
Appeal Decision

Site visit made on 24 April 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/J0405/D/17/3170123

14 Vicarage Road, Winslow, Buckingham MK18 3BB

- 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 Darren Knibb against the decision of Aylesbury Vale District Council.
 - The application Ref 16/03913/APP was refused by notice dated 10 January 2017.
 - The development proposed is a two-storey side and front extension and a single-storey front extension.
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Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be the effect of the proposal on the living conditions of occupiers of 4 Vicarage Road, with particular reference to outlook and daylight.

Reasons

3. Policy GP.9 in the Aylesbury Vale District Local Plan (2004) permits residential extensions subject to a list of criteria including where they protect character of outlook and access to natural light for people living nearby and accord with Supplementary Planning Guidance on residential extensions.
 4. Supplementary Planning Guidance in the Council's Design Guide Residential Extensions (SPG) (1991) states: *The Council will not normally grant permission for a rear extension of more than single storey height if any part of that extension protrudes beyond a 45 degree line (drawn in the horizontal plane) from the centre of the nearest window to a habitable room of a neighbouring dwelling, on the same elevation as the rear of the extended property. The 45 degree line is intended to prevent undue loss of daylight or sunlight to neighbouring properties, to avoid excessive shadowing of gardens, to protect residential amenity and preserve a reasonable standard of outlook.*
 5. The front elevation of the two-storey appeal property is on a similar building line to the adjacent rear elevation of the residential property at 4 Vicarage Road. That property has a first floor above a tunnel leading to communal parking at the rear.
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6. The proposal includes a side and front extension to the appeal property. At the side there would be a two-storey extension with a hipped roof and a one metre gap to the side boundary. It would project forward of the existing front elevation and would be flush with the existing rear elevation. It would link to a single-storey front porch.
7. The proposed side extension would breach the 45 degree line for the neighbouring dwelling at 4 Vicarage Road. Due to the position, close proximity, height and bulk of the proposed side extension, I consider that it would appear as an over dominant oppressive addition when viewed from within the first floor of 4 Vicarage Road. In addition, for the same reasons, it would unacceptably restrict the amount of daylight received into that property, making it a significantly less pleasant property to live in.
8. In reaching my conclusion, I have had regard to all matters raised. In conclusion, I consider that the proposal would have a significant adverse effect on the living conditions of neighbours. This would be contrary to guidance in SPG and contrary to Local Plan Policy GP.9. In this particular instance, I consider that this policy is broadly in accordance with the National Planning Policy Framework as far as it meets the Framework's core principles; particularly that planning should be seeking a good standard of amenity for all existing occupants of land and buildings. Thus, I find no material consideration to determine this appeal other than in accordance with the development plan.

J L Cheesley

INSPECTOR