
Appeal Decision

Site visit made on 19 January 2016

by R J Marshall LLB DipTP MRTPI

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

Decision date: 9 February 2016

Appeal Ref: APP/D1780/D/15/3132263

53, Chamberlain Road, Southampton, SO17 1PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr and Mrs R Purewal against the decision of Southampton City Council.
 - The application Ref 15/01296/PAH, dated 19 June 2015, was refused by notice dated 27 July 2015.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Background/Procedural matters

2. A single storey extension of the size proposed is permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015. However, under the provision of that Order where an owner or occupier of any adjoining premises objects to the proposed development the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. When considering this impact the local planning authority must take into account any representations made as a result of the notice given to adjoining occupiers and consider the amenity of all adjoining premises, not just the adjoining premises which are the subject of representations.
3. The occupier of the adjoining house, No. 55 Chamberlain Road, objected following the required consultation. The appellant says that prior approval is not required as the objection is not valid as it did not refer to the impact of the proposal on living conditions. That is not, however, the case. The adjoining neighbour referred, amongst other things, to the proposal leading to an additional House in Multiple Occupation (HMO) and to overdevelopment and loss of parking. Although these were not matters of concern raised by the Council (its concerns were on the visual impact of the proposal) they are matters that could potentially affect the living conditions of the neighbour.

Main Issues

4. The main issue in this appeal is the effect of the proposed development on the living conditions of the adjoining occupiers.

Reasons

5. The application plans show that the proposal would result 6 bedrooms being created at this semi-detached property. This is an uncommonly large number for a semi-detached house of this modest size even extended as proposed. However, there is insufficient evidence for me to determine whether the application would lead to the creation of an HMO as feared. Or that even if it did that this would be unacceptably harmful to the neighbour's living conditions.
6. However, I need to turn to the Council's concerns on the visual impact of the proposal on both No. 55, the objector's property, and No. 51, the other adjoining house. The proposed extension would extend the full width of the existing house. It would extend 5.5 metres into the garden from the main elevation of the house and have a height of 2.8 metres.
7. The degree of rearward extension of the proposed development is substantial. That said, it would not be unacceptably overbearing from the neighbouring property at No. 55 as this house is on slightly higher land, is set back from the boundary and itself has a single storey rear extension. This, together with a tall boundary fence means that the outlook from this house and garden would not be unduly affected.
8. The same cannot be said in relation to No. 51. This is the adjoining semi-detached house. The proposed extension would lie on the boundary with this house and extend 5.5 metres to the rear of its ground floor elevation. It would be significantly higher than an existing boundary fence. As such, from the neighbour's patio window close to the boundary, and from much of the neighbour's garden, the proposed development would appear oppressive and unduly intrusive. I appreciate that this neighbour has raised no objection to the proposal. However, there is a public interest in preventing development that many would find harmful.
9. The neighbour at No. 51 may erect as permitted development a similar extension to that proposed on the appeal site as no objection was raised to a prior approval application for it. If that was erected the development before me would no longer be harmful to the living conditions of those in this neighbouring property. However, there is no guarantee that this development would be undertaken, notwithstanding what are said to be the current intentions of those at No. 51 who are related to the appellant.
10. I conclude that the proposal would be harmful to the living conditions of those at No. 51 Chamberlain Road. As such it would be contrary to Section 2 of the Council's Residential Design Guide 2006 in so far that it seeks to prevent such harm and to good planning practice.

Conclusion

11. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR