



Appeal Decision

Site visit made on 9 October 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17.10.2023

Appeal Ref: APP/A1720/D/23/3323161
93A Longmynd Drive, Fareham, PO14 1TA

- 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 Peter Terry against the decision of Fareham Borough Council.
 - The application Ref. P/23/0591/FP, dated 18 April 2023, was refused by notice dated 24 May 2023.
 - The development proposed is raise the ridge 1.5 metres to allow the conversion of the loft and installation of solar PV panels on south facing roof.
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Decision

1. The appeal is allowed and planning permission is granted to raise the ridge 1.5 metres to allow the conversion of the loft and installation of solar PV panels on south facing roof at 93A Longmynd Road, Fareham, PO14 1TA in accordance with the terms of the application, Ref. P/23/0591/FP dated 18 April 2023, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Floor Plans, Section and Elevations Rev A May 2023; Drawing No. 18-007 PL-01 Rev D.
 - 4) Notwithstanding the provisions of the Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent Order revoking or re-enacting that Order) at no time shall any windows be inserted at second floor level into the western elevation of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Preliminary Matters

2. The reason for refusal refers to the National Planning Policy Framework (Framework), but since the refusal was issued the Framework has been revised, in September 2023. Whilst the Council's reason for refusal does not refer to any specific part of the Framework, the Council's Delegated Report (CDR) does refer to paragraphs 130 and 134. These paragraphs remain unchanged in the September 2023 version of the Framework.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the host property and surrounding area.

Reasons

4. The appeal site is located on the northern side of Longmynd Drive. The host property is an end of terrace two storey new build that is set back from the main road, with its background dominated by a band of mature trees located within the grounds of the school to the north. The appeal site is accessed from a lane that also leads to a small courtyard of garages and parking to the east. The surrounding area comprises detached, semi-detached and small terraces of houses, as well as blocks of flats. These vary from single storey to two storey houses to four storey blocks of flats. Their layout and form varies with some fronting the road and others side onto the road, with a mixture of flat roofs, hipped roofs, gable ended roofs and more traditional roofs.
5. The appeal proposal involves raising the existing ridge of the host property by 1.5 metres and in so doing raising the eaves height, to allow the conversion of the loft and installation of solar PV panels. A number of new roof lights are also shown within the main roof planes. The original design included gable ends, but this was amended during the determination of the application to include a hipped roof.
6. The Council have referred to policy D1 of the Fareham Local Plan 2037 (April 2023) (FLP). This policy seeks, amongst other requirements, to support development that responds to its local context and those positive elements of local character, and is of a high quality of design. Reference has also been made to the Framework, with the CDR identifying the relevant paragraphs as being 130 and 134, which are consistent with the approach set out in policy D1. Whilst there is no reference to the Fareham Borough Design Guidance Supplementary Planning Document (December 2015) (SPD) in the reason for refusal, it is referred to in the CDR. The latter simply repeats the statement in the SPD that successful extensions are those that respect existing character. Even so, I note that section 1 of the SPD, which deals with "*extending your home*", does contain advice on dormers and rooflights but I could not find any specific advice on roof alterations, as proposed.
7. Within the above context, the proposed increase in height of the existing ridge and eaves would, in my view, be modest and would not appear out of scale or harmful to the streetscene. I accept that there would be a material change to the appearance of the host property when viewed from the road. However, as the host is set back from the main road and is located at the end of the small terrace where it appears as a 'book end' to that development and as there is a variety of roof forms and ridge heights in the surrounding area, the proposed increase in height combined with the use of a pallet of materials to match existing and hipped roof design would not introduce a visually dominant or incongruous feature within the streetscene.
8. Overall, whilst the proposal would result in a change to the appearance of this small terrace, I am satisfied, on balance, that this change would not represent a poor quality design or an alien feature given the set back of the host, its orientation relative to the small terrace it forms part of and the varied built character of the surrounding area. Further support for these findings is

provided by the fact that the proposal would promote more effective use of the existing building and through the provision of solar PV panels, would support the use of renewable energy and assist in moving towards being carbon neutral. Both are benefits supported by other policies in the development plan and Framework.

9. Whilst I note that an interested party has raised a concern in relation to land they were seeking to purchase and the failure of the Council to notify them of the application, neither of these considerations are relevant to the issue before me and do not therefore affect my overall findings.
10. Accordingly, I am satisfied that the proposed roof alterations would sit reasonably comfortably on the appeal site and that the host property, as extended, would not appear out of character with its surroundings and would secure a high quality of design. I find, therefore, that the appeal proposal would be compliant with the aims and objectives of policy D1 of the FLP and the corresponding policies of the Framework.

Conditions

11. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance (PPG) chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for materials to match existing are necessary and reasonable to secure a high-quality development. I have, however, added a list of approved plans for clarity.
12. The PPG states that permitted development rights should only be removed in exceptional circumstances. The Council have suggested that these rights should be removed to prevent any new windows being inserted at and above first floor level on the western elevation of the development. I am satisfied that those exceptional circumstances exist in relation to the removal of rights to insert new windows on the new second floor level, in the interests of protecting the living conditions of neighbouring occupiers. However, no alterations are proposed to the first floor and it will remain as existing. As such, this restriction would effectively mean removing those rights retrospectively, assuming they were not removed in granting permission for the new build scheme in 2021. In view of this, I am not persuaded that such an approach would be reasonable, necessary or directly related to the proposal for which planning permission is sought.

Conclusion

13. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR