
Appeal Decision

Site visit made on 26 September 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 20th October 2016

Appeal Ref: APP/X0415/W/16/3153649

10 Howe Drive, Knotty Green, Beaconsfield, Buckinghamshire HP9 2BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs R Wyn Griffith against the decision of Chiltern District Council.
 - The application Ref CH/2016/0351/FA, dated 25 February 2016, was approved on 14 April 2016 and planning permission was granted subject to conditions.
 - The development permitted is two-storey front/side extensions, first floor rear extensions and single storey rear extension.
 - The condition in dispute is No 3 which states that: The glazing in the first floor flank elevations of the extensions hereby permitted shall only be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
 - The reason given for the condition is: To protect the amenities and privacy of the adjoining properties.
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Decision

1. The appeal is allowed and the planning permission Ref CH/2016/0351/FA for a two-storey front/side extensions, first floor rear extensions and single storey rear extension at 10 Howe Drive, Knotty Green, Beaconsfield, Buckinghamshire HP9 2BG granted on 14 April 2016 by Chiltern District Council, is varied by deleting condition 3 and substituting it for the following condition:

“(3) The glazing in the first floor east-facing flank elevation of the extensions hereby permitted shall only be glazed with obscured glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which that window is installed.”

Procedural Matter

2. I have used the description of development from the Council’s decision notice rather than that used on the original application form in the interests of conciseness and as it reflects the description which is subject to the existing planning permission.

Main Issue

3. The main issue is the effect on the living conditions of the occupiers of 8 Howe Drive with particular regard to privacy.
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Reasons

4. The side facing window in the master bedroom would be situated approximately 19 metres away from the boundary with 8 Howe Drive. The boundary is formed of a timber fence which is approximately 2 metres in height.
5. My attention has been drawn to Policies GC3, H13 and H14 of the Chiltern District Local Plan 1997 (LP) and the Residential Extensions and Householder Development Supplementary Planning Document (SPD).
6. A common theme on all of the above policies is that planning permission will not be granted for development which would result in a significant effect on the amenity or privacy of the occupiers of neighbouring properties. This is also reflected in the SPD. However, none of the above detail a specific distance between habitable room windows or the boundaries to residential properties.
7. Furthermore, the Council in their appeal statement have commented that the distance itself between the window and the boundary is reasonable, but consider it important to appreciate the relationship between the two buildings. In that sense it is noted that No 8 has been extended to the rear. I also acknowledge that there is not a substantial level of screening along the boundary.
8. From my site visit I saw that large parts of the rear garden to No 8 were already visible from the existing first floor rear facing windows, albeit at an angle, at a much closer distance than the proposed first floor master bedroom window.
9. In the absence of any specific guidance from the Council over suitable distances, from the evidence before me and from what I observed on site, I consider that the distance between the proposed bedroom window and the boundary fence is, in any case, sufficient to ensure that there would not be a significant loss of privacy to the occupiers of No 8.
10. For the above reasons I consider that it is not necessary for the flank window in the master bedroom to be glazed in obscure glass. The development would still accord with Policies GC3, H13 and H14 of the LP and the SPD which aim to ensure that new developments avoid causing harm to the privacy of neighbouring residents. The condition in its current form therefore fails the test of necessity set out in the paragraph 206 of the National Planning Policy Framework.

Conditions

11. The main parties have suggested a replacement condition which would still require the windows in the east facing flank elevation to be obscurely glazed and non-opening unless they are above 1.7 metres above floor level. Given the proximity of these windows to the side boundary, and the overlooking potential to 12 Howe Drive, I consider that this condition is necessary.
12. In addition to the above, the Council have suggested an additional condition restricting further flank elevation windows on the east facing elevation (to No 12). However, this is already restricted by condition 4 of the permission and therefore the suggested condition is not necessary.

Conclusion

13. For the reasons set out above, I allow the appeal and vary condition 3 of planning permission Ref CH/2016/0351/FA.

Chris Forrett

INSPECTOR