The Planning Inspectorate

Appeal Decision

Site visit made on 13 February 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 28th February 2017

Appeal Ref: APP/X0415/D/16/3163376
70 Westhaven, Bois Lane, Chesham Bois HP6 6BX

- 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 Ouston against the decision of Chiltern District Council.
- The application Ref CH/2016/1610/FA, dated 1 September 2016, was refused by notice dated 18 October 2016.
- The development proposed is a two storey side extension, replacement front porch, replacement single storey rear extension and new roof over front bay.

Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension, replacement front porch, replacement single storey rear extension and new roof over front bay at 70 Westhaven, Bois Lane, Chesham Bois HP6 6BX in accordance with the terms of the application, Ref CH/2016/1610/FA, dated 1 September 2016, subject to the following 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: BL PA 01 rev B, BL PA 02 rev H and BL PA 03 rev C.

    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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed at first floor level or above in the flank elevation of the extensions hereby permitted.

Main Issue

2. The main issue is whether the development preserves or enhances the character or appearance of the Chesham Bois Conservation Area.

Reasons

3. There is an extant permission[1] for a similar development to that proposed. The current proposal seeks to increase the width of the side extension by a further 0.5m than that already approved. The Council's concern lies with this element of the proposal. They have not raised any objection to the other elements. Based on the evidence before me and my observations made during my site visit, I find no reason to disagree with these views in respect of the other elements. Accordingly, my reasoning focuses on the side extension.

4. The appeal property lies within the Chesham Bois Conservation Area (CA). This part of the CA is primarily residential, comprising two and three-storey, detached, semi-detached and terraced dwellings. The setback position of the properties and the wide pavements and grass verges create a spacious character. The spacing between properties along this stretch of Bois Lane varies. Properties to the north east of the appeal property are generally set in larger grounds and have more generous spacing between them, which further contributes to the overall spaciousness, whereas those to the south west form a tighter built form with narrower spacing.

5. The spacing between the appeal property and No 72 Bois Lane is relatively narrow, similar to many other properties to the south west of the junction of Bois Lane and Green Lane/Woodside Avenue, including the two detached properties on the opposite side of the road. The spacing with No 68 is much wider and comprises two single-storey garages at ground-floor level, one serving each property.

6. The Chiltern District Council Residential Extensions and Householder Development Supplementary Planning Document (SPD) 2013 states that two-storey side extensions should have regard to the prevailing character of the locality, especially with regard to the gaps and spaces between existing buildings. It goes on to state that where buildings are in a definable visual row, the first floor extension should be set in from the boundary by 1 metre.

7. The proposed side extension would be approximately 0.5m off the boundary with No 68. No 68 is set further back from the boundary than the appeal property. The proposed extension would maintain a space of approximately 5.52m with the side elevation of No 68. The front elevation of the side extension would be setback a significant distance from the existing front elevation of the dwelling as well as that of No 68 and therefore a large gap would be retained between the frontage elevations of the dwellings. Furthermore, its roof would be lower than the main roof of the building and, consequently, it would appear as a subordinate addition to the property.

8. Whilst there would be a reduction in the side gap between the appeal property and No 68, the remaining space would not be at odds with the streetscene in general and, therefore, I am not persuaded that the reduction would be unacceptably harmful to the character of the area or that an unacceptable terracing effect would occur.

9. I find therefore that whilst the development would not particularly enhance the character or appearance of the CA it would have a neutral effect and

[1] LPA Ref CH/2016/1086/FA

therefore preserve it. As such, it would comply with saved Policies GC1, H13, H15, H16, CA1 and CA2 of the Chiltern District Local Plan 1997 including Adopted Alterations 2001, which, amongst other matters, seek to ensure that development is designed to a high standard, respects the character and appearance of street scene and preserves or enhances the character or appearance of the Conservation Area. In addition, it would also accord with Policy CS20 of the Core Strategy for Chiltern District 2011, which also seeks to ensure that development is of a high standard of design and reflects and respects the character of the surrounding area. I acknowledge that the extension would not strictly with the advice contained in the SPD. However, I do not find that it would conflict with the above policies, which I attribute greater weight.

Conditions

10. I have had regard to the various conditions that have been suggested by the Council. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area a condition regarding materials is necessary. I have attached a further condition relating to the removal of permitted development rights for windows, in the interests of protecting the residential amenities of the neighbouring occupiers.

Conclusion

11. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR