

Appeal Decision

Site visit made on 4 July 2017

by J A B Gresty MA MRICS

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

Decision date: 18 July 2017

Appeal Ref: APP/X0415/D/17/3173900

Winfield House, 4 Winkers Lane, Chalfont St Peter SL9 0AL

- 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 & Mrs G Guerreiro against the decision of Chiltern District Council.
 - The application Ref CH/2017/0040/FA, dated 10 January 2017, was refused by notice dated 20 March 2017.
 - The development proposed are alterations, a part single storey part two storey rear extension, a single storey front extension and part single storey part first floor extensions.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings with respect to outlook and privacy.

Reasons

3. The appeal property is a detached, two-storey house situated in a substantial plot on a residential estate which is characterised by large, detached houses set in good sized plots. The proposal is for substantial extension and alteration of the appeal property, including single-storey and two-storey extensions to the sides and rear of the house and raising the height of the main house roof to provide room for second floor accommodation in the roof space.
 4. The proposed rear extension would include a two-storey projection which would extend to within about 6 metres of the back boundary of the appeal plot. The first floor bedroom in the rear projection would have two windows in it which would face the back garden of 8 Winkers Lane. There would be clear views into No 8's back garden and conservatory from these first floor windows which would result in loss of privacy for the occupiers of No 8 with significant harm to their living conditions, contrary to Policies GC3, H13 and H14 of the Adopted Chiltern District Local Plan (LP).
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5. Further, because of its height and close proximity to No 8, the rear projection would appear large and very prominent when viewed from No 8's back garden and conservatory. Also, the main body of the house would be extended to the sides and its eaves height and roof would be substantially higher than existing. Consequently the main body of the house would be significantly taller and bulkier than at present. On its own, because of its position about 11 metres from the boundary with No 8, the main body of the extended house would not be unduly prominent when viewed from No 8. However, the cumulative effect of the main body of the extended house and the proposed rear projection would be an overly prominent development which would be overbearing when viewed from No 8. This would be harmful to the living conditions of the occupiers of No 8, contrary to LP Policy H14.
6. The western side of the house stands a couple of metres from the appeal plot's boundary with the back garden of Dovetail. The house at Dovetail stands at an oblique angle to the appeal property and has a roughly triangular back garden, one side of which abuts the appeal property's plot. Dovetail has ground floor and first floor windows which face the appeal property. Notwithstanding that views between the properties are partially obscured by tree and shrub planting, the side walls of the proposed extensions at first floor level would be visible from Dovetail's facing windows and back garden.
7. The side walls facing Dovetail would be blank at first floor level, giving the side of the extended house a plain and relatively stark appearance when seen from Dovetail. This characteristic of the development would combine with the height and depth of the extended house to form a very prominent feature which, in view of its close proximity to Dovetail, would be overbearing when viewed from Dovetail's back garden and nearest windows. This would harm the living conditions of the occupiers of Dovetail, contrary to LP Policies GC3, H13 and H14.

Conclusion

8. At the heart of the National Planning Policy Framework (the Framework), there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development and it should make places better for people. In this case the extended property would be unduly large and prominent when viewed from the neighbouring properties at No 8 and Dovetail and there would be a significant loss of privacy for the occupiers of No 8 as a result of overlooking from some of the windows of the proposed extension. Whilst the loss of privacy to the occupiers of No 8 could be reduced by imposition of a condition which would require the first floor windows in the rear projection to be obscure glazed and non-opening, this would not overcome the overbearing appearance of the development. Accordingly, I conclude that the living conditions of the occupiers of No 8 and Dovetail would be harmed significantly and the development would fail to represent sustainable development as sought by the Framework. Therefore, on balance and for the above reasons, I conclude that the appeal should be dismissed.

J A B Gresty

INSPECTOR