

Appeal Decision

Site visit made on 7 November 2016

by M Brookes BA MSc MRTPI

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

Decision date: 16 November 2016

Appeal Ref: APP/X0415/D/16/3156199

31 Cherry Acre, Chalfont St. Peter, Gerrards Cross, Buckinghamshire, SL9 0SX

- 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 & Mrs Andrew Stocker against the decision of Chiltern District Council.
 - The application, Ref. CH/2016/0768/FA, dated 25 April 2016, was refused by notice dated 17 June 2016.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application proposal submitted to the Council included the construction of a rear roof dormer to facilitate a loft conversion. The Council determined the application on that basis and one of its two reasons for refusing planning permission related to the impact of that dormer on the application dwelling. The appellants are not disputing that reason and have submitted amended plans with the appeal that omit the dormer and associated loft conversion.
3. The Council has not objected to the appeal being determined on the basis of the two storey rear extension only as shown on the amended plans. Furthermore, the two parts of the original proposal are clearly severable and the amended plans simply omit rather than make changes to part of the original scheme. I therefore consider that no third party interests would be prejudiced by the appeal proceeding on the basis of the amended plans. This is reflected in the revised description of the proposed development in the banner headline.

Main Issue

4. The main issue is therefore the effect of the proposed two storey extension on living conditions at 8 Cherry Acre in terms of daylight, sunlight and outlook/sense of enclosure.

Reasons

5. The appeal property is a detached two storey house with a two storey projection on the northern side of the rear of the building. The northern flank wall of the
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main body of the house and of the rear projection lie close to and parallel with the boundary of the site with the adjacent property to the north at 8 Cherry Acre. That adjacent property, which is set further forward on its site and on slightly higher ground, has a single storey kitchen extension on the southern side of its rear elevation.

6. The stagger between the positions of the two properties is such that part of the main body of the appeal property and the whole of its rear wing project beyond the rear wall of the single storey extension at 8 Cherry Acre and well beyond the main rear wall of that property. The flank wall of the appeal property is therefore conspicuous in views from the rear garden of 8 Cherry Acre and from the house is most visible from the window of the closest bedroom at the rear of the property.
7. The proposed extension would significantly increase the length of the existing rear wing and, having regard to its position close to and to the south of the boundary with the rear garden of 8 Cherry Acre, would have a significant effect on living conditions in that property.
8. The extension would materially reduce daylight and sunlight entering the only window of the closest first floor bedroom window and would cause substantial harm to the outlook from that room. It would also reduce daylight and sunlight to and the outlook from the ground floor kitchen.
9. More significantly, the extension would result in a very long flank wall close to the rear garden of 8 Cherry Acre, where it would cause considerable overshadowing. It would also appear unduly intrusive and overbearing and would create an unacceptable enclosure of the area of the garden closest to the house.
10. Overall, I conclude that the proposed two storey extension would have an unacceptably harmful effect on living conditions at 8 Cherry Acre in terms of daylight, sunlight and outlook/enclosure. It would therefore conflict with the general provisions of saved Policy GC3 of the Chiltern District Local Plan 1997 (as altered and consolidated in 2001, 2007 and 2009) which seek to protect the amenities enjoyed by the occupants of adjoining and neighbouring properties. It would also conflict with the more specific provisions of Policies H13 and H14 that extensions to dwellings should cause no significant detriment to the amenities of neighbours and should be designed so that their size and siting does not result in an overbearing appearance or a significant loss of daylight to the garden or to the principal windows of habitable rooms or kitchens of neighbouring properties.
11. The development would not accord with general principles in the Council's Residential Extensions and Householder Development Supplementary Planning Document (2013) that extensions should not be visually intrusive or overbearing to important windows of habitable rooms or when viewed from neighbouring gardens. It would also conflict with a core principle in the National Planning Policy Framework that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
12. In reaching these conclusions I have taken into account the hipped roof form of the extension and the existence of a boundary hedge, which mitigate to a degree the impact of the extension. I have also noted that the main sitting-out area at 8 Cherry Acre is located close to its northern boundary, but the outlook

even from that more distant part of the garden would be materially harmed. I have also taken into account the appellant's submission in relation to the Building Research Establishment's (BRE) publication, 'Site layout planning for sunlight and daylight' but am not satisfied that it is based on detailed site surveys and have therefore largely based my judgement on what I could see from my visit to the appeal site and to the affected rooms and garden of the adjacent property.

Other Matters

13. The extension would provide useful additional accommodation at the appeal property, but that benefit does not outweigh the harm it would cause.

Conclusion

14. The two storey extension would have an unacceptably harmful effect on living conditions at 8 Cherry Acre in terms of daylight, sunlight and outlook/enclosure and would conflict with the development plan when read as a whole. For that reason and having regard to all other matters raised, the appeal is dismissed.

M Brookes

INSPECTOR