Lower Chase Road. Notwithstanding this, the development would not be conspicuous from the public realm close to this junction. This is partly because the proposed building would be located to the rear of the flats at number 1. It is also due to the proposed building having a smaller massing and lower height than the pair of semi-detached properties which number 1 forms part of, as well as the pair of semi-detached dwellings at 1 and 2 Lower Chase Road. Furthermore, and although the proposed building would be sited closer to the road than the houses at 1 and 2 Lower Chase Road, it would be viewed and experienced in the context of the existing residential buildings that are on either side of it.
18. The proposals would increase the density of built development within the area, and the size of the gaps between the proposed building and the neighbouring properties would be reduced from those that currently exist. However, from the evidence and my observations on site, the gap which would be retained between the proposed building and 1 Lower Chase Road would not be atypical of the area.

19. The gap between the proposed building and the rear of the flats at number 1 would be small. However, due to the design and siting of the proposals, the development would result in the creation of a more active and attractive frontage within the section of Lower Chase Road it would be located.
20. For the reasons given above the proposed development would not harm the character and appearance of the area. Accordingly, I find no conflict with the requirements of policies DM15 & DM16 of the Local Plan Part 2. These policies require developments to respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, and to respond positively to the character, appearance and variety of the local environment, in terms of its design, scale and layout.

Other matters

21. The site is within 5.6km the Solent Special Protection Area's (SPA's), which include the Portsmouth; Solent and Southampton water; and Chichester and Langstone Harbours SPA's. However, there is no need to further consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.
22. The application form indicates that the proposed development would take the form of self-build and custom-build. However, no mechanism has been put before me to ensure that the development would be delivered as such. Therefore, even if the Council cannot demonstrate that enough permissions have been granted to meet the demand as identified on their self-build register, this consideration would not weigh in favour of the scheme.

Planning balance

23. There would be a benefit from the creation of 2 new homes on a small site, which, subject to compliance with other policies within the development plan, would be supported by policies DM1 of the Local Plan Part 2, and DS1 of the Winchester City Council Winchester District Local Plan Part 1 – dated 2013, and also by paragraphs 60 and 69 of the Framework. I accept that the site comprises underutilised land which is well located in relation to a range of services and facilities. Bicycle storage would be provided, and there would be improvements made to the communal garden areas. These considerations all weigh in favour of the scheme. However, given the scale of the proposals, any benefits would be small, and as such the weight that can be attributed to them is limited.
24. Even if the development subject of this appeal represents an improvement from the previously refused scheme (application reference 20/01427/ful), the identified benefits would be outweighed by the harm that would be caused to the living conditions of the occupiers of neighbouring properties, to which I accord great weight.
25. I have found that the development would not be harmful to the character and appearance of the area. However, the absence of harm associated with this consideration does not justify a different conclusion being reached regarding the acceptability of the scheme.
26. The proposed development conflicts with the development plan when taken as a whole, and there are no material considerations, either individually or in combination that outweigh the identified harm and development plan conflict.

Conclusion

27. For the reasons given above, this appeal is dismissed.

V Simpson

INSPECTOR