
Appeal Decision

Site visit made on 27 September 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/K0425/D/16/3156191

68 Spearing Road, High Wycombe, Buckinghamshire HP12 3JR

- 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 Amjud Hussain against the decision of Wycombe District Council.
 - The application Ref 16/05591/FUL, dated 1 March 2016, was refused by notice dated 20 May 2016.
 - The development proposed is a single storey front and rear extension and part two storey rear extension with parking provision at the front and rear.
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Decision

1. The appeal is dismissed insofar as it relates to the single storey rear extension and part two storey rear extension. The appeal should be allowed insofar as it relates to the single storey front extension and parking provision at the front and rear and planning permission is granted for a single storey front extension and parking provision at the front and rear at 68 Spearing Road, High Wycombe, Buckinghamshire HP12 3JR in accordance with the terms of the application, Ref 16/05591/FUL, dated 1 March 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 approved plans: Existing Floor Plans 1606/PL/01, Proposed Floor Plans 1606/PL/01, 1606/PL/03, 1606/PL/04 and 1606/PL/05.
 - 3) The materials used in the construction of the external surfaces of the single storey front extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The proposed development comprises four elements (i) single storey front extension, (ii) single storey rear extension, (iii) part two storey rear extension and (iv) parking provision at the front and rear. I am satisfied that the elements are physically and functionally severable. I shall determine the appeal on this basis accordingly.

Main Issue

3. The main issue is the impact of the proposed single storey rear extension and part two storey rear extension on the living conditions of the occupiers of
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No. 66 Spearing Road with particular regard to overshadowing and the dominant, obtrusive and overbearing effect.

Reasons

4. The appeal property is a semi-detached two storey house with single storey extensions to the front, side and rear. The property is located in a mature well-established residential area and set back from the road behind a driveway.
5. The proposed single storey extension across the front of the house would replace an existing smaller front extension and project out by approximately 1.2m from the front elevation of the property. The proposed work to the rear would result in a large single storey flat roofed addition at ground floor level that would extend off the existing single storey rear extension across the full width of the house up to the common side boundary with No. 66 Spearing Road (No. 66). It would be about 2.6m in height and project out by approximately 6m from the rear elevation of the property. The part two storey rear extension would be located at first floor level above the existing rear extension. It would be set down from the main ridge by about 1m with a hipped roof and would be set back from the side boundary with No. 66 by approximately 1m.
6. The large blank side elevation of the proposed ground and first floor rear extensions would be close to the windows on the rear elevation of No. 66. This property currently has an uninterrupted view over the open garden areas and open space at the rear of the properties on Spearing Road that provides space and light between the properties. Evidence provided by the Council shows that the ground floor rear extension would breach the 45 degree line and that the first floor rear extension would breach the 60 degree line from the mid-point of the nearest ground floor windows of the habitable rooms at the rear of No. 66.
7. The appellant argues that that the relationship between the proposed rear extensions and No. 66 would not be materially different to the existing situation on the site. I viewed the appeal site from the rear of No. 66 and I am not persuaded by the appellant's arguments. Whilst I accept that there is some impact from the existing rear extension, given the modest size of the windows at No. 66, the height of the proposed extensions, the distance between the properties and the orientation of the buildings, the proposed rear extensions would dominate the views from the rooms, severely restricting the outlook and available light for these windows. The overshadowing effect would reduce the amount of light reaching the main habitable rooms and rear garden at No. 66 and introduce a dominant, overbearing and enclosing structure in close proximity.
8. I have noted those planning permissions in the street and area drawn to my attention by the appellant. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to those of the present appeal proposal. The planning approvals largely relate to single storey rear extensions that have different development characteristics to the appeal scheme. The single storey rear extension and part two storey rear extension at 69 Spearing Road has different locational characteristics and the overall scale and proportions of the extensions are smaller than the appeal scheme. I therefore accord them limited weight as precedents in this case.
9. Consequently, I conclude that the proposed single storey rear extension and part two storey rear extension would cause harm to the living conditions of the

occupiers of the neighbouring property at No. 66 with particular regard to overshadowing and the dominant, obtrusive and overbearing effect. It would, therefore, be contrary to Policies G3, G8 and H17 of the Wycombe District Local Plan 2004 (LP) and Policy CS19 of the Wycombe Core Strategy 2008. These policies, amongst other things, seek to ensure that extensions to existing buildings demonstrate a high standard of design that protects the amenities of neighbouring occupiers. The Council's Design Guidelines for Extensions are set out in Appendix 4 of the LP and whilst I acknowledge that the 45 and 60 degree assessments are only for guidance, I find conflict with the amenity considerations of the guidelines that extensions projecting out from the existing buildings should not enclose excessively the outlook from, or seriously affect the light to, the nearest habitable rooms of neighbouring dwellings.

Other matters

10. The Council consider that the modest form and design of the proposed single storey front extension would integrate with the appeal property and would not be detrimental to the character and appearance of the area. I consider this element of the proposal would sit relatively unobtrusively against the two storey form of the main house and would not harm the character and appearance of the area. The Council also consider that the parking at the front and rear would be sufficient to serve the proposed development. On the basis of the evidence before me, I see no reason not to allow these elements of the proposal.

Conditions

11. In addition to the standard time limit condition, I have specified the approved plan as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces in the construction of the proposed single storey front extension match those of the existing property.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the proposed single storey front extension and parking provision at the front and rear, but should be dismissed insofar as it relates to the proposed single storey rear extension and part two storey rear extension.

David Troy

INSPECTOR