



Appeal Decision

Site visit made on 7 January 2025

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20TH January 2025

Appeal Ref: APP/W1715/D/24/3355840

17B Hazel Close, Chandler's Ford, Eastleigh, SO53 5RF

- 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 and Mrs Thangavel & Rathika Ramasamy & Thangavel against the decision of Eastleigh Borough Council.
 - The application Ref is H/24/97870.
 - The development proposed is described as two storey side extension and single storey rear extension (Amended scheme to previously approved H/24/96887).
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Decision

1. The appeal is Dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 7 Walnut Close, with particular regard to visual impact.

Reasons

3. Hazel Close and Walnut Close are characterised by modern detached and semi-detached two storey family dwellings, which occupy varied sized plots. The appeal dwelling is located at the end of Hazel Close and the proposed extensions have been designed to reflect the host dwelling. They also respect the character and appearance of the surrounding area.
4. However, this is not the end of the matter. Amongst other things policy DM1 of the Eastleigh Borough Local Plan 2016-2036 (LP), states that proposal should not have an unacceptable impact on the living conditions of existing residents. The Eastleigh Borough Council Quality Places - Supplementary Planning Document (SPD), advises that a high standard of privacy is required for the windows of living rooms and outdoor space, particularly close to the dwelling. It also acknowledges that some overlooking of gardens from the upper floors of adjoining dwellings will be unavoidable in most suburban layouts. Changes in orientation and established vegetation may be used to help mitigate overlooking problems.
5. The dwelling at No.7 has an irregular shaped plot and the main rear elevation of the dwelling is sited approximately 10 metres from the boundary with the appeal property. Within this elevation are several ground floor habitable room windows, with several bedroom windows at first floor level sited slightly further back.

6. The side flank wall of the two-storey section of the proposed extension would project close to the boundary with No.7, where it would appear visually stark. Due to its combined siting, height, and depth the proposed extension would dominate and have an overbearing impact on the outlook from the adjacent rear windows and intervening garden area at No.7. For this reason, the proposal would unacceptably harm the living conditions of the occupiers of No.7. Where it could be seen above the boundary fence the flank wall of the single storey element of the proposed extension would exacerbate this harm.
7. Conversely, on its own the single storey element of the proposed rear extension would be modest in height and would not be sited directly opposite the rear ground floor habitable windows at No. 7. As a result, this element of the proposal would not in itself be visually overbearing in the outlook from No.7. Also, as a single storey extension is currently being constructed to the rear of 17a Hazel Close, the proposal would not have an adverse impact on the living conditions of the occupiers of that property.
8. Concern has been expressed by a local resident that the proposed first floor window in the front elevation of the extension would result in the over-looking and loss of privacy at the rear of 8 Walnut Close (No.8). Due to its siting and orientation the proposed first floor front window would facilitate direct views into the rear garden of No.8, as well as oblique views towards the rear windows in the dwelling at No.8.
9. However, there is already mutual inter-looking between dwellings and gardens within the estate and this includes No.8 and the surrounding dwellings. Consequently, whilst this adds to my concerns regarding the overbearing nature of the proposal, in itself it would not amount to a reason for dismissing this appeal.
10. Overall, I find that the harm caused to the living conditions of the occupiers of No.7, due to the overbearing impact of the proposed two storey extension would clearly outweigh the benefits for the appellants and their family that would result from the proposed additional living accommodation. This harm is not something that could be adequately dealt with by condition.
11. I conclude that the proposal would unacceptably harm the living conditions of the occupiers of No.7. Accordingly, the proposal would conflict with LP Policy DM1 and the objectives of the SPD.

Elizabeth Lawrence

INSPECTOR