
Appeal Decision

Site visit made on 8 November 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 5 December 2017

Appeal Ref: APP/X0415/D/17/3180528

26 Berkeley Avenue, Chesham, Buckinghamshire HP5 2RW.

- 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 Ms Lythgoe against the decision of Chiltern District Council.
 - The application Ref CH/2017/0341/FA, dated 21 February 2017, was refused by notice dated 15 May 2017.
 - The development proposed is described as "front porch/first floor side extension over garage/extend hipped roof incorporating side + rear dormers."
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Decision

1. The appeal is allowed and planning permission is granted for front porch/first floor side extension over garage/extend hipped roof incorporating side + rear dormers at 26 Berkeley Avenue, Chesham, Buckinghamshire HP5 2RW in accordance with the terms of the application, Ref CH/2017/0341/FA, dated 21 February 2017, subject to the following 5 conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans 3379.L1; 3379.TP1; 3379.TP2; 3379.TP3; 3379.TP4; 3379.TP5; 3379.TP6.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan nos. 3379.TP4; 3379.TP5; and 3379.TP6.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or roof level in the south-eastern flank elevation of the extensions hereby permitted.
 - 5) The extensions hereby permitted shall not be occupied until the windows at first floor level and roof level in the south-eastern flank elevation have been fitted with obscured glazing and no part of any window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The windows shall be retained in this form throughout the lifetime of the development.

Application for costs

2. An application for costs was made by Ms Lythgoe against Chiltern District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council referred to the neighbouring property at 24 Berkeley Avenue in the decision notice. The neighbouring property is 22 Berkeley Avenue. I have considered the appeal accordingly.

Main Issues

4. The current appeal proposal follows the refusal of a previous proposal for additional development at 26 Berkeley Avenue, which was dismissed at appeal¹. In this appeal, the main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers at 20 and 22 Berkeley Avenue, with particular regard to overlooking, including perceived overlooking, and outlook.

Reasons

Character and appearance

5. The description of the surrounding area's character in the 2016 appeal decision remains relevant to this appeal and there is no need to repeat it in full. As with the 2016 appeal, the most significant features to note are the spaciousness of the streetscene and that although the two-storey semi-detached house at No 26 and its pair at No 28 have previously been extended, they retain a simple rectangular plan form with hipped side roofs and relative symmetry. As the appeal site lies close to a bend in the road, No 26 is located at an angle to the neighbouring bungalow at No 22. Given its position in the streetscene, the existing gap at first floor level between Nos 22 and 26 is important in maintaining a sense of spaciousness.
6. The proposed development would comprise single-storey front and rear extensions, a first floor side extension, and side and rear dormer windows.
7. Although the previous appeal scheme's plans were not provided, the Council's officer report refers to the proposed development as having been comprehensively redesigned. I have also had regard to the development described by the previous Inspector in their decision. It is evident that the proposed development differs significantly from the previous appeal.
8. The Council's Residential Extensions and Householder Development Supplementary Planning Document (REHDSPD) (2013) states that front extensions should not represent a disproportionate addition, nor be so deep as to disrupt the existing pattern of development. The shallow front extension would introduce a mono-pitched roof at the front of the house running across the top of the bay window, front door and garage. This roof would only protrude slightly further forward than the existing bay window and would have piers to either side of the garage door further limiting its effect on the massing

¹ APP/X0415/D/16/3159291, decision issued 16 November 2016.

- of the house. The proposed front extension would be neither disproportionate nor deep, retaining a significant setback from the street.
9. The REHDSPD requires at least a 1m gap between an extension and the adjacent side boundary at first floor level. The proposed first floor side extension would be set in 1.1m from the boundary with No 22 and would be no deeper than the existing house. This would ensure that the side extension would not appear overly intrusive when viewed from the bend in the road. The space between Nos 22 and 26 at first floor level would largely be retained, with a reasonable sense of separation. Both visual coalescence and a terracing effect in a street characterised by detached and semi-detached single and two-storey houses would therefore be prevented.
 10. In terms of the eaves lines within the proposed development, the mono-pitched roof of the front extension would wrap around the side of the house facing No 22. This would respect the alignment of the bungalow's eaves. In addition, the roof of the proposed first floor side extension would continue the hipped roof line across from the existing house, which would comply with the detailed requirements set out in policy H15 of the Chiltern District Local Plan² (LP) and would continue the existing eaves line, rather than introducing a new eaves line at an upper floor as proposed under the previous appeal.
 11. While the Council's decision notice makes particular reference to the prominence, dominance and bulk of the side dormer window, I noted during my site visit that front, side and rear dormer windows are relatively common features within the streetscene along Berkeley Avenue, including on adjacent bungalows. Both the proposed rear and side dormer windows would have hipped roofs which would reduce their effect both on the host dwelling and the surrounding streetscene. Given their proportions, materials, and design, the dormer windows would be subordinate within their respective roofslopes. They would be aligned approximately with windows on the first floor below and would be entirely in keeping with the vernacular of the house. Both dormer windows would therefore adhere to the detailed requirements set out in policy H18 of the LP on dormer windows.
 12. Concluding on this main issue, I consider that the proposed development would not have an unacceptable impact on the character and appearance of the area. As such, the proposal would be compliant with policies GC1, H13, H15 and H18 of the LP, policy CS20 of the Core Strategy for Chiltern District 2011, and the REHDSPD. Policies H13 and H15 require, amongst other things, that extensions should respect the character and appearance of the streetscene. Policies H15 and H18 are addressed in paragraphs above. Policy GC1 states, amongst other things, that extensions should be in scale with their surroundings and refers to general conformity with the height of adjoining buildings and structures. Policy CS20 expects new development to be of a high standard of design which reflects and respects the character of the surrounding area. The REHDSPD is addressed above.

Living Conditions

13. The existing house at No 26 has a single-storey flat-roofed garage which lies close to the boundary with No 22. To the rear of this garage, there is a small

² Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

single-storey utility room. No 26 also has one window on the south-eastern flank elevation of the house at first floor level. This window serves the staircase of the house. No other windows at No 26 are positioned facing No 22 directly.

14. Nos 20 and 22 are bungalows with relatively short rear gardens due to the staggered arrangement of houses around the bend in Berkeley Avenue. Both rear gardens share a boundary with the side boundary of the long rear garden of No 26. No 22 is situated adjacent to the appeal site, with No 20 angled around the bend in the road beyond.
15. The bungalow at No 22 has a staggered arrangement of doors and windows serving different rooms at the rear of the bungalow. No 22's nearest window to No 26 at ground floor level is an obscure-glazed bathroom window. The next nearest window serves the kitchen of the bungalow and is positioned some distance away from the shared boundary. The rear dormer within No 22's roof faces the rear garden of No 26 at an angle.
16. Although the proposed side dormer window at No 26 would face directly towards the bungalows at Nos 20 and 22, it and the proposed window at first floor level at No 26 would both be obscure-glazed as they would serve bathrooms. The windows would also have restricted opening. I consider that these measures would be effective in restricting overlooking and have included conditions to ensure that the glazing and opening of these windows is controlled. Furthermore, the Council has put forward a condition to prevent the insertion of any further windows on the south-eastern elevation at first floor level and above to prevent overlooking. I consider this reasonable. In addition, the 2 windows would be relatively small in scale, would not serve habitable rooms, and would replace an existing window at first floor level.
17. While the proposed rear dormer window and additional window at first floor level to the rear of No 26 would have oblique views of the gardens of Nos 20 and 22, this is neither unusual nor unacceptable. I note the previous Inspector's comments with regard to the proposed rear windows and concur with their view. I do not consider therefore that either actual or perceived overlooking from the windows to the side and rear of the proposed development would cause sufficient harm to the living conditions of neighbouring occupiers at Nos 20 and 22 to warrant dismissal of this appeal.
18. Given the juxtaposition of Nos 20, 22 and 26 which are angled towards each other, the side dormer window and first floor side extension would undoubtedly be visible from the rear gardens of Nos 20 and 22 and would be slightly closer to the boundary with No 22 than the existing house. However, given I have found that the proportions and design of the proposed development would not be out of scale with the existing building or intrusive in relation to the character and appearance of the area, together with the plot size of No 26 and the presence of fencing between the proposed extension to the ground floor utility room and No 22, I consider that there would not be an adverse effect on outlook for Nos 20 and 22.
19. Concluding on this main issue, I consider that the proposed development would not cause harm to the living conditions of neighbouring occupiers at Nos 20 and 22, with particular regard to overlooking, including perceived overlooking, and outlook. Consequently, the proposed development would be compliant with policies GC3 and H14 of the LP and the National Planning Policy Framework (the Framework). Policy GC3 seeks to ensure, amongst other things, protection

of the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Policy H14 addresses the need for extensions to be designed