



Appeal Decision

Site visit made on 16 April 2024

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2024

Appeal Ref: APP/N1730/D/24/3337363

3 Lyndford Terrace, Fleet GU52 7SE

- 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 and Mrs Michael Kearney, against the decision of Hart District Council.
 - The application Ref 23/02011/HOU, dated 6 September 2023, was refused by notice dated 31 October 2023.
 - The development proposed is described on the application form as a "two storey rear extension".
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Preliminary matter

1. The Council and Appellant have used an amended and more accurate description of development from that given on the application form. In consequence, I have used this in the decision below.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension following demolition of existing single storey rear extension and insertion of window to first floor rear at 3 Lyndford Terrace, Fleet GU52 7SE, in accordance with the terms of the application, Ref 23/02011/HOU, dated 6 September 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3640-P11e.
 - 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 dwelling.

Main issue

3. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwellings at 2 and 4 Lyndford Terrace, with regard to whether the development would appear overbearing.

Reasons

4. The appeal concerns a two storey dwelling located within a terrace. The attached dwelling at no. 4 has adjacent windows to the rear at ground and first

floor level serving a kitchen and bathroom. The Council points out that these are not habitable rooms. In consequence, they are appreciably less important to the quality of the residential environment and outlook than a habitable room where noticeably more time would be likely to be spent. Moreover, the kitchen adjoins a dining/breakfast room where there are other windows in the rear and front elevation that would not be significantly affected by the development. The dwelling to the other side at no. 2 also has adjacent windows at ground and upper floor levels serving a dining room and bedroom. These would both retain a good quality of outlook as they are dual aspect, also having windows at the front that would not be affected by the addition. These factors reduce the importance of protecting the outlook from these openings and any reduction would not necessarily justify rejection of the appeal.

5. While virtually spanning the full width of the property at ground floor, at first floor level the rear extension would leave gaps to both of the adjacent side boundaries. Furthermore, the upper floor windows at the neighbouring dwellings are set back noticeably at this height. The two storey extension would have a fairly similar depth to the ground floor addition to be removed. The latter is relatively imposing with a fairly steeply pitched and gable ended roof. Moreover, the roof of the addition would slope down to the sides and, together with the hipped end, limit the bulk, mass and resultant visual impact.
6. The ground floor windows at both neighbouring properties currently experience a degree of enclosure from the adjacent single storey addition at no. 3. The extension would be wider and therefore closer to these windows but not significantly change the outlook given the similar depth. Furthermore, there would be a set back above this at first floor level. The upper part of the extension would not be prominent in views from the ground floor windows given the need to look upwards at a fairly steep angle in order to see it. The distance of the extension from the adjacent first floor windows would prevent it from appearing unduly dominant from these openings.
7. Due to these circumstances matters such as the proximity, depth, height, bulk and mass of the rear extension would not result in an unacceptable loss of outlook, with there being no oppressive sense of enclosure. As a result, the development would not appear intrusive or overbearing at the neighbouring houses. There would also be no undue loss of sunlight or daylight at either property due to similar factors.
8. For the above reasons, it is concluded that the living conditions of the occupiers of the adjacent dwellings would not be harmed. The proposal would accord with the aim of Hart Local Plan (Replacement) 1996-2006 Saved Policies, Policy GEN 1 to avoid any material loss of amenity to adjoining residential uses.
9. Taking account of all other matters raised, given the absence of any harm it is determined that the appeal succeeds. A condition specifying the approved plans is necessary to provide certainty. The facing materials used should match those of the existing dwelling in order to protect its appearance.

M Evans

INSPECTOR