
Appeal Decision

Site visit made on 13 September 2016

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 23 September 2016

Appeal Ref: APP/X0415/D/16/3153244

Amberley, First Avenue, Amersham, Buckinghamshire HP7 9BL

- 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 & Mrs N Gradwell against the decision of Chiltern District Council.
 - The application Ref CH/2016/0260/FA, dated 12 February 2016, was refused by notice dated 8 April 2016.
 - The development proposed is proposed part two storey, part single storey side and rear extension. Single storey front extension and front porch. Demolition of existing garage.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed part two storey, part single storey side and rear extension. Single storey front extension and front porch. Demolition of existing garage at Amberley, First Avenue, Amersham, Buckinghamshire HP7 9BL in accordance with the terms of the application, Ref CH/2016/0260/FA, dated 12 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, firstave-amberley / 0, / 1 Rev C, / 2, / 3 Rev C, / 5, / 6 Rev C, / 8 Rev C.
 - 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the side elevations.
 - 5) The extension hereby permitted shall not be occupied until the window at first floor in the west elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in
-

writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the effect on the living conditions of the occupier of 102 Hundred Acres Lane in terms of light and outlook.

Reasons

3. Amberley is a detached two storey property set a short distance back from First Avenue. It is set at a higher level than the road. There is single garage on the western side of the property which is joined to the house by a porch which extends over the front door. The land rises to the rear so that the garden of Amberley is at a higher level than the house.
4. The planning history indicates that Amberley was constructed in what had been the bottom of the rear gardens of the two properties to the west, 100 and 102 Hundred Acres Lane. The more southerly of these two properties, No 102, is located on the corner of Hundred Acres Lane and First Avenue and has a garden to both the rear and side.
5. The boundary between Amberley and No 102 is made up by an approximately 1.8m high panel fence. As the ground level rises so too does the absolute height of the top of the fence.
6. The Council is concerned about the effects of the proposed two storey side extension on the living conditions of No 102, having no objections to the other proposed extensions and I am satisfied that the other proposed extensions to the rear of the property on the eastern side and to the front are both acceptable.
7. Amberley and No 102 are at a similar ground level to one another, although No 102 is at a slightly lower level as the ground level falls to the east. I also note that it would appear that No 102 has been extended to the east with a conservatory and single storey rear extension.
8. The Council has published a Residential Extensions and Householder Supplementary Planning Document (the SPD). This explains that the SPD is to be used to seek high quality and well-designed development that makes a positive contribution to its surroundings. It states that a development should not dominate a neighbouring property or result in windows serving habitable rooms being presented with a building that appears visually intrusive or overbearing.
9. Due to the location of the existing building to the east I am satisfied that there would be no material loss in sunlight or daylight within No 102 from the proposed side extension.
10. Although there would be a two storey elevation in close proximity to the rear boundary fence in an urban area such as this there would be adequate separation between the two properties so that the proposed extension would not result in an overbearing effect for the occupiers of No 102. This would mean that the proposal would not result in an unacceptable outlook nor would it appear dominant or visually intrusive from within No 102. As the garden of No 102 also extends to the south of the property there would remain sufficient

space within that so that those using the garden would not be unacceptably enclosed.

11. Consequently the proposed development would not have an unacceptable effect on the living conditions of the occupiers of 102 Hundred Acres Lane. It would therefore comply with Policies GC1, GC3, H13 and H14 of the Adopted Chiltern District Local Plan 1997 (including Adopted Alterations May 2001 and July 2004) Consolidated September 2007 and November 2011 which seek that development is designed to a high standard, protects the amenities of adjoining properties, with no significant detriment, and does not result in an overbearing appearance for neighbours. It would also comply with the SPD as set out above. It would finally comply with the core planning principle set out in paragraph 17 of the National Planning Policy Framework (the Framework) that proposals should always seek a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Conditions

12. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition requiring materials to match the existing property to ensure a high quality of design appropriate to the area. I also consider that in order to protect the living conditions of the occupiers of the properties on both sides of Amberley that no further windows in the first floor side elevations should be permitted and that shown on the plans should be obscure glazed. Otherwise than as set out in this decision and conditions, I have imposed a condition specifying the relevant drawings as this provides certainty. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR