



Appeal Decisions

Site visit made on 7 April 2025

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal A: APP/X1735/C/23/3335825

Appeal B: APP/X1735/C/23/3335826

Land at 18 Spring Vale, Waterlooville PO8 9DA

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr James Southwood (Appeal A) and Mrs Jeanette Southwood (Appeal B) against an enforcement notice issued by Havant Borough Council.
 - The enforcement notice was issued on 28 November 2023.
 - The breach of planning control as alleged in the notice is: Development not built in accordance with approved plans APP/21/00709 'P3 Amended proposed and existing north and south elevations' 'P4 Amended proposed and existing east and west elevations'.
 - The requirements of the notice are: (i) Remove the existing dormers and reconstruct the roof to its previous form, or (ii) The development should be constructed in accordance with the plans granted under planning permission APP/21/00709.
 - The period for compliance with the requirements is six months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal C: APP/X1735/W/23/3335830

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Southwood against the decision of Havant Borough Council.
 - The application Ref APP/22/00816, dated 16 August 2022, was refused by notice dated 2 November 2023.
 - The development proposed is: Revised roof configurations with dormer windows to the side and single storey extension to replace conservatory and front porch. Previous planning application approved APP/20/00868.
-

Summary of Decisions

Appeals A and B

1. The appeal is dismissed and the enforcement notice is upheld with a correction and variation.

Appeal C

2. The appeal is allowed and planning permission granted subject to conditions set out below in the Formal Decision.

Preliminary Matter

3. There has been a revised National Planning Policy Framework (the Framework) published by Government since the enforcement notice was issued and planning permission refused. It however does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.

The Enforcement Notice

4. The notice is targeted at roof alterations including the construction of four dormer windows. This is however not apparent from the way the allegation has been drafted. Injustice to the parties would however not arise from correcting the notice to include reference to this in the allegation.

Appeals A and C – The ground (a) deemed planning application and refusal of planning permission appeals

Main Issues

5. The main issues are the effect of the developments on:
 - the character and appearance of the area; and,
 - neighbouring living conditions.

Reasons

6. The site relates to a detached bungalow. The area is characterised predominantly by bungalows, some of which have been the subject of roof conversions.
7. The deemed planning application, Appeal A, relates to roof alterations, including raising the ridge and eaves height as well as the provision of four dormer windows. The appeal against the refusal of planning permission, the Appeal C scheme, then relates to roof alterations, including raising the ridge and eaves to the same height as constructed, but then proposes four hipped roof dormer windows. Various other extensions and alterations are also the subject of the Appeal C scheme, but these are not in dispute between the parties.

Character and appearance

8. The property was the subject of a dormer that was granted planning permission in around 1975. More recently, two approved schemes resulted in an increase in the ridge and eaves height and four dormer windows, amongst other things. The appellants contend this resulted in an approved ridge height of 6m with an eaves height of 3.3m and that as constructed and proposed for the Appeal C scheme, the ridge height is 6.5m with an eaves height of 2.6m. The Council disputes these figures, with a ridge height of 6.5-6.6m and eaves height of 2.7-2.95m.
9. In any event, given the orientation of the property, with the gable fronting the road, the ridge and eaves height that I observed during my site visit, and which are sought to be retained, do not result in a property with an appearance that is overdeveloped or out of keeping with the character of the area.

10. The four dormers, as constructed, are however clearly top-heavy and result in unacceptable mass and bulk both within the street-scene and in comparison to neighbouring properties. By contrast, the hipped roof dormers advocated by the Appeal C scheme, significantly reduces the bulk and results in a development of a high standard of design that responds positively to the context of the area.
11. I conclude that the deemed planning application is unacceptably harmful to the character and appearance of the area in contravention of Policy CS16 of the Havant Borough Core Strategy, March 2011 (the LP). This policy, amongst other things, requires development to be designed to a high standard. For the same reasons, the deemed planning application contravenes the design objectives of the Framework and the Havant Borough Council Design Guide (the SPD).
12. The Appeal C scheme however accords with the aforementioned Policy, Framework and SPD for the stated reasons.
13. Reference has also been made to Policy DM13 of the LP, but as this relates to car and cycle parking, it is not relevant to my assessment.

