



Appeal Decision

Site visit made on 20 August 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH August 2024

Appeal Ref: APP/B1740/D/24/3339419

25 Tedder Way, Totton, SO40 3FZ

- 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 Mrs Huyen Le against the decision of New Forest District Council.
 - The application Ref is 23/10985.
 - The development proposed is 1/ Wooden frame room extension (A1) attached to the existing rear brick extension_3.50m x 5.1m; 2/ Wooden framed shelter structure (A2) attached to the new extension (A1) and the existing outbuilding. This covers a new pond which is partly inside the new extension_5.1m x 5.8m at furthest post; 3/ Wooden frame shelter structure attached to the SW side elevation of the existing rear brick extension covering the existing pond_3.4m x 3.1m.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As I observed on my site visit, the proposed extensions and structures, which are the subject of this appeal, already exist on site and planning permission is, therefore, sought retrospectively for their retention.
3. However, since the application was refused the Council have granted planning permission, on 22 April 2024, for various amendments to the extensions and structures on site, under ref 24/10158. The Delegated Report and approved plans for that amended scheme were included with the Council's Questionnaire and these show that the amendments included lowering the roof and creating a flat roof that would sit below the height of a previous rear extension.
4. The amended scheme also included render to the front and rear elevations to create a more cohesive addition. The Council's Officers concluded that these amendments addressed the objections raised to the original application. I have had regard to this amended permission in determining this appeal.

Main Issues

5. The main issues are the effect of the proposed development on (a) the character and appearance of the host property and surrounding area, and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

6. The appeal site is located on Tedder Way and comprises a two storey semi-detached property within a spacious plot. The other half of the pair of semis is 27 Tedder Way (No.27), which sits on the corner of Tedder Way with Portal Road. Due to this both properties are orientated towards the corner rather than facing front onto Tedder Road, which results in both benefitting from larger front and side gardens than some of their neighbours. The frontage to the host comprises a low brick wall with slatted fencing above in between brick piers, with a large metal gate providing access for pedestrians and vehicles. Most of the frontage is paved with some boundary planting.
7. As I confirmed earlier, the proposal involves the retention of a wooden framed extension and two wooden framed shelters that effectively run along the side common boundary with No.27 and link the existing extension with an existing outbuilding (on the rear boundary).
8. As I observed on site, notwithstanding the front boundary wall/fence and a further grey timber fence, that runs from the corner of the existing extension to the side (western) boundary of the host, the proposed wooden extension and structures are very visible from the road and public vantage points. From those views, the varied materials and designs of the extensions and structures results in additions that are unsympathetic and out of character with the design and appearance of the host property.
9. The ad hoc heights of the structures and extensions, compared to the existing extension and outbuilding, result in an incohesive design. The harm that results in accentuated by the poor quality of the materials and different roof heights/forms. As such, I agree with the Council that the proposal impacts negatively on the character of the area and fails to integrate well with the design of the host, resulting in a development that is visually prominent, harmful and out of keeping.
10. I fully understand the reasoning behind the structures in seeking to provide security and protection for the koi carp fish ponds. However, as the Council indicate there is no objection in principle to constructing an extension and/or structures that would afford the protection and security required, provided they were of a high quality design and resulted in a more coherent and visually attractive addition to the host property.
11. I also acknowledge that it is common to see various structures and outbuildings within side and rear garden and that there are examples of these to be found on neighbouring properties. In relation to the latter, all of the examples I observed had a more traditional appearance and were on a much smaller scale than the appeal proposal. As such, they were less visually prominent. Even so, I have not been provided with any detailed planning background to these examples and I can only consider the proposal that is before me and do so, as is required, on its individual merits.
12. Accordingly, I find that the retention of the appeal proposal is contrary to policy ENV3, in particular part i, of the New Forest District Council Local Plan 2016 – 2036 Part One; Planning Strategy (July 2020) (NFLP). This policy seeks, amongst other requirements, to ensure that new development is of a high quality design, that it contributes to local distinctiveness, and enhances character and identity by creating buildings that are logically laid out, work well together and are sympathetic to local context in terms of layout, scale, height and appearance.

Living conditions – neighbouring occupiers

13. Part ii of policy ENV3 of the NPLP requires new development to avoid unacceptable effects by reason of visual intrusion or overbearing impact on residential amenity. A similar approach is set out in paragraph 135 f) of the National Planning Policy Framework (December 2023).
14. As I observed on site, the proposed structures are high and extend along the length of the common side boundary with No.27, which due to its orientation, has a small rear amenity area. Even so, based on my observations on site and the evidence before me, I am not convinced that the impact of the proposal on this rear amenity area is so excessive or sufficiently overbearing as to justify on its own the refusal of planning permission.
15. The above finding is supported by the fact that the main amenity area to No.27 appears to be to the front and side of the main house. This area is well screened by mature hedging, is private and as I indicated earlier, is large due to the property's corner location.
16. In view of the above findings, I have not considered further the comparisons raised by the Appellant in relation to permitted development rights.
17. Accordingly, I find, on balance, that the retention of the proposal would not result in any significant harm to the living conditions of the occupiers of No.27 and is thus not contrary to part ii of policy ENV3 of the NPLP.

Conclusions

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

G Roberts

INSPECTOR