
Appeal Decision

Site visit made on 30 November 2016

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

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

Decision date: 16 December 2016

Appeal Ref: APP/J0405/D/16/3160079

5 Scotts Close, Stoke Hammond, Bucks, MK17 9RQ

- 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 M Page against the decision of Aylesbury Vale District Council.
 - The application Ref 16/01853/APP, dated 10 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is first floor extension above existing garage with raised roof and dormer windows.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension above existing garage with raised roof and dormer windows at 5 Scotts Close, Stoke Hammond, Bucks, MK17 9RQ in accordance with the terms of the application, Ref 16/01853/APP, dated 10 May 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan, PAGE/10P/Sk(A)15A.B plans and PAGE/20P/Sk(A)15A.A.B elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Before the development hereby permitted is brought into use, the first floor bathroom window on the south elevation and the roof light serving the first floor en suite bathroom shall be fitted with obscure glass and permanently fixed shut, and shall be maintained as such thereafter.

Main issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring residents.

Reasons

4. 5 Scotts Close is a detached two storey house with an attached double garage. It is in a small cul-de-sac with a number of properties of similar design but different orientation to the street.
5. The proposal is for an extension above the garage with three dormer windows facing north towards the street, four roof lights on the southfacing slope and a relocated bathroom window, all to provide for an additional en suite bedroom. The roof would be raised by approximately 2 metres.
6. The Council has raised no objection to the design and appearance of the extension, and I see no reason to disagree with this.
7. The policies relevant in this case include GP.8 and GP.9 of the Aylesbury Vale District Local Plan 2004 (the local plan) which allow for development including residential extensions provided it does not unreasonably harm the amenity of nearby residents and protects their outlook and privacy. Policy GP.8 provides for the use of conditions where planning permission is granted to ensure that any potential adverse impact on neighbours is appropriately controlled.
8. The proposed extension would be located to the north of the neighbouring property at 38 Fenny Road, which has a conservatory immediately adjacent to the common boundary. The separation between the facing walls of the two properties is limited and varies between approximately two and three metres. This space has a somewhat cramped feel about it, emphasised by the high timber fence along the boundary and the slightly higher level of No. 5.
9. Part of the proposed extension would be adjacent to the blank brick side wall of No. 38 and part of it would be adjacent to the conservatory. I consider that even though there would be some impact on the outlook from the conservatory at No. 38 because of the increase in height over the existing garage, and some increase in the sense of enclosure, this would not be so different from the existing situation as to be unduly overbearing. This is particularly so since the conservatory is to the south of No. 5 and it would suffer no loss of sunlight.
10. I find that the size and height of the proposal are not unacceptable in this context. However, I have concerns regarding the number and location of the roof lights and the relocation of the bathroom window. I consider that they would allow overlooking of the conservatory at No. 38 and, to a lesser extent, the possibility of views into bedrooms.
11. It is suggested that the bathroom window be of obscure glass and that the three higher level roof lights would be above eye height. However, obscure glass only ensures privacy if the window is also secured shut at all times. I am aware that opening windows are desirable in bathrooms to allow for ventilation, but there are alternative mechanical means.
12. In my opinion, the proposal would have an unacceptable impact on the privacy of the residents of No. 38 because of overlooking from the proposed windows. However, I consider that this could be overcome by the imposition of a condition requiring the relocated bathroom window in the south elevation and the smaller roof light in the en suite to be of obscure glass and permanently fixed shut. On the basis of the information before me, it seems likely that the

other three roof lights would be high enough to avoid any overlooking in normal use and I see no reason to restrict them.

13.I conclude that, subject to an appropriate condition, the proposal would not harm the living conditions of neighbouring residents and it that would be consistent with local plan policies GP.8 and GP.9.

14.For the reasons given above, the appeal is allowed.

Conditions

15.I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. The condition relating to the materials is necessary to ensure the satisfactory appearance of the development and that relating to the window and roof light is necessary to ensure the privacy of neighbouring residents.

PAG Metcalfe

INSPECTOR