
Appeal Decision

Site visit made on 26 September 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 10th October 2016

Appeal Ref: APP/X0415/D/16/3155697

5 Ridings Cottages, Earl Howe Road, Holmer Green, Bucks HP15 6QQ

- 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 Jack Hawes against the decision of Chiltern District Council.
 - The application Ref CH/2016/0835/FA, dated 30 April 2016, was refused by notice dated 1 July 2016.
 - The development proposed is single/two storey rear and side extensions and front porch.
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Decision

1. The appeal is dismissed insofar as it relates to the single/two storey rear and side extensions. The appeal is allowed insofar as it relates to the front porch and planning permission is granted for front porch at 5 Ridings Cottages, Earl Howe Road, Holmer Green, Bucks HP15 6QQ in accordance with the terms of the application, Ref CH/2016/0835/FA, dated 30 April 2016, so far as relevant to that part of the development hereby permitted and 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 un-numbered Drawing at 1:1250 scale; Site Plan un-numbered Drawing at 1:500 scale; Proposed Ground and First Floor Plans, Section Through, Front and Side Elevations Drawing No JH/001/16; Proposed Side and Rear Elevations Drawing No JH/002/16.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.

Main Issue

2. The main issue in this appeal is the effect of the proposals on the living conditions of the occupiers of No. 4 and No. 6 Ridings Cottages with regard to outlook and light.

Reasons

3. The appeal property is one in a line of a semi-detached houses of generally uniform appearance set within a small cul-de-sac. The proposals seek to increase the size of the dwelling by constructing a part single and part two-
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storey extension that would wrap around the side and rear. In addition a front porch also forms part of the proposals.

4. Saved Policy GC3 of the Chiltern District Local Plan (1997) Consolidated 2007 and 2011 (LP) seeks to achieve good standards of amenity for existing neighbouring occupiers. Saved Policy H13 includes similar aims with specific regard to extensions to dwellings where they are located outside the Green Belt. Additionally, saved Policy H14 seeks, amongst other things, to prevent extensions from having adverse effects on neighbours resulting from their overbearing appearance and/or a significant loss of daylight to gardens, principle windows of habitable rooms or kitchens.
5. The above policies are supported by the Council's Residential Extensions and Householder Development Supplementary Planning Document (2013) (SPD), which sets out the principles that should be taken into account when designing householder development. This includes considerations in respect of outlook and light.
6. Saved Policy GC1 has also been included within the Council's decision notice. This policy is relatively broad in scope but appears to me to relate to the character and appearance of development rather than its effects on living conditions of neighbours. Consequently, I have given it only limited weight in my decision.

Outlook

7. The proposed side and rear extension would substantially increase the bulk and mass of the dwelling when viewed from the rear. This would project significantly beyond the rear elevation of No. 4 resulting in a notable change in outlook for its occupants. Even taking into account the separation distance that would be maintained between the two dwellings, I consider that the proposed extension would be omnipresent and thus overbearing in views from their rear garden and rear rooms. The effects would be exacerbated by the relatively modest depth of the rear gardens.
8. From No. 6, the effects at ground floor level would be minimal because of this property's existing single-storey rear extension. However, the first floor element of the appeal proposals would extend about 3m out from the current rear wall and although it would be positioned towards the south western part of the rear elevation, it would nonetheless appear visually obtrusive in views out from the nearest rear upstairs room of No. 6.
9. For the above reasons, I consider the proposals would run counter to saved LP Policies GC3, H13 and H14. These policies are generally consistent with the objectives of the National Planning Policy Framework. I also find that the proposals would not accord with the principles set out in the Council's SPD.

Light

10. Saved Policy H14 and the SPD use the term 'significant loss of daylight', thus setting out how proposals should be assessed in terms of their effects on the amount of daylight reaching neighbouring properties. I note the appellant's argument that the proposed rear part of the extensions would accord with a '45 degree rule' as set out in Buildings Research Establishment (BRE) guidance *Site layout planning for daylight and sunlight - A guide to good practice*. However, whilst this may provide a general guide in relation to effects on daylight and

sunlight, there is nothing in local or national policy that reflects it in terms of a 45 degree rule. Nevertheless, the BRE Guidance provides a useful rule of thumb and I give it moderate weight.

11. I accept that there would be some effect on the amount of light reaching the rear of No. 4. However, given the orientation of the dwellings and the separation distance that would be maintained between the two dwellings, I am not persuaded that this would fall within the realm of being 'significant'. It is also clear that the proposal would accord with the BRE Guidance. I therefore consider that the proposal would not result in harm to the living conditions of No. 4's occupiers with regard to light.
12. No. 6 has a roof light in the pitched part of its rear extension's roof that is positioned close to the dwelling's main rear elevation and the boundary between the two dwellings. Because of the height and rearward projection of the proposed extension, and its proximity to the property boundary, I take the view that there would be a reduction in light reaching the rear ground floor of next door via its roof light. However, this is not the only source of light for No. 6's rearmost part of the dwelling and given the relatively modest size of the roof light, I consider the overall effect would be acceptable.
13. Further, I consider there to be an adequate separation distance between the proposed extension's first floor side elevation and the nearest rear upstairs window at No. 6. Consequently, the effect on the amount of light reaching this room would be minimal and acceptable.
14. For the above reasons, I do not consider that the proposal would have an adverse effect on the living conditions of the neighbouring occupiers with regard to light. In this respect, the proposal would therefore be in general accordance with saved Policy H14 and the SPD.

Conclusion

15. I have found that the proposal would not result in unacceptable effects on neighbouring occupiers in respect of light. However, this is significantly and demonstrably outweighed by the clear identified harm resulting from the proposal's effects on the outlook from both neighbouring properties.
16. Notwithstanding this, the modestly sized porch would have no unacceptable effects on the living conditions of neighbouring occupiers and this element in itself is severable from the other proposed extensions. Moreover, I note that the Council has not objected to this part of the proposals and that other nearby dwellings have had front extensions. Therefore, I consider allowing the porch but dismissing the remainder of the proposal is a logical outcome and would not conflict with any of the Development Plan policies referred to above.
17. For the above reasons and having had regard to all other matters raised, the appeal is allowed in part.

Hayden Baugh-Jones

Inspector