



Appeal Decision

Site visit made on 10 March 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2023

Appeal Ref: APP/W1715/D/22/3310613

6 Nelson Road, Bishopstoke, Eastleigh, SO50 6BS

- 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 D Carberry against the decision of Eastleigh Borough Council.
 - The application Ref. H/22/93196, dated 6 June 2022, was refused by notice dated 26 August 2022.
 - The development proposed is single storey rear extension and replace lean-to roof with pitch roof with rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension and replace lean-to roof with pitch roof with rooflights at 6 Nelson Road, Bishopstoke, Eastleigh, SO50 6BS, in accordance with the terms of the application, Ref. H/22/93196, dated 6 June 2022, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building or otherwise in accordance with those on the Application Form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 101 Rev.A; 102 Rev A; 103 Rev.A; 104 Rev.A; 105 Rev.A; and 106 Rev.A.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers.

Reasons

3. The appeal proposal involves replacing an existing lean to roof with a pitched roof with rooflights. The lean to is sited in between the two storey rear extension to the host property and a single storey rear extension to 4 Nelson Road (No.4)(to the south). The Council have not objected to the new roof, which is a finding that I concur with. The proposal also involves a single storey extension to the existing two storey rear extension, which would extend up to the common boundary with No.4 and link into the lean to (as extended). Again, given the extension to No.4, the proposed flat roofed design and

- existing high brick wall on this boundary, the Council do not allege that it would result in any harm to No.4's living conditions, which is a view I concur with.
4. In relation to the impact on 8 Nelson Road (No.8) (to the north), the proposed single storey extension would project some 2 metres beyond the existing two storey rear extension to the host. The latter sits on the common boundary with No.8 and was granted planning permission in 1979. The height of the new extension would be some 2.9 metres and it would replace an existing high brick wall on the common boundary. Although the proposed extension would extend above this wall, the increase in height would, in my view, be modest. Its proposed depth would also be modest and existing landscaping, within the curtilage of No.8, would partly screen the proposal. For these reasons, I am satisfied that the proposal would not have a significant impact on the light and outlook from No.8. I accept that there would be some impact, but given the modest depth and height of the proposed extension relative to the existing boundary wall, the level of impact would not be significant nor sufficient on its own to justify the refusal of planning permission.
 5. The Council have referred to the impact that they allege already arises the host's existing two storey extension. However, that is not the proposal that is before me and whilst any assessment should look at the cumulative impact of extensions, as I have found the proposed extension is modest and would not lead to any additional harm to the living conditions of No.8. The Council also refer to the 45° test, which I accept can be a useful guide in assessing the acceptability of rear extensions. However, there is no substantive evidence before me to demonstrate on what basis the Council have applied that test, which windows this applies to and the how this test relates to the existing two storey extension. As such, I have based my assessment on the evidence before me and my observations on site, and for the reasons set out above I am satisfied, on balance, that the appeal proposal would be acceptable.
 6. Accordingly, I find that the appeal proposal would not lead to any significant harm to the living conditions of the neighbouring occupiers of No.8 and would be compliant with Policy DM1 of the Eastleigh Borough Local Plan (April 2022) and the advice in the Quality Places Supplementary Planning Document (November 2011). These seek, amongst other requirements, to ensure that new development does not unacceptably impact on residential amenities.

Conditions

7. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for materials to match existing or otherwise as shown in the Application Form, are necessary and reasonable to secure a high-quality development. I have, however, added a list of approved plans for clarity.

Conclusion

8. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR