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# Appeal Decision

Site visit made on 5 June 2024

**by R Cahalane BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> July 2024**

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**Appeal Ref: APP/W1715/D/24/3340474**

**1 Kestrel Road, Eastleigh, Hampshire, SO50 9LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Andreou against the decision of Eastleigh Borough Council.
  - The application Ref H/23/96549, dated 12 December 2023, was refused by notice dated 30 January 2024.
  - The development proposed is described as "Re-submission of double two storey side and rear extensions. Demolition of the existing garage and erection of new single storey garage repositioned to 90 degrees."
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

## Reasons

3. The appeal site (No. 1) forms the end of a row of four two-storey red brick terraced dwellings facing Kestrel Road, within a residential area and near to several areas of public open space. The side boundary is angled away at some distance, alongside a narrow communal access to rear gardens of the surrounding dwellings. The appeal dwelling is mainly enclosed by tall hedging along its front roadside boundary, although the shrubbery along its side boundary is lower, where its open vehicular access is also located. The open and spacious character of the appeal site is therefore readily apparent when viewed from its surroundings.
4. The appeal site is within the Aviary Estate, which forms a Special Policy Area as set out in the Council's Character Area Appraisals for Eastleigh Supplementary Planning Document. Policy E10 of the Eastleigh Borough Local Plan (2022) describes the Aviary Estate as an estate of former public housing that has a pleasing and distinctive character, comprising, amongst other things, a number of rustic architectural features. The Aviary Estate is also described as a particularly good example of the interwar era in which it has been built, and which has been largely unspoilt by inappropriate extensions.
5. The appeal scheme includes a two-storey side/rear extension to the main dwelling, to provide an annexe for the appellant's parents as dependent relatives, and is annotated as such on one of the proposed plans (2072-002B). The extension would have a pitched roof slightly lower than the

existing dwelling and would be hipped to the side to reflect its existing roof form. The proposed front elevation would also be slightly set back from the existing, and would contain its own separate front entrance door. The appellant's statement advises that the overall ownership would remain the same and that the annexe can easily be converted back to one single dwelling in future.

6. During my site visit, I noted that the appeal dwelling, and the terraced row it forms part of, have retained their original design features, including their hipped pitched roofs, window proportions and chimneys. Although the dwelling at the other end of the terrace (No. 7) has been extended, including to its side, this is at single storey level and has been done in a manner that respects the appearance and proportions of the dwelling and its surrounds. No. 1, and the terrace it forms part of, therefore still retain a strong uniform character, balance and symmetry, and is therefore reflective of the positive and distinctive characteristics of the Aviary Estate.
7. The proposed two storey extension would extend up to the side boundary, which would make it appear cramped and squeezed into the plot, detracting from the spacious character of the site and its surrounds. The extent of reduced height and front recess from the existing host dwelling is minimal, and the side projection would also have a width greater than half that of the existing dwelling. This overall bulk and scale would fail to be subordinate to the host dwelling, and would make the extension appear as a conspicuous and overly dominant addition to the host dwelling and its surroundings.
8. The proposed crown roof form to its rear would be lower than the rest of the extension, and I note that the officer report does not cite any harm in respect of this rear extension element. However, such a roof design is not replicated in the vicinity, which comprises traditional hipped pitched roofs and some attractive front gable features. This would make the proposed rear crown roof appear incongruous in its setting. The provision of an additional front door to the side extension would also further draw the eye to the overall development, even despite this not including a porch or other front enclosure.
9. The proposed development is therefore contrary to Policy DM1 of the Eastleigh Borough Local Plan (2022) which requires, amongst other things, development to not have an unacceptable impact on the character and appearance of the urban area and to take full and proper account of the context of the site, including the character and appearance of the locality in terms of mass, scale, design and siting. The proposal is also contrary to Policy E10 of the Local Plan, which requires extensions to, amongst other things, closely reflect the character of existing development in terms of size and scale – and such requirements are also reflected within the guidance provided by the Council's Character Area Appraisals for Eastleigh Supplementary Planning Document (2008).

## **Planning Balance**

10. The appeal proposal would provide a new modern lifestyle for the appellant's family, and there is no evidence to suggest that it would cause a harmful impact in respect of neighbours' living conditions, or highway safety or capacity. The above matters are all neutral considerations that do not weigh in favour of the proposal, nor justify the harm it would cause.

11. As part of determining this appeal proposal, I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age or disability.
12. The proposed extension is required to provide care for dependent parents of the appellant. However, the benefits of the proposed development to the appellant's family must be weighed against other material considerations, including relevant local planning policies related to character and appearance, and the wider public interest. I have also not been given demonstrable evidence to indicate that the appeal scheme is the only or least harmful way of satisfying the needs of the appellant's family. I consider that the harm that would be caused by the proposed development clearly outweighs the needs of or benefits to the appellant's family. Dismissing the appeal would be proportionate within these circumstances.

### **Conclusion**

13. For the reasons given above, the appeal proposal is contrary to the development plan as a whole, and the material considerations before me do not carry sufficient weight to indicate a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

*R Cahalane*

INSPECTOR