The Planning Inspectorate

Appeal Decision

Site visit made on 19 October 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 13th November 2017

Appeal Ref: APP/W1715/W/17/3178367
6 Wellbrooke Gardens, Chandlers Ford, S053 1TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr & Mrs C Humphrey against the decision of Eastleigh Borough Council.
- The application Ref F/17/79919, dated 20 January 2017.
- The development proposed is the erection of a single storey garage.

Decision

1. The appeal is allowed and planning permission is granted for a single storey garage at 6 Wellbrooke Gardens, Chandlers Ford, S053 1TN in accordance with the terms of the application, Ref F/17/79919, dated 20 January 2017, and the plans submitted with it.

Procedural Matters

2. The garage has been built and the appeal has been considered on this basis. The appeal is against a non-determination of a planning application. The Council has confirmed, that it would have refused the application, on the grounds of scale, siting, design, and materials, and the garage being out of character with the local area.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises land to the side of a detached two storey dwelling at 6 Wellbrooke Gardens. The land was formerly amenity space which was permitted to be private garden at appeal. The dwelling is part of a small group of dwellings originally developed in the early 1980s and part of South Millers Dale estate. Woodland provides a significant backdrop to the estate and there are significant sized trees within the estate. Such features give the estate attractive spacious and verdant qualities.

5. The appeal development is constructed with dark coloured steel panels and consists of a garage attached to the flank wall of No 6. It is built up to the side of the dwelling with a pitched roof and extends across virtually the full width of the side garden. Such external finishes would not match the main materials of

the host dwelling or other brick built garages within the estate. However, the material is similar in colour to first floor side cladding and its generally uniform dark colour makes the garage less obvious within the street. The garage is also sited on lower ground than the road and set back from the front of the host dwelling.

6. Furthermore, the garage is single storey with a shallow roof pitch and sited on a relatively large plot compared to others in the vicinity. Therefore, despite some visibility, the garage would not be an intrusive feature siting awkwardly within the street because of its siting on lower ground, positioning back from the front of the host dwelling, material construction and shallow pitched roof. For similar reasons, it also does not affect the attractive spacious and verdant character and appearance of the estate.

7. In conclusion, its impact is not harmful to the character and appearance of the surrounding area. Accordingly, the development would comply with policy 59.E of the Eastleigh Borough Local Plan Review 2001-2011 (2006), which amongst other matters, requires full and proper account of the context of the site including the character and appearance of the locality and development to be appropriate in mass, scale, materials, layout, design and siting.

8. Representations indicate that the land on the appeal site has been lowered making access and maintenance difficult for a drain and sewer serving the estate. Despite Council attempts, there has been no comments made on the merits of the development by Southern Water, and there is no detailed evidence before me to confirm that that the development adversely affects drainage and sewer functions within the estate. Therefore, such a consideration would not justify withholding planning permission for the development.

9. In allowing the appeal for the change of use of the land originally, the Inspector accepted the loss of an access link into the surrounding woodland. As this permission has been implemented, little weight can be attached to the loss of public accessibility across the land. Loss of trees and shrubs has been indicated but there is no evidence of them being of importance or being subject to protection under planning condition or Tree Preservation Order.

10. Part of the garage is purported to overhang a neighbouring property but the garage has a low eaves just above the fence on the common boundary. As a result, there would not be any significant loss of light or outlook, and the matter of any alleged property encroachment is a separate to the planning process. If a material change of use involving business or commercial uses took place, this would require planning permission and therefore it would not be necessary to impose a planning condition. There is no guarantee that recent landscaping would remain in perpetuity but even taking this into account, the garage is acceptable for the reasons indicated. Thus, there is no justification for planning conditions preventing business and commercial use, and landscaping.

11. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission is granted.

Jonathon Parsons

INSPECTOR