



Appeal Decision

Site visit made on 21 October 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2024

Appeal Ref: APP/W1715/D/24/3349470

13 Satchell Lane, Hamble-le-Rice, Hampshire SO31 4HF

- 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 & Mrs Steve & Juliet Simpson against the decision of Eastleigh Borough Council.
 - The application Ref is H/24/97499.
 - The development proposed is for part single, part two storey front and rear extensions, removal of existing roof and erection of new loft floor along with internal remodelling and improved parking area.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellants against the Council and is the subject of a separate decision.

Preliminary Matter

3. I am aware that the appeal site has relatively extensive planning history and of particular pertinence to the case in hand is the previous proposal with local Planning Authority (LPA) reference H/23/95847 which was allowed on appeal by one of my colleagues in May of this year (Ref. APP/W1715/D/24/3339148). That appeal decision is material to the scheme that is before me, although I have determined this appeal on its own merits.

Main Issues

4. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of 15 Satchell Lane, with specific reference to sunlight.

Reasons

Character and Appearance

5. The appeal site comprises a detached bay fronted house in an elevated position along Satchell Lane. Building forms vary in the locality with some contemporary designs mixed in amongst more traditional architecture, but due to the natural curvature of the road and the presence of vegetation I consider that nos 11 – 17 (odds) can be read as one distinct grouping. Whilst none of

these dwellings are identical to each other, a main common theme is their hipped roofs.

6. I acknowledge the appellants' claim that the hip to gable roof extension over the main range of the dwelling would be permitted development, and whilst that does appear to be indicated by the Council in the submissions, compliance with the General Permitted Development Order has not been provided, nor has this has not been tested in the form of a Certificate of Lawfulness application. Furthermore, this appeal has been submitted pursuant to Section 78 of the Town and Country Planning Act 1990 and it falls upon me to determine the proposal on its merits, having regard to the totality of its impacts.
7. A pitched roof is also proposed over the previously approved two storey flat roof rear extension and I consider that together the roof extensions would add considerable bulk to the host dwelling and would appear as discordant additions to the street scene. Further, not only would the proposed roof extensions run counter to the prevailing pattern of development within the immediate locality, the setting back of the rear gable, with a small lean-to element rising from second floor level behind it would make the design overly complicated.
8. I note that the LPA through email correspondence with the appellants did suggest setting back all of the two storey extension by 0.5m so that there would be cleaner lines to the rear, the response to which was that reducing it back by that amount would not make the internal space worth it. Having regard to the generous provision of internal accommodation on the first floor, I am not convinced that 0.5m would make a significant impact on the overall quality of the internal accommodation that would be provided.
9. All in all, I find that by reason of the scale of the roof alterations they would render 13 Satchell Lane as having an overdeveloped and top-heavy appearance that would be harmful to the character and appearance of the area.
10. My colleague in determining the previous appeal, found that there would be no harm caused to the setting of the Hamble Conservation Area who agreed with conclusions of the previous Inspector for ref. APP/W1715/D/23/3320111. Due to the separation distances involved, the proposal in that case would not have any adverse effect upon the Conservation Area, further due to the change in levels the presence of more modern flatted development within Lukes Close, opposite, which runs down to the Port Hamble Yacht Marina, I have been given no substantive reason to come to a different conclusion on this matter.
11. However, due to the detrimental impact of the proposal upon the character and appearance of the area, it would be contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016 – 2036) adopted April 2022 which requires all new development to not have an unacceptable impact on character and appearance of urban areas, whilst taking full and proper account of the context of the site and being compatible with adjoining uses and to integrate with these in terms of mass, scale, layout, design and siting in relation to adjoining buildings.

Living Conditions

12. The rear boundary shared with no15 is demarcated by close boarded fencing and evergreen vegetation. The proposed two storey rear element of the scheme would extend approximately as far as the brick single storey lean-to

element of the existing kitchen. Undoubtedly, the increase in height in this location would give rise to some additional overshadowing of the neighbouring rear garden by virtue of its orientation, due south.

13. Appended to their statement, the appellants have provided a shadow study of how the proposals would affect the living conditions of the occupants of no15 on a date of 1st June. Whilst these diagrams do not show a material increase in overshadowing, they only provide an indicative snapshot of a single day of the calendar year. Bearing in mind that the study was not submitted to the Council as part of the planning application, I consider that it would not be appropriate, or just, in accepting this as a late submission, as interested parties will not have been given the opportunity to respond to it.
14. Notwithstanding this, by virtue of the limited projection of the two and a half storey rear element beyond the rear elevation of no15, I consider that overall the proposal would not likely give rise to a material increase in overshadowing over the private amenity space of the neighbouring dwelling. Therefore I conclude that the proposal would not give rise to harm to either existing or future occupants of that property.

Other Matters

15. I accept the appellants' frustration with regard to the positive advice that they had received from Officers on the design of the scheme, however any such advice does not bind the LPA to make a particular decision at a later date and as has been set out within the Planning Officer's report, valid and substantiated reasons for refusing planning permission were advanced.

Conclusion

16. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR