



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: 19 September 2023

Appeal Ref: APP/J1725/D/23/3318385

20 Chester Crescent, Lee-On-The-Solent PO13 9BH

- 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 & Mrs Squibb against the decision of Gosport Borough Council.
 - The application Ref: 22/00362/FULL, dated 3 September 2022, was refused by notice dated 9 February 2023.
 - The development proposed is for the erection of two-storey side & rear extension, alterations to existing loft and dormer windows, front facing balcony and demolition of existing single garage.
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Decision

1. The appeal is allowed and planning permission is granted for two-storey side & rear extension, alterations to existing loft and dormer windows, front facing balcony and demolition of existing garage at 20 Chester Crescent, Lee-On-The-Solent PO13 9BH in accordance with the terms of the application, Ref: 22/00362/FULL dated 3 September 2022, 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 (i) Site Location Plan & Site Block Plans Ref: S01 and (ii) Proposed Floor Plans & Elevations Ref: PR01.
 - 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.

Preliminary Matters

4. 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 in my formal decision from the Council's decision notice as that more succinctly reflects the proposed development.

Main Issues

5. The main issues in this appeal are the effect of the proposal on:
 - a) The character and appearance of the area; and

- b) The living conditions of 22 Chester Crescent with particular regard to loss of light, outlook and privacy.

Reasons

Character and appearance

6. The appeal property is a large two storey detached house with a detached side garage on the north east side of Chester Crescent. It is set well back from the street behind a deep front garden and driveway, which includes a recently built garage outbuilding close to the frontage of Chester Crescent. There are additional garden areas to the rear and the eastern side of the property that together with the frontage provide a substantial plot. The appeal property has loft accommodation and front and rear facing dormers at roof level. The character of the area comprises a mix of detached houses and bungalows of varying designs and roof types in mostly generously sized plots. To the rear of the appeal site, beyond Cherque Way, is the Alver Valley Country Park.
7. The detached side garage would be lost and replaced with a two storey side extension that would create a substantially larger dwelling on the site than existing. The appellant has provided information relating to two previous proposals to extend the appeal property and erect a garage, one that was granted planning permission (Ref: 21/00231/FULL) and one that was refused planning permission (Ref: 21/00607/FULL) and dismissed at appeal. I have had regard to the planning history at the site as far as it is relevant in reaching my decision on this appeal. In particular, planning permission 21/00231 provides a fallback position at the site that I consider has a greater than theoretical prospect of being built out given that the garage building part of the permission has already been constructed and the appellant has submitted a number of applications seeking to extend the property. I give the fallback position, and what has already been granted planning permission in terms of scale, bulk and mass, considerable weight in this decision.
8. The existing dwelling is already of substantial scale and prominent in the Chester Crescent street scene. It can also be seen from Cherque Way and the Alver Valley Country Park beyond albeit partially screened by fencing and vegetation from that vantage point. The proposed extensions would increase the overall size of the house and change how it appears from Chester Crescent. The appeal proposal is similar in design terms to the approved scheme albeit would increase the height of the side wall and roof on the west elevation by around 1.4m. This increase in height is a relatively modest and would not result in a materially greater impact on the street scene when compared with the approved scheme and given the proposed setting back at first floor, which would have the effect of reducing the appearance of bulk and scale from Chester Crescent. With regard to the alterations to the roof on the front elevation, the design and positioning of the velux roof lights and dormer windows with roof terrace on the front elevation, would not appear as out of character or proportion with the main dwelling and how it appears in the Chester Crescent street scene.
9. Moreover, the recently built garage outbuilding at the front of the site now also obscures some of the views to the main house from Chester Crescent. In view of this and that the changes in design from that already approved are relatively modest, I do not consider the appeal proposal would result in material harm to

the Chester Crescent street scene over and above what has already been approved.

10. With regard to the impact on the Cherque Way street scene, the appeal proposal includes an increase in the rear projection from the approved scheme by around 1m and inclusion of dormer windows in the roof. However, I do not consider this or the alterations in the roof would be unduly prominent or visible from public vantage points to the rear given the large garden area within the appeal site, screening that is in place and existing views of a wide and varied street scape from Cherque Way and the Alver Valley Country Park beyond. Consequently, I do not find there would be harm from the appeal proposal to the street scene along Cherque Way.
11. Objections also raise concern that the proposal subject of this appeal would be larger than the previous scheme dismissed at appeal and therefore still have a harmful impact on character and appearance. I disagree with this as whilst larger than the approved scheme ref: 21/00231, its overall visual impact would be less than the refused application re: 21/00607 due to the design changes that have been incorporated.
12. For the reasons given above, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of either Chester Crescent or Cherque Way. The design and alterations to the main dwelling would appear from both street scenes as balanced and proportionate. Consequently, the proposal accords with Policy LP10 of the Gosport Borough Local Plan 2011-2029 adopted in 2015 (Local Plan), the Council's Design Supplementary Planning Document (Design SPD), which expects development to be well-designed with a high quality appearance in terms of scale, setting, layout, massing, landscaping and appearance. It would also be consistent with Section 12 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments are sympathetic to local character.

Living Conditions

13. The appeal proposal would retain the existing separation distance of approximately 1m from the common boundary with 22 Chester Crescent (No 22), which then has a similar gap from the boundary to the property at No 22. The side elevation at No 22 has two windows that face towards the appeal property; one on the ground floor and one at the first floor. The first floor window is obscure glazed, which I understand serves a bathroom. As this is not a habitable room, the appeal proposal would not in my view result in harm to living conditions at first floor level sufficient to withhold the grant of planning permission.
14. The window at ground floor level at No 22 serves a kitchen that at the time of the site visit faced towards the appeal property's existing garage side wall due to the absence of boundary treatment between the two properties. I have since been provided confirmation that boundary treatment has since been reinstated. It is understood that this room also has windows to the north west and south west that provide alternative light and outlook to the room. The appeal development does differ from the approved scheme in so far that the western elevation's flank would be higher, which will add bulk and mass to the outlook from the side window at No 22. However, in view of the existing situation in respect of outlook I do not consider that the height of the appeal proposal on

the western elevation would result in material harm sufficient to refuse planning permission given that the existing separation distances are maintained and there are other windows serving the room to the north west and south west.

15. In terms of light, the appellant has provided details of a Sunlight Assessment that compares the existing situation with the approved scheme and the one dismissed at appeal. Whilst the Sunlight Assessment does not include an assessment of the appeal proposal I have taken it into account in so far that it demonstrates that there are only a few hours a day of natural light to the side window of No 22 at present that is then reduced by about an hour by the approved scheme. I have also taken into account the conclusions from the previous appeal Inspector who found that the impact of the larger scheme on the side window would not have materially harmed the living conditions of No 22 due to the existing situation. In this context, and given that the adjacent ground floor room is served by other windows that provide an additional light source, I do not consider there would be a materially greater impact on light to the ground floor side window than what has already been approved.
16. In terms of impacts of privacy, two new windows are proposed in the extension at ground floor facing towards No 22. The occupier of No 22 has raised concerns over these windows in terms of the impact on privacy to their property. At the time of the site visit there was a section of the fence missing along the common boundary with No 22. Without the fence being in place I consider that the two windows would be intrusive to the occupiers of No 22. However, since the site visit the appellant has provided details to confirm that the fence along the common boundary with No 22 has been reinstated, which I consider addresses privacy concerns from the two new windows proposed at ground floor level.
17. Accordingly, I conclude that the proposed development would not cause unacceptable harm to the living conditions to 22 Chester Avenue. Consequently, the appeal proposal accords with Policy 10 of the Local Plan, which seek to prevent harm by reason of loss of light, privacy or outlook, the Design SPD and paragraph 130 of the Framework, which seeks to secure a high standard of amenity for existing and future users.

Other Matters

18. Objections to the application raised concern that the proposal does not include the garage that has been built at the site. The garage building forms part of extant planning permission ref: 22/00231 and therefore does need to be included in the application subject of this appeal with both considered together in respect of their visual impact. In this regard, the site is a large plot and has sufficient room to accommodate the additional built form subject of the appeal as well as the garage already constructed without causing harm to the character and appearance of the area.
19. Concern has also been raised about parking requirements for the proposed extended dwelling and whether an increase in potential occupants that would occur would place further pressure on on-street parking within the crescent. The Council has not raised concerns over parking requirements and I am satisfied that there is sufficient space within the site for occupants of the

extended dwelling to park off-street without leading to adverse impacts on the highway network in accordance with Policy LP23 of the Local Plan.

20. Finally, I note the concerns that the appeal proposal is purportedly being created for a future business opportunity that may include a bed and breakfast. Potential future uses do not form part of this appeal and I am unable to attach any weight to this in my decision; I can only determine the proposal in terms of whether it would result in a satisfactory form of development as an extension to the existing dwelling, which I conclude would be the case as set out above. A change of use from a residential dwelling to a commercial operation would require a new and separate planning permission and be determined on its own merits.

Conditions

21. I have considered which planning conditions are required having regard to the tests contained in the Planning Practice Guidance (PPG) and the conditions suggested by the Council. I have included the standard condition requiring implementation within three years of the date of this decision.
22. I have included a condition to require that the proposal must be built in accordance with the specified approved plans for the avoidance of doubt and in the interests of certainty. I have also included a condition requiring the external materials on the extension to match those of the existing house in order to respect the appearance of the host property and the street.

Conclusion

23. For the reasons given above, the proposal is consistent with the policies of the development plan as a whole and there are no material considerations that would lead me to a different conclusion. I conclude that the appeal should be allowed, subject to the conditions specified.

N Perrins

INSPECTOR