Living conditions

14. Whilst the neighbouring property, No. 20, is located in close proximity, the dormers, whether as constructed or the proposed scheme, are not oppressive or overbearing in terms of their height. I accept that they result in more bulk than may have been previously approved, but I am not persuaded that this has resulted in harm to neighbouring occupiers given the positioning and size of windows in that property, and that some are obscurely glazed.
15. I conclude the developments are not harmful to neighbouring living conditions and therefore accord with Policy CS16 of the LP which requires, amongst other things, for development to not cause unacceptable harm to the amenity of neighbours.

Planning conditions

16. The Council has suggested conditions in the event the Appeal C scheme is allowed.
17. It is therefore necessary for the standard implementation condition and a plans condition in the interests of proper planning.
18. It is necessary for conditions in the interests of neighbouring living conditions that a flat roof is not used as a balcony and that the ensuite bathroom dormer window is non-opening to a height of 1.7m and obscurely glazed. There is however then no harmful overlooking arising from the bathroom rooflights.
19. It is also not necessary to condition that the dormers be altered to accord with the approved Appeal C scheme, as this will be dealt with by the enforcement notice, as will be seen below.

Conclusion

20. For the reasons given above, whilst the retention of the dormers as constructed are unacceptably harmful, the Appeal C scheme would comply with the development plan.

Appeals A and B – The ground (f) appeal

21. The purpose of the enforcement notice is to remedy the breach of planning control. The current requirements also include an option that would see the dormers brought into line with a previously approved scheme.
22. In light of my above findings, it would therefore also be appropriate to vary the notice to allow the development to be brought into line with the Appeal C scheme.
23. The appeal on ground (f) therefore succeeds to this extent.

Appeals A and B – The ground (g) appeal

24. The appellants contends that the time given to comply with the requirements of the enforcement notice are too short and that 18 months should be allowed.
25. That is however largely predicated on the appeals failing, but Appeal C is now successful and is thus likely to be the course of action the appellants pursue.
26. Whichever option the appellants do pursue, I am not persuaded that alternative accommodation will need to be sought for the duration of the works, and the costs of those works are not reason to extend the compliance period. The time taken by the Council to determine a planning application is also not reason to extend the period.
27. The appeal on ground (g) therefore fails.

Appeals A, B and C - Overall Conclusion

28. For the reasons given above I conclude that appeals A and B should not succeed. I shall uphold the enforcement notice with a correction and variation and refuse to grant planning permission on the deemed application. Appeal C is however successful and planning permission will be granted.

Formal Decisions

Appeals A and B

29. It is directed that the enforcement notice be corrected and varied by:
 - including the following words in section 3 of the notice: '*...in respect of roof alterations including the construction of four dormer windows.*'
 - including the following words in section 5 of the notice: '*...OR (iii) Alter or replace the four dormer windows to accord with the plans and conditions granted under planning permission ref APP/X1735/W/23/3335830.*'
30. Subject to this correction and variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal C

31. The appeal is allowed and planning permission is granted for revised roof configurations with dormer windows to the side and single storey extension to replace conservatory and front porch at Land at 18 Spring Vale, Waterlooville

PO8 9DA in accordance with the terms of the application, Ref APP/22/00816, dated 16 August 2022, subject to the conditions at Annexe A.

Paul T Hocking

INSPECTOR

Annexe A

List of Planning Conditions in respect of Appeal C:

APP/X1735/W/23/3335830

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan Drawing No. P12; Location Plan Drawing No. P13; Proposed Ground and First Floor Plans Drawing No. A.09 uploaded by the LPA on 10 August 2023; Proposed Roof Plan Drawing No. A.10 uploaded by the LPA on 10 August 2023; Proposed North East and North West elevations Drawing No. A.11 uploaded by the LPA on 14 September 2023; Proposed South East and South West Elevations Drawing No. A.12 uploaded by the LPA on 14 September 2023.
3. At no time shall the flat roof of the single storey rear extension element of the scheme hereby permitted be used as a balcony without prior written approval of the Local Planning Authority.
4. Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted the dormer window serving the ensuite in the first floor on the side elevation facing north east shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.