



Appeal Decision

Site visit made on 12 November 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/M1710/W/24/3341344

**Copperfield House, 111 South Lane, Clanfield, Waterlooville, Hampshire
PO8 0RY**

- 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 T Hearn against the decision of East Hampshire District Council.
 - The application Ref is 22358/018.
 - The development proposed is the use of the habitable accommodation in the converted garden store/garage as an independent dwelling.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. The appeal site comprises a detached annexe building to the front and side of the detached dwelling of No 111 South Lane. The outbuilding originally formed a garden store and has since been extended and altered as allowed by three previous appeals.¹ These appeal decisions imposed various conditions limiting the use of the annexe building, most recently for purposes incidental to the residential use of No 111 South Lane². Whilst these previous appeal decisions are significant material considerations, I must also have regard to the current submitted evidence and site-specific circumstances.
3. Facilities within the existing annexe building include living and kitchen areas, garage space, WC, along with two bedrooms and a bathroom at first floor. The current appeal proposal would involve no external alterations or internal floorspace amendments, but includes an additional vehicular access, amended driveway areas and new garden boundaries as shown on the proposed site plan (Drawing No. 18/33/12). I saw during my site visit that closeboard boundary fencing has been installed to separate the proposed dwelling's eastern garden area from the driveway and front garden area of No 111, at what appears to be the same location as indicated in Drawing No. 18/33/12.
4. The revised National Planning Policy Framework (the Framework) was published in December 2024. I have given the main parties an opportunity to comment on the Framework revisions, and have had regard to the comments received in my consideration of this appeal.

¹ APP/M1710/D/19/3231738; APP/M1710/D/20/3247161; APP/M1710/D/21/3268367

² Condition 3 of APP/M1710/D/21/3268367

Main Issues

5. The main issues are:

- whether acceptable living conditions would be provided for future occupiers of the proposed dwelling with regard to privacy, private garden space provision, outlook and daylight/sunlight; and,
- the effect on the character and appearance of the area.

Reasons

Living conditions

6. Policy CP27 of the East Hampshire District Local Plan Joint Core Strategy (2014) (JCS) seeks to prohibit development that would result in pollution which prejudices the health and safety of communities (which would include occupants of new developments), including from privacy and excessive overshadowing, amongst other things.
7. JCS Policy CP29 reads to me as a design policy and although its supporting text at paragraph 7.74 advises that future developments must be fit for purpose for many years and meet the changing circumstances and needs of everyone, this does not form a criterion of the policy itself. I therefore do not consider this policy to be relevant to this Main Issue. No other JCS policies governing garden sizes are before me.
8. Ground level changes between the annexe building and main dwelling of No 111 are not significant. I am therefore satisfied that ground level views from No 111 could be sufficiently restricted by the proposed garden boundaries, without the need for the boundary treatment to be excessively high resulting in overshadowing. At the time of my site visit, the hedgerow boundary along the road junction was of sufficient height and form to block views of the garden areas from along the footways.
9. However, more elevated views from the first-floor bedroom window on No 111's western gable end towards the proposed new dwelling's eastern garden area were only partially filtered by a deciduous tree adjacent to the closeboard fencing. Although these views are somewhat oblique, the first-floor bedroom window is large and in close proximity above the fenced garden boundary. The resultant relationship between the proposed eastern garden area and this window would result in an unacceptably oppressive and exposed environment for future occupiers of the proposed dwelling, providing insufficient privacy for this garden area.
10. There is a further garden area immediately south and west of the proposed dwelling along the highway boundary, but this space is narrower and therefore noticeably shaded and enclosed, including from adjacent tall trees along the boundary with No 146 Drift Road. Whilst the front garden space for the proposed dwelling could also provide some recreational function, its proximity to No 111's windows means that it would not function as private garden space. This space would also be at some distance away from the proposed dwelling on account of the plot shape and proposed driveway layout.
11. Due to the separation distance and the siting of No 146 at an angle away from the proposed dwelling, this particular layout would not lead to an unacceptable degree of overlooking. I also found that significant daylight and sunlight is received from the annexe building's first floor glazed gable ends and stairway

glazing. Ground floor windows are more restricted, but they wrap around the building's corners and at sufficient distance away from existing and proposed boundaries. I am therefore satisfied that future occupiers of the proposed dwelling would be afforded with adequate daylight, sunlight and outlook.

12. With two bedrooms, the proposed dwelling could be used in future by families. Bearing this in mind, along with the abovementioned limitations of the other garden areas, the proposal would therefore require the wider and more open eastern garden area to provide an overall sufficient quantum and quality of garden space for all potential future occupiers.
13. However, as also set out above, the proposed layout between the appeal site buildings would not provide this eastern garden area with sufficient privacy. In this regard, I have therefore found that the proposal would provide unacceptable living conditions for future occupiers of the converted dwelling, contrary to the above requirements of Policy CP27 of the JCS.

Character and appearance

14. The site forms a wedge-shaped corner plot at the junction with Drift Road. Nearby dwellings along the western side of South Lane are noticeably set back from the highway, with quite regimented front building lines. The boundary fencing already installed is significantly set back from the South Lane vehicular entrance and therefore does not create a cramped appearance in the street.
15. The proposed additional vehicular access and new hedge boundary to separate the front gardens would be more visible from South Lane. The front garden sizes would however appear fairly similar to each other and to some nearby front gardens on the opposite side of South Lane. The existing access drive is also already shared with No 109. The nearest dwellings along Drift Road are less visible due to substantial mature shrubbery along their frontages. The proposed subdivision would not be apparent from Drift Road due to the boundary hedgerow along the footway.
16. The building to be converted is already located forward of the host dwelling to create what could be described as a tandem form of development. Although it would be served by a smaller garden area, it would be sufficiently set away from surrounding boundaries to avoid a cramped appearance, including when viewed from the nearby neighbouring windows.
17. I therefore conclude that the proposed development complies with Policy CP29 of the JCS which requires, amongst other things, new development to ensure that its layout and design is appropriate and sympathetic to its setting in terms of its relationship to adjoining buildings and spaces around buildings.

Other Matters

18. The Council cites an appeal decision recently made in the District, which was issued in April 2024 and tested the District's housing land supply figure following a Public Inquiry. Within this decision, the Inspector found that the District's supply at 1 April 2023 was 3.59 years based on the particular evidence before that Inquiry. It is likely that the subsequent revisions to the Framework require the District to now provide a greater number of new homes, which no doubt amounts to a significant level of housing supply shortfall.
19. In such circumstances, Paragraph 11 d) of the Framework is engaged by footnote 8, which states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when

assessed against the policies in the Framework taken as a whole. I return to this matter in the below Planning Balance section below.

20. The appeal site is within the foul drainage catchment area of the Solent Special Protection Areas. There is a strategic issue regarding the level of nitrogen deposition caused by matters including new development. The District and other authorities have worked with Natural England to provide a solution that would allow planning permissions for new dwellings to be issued. The Council has suggested a pre-commencement condition to secure mitigation if it is not secured up front. The appellants prefer this matter to be resolved by means of a legal agreement that has been provided with this appeal to secure off-site mitigation. As the appeal is being dismissed on another substantive ground, this is not a matter which needs to be considered further.

Planning Balance

21. The proposed layout would not provide future occupiers of the proposed dwelling with acceptable living conditions due to the insufficient quality of its garden space in terms of privacy, contrary to Policy CP27 of the JCS. Framework Paragraph 135 f) seeks to create places that promote health and well-being, with a high standard of amenity for existing and future users. The proposal would therefore conflict with the development plan as a whole.
22. Set against this, the site is within the Settlement Policy Boundary of Clanfield. The appellants, who are retired, would downsize to the proposed smaller unit of accommodation, which could be further adapted to their needs as they age. The proposal would use an existing building that meets modern and efficient standards, including an air source heat pump.
23. The Framework also seeks to significantly boost the supply of housing provision that reflects local needs and meets the needs of groups with specific housing requirements, including older people. It also states that small sized sites can make an important contribution to meeting the housing requirement of an area. The proposal would make a small but positive contribution to housing supply. Small sites such as this can cumulatively provide a significant contribution to the overall housing need. Moderate weight is afforded to the provision of this dwelling and the associated benefits arising from this.
24. However, having regard to all the above matters, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

R Cahalane

INSPECTOR