



Appeal Decision

Site visit made on 15 August 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 8th September 2017

Appeal Ref: APP/X0415/D/17/3179576
17 Foxdell Way, Chalfont St Peter SL9 0PL

- 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 G Kalley against the decision of Chiltern District Council.
 - The application Ref CH/2017/0670/FA, dated 6 April 2017, was refused by notice dated 29 June 2017.
 - The development proposed is 'single storey side extension, insertion of two dormers in rear roof, side rooflight to facilitate habitable accommodation in roofspace, extension to existing lower ground basement and patio area (Retrospective planning permission)'.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side extension, insertion of two dormers in rear roof, side rooflight to facilitate habitable accommodation in roofspace, extension to existing lower ground floor basement and patio area at 17 Foxdell Way, Chalfont St Peter SL9 0PL in accordance with the terms of the application Ref. CH/2017/0670/FA, dated 6 April 2017 and drawing no. AG/17/2016 (Revision 09), subject to the following condition:
 - i) Within 2 months of the date of this decision, a 1.8m imperforate fence shall be constructed on the northern boundary of the site from a point level with the front of the single storey side extension to a point level with the rear wall of the patio/basement as hereby permitted. The fence or wall shall be constructed so that its base is level with the finished surface of the patio area and it shall thereafter be retained in this location and at this height.

Preliminary Matter

2. The extension and alteration works the subject of the application are substantially complete although the house is yet to be occupied. At my site visit I noted that the external staircase from the raised patio has not been carried out as shown on the application drawings. For the avoidance of doubt, I have based my decision on the basis of the development shown on the application drawings.

Main Issue

3. The main issue is the effect of the development upon the living conditions of the occupiers of 15 Foxdell Way, with particular regard to privacy and disturbance effects from the extended raised patio area.

Reasons

4. The raised patio area adjacent and close to the boundary with No.15 is larger than that previously approved by the Council. Whilst as a result of this it is possible that there might be some additional activity on this part of the patio, it appears more likely to me that most activity, including sitting out, would take place on the more central part of the patio adjacent to the French windows of the house. I note that No.15 has an outdoor amenity area including a table on the other side of the boundary. Nevertheless, I do not consider that any additional activity resulting from the increased size of the patio would be such to result in any significant impacts in terms of noise or disturbance upon the living conditions of the occupiers of No.15.
5. I understand that part of a boundary hedge has been removed adjacent to the terrace. The removal of a section of boundary hedge has created the potential for overlooking from the patio towards the adjacent outdoor amenity area of No.15. However, I consider that the erection of a boundary fence as proposed by the appellant would prevent any unreasonable loss of privacy for the occupiers of No.15. The Council and the appellant appear satisfied that such a fence would be capable of being erected and there appears to be sufficient room for it to be constructed. This could be secured by condition.
6. I am therefore satisfied that the development would not result in any significant harm upon the living conditions of the occupiers of 15 Foxdell Way. It would accord with the amenity aims of policies GC3 and H14 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

Other Matters

7. There is no detailed evidence before me that suggests that the section of boundary hedge removed had any significant ecological value. I have therefore given little weight to any ecological impacts arising from its removal.
8. I am satisfied that no windows are included which would have any significant impact upon the living conditions of the neighbouring property. Furthermore, taking account of the relationship between the two properties, I do not consider that the development would be unacceptably overbearing in appearance when viewed from No.15. Given the mixed designs of properties along Foxdell Way, no harm arises from the appearance of the extended house upon the streetscene.
9. Issues relating to compliance with approved plans are matters for the Council to consider and enforce as it considers appropriate. They do not have any significant bearing on my determination of this appeal which is based on the submitted application drawings.

Conditions

10. A condition requiring the erection of a fence on the northern boundary has been suggested by both the Council and the appellant. I consider this to be necessary in order to safeguard the privacy of the occupiers of the neighbouring property. I consider a period of 2 months for the construction of this fence, as suggested by the Council, to be reasonable in this case. Whilst this may possibly result in the house being occupied and the patio being used before the fence is erected, this would only be for a short period of time.

11. I have not required the fence to be constructed prior to the occupation of the dwellinghouse as suggested by the appellant, as the property could be occupied in any case at any time as it is an existing dwellinghouse. The Council has also suggested an alternative condition requiring a wall to be constructed on the edge of the patio, but this is not what is proposed by the appellant and does not appear to be necessary as long as an appropriate boundary fence is provided.

Conclusion

12. For the above reasons, and having regard to all other matters, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR