

Appeal Decision

Site visit made on 2 March 2017

by **R J Maile BSc FRICS**

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

Decision date: 14 March 2017

Appeal Ref: APP/J0405/D/16/3166233

63 Bishopstone, Aylesbury, Buckinghamshire, HP17 8SH.

- 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 Mrs Emma Pike against the decision of Aylesbury Vale District Council.
 - The application ref: 16/03366/APP, dated 15 September 2016, was refused by notice dated 1 November 2016.
 - The development proposed is two storey side and front extension with internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side and front extension with internal alterations at 63 Bishopstone, Aylesbury, Buckinghamshire, HP17 8SH, in accordance with the terms of the application ref: 16/03366/APP, dated 15 September 2016, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order) no windows or other openings other than those expressly authorised by this permission shall be formed within any of the elevations of the extension hereby permitted.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan:	scale 1:1250.
Block Plan:	scale 1:200.
Drawing no. 16/1687.1:	Existing and Proposed Plans and Elevations – scale 1:100.
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Main Issue

2. The main issue in this case is the effect of the proposed extension upon the living conditions of existing and future residents of 73 Bishopstone.

Reasons

3. The subject property is a small detached cottage of brick and slate construction. It is located at the head of a small access road and includes a conservatory that abuts the northwest flank elevation. The conservatory would be demolished to permit the construction of a part single storey and part two storey extension in materials to match the existing cottage.
4. To the northeast of the proposed extension is 73 Bishopstone, whose flank wall faces towards the appeal site at a distance of approximately 5m from the common boundary. I carefully noted the relationship between the two properties during my site visit.
5. No. 73 has two small obscure glazed windows at first floor level, together with two windows and a glazed door at ground floor level, all of which face onto the appeal site. The objections received from the owners of no. 73 state that their principal living room windows face south.
6. The proposed extension would be set away from the common boundary at first floor level, whilst its sloping roof would be set below the ridge height of the original cottage. Likewise, the upper floor would be inset from the northwest boundary.
7. The new structure would be more visible as seen from the southwest facing windows of no. 73. I am nevertheless satisfied that it would not bring about any unacceptable loss of daylight or sunlight to those windows. I have also included a condition, as requested by the Council, preventing the insertion of additional windows in the extension to ensure that there is no loss of privacy.
8. For these reasons, I find upon the main issue that development as proposed would not unreasonably harm the living conditions of existing and future occupiers of 73 Bishopstone, as required by "saved" Policy GP8 of the Local Plan¹.

Other Matters

9. The site is within the Bishopstone Conservation Area, which is a heritage asset. Accordingly, and by reference to Chapter 12 (Conserving and enhancing the historic environment) of the Framework² I have had regard to the effect of the proposal upon the character and appearance of the designated area.
10. The proposed extension is subservient to the existing cottage and would be constructed in matching materials. Having regard to its backland location and its relationship with adjacent buildings, I am satisfied that it would not appear unduly prominent.

¹ The Aylesbury Vale District Local Plan: January 2004.

² The National Planning Policy Framework.

11. Accordingly, I conclude that the provision of enhanced living accommodation to this small detached dwelling outweighs any minor harm to the designated heritage asset, as required by paragraph 134 of the Framework.

Conditions

12. I have considered the four conditions put forward by the Council against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014. I find all to be reasonable and necessary in the circumstances of this case.
13. My reasons for the conditions are:
14. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area, while Condition 3 is necessary to safeguard the privacy and amenity of neighbouring occupiers.
15. Condition 4, which requires the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR