

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/N0410/D/16/3154712

69 Horseshoe Crescent, Beaconsfield, Buckinghamshire HP9 1LJ

- 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 David Howells against the decision of South Bucks District Council.
 - The application Ref 16/00410/FUL, dated 1 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is one and a half storey side extension, two storey rear extension, single storey rear extension and amendments to parking layout. (Amendment to planning permission 14/01056/FUL).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.

Main Issue

3. The main issue is the impact of the proposed development on the living conditions of the occupiers of No. 7 Blue Dragon Yard with particular regard to light and outlook.

Reasons

4. The appeal property is a semi-detached two storey cottage with a small garden area at the rear and a separate dedicated parking area for the cottage immediately at the side of the property. The property is located in a mature well-established residential area adjacent to the small rear garden of a two storey terraced house at No. 7 Blue Dragon Yard (No. 7) that forms part of a residential development to the north-west of the site.
 5. The proposal would entail the construction of a one and a half storey side extension with gabled end roof on part of the dedicated parking area, which would project out by approximately 6m from the side elevation of the property. The rear blank elevation of the proposed side extension and the proposed single storey rear extension would be located immediately adjacent to the
-

common boundary with No. 7. The blank side elevation of the proposed two storey rear extension would be located about 1m from the common boundary with No. 7. The property at No. 7 currently has an uninterrupted view over the dedicated parking area at the side of the appeal property and the open garden areas at the rear of the adjacent properties on Horseshoe Crescent that provide space and light between the properties.

6. The appellant has submitted a daylight and sunlight assessment in accordance with BRE Guidelines¹ to examine the impact of the proposed development. The assessment shows that the loss of daylight and sunlight to the rear windows and garden at No. 7 would be within the permitted limits as set out in the BRE Guidelines. However, whilst I accept that the assessment shows the impact of the proposal would be within the permitted limits, this is only for guidance.
7. I have viewed the appeal site and given the modest size of the rear windows and garden at No. 7, the height of the proposed extensions, the distance between the properties and the orientation of the buildings, I consider that the proposed one and a half storey side extension and two storey rear extension would dominate the views from the rooms and rear garden of No. 7. It would introduce a dominant and enclosing structure in close proximity to the common boundary that would severely restrict the outlook, and to a more limited extent, the available daylight and sunlight reaching the rear garden and the main habitable rooms on the rear elevation of No. 7.
8. I have noted the appellant's comments about the previous planning applications on the site. On the basis of the limited evidence provided I am not convinced that the Council's comments on the side extension in the previous applications would overcome the adverse effects outlined above. The planning history shows that two of the earlier applications on the site were refused by the Council and that the appeal scheme is materially different to the previous application approved², as the ridge height of the proposed one and a half storey side extension has been increased with gabled end rather than a hipped roof and the two storey rear extension is not included in the previous scheme. I have therefore accorded this limited weight as a precedent in this case.
9. Consequently, I conclude that the proposal would result in significant harm to the living conditions of the occupiers of No. 7 with particular regard to loss of light and outlook. I therefore, conclude that the development would not accord with the overall amenity aims of Policies EP3, EP5 and H11 of the South Bucks District Local Plan 1999. These policies, amongst other things, seek to secure good standards of design that ensure development would not adversely affect the amenities of nearby properties or the locality in general.

Other matters

10. The appeal site lies within the Beaconsfield Old Town Conservation Area (CA). Special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. I consider that the appeal scheme, subject to the materials used matching those on the existing building, would make a positive contribution to the appearance of the CA and as such the development would preserve the character and appearance of the CA.

¹ Building Research Establishment – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

² 14/01056/FUL

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR