
Appeal Decision

Site visit made on 6 April 2017

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 13th April 2017.

Appeal Ref: APP/J0405/W/16/3162540

Land adj. 98 London Road, Aston Clinton, Buckinghamshire, HP22 5HS

- 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 Nicolas Lane against the decision of Aylesbury Vale District Council.
 - The application Ref 16/00411/APP, dated 5 February 2016, was refused by notice dated 6 May 2016.
 - The development proposed is a new detached three bedroom dwelling house.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Although the Decision Notice refers to a garage, the Council has confirmed¹ that the Appellant's appeal form should be revised to read "Erection of one new detached three bedroom dwelling house, or similar wording". I have therefore determined the appeal on the basis that no garage is included as part of the application.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the street scene; and on the living conditions of the next door occupiers at nos. 96 and 98, with particular reference to outlook and loss of privacy.

Reasons

4. The horseshoe shaped appeal site wraps around the curtilage of the house, yard and outbuildings at 98 London Road. The proposed dwelling, to be located on the narrow strip of land between nos. 96 and 98, includes the garage, which would be demolished to make way for the scheme.
5. Regarding character and appearance, the Council is concerned that the proposed development, on a narrow strip of land, would appear cramped and alien to the locally distinctive streetscene. Its design, however, including its height, roof, fenestration, scale and use of external materials, would be similar to the existing property at no. 98 and not out of line with the overall streetscene. There is already a variation in the styles and gaps between properties fronting London Road, some of which are terraced.

¹ Letter from the Council, ref 16/00411/APP, dated 17 January 2017.

6. I therefore conclude that the proposal would not harm the character and appearance of the streetscene. As such it would not be contrary to the design principles in section 7 of the *Framework*² or saved Local Plan³ policy GP35, which requires new development to respect and complement the physical characteristics of the site and surroundings.
7. I now turn to consider the effect of the proposal on the living conditions of the two next door properties. In relation to no 96 to the west, the first floor front bedroom window would be located on the east side of the dwelling, whilst the frontage would be set some way back from the building line of no. 96, and the side bedroom window at this property. The view from the proposed bedroom into the existing bedroom at no. 96 would be oblique and the distance between the two windows sufficiently great not to cause any undue impact on privacy.
8. The two-storey development, however, would be just over 3m away from the single storey rear extension at no. 96. The ground floor habitable window at the side of the external door, the external door and side yard would directly face the flank wall of the proposed development. This would be overbearing on the outlook of the occupiers of no. 96, and harm their living conditions.
9. There would be a very small gap between the proposal and the existing property at no.98 to the east. A previous planning permission was for the attachment of a new dwelling to no. 98, and it is therefore not directly comparable to this appeal. At the time of the Council's decision, there were kitchen windows facing the appeal site, but at the time of my site visit these had been boarded up and plastered over. This effectively removes the issue of loss of outlook to the living conditions of the occupiers of no. 98.
10. I therefore conclude that the proposed development would harm the outlook of the occupiers of no. 96. This would be contrary to paragraph 17[4] of the *Framework*, which addresses amenity (living conditions) requirements, and saved Local Plan policy GP8, which states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of amenity of nearby residents when considered against the benefits arising from the proposal.
11. The Appellant states that the Council has failed to demonstrate that it has a five year supply of deliverable housing sites, although this is contended in the Council's appeal statement. In any event, even if the engagement of paragraph 14 of *the Framework* were to be necessary, the modest contribution to the Council's housing land supply resulting from the proposed development would not have outweighed the reason for dismissing the appeal.
12. In conclusion, I have found there would be no harm to the character and appearance of the streetscene. There would, however, be harm to the living conditions of the occupiers of no. 96 to the west through undue loss of outlook. The proposal would therefore be contrary to national policy and the development plan. For the reasons given and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR

² DCLG: National Planning Policy Framework (*the Framework*); March 2012.

³ Aylesbury Vale District Local Plan; January 2014.