

Appeal Decision

Site visit made on 17 October 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: 1ST November 2016

Appeal Ref: APP/K0425/D/16/3156550

Pendarves, Highfield Park, Marlow, Buckinghamshire SL7 2DE

- 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 and Mrs Elwood against the decision of Wycombe District Council.
 - The application Ref 16/05102/FUL, dated 13 January 2016, was refused by notice dated 1 June 2016.
 - The development proposed is householder application for erection of two storey front/side extension with conversion of existing garage to habitable accommodation and alterations to fenestration. Raising of roof in connection with loft conversion, rendering to ground floor and timber boarding to first floor on all elevations. Amended retaining wall and excavation to front garden area to enable vehicular access to repositioned garage.
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Decision

1. The appeal is allowed and planning permission is granted for householder application for erection of two storey front/side extension with conversion of existing garage to habitable accommodation and alterations to fenestration. Raising of roof in connection with loft conversion, rendering to ground floor and timber boarding to first floor on all elevations. Amended retaining wall and excavation to front garden area to enable vehicular access to repositioned garage at Pendarves, Highfield Park, Marlow, Buckinghamshire SL7 2DE in accordance with the terms of the application, Ref 16/05102/FUL, dated 13 January 2016, subject to the following conditions set out in the Schedule to this decision.

Procedural matters

2. During the application process, the description of development was changed from the one given on the application form to that reflected in the heading above.
 3. During the appeal process, the appellants submitted amended plans to rectify a drafting error in those detailing the existing dwelling. Whilst these amendments have not been seen by the Council, there is nothing contained within them that details any changes to the proposal considered at the time of the application. Consequently, the Council's case is not prejudiced by my taking the amended plans into account.
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Main Issues

4. The main issues in this appeal are (i) the effects of the proposal on the street scene and the character and appearance of the host dwelling; and (ii) the effect on the living conditions of the occupiers of Rookery Nook and Meadow View with regard to privacy and outlook.

Reasons

Street scene and host dwelling

5. The appeal property comprises a substantial detached dwelling on the south western side of Highfield Park, which forms part of an established residential area. Dwellings are generally set back behind well-vegetated frontages on generous plots. The neighbouring dwellings are positioned with less regimentation than those in the other parts of Highfield Park that extends to the north and they display considerable variation in their design. Consequently, there is no dominant building style within the appeal property's immediate surroundings. The appeal property occupies a somewhat smaller plot than some of the other nearby dwellings but is nevertheless set back behind a frontage within which there are mature trees, reflecting the general appearance of those that surround it. The overall effect of the development pattern, the different building styles and the character of frontages is one of a varied and verdant street scene.
6. Pendarves is currently of somewhat uninspiring and disharmonious appearance due to its combination of varying level ridge heights, shallow roof pitches and plain elevations. The proposal would simplify the dwelling's roof form and provide two front gables of varying proportions with steeper pitches, thereby giving it a much more cohesive appearance. Furthermore, the proposed increase in ridge height would not be such that Pendarves would appear higher than its neighbour, Birbeck House in views from the street. Therefore the characteristic step in ridge heights as buildings follow the rising topography would be maintained.
7. The proposal would not result in any part of the dwelling projecting further forward on the site than it does currently and although it would be higher, the existing prominent frontage vegetation would serve to minimise its visual effects. For this reason, in addition to those already given, I do not consider that the proposal would result in any significantly greater effects on the street scene.
8. I note that one of the mature frontage trees (protected by Tree Preservation Order 3 – 1954), would be removed as part of the scheme, and that the Council considers this to be acceptable in the interests of sound arboricultural practice. From my own observations, I have no reason to disagree with this course of action and note that the proposed replacement tree would ensure that tree cover fronting the property would be maintained over the long-term. Whilst the proposal might necessitate some alterations to ground levels close to retained trees this is a matter that could be the subject of a suitably worded condition aimed at safeguarding their long term health and vigour.
9. For the above reasons I do not therefore find that the proposal would conflict with saved Policy H17 of the Wycombe District Local Plan (2004) (LP) that seeks, amongst other things, to prevent development that would adversely

affect the character or appearance of the original property or that of its surroundings. Moreover, the proposal would accord with the design objectives of saved LP Policy G3 and Policy CS 19 of the Wycombe Core Strategy (2008) (CS).

Living conditions

10. Rookery Nook and Meadow View comprise a pair of semi-detached dwellings located to the south east. They sit relatively close to but at a significantly lower level than Pendarves. Because of this, only the upstairs windows in these two dwellings have the potential to be overlooked by the proposed development. However, the two dwellings are positioned at an angle to Pendarves and do not directly overlook the building. The existing vegetation along the rear garden boundary also provides a modest but nonetheless effective amount of screening from the nearest of the two neighbouring dwellings (Rookery Nook).
11. The amount of glazing in the rear and side elevation of the appeal property's south eastern corner would increase. However, at first floor level the space above the proposed living area would be a void thereby preventing any opportunities for overlooking of either Rookery Nook or Meadow View. This would replace two windows that currently serve a bedroom and associated dressing room and the only views out of the first floor windows would be from the first floor landing set about 4m away. In my view, this would result in an overall improvement in respect of mutual privacy. There would also be a small window serving a bathroom in the newly created second floor and one at first floor level in the south eastern elevation. However, the obscure glazing of these windows could be the subject of a suitably worded condition, thus maintaining a satisfactory level of privacy for the neighbouring occupiers.
12. The proposal would not bring the dwelling any closer to Rookery Nook or Meadow View and although the height of its roof would increase by about 2m, its nearest part to these properties would slope away. I therefore consider that a satisfactory separation distance would be maintained between dwellings and there would be no adverse effects on the outlook of the neighbouring occupiers.
13. For the above reasons, the proposal would safeguard the privacy and outlook of the occupiers of Rookery Nook and Meadow View. Thus, it would accord with the requirements of saved LP Policies G8 and H17 and with CS Policy CS 19 that also requires development to have regard to neighbouring uses.

Conditions

14. I have had regard to the various conditions suggested by the Council, having also had regard to paragraph 206 of the Framework and Planning Practice Guidance. The conditions imposed are based on those suggested by the Council but with some variation in the interests of clarity.
15. I have specified the approved plans as this provides certainty. As the proposed materials are not fully described within the application documents (mainly in terms of their colour/treatment), in the interests of certainty and to ensure the appearance of the development is satisfactory, I have imposed a condition requiring the provision of details/samples. For this reason, and because different materials are proposed to those existing, I have not imposed a

matching materials condition. In the interests of highway safety, a condition is necessary relating to the parking and turning of vehicles.

16. Given the contribution that the existing protected trees make to the street scene, I have imposed a condition relating to their protection during construction. In the interests of mutual privacy, a condition is necessary in relation to obscure glazing of bathroom windows. A condition relating to the positioning of the roof lights in the south eastern elevation is unnecessary as this is clearly shown on the approved plans. I do not consider that the exceptional circumstances exist to justify the Council's suggested restriction on the provision of further windows. Such a condition is not necessary or reasonable. Further, I am not persuaded that the creation of a floor within the void at first floor level would result in material harm when taking into account the existing windows in the south westernmost part of the rear elevation. In my view, the imposition of such a condition would not pass the test of necessity.

Conclusion

17. For the above reasons and having had regard to all other matters raised, the appeal succeeds.

Hayden Baugh-Jones

Inspector

SCHEDULE OF 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: Ground Floor Plan Drawing No. 15-007-01A; First Floor Plan Drawing No. 15-007-02A; Elevations Drawing No. 15-007-04A; Plans and Elevations Drawing No 15-007-10F.
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) The building shall not be occupied until space has been laid out within the site in accordance with drawing no. 15-007-10F for cars to be parked and for vehicles to turn so that they may leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning

authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 6) The extension hereby permitted shall not be occupied until the window at first floor level on the south eastern elevation and the window at second floor level on the south western elevation have been fitted with obscured glazing, and no part of those windows 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 those windows are installed and once installed the obscured glazing shall be retained thereafter.