



Appeal Decision

Site visit made on 9 January 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/H1705/W/23/3323882

2 Dellands, Overton, Basingstoke RG25 3LB

- 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 the Hodgson Estate against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/00556/FUL, dated 11 February 2021, was refused by notice dated 9 December 2022.
 - The development proposed is the erection of 3 no bedroom dwelling house on existing residential land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. Whilst I have had regard to the revised national policy in my decision, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, given the particulars of the case I am satisfied that there is no requirement to seek further comment from the parties on the revised Framework, and that in taking such an approach no party or their cases would be prejudiced.
3. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of a two bedroomed house. The Council dealt with the proposal on this basis and so shall I.

Main Issue

4. The main issue in this case is the effect of the proposal upon the living conditions of the occupiers of 12 Red Lion Lane, having particular regard to daylight and sunlight.

Reasons

5. 2 Dellands (No 2) is a semi-detached house within a mostly residential area comprising a mix of ages and styles of dwellings. Positioned upon a hillside, this house is set back from the highway behind a shallow front garden, with a generous and irregularly shaped garden to the rear that drops down the

- hillside. To the eastern boundary of this property is 12 Red Lion Lane (No 12), and this detached house occupies a corner plot formed by the junction of Dellands with Red Lion Lane. This house is positioned to front the lane and is within a narrow plot, having gardens that extend downhill towards the north.
6. The elevated position of No 2 in relation to No 12 is such that there is existing mutual overlooking between the two properties, and the proposed dwelling has been designed so as not to exacerbate this. The Council have suggested the first-floor landing window could be conditionally required to be obscure glazed with minimal opening, and boundary treatments have also been conditioned, which would provide an opportunity to screen the car parking. Having regard to this and the degree of overlooking that already exists, the provision of the new dwelling would not significantly reduce the privacy of the occupiers of No 12.
 7. Notwithstanding this, the proximity of the house to No 12 would unacceptably impact upon the levels of daylight and sunlight experienced by the occupiers of this property. Although being two-storey and continuing the front elevation of the existing dwelling, the house would be much closer to No 12. Even with the provision of a parking space between the flank wall and the property boundary, the height of the house, its proximity to the boundary and its elevated position above No 12 are such that it would unacceptably reduce the daylight and sunlight experienced by the occupiers of this property.
 8. I have had regard to the guidance in the Council's Design and Sustainability Supplementary Planning Document (2018) concerning daylight and outlook, and I appreciate that the rooms within the southern end of No 12 and its courtyard garden already experience restricted daylight and sunlight due to the difference in levels between the properties. Nevertheless, the particular circumstances of this case are that the dwelling would remove much of the already limited sunlight that the occupiers of No 12 experience within their property. This loss would be apparent within the courtyard garden and nearby rooms, particularly in the afternoons and summertime evenings.
 9. The appellant's Daylight and Sunlight Study (2023) has concluded that the scheme would have a low impact on the light received by the neighbouring property, and this assessment was undertaken based upon a site inspection from the appeal property and upon the drawings submitted with the original application. No 12 has a double garage and parking area to the south, and from what I saw at my site inspection, the house is much closer to the garage than is depicted on the Site Location plan and Block plan drawings (drawing numbers PL01 and PLO2 rev A respectively). During my early afternoon midwinter site visit on a bright sunny day it was evident that No 2 casts shade over the neighbouring property, but it was also apparent that sunlight was experienced in the courtyard garden and in the ground floor habitable rooms. Having regard to the proximity and elevated position of the proposed dwelling in relation to No 12, the scheme would unacceptably reduce the levels and duration of sunlight and daylight experienced.
 10. Whilst the Framework requires the effective use of land in meeting the need for homes with a flexible approach in applying policies or guidance relating to daylight and sunlight, the existing levels of light to the occupiers of No 12 are already restricted, and given that, further loss would be noticeably impactful. Taken as a whole, the loss of sunlight and daylight to this property would

unacceptably impact upon the living conditions of its occupiers. This would be contrary to Policy EM10 of the Basingstoke and Deane Local Plan (2016), which requires, amongst other things, that development respects the local environment and amenities of neighbouring properties, including the provision of a high quality of amenity for the occupiers of neighbouring properties with regard to access to natural light.

Other Matters

11. The site is within the River Test catchment area, which drains to the Solent, an area designated as a Special Protection Area (SPA), Ramsar and Special Area of Conservation (SAC). The Solent and Southampton SPA, Ramsar and Solent Maritime SAC are nationally and internationally protected for their habitats and plants and bird populations. Natural England have advised that there are high levels of nitrogen and phosphorous going into the Solent resulting in eutrophication that is harming the protected habitats and bird species. The appellant has provided a nitrogen load calculation, and subject to conditions the Council have considered the scheme would mitigate the impacts of any additional nutrient levels.
12. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects from the proposal, either alone or in combination with other schemes, and this duty falls to me as the competent authority. Had I come to a different conclusion on the main issue, it would have been necessary for me to undertake an Appropriate Assessment and further consideration of the likely effectiveness of mitigation measures. In doing so I would have had regard to the suggested condition, and whether there would be significant effects arising from the proposal, either alone or in combination with other schemes, as I would have to be certain that the integrity of the protected sites would not be adversely affected. However, as I am dismissing the appeal for other reasons, this assessment has not been necessary.
13. Local residents have raised a number of matters, including character and appearance and highways safety concerns, albeit following my findings on the main issue, I have no need to consider these matters further. As regards landownership and boundary issues, this is a matter for the relevant parties to address.

Planning Balance

14. The Council acknowledges that it cannot demonstrate a five year supply of deliverable housing sites. Consequently, paragraph 11(d) of the Framework is engaged, whereby planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
15. The provision of an additional high-quality dwelling within a settlement would be a benefit arising from the scheme as it would contribute towards the supply of housing and be an efficient use of land, and would accord with the objective of Policy H1 of the Overton Neighbourhood Development Plan (2016) that seeks amongst other things a mix of dwelling sizes. There would be a modest economic benefit arising from the construction of the dwelling and also from future occupiers using local services and facilities. Modest environmental benefits would occur from any landscaping and energy efficiency measures. However, weighing against these benefits would be the significant social harms

arising with regard to the living conditions of nearby residents, and these harms weigh heavily against the proposal.

16. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The policy referred to above is broadly consistent with those of the Framework. Notwithstanding the Council's housing land supply position, the significant adverse social impacts in this case amount to harms which carry substantial weight, and this thereby significantly and demonstrably outweighs the benefits arising from the scheme, when assessed against the policies in the Framework as a whole.

Conclusion

17. The scheme would cause unacceptable harm to the living conditions of nearby residents, and the suggested conditions would not overcome these harms. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR