

## **Statement of Case** to support the grounds of appeal against the refusal to grant permission for extensions at the rear of **6 Nelson Road, Eastleigh, SO50 6BS**

Local Planning Authority reference: **H/22/93196**

---

This is a householder appeal which, to be quite honest is one of the most simple ones which you will ever encounter. The application building is in a terrace of houses where there is a variety of different extensions built at the rear, meaning that there will be a number of ways where properties affect each other. Part of the planning application is for a rebuild of a small lean-to addition which the Council have confirmed is non-contentious so need not concern us here.

The issue here is where a house which already affects the neighbouring house in the terrace to the north by way of a two-storey extension, some might argue significantly, and whether the minor addition proposed at ground floor level would make things so much worse. Enough to say that it would not be in the public interest to refuse planning permission at the cost to the house owners' reasonable aspiration.

So, what effect will the proposed extension have? In factual terms it would mean two extra metres of built form along the boundary at a normal single-storey level for an extra two metres. This will naturally affect the occupiers of the neighbouring house, but only in quite subtle and not unreasonable ways. In terms of daylight it would barely encroach on the amount of sky view from the neighbour's perspective and so on available light. Although to the south, sunlight would not be impeded at this level because the sun is too low in the sky for a long enough period to cast too much of a shadow for any length of time.

Again, we could worry about more building on the boundary being too oppressive but this has to be taken in relation with what is there now. But the flank wall on this side of the extension is still only a little higher than a conventional boundary fence and normal eye level. And there are positives in pushing the rear window of the applicant's house a little further away from the back of the neighbour's house with improved privacy. These may be marginal effects but can be counted in the balance.

### *Case Officer report*

We comment on this because it will be the evidence the local planning authority have to rely on in defending this appeal.

We note that there is no concern about the relationship of the proposals with no 4 to the south because both this property and that already have rear additions. As we say the concern stems from the effect on no.8.

It seems to be assumed that it is only necessary to cite dimensions in the report without applying these to precisely the effect these have on the important aspects of interest to planning. Here we agree that these are sunlight, daylight, outlook and privacy. The last is agreed not to be an issue. We really needed a bit more analysis of the *amount* of shadowing; the *true extent* of the loss of sky view as an indicator of lost daylight and why a single storey short length of wall in relation to lines of sight could overbear much of the inner and outer environment of no 8 and its garden.

We note the reference to the “45 degree daylight test” as they call it, but that is surely only a ‘rule of thumb’ and a guide. One thing of relevance is to what extent daylight to a room is impeded already and to look at how significant would be the effect of further encroachment. This is all relative.

#### *Neighbours’ Comments*

It seems certain that this letter was crucial to the Council’s refusal of the application, and it confirms that it mainly seeks to protect the amenities of a single property. But this is not to dismiss its relevance but we need to keep an eye on where the boundaries of the public interest lie.

There is no point specifically made about the point made being “overbearing” as the Council would have it, but a feeling about being more boxed in, but only if a precedent was set. Which it cannot be. As with the fear of a second storey, these are matters for individual applications being taken on their own merits.

There is specific mention made of possible overshadowing, however, but given the height and direction of the sun for the vast majority of the time this will be for minutes only in the depth of winter at most. So as a question of degree this does not affect the neighbour’s amenity unduly.

Finally, the neighbour is saying that taking the whole of the terrace into account the proposed extension would be “out of keeping”, but from that perspective there are already single storey extensions on the back of the houses which is very much what you would expect to see attached to the rear walls of such houses as this.

**Tony Huggett B.Sc., MRTPI**

November 2022

Chartered town planner and planning consultant

20 Fritham Close

Totton

Hampshire SO40 8FB

Email: [tony\\_huggett@hotmail.com](mailto:tony_huggett@hotmail.com) Tel: 07704 544739 or 023 8086 6685

