The Planning Inspectorate

Appeal Decision

Site visit made on 1 November 2011

by Megan Thomas BA Hons in Law, Barrister

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 November 2011

Appeal Ref: APP/W1715/D/11/2161338
92 Bournemouth Road, Chandler's Ford, Eastleigh SO53 3DL

- 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 Miss Charlie Addison against the decision of Eastleigh Borough Council.
- The application Ref F/11/69223, dated 13 June 2011, was refused by notice dated 24 August 2011.
- The development proposed is a single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 92 Bournemouth Road, Chandler's Ford, Eastleigh SO53 3DL in accordance with the terms of the application, Ref F/11/69223, dated 13 June 2011, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plan: drawing no.92162011/F.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Issue

2. In the heading in the box above and in the Decision above I have shortened the description of the development given in the planning application form to "single storey rear extension". The shorter description suffices and accords with the description used in the Notice of Decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of 90 Bournemouth Road with regard to outlook and light.

Reasons

4. The appeal site is a two storey terrace house. The rear elevation faces north west. To its north east is 90 Bournemouth Road. The appeal site has a long narrow rear garden and both side boundaries are marked by fences about 1.2m high. 90 Bournemouth Road has a rear addition which is of differing widths. Closest to the garden the extension has a catslide roof with two windows looking down the garden, however, behind that, is a slightly narrower element with a different roof profile and a door with frosted glass and a window both of which face the appeal site. There is a window in the main rear facade of no.90 at ground floor level which looks down the pathway into the garden. This window appears to serve a dining room or dining area.

5. The appeal proposal is to demolish an existing half-width rear extension at no. 92 and build a full width extension. The appellants have made it clear in their representations that if the current planning appeal is not successful, they would proceed with a rear extension built to dimensions allowed under the Town and Country Planning (General Permitted Development) Order 1995. Therefore, I consider that there is a realistic prospect of permitted development rights being built out on this occasion, and so an extension built pursuant to those rights is a valid fallback position to bear in mind in determining this appeal.

6. Having considered the potential dimensions of an extension built pursuant to permitted development rights 'the PD scheme' and the impacts on outlook and light that such an extension could have on the living conditions of the occupants of no.90, I take the view that the proposed development would have very similar impacts.

7. The proposed scheme would be a metre deeper than the PD scheme. However, the flank wall next to no.90 would be only about 2.7m to eaves in height which would allow more light to no.90 and be less enclosing than the PD scheme. The lower flank wall and different roof profile of the proposed scheme would, in my view, be more sympathetic to the outlook from no.90 as the occupant came out of their side door. The additional metre in depth of the proposed extension into the garden would not face any windows in the rear extension of no.90 nor would it extend beyond the depth of the rear extension to no.90.

8. I have borne in mind the likely new view from the dining room window of no.90 but taking the impacts of the proposed development in the round the proposal would not result in any unacceptable harm and would be less intrusive than the PD scheme.

9. I conclude therefore that the proposal would not result in unacceptable harm to the living conditions of the occupants of no.90 Bournemouth Road with regard to outlook or light and there would be no conflict with saved policy 59.BE (i) & (vii) of the Eastleigh Borough Local Plan Review (2001-2011).

10. Having taken into account all representations made, I conclude that the appeal should be allowed.

Megan Thomas

INSPECTOR