



Appeal Decision

Site visit made on 7 July 2023

by N Perrins BSc (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/X1735/D/23/3322194

4 Chestnut Avenue, Bedhampton, Havant, Hampshire PO9 3QR

- 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 Chris Poulton against the decision of Havant Borough Council.
 - The application Ref: APP/22/00923, dated 19 September 2022, was refused by notice dated 23 February 2023.
 - The development proposed is a double storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice has a different description of the appeal proposal than that used on the planning application form. I have not seen any correspondence to confirm there was agreement to change the description of development so have used the wording from the planning application form in this appeal decision.

Main Issues

3. The main issue is the effect of the development on the living conditions of neighbouring properties to the rear of the appeal site on Hulbert Road with particular regard to overlooking and loss of privacy.

Reasons

4. The appeal site is a detached bungalow with access from Chestnut Avenue. To the rear of the site is Hulbert Road, which includes a number of properties that either abut or are close to the appeal property. Chestnut Avenue is on higher ground than Hulbert Road, which results in the appeal property's rear garden sloping downwards at a slight gradient towards the houses behind. The appeal property has an existing raised veranda at the rear that provides external amenity space and steps down into the garden area.
5. The appeal proposal comprises a two storey rear extension to provide additional living accommodation at the property. Due to the difference in levels the appeal proposal would be positioned on higher ground than the neighbouring properties to the rear on Hulbert Road. I observed the difference in levels carefully on the site visit from the appeal property and also from the neighbouring properties at 101 and 103 Hulbert Road. I also observed that there is existing vegetation along the rear boundary of the appeal site that

provides screening and ensures that even with the change of levels the existing single storey property does not cause any adverse impacts to living conditions of neighbouring properties.

6. However, due to the topography that exists between Chestnut Avenue and Hulbert Road, the existing vegetation along the rear boundary would not be sufficient to fully screen the proposed second storey element of the proposal. The second storey part of the appeal proposal would therefore be highly visible from the rear gardens and living space at 101 and 103 Hulbert Road. Given the change of levels, the second storey windows and their position within the proposed rear elevation would result in direct overlooking into the amenity space of the properties at the rear on Hulbert Road. I consider that the overlooking that would occur from the proposed second story element would be intrusive and result in unacceptable harm to the living conditions of the properties to the rear on Hulbert Road. The impact would be greatest to 103 Hulbert Road although there would also be considerable harm to the living conditions of 101 Hulbert Road given the proximity of the plots.
7. Whilst the separation between rear walls would meet the distance requirements of the Council's Design Guide Supplementary Planning Document (2011), as set out above the development's layout, design and relationship with the neighbouring property would still result in an unacceptable degree of overlooking and loss of privacy. The SPD also does not override the status of the Development Plan and in particular Policy CS16 of the Havant Borough Local Plan, which requires development to not cause unacceptable harm to loss of privacy, outlook and overlooking to neighbouring properties all of which would occur with respect to properties on Hulbert Road if the appeal proposal went ahead.
8. In conclusion, the appeal proposal would harm the living conditions of the properties to the rear along Hulbert Road and is not in accordance with Policy CS16 of the Havant Borough Local Plan (2011), which seeks amongst other things to prevent unacceptable harm to the amenity of neighbours. The proposal would also conflict with the National Planning Policy Framework (the Framework), which seeks to secure a good standard of amenity for all existing and future users of land and buildings.

Other Matters

9. There is no dispute between the parties regarding the design and appearance of the appeal proposal, which would include brickwork, concrete tiles and not be readily visible from the street scene. I agree that the design approach proposed would be in keeping with the existing house and character of the area and also leave sufficient amenity space in the rear garden for occupants. I consider that lack of harm caused by these aspects of the proposed design has a neutral effect, which I attach limited weight to in this decision.
10. I am also mindful that that the appellant has identified that other buildings in the area have been similarly converted to chalet bungalows, the proposal is needed to reflect modern living conditions and the design allows for internal stairs to be fitted allowing less ambient people to have easier access to the rear garden. I have considered these carefully as they are important factors that I attach moderate weight to. However, whilst these are important considerations

they do not in my view outweigh the significant harm to neighbouring properties' amenity to the rear of the appeal site that I have identified.

11. Finally, the appellant has also made reference to the bungalow being able to be extended through permitted development with the appeal proposal representing an opportunity to achieve a better quality of design. There is no information available on what could be achieved through permitted development so I can only give this limited weight in my decision and does not override the harm I have identified.

Conclusion

12. The proposal would result in harm to the living conditions of properties to the rear of the appeal site. The proposal would therefore conflict with the development plan when considered as a whole and the Framework with regard to achieving well-designed place.
13. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

N Perrins

INSPECTOR