
Appeal Decision

Site visit made on 18 April 2017

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

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

Decision date: 22 May 2017

Appeal Ref: APP/K0425/C/16/3161020

132 Dashwood Avenue, High Wycombe, Buck HP12 3EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr M Gulzar against an enforcement notice issued by Wycombe District Council.
 - The enforcement notice was issued on 6 September 2016.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a part single, part two storey rear extension.
 - The requirements of the notice are 1. To demolish the part single, part two storey rear extension shown marked blue on the plan attached to the enforcement notice 2. Remove from the land all construction materials and debris in the area of the garden marked green on the plan attached to the enforcement notice and 3. Remove all resultant debris arising from compliance with steps 1 and 2 from the land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a)(f) and (g) of the Town and Country Planning Act 1990 as amended.
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Procedural Matters

1. The Council has also served an enforcement notice related to change of use to 3 flats. This is not being contested and the appellant is returning the building to a single dwelling. However the notice was served when the building was three flats.
2. It was agreed between the parties at the site visit that the difference in length between building approved and that built is about 1.55m at ground floor level and about 2m at first floor level.

Decision

3. I direct that the enforcement notice is to be varied by deleting requirements 1 to 3 and substituting these with 'Demolish the extension down to the size of the extension as permitted by Planning Permission 16/07595/FUL and complete the building in accordance with that Planning Permission and its associated conditions' and 'remove all resultant debris arising from compliance, from the land'. The time for compliance shall be varied by deleting 3 months and substituting it with 6 months.
4. Subject to these variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

Ground (a)

5. The main issues are:

- The effect on the character and appearance of the surrounding area.
- The effect on the living conditions of neighbouring occupiers, with particular respect of effect on outlook.

Character and Appearance

6. The development plan includes the Wycombe District Local Plan [LP] and the Core Strategy Development Planning Document [CS]. Relevant policies are LP Policies G3, G8, H17, H19 and T2 and CS Policy CS19 and CS 20.
7. LP Policy G3 requires a high standard of design that reflects the local urban context to maintain and reinforce its distinctiveness having regard to landscape quality. LP Policy G8 notes development will be required to safeguard the amenity of the surrounding land and buildings, including visual intrusion. LP Policy H17 notes residential extensions will not be permitted where they would have an adverse effect on the character and appearance of the original property, the character and appearance of the area or the amenities of neighbours. LP Policy H19 notes that residential development shall have conveniently located usable outdoor amenity space with advice in appendix 1. LP Policy T2 requires on-site parking.
8. CS Policy CS19 aims to secure improvements in the quality or place-shaping and design and the Council will require high standards of design and layout, including the creation of positive, attractive private and public environments. CS Policy CS20 relates to transport and infrastructure.
9. The existing buildings in the vicinity of the appeal site generally consist of pairs of semi-detached houses with reasonably long rear gardens that fall away from the house towards the rear boundaries. The houses are generally of a similar size, some with relatively small rear extensions and others with small outbuildings at the rear. The extension as constructed goes a considerable way back from the rear of the existing building and much further than other extensions nearby. The extension is very prominent when seen from the road between buildings, appearing as a large bulky and incongruous addition, out of character with development in the area.
10. I acknowledge that there is permission for an extension at the rear, but that approved is smaller by the amounts noted above. To my mind the difference in size has a considerable effect on the impact of the extension, particularly the ground floor, which is much higher above the falling ground the further away from the main building it is. I consider that the additional impact of the extension over and above that approved is considerable and unacceptable. It does not maintain and reinforce the distinctiveness of the urban context. It conflicts with the CS Policy CS19 and LP Policies G3 and H17.

Living Conditions

11. The house has an access way down the side, as does the house adjacent so there is reasonable space between them. Therefore, the bulk of the extension, which is considerable, is mitigated to some extent by the spacing, but because

of its length and height the bulk still has an overbearing impact. In addition, the garden of the house to the other side is immediately adjacent to the extension. The extension, because it extends so far down the garden, would have a substantial impact on the living conditions of the neighbouring occupiers when using the garden, particularly as the garden falls away and even the ground floor extension is relatively tall and imposing, particularly the enlarged part.

12. I have considered the extension permitted, but the difference in impact between that permitted and that built is considerable, particularly as noted as the bulk and height relative to the ground increases as the length of the extension increases. I conclude the extension as constructed has an unacceptable impact on the living conditions of the neighbouring occupier and does not accord with CS Policy CS19 and LP Policies G8 and H17.

Other Matters

13. There is very limited parking, with a small forecourt at the front. There is also restricted parking on the road. While it is on a bus route, I consider that the parking provision would be inadequate for 3 flats, but as it is the appellant's intention to return the building to a single dwelling, which would be enforceable through the enforcement notice, I attach no weight to this in relation to the current situation.
14. The rear of the garden area has now been cleared and there are steps down to access it. Even if that had not occurred, I attach limited weight to this as it would be normal to have building materials stored on the land during building works and for outside areas to be made good following building works. However, I do have considerable concern about the ability for this land to serve the three flats that were proposed. However, as that is not now going to occur this does not count against the development in respect of this decision.
15. I conclude overall that the extension as constructed is unacceptable and the appeal on ground (a) fails.

Ground (f)

16. It would be unreasonable to require the whole of the extension to be demolished as there is planning permission for a smaller extension, much of which would have the same structure as that built. It would be reasonable to require the existing extension to be reduced in size, so that it accords with the previous permission. The appeal on ground (f) succeeds.

Ground (g)

17. It will take a considerable time to arrange for a builder and building works to be commenced and completed and 3 months would not be sufficient. I note the appellant's concern over finances, but 6 months is a reasonable time to allow for finance to be arranged and, in any case, it is not reasonable to delay enforcement proceedings on financial grounds. I shall extend the period for compliance with the notice to 6 months. The appeal succeeds to this extent on ground (g).

Graham Dudley

Inspector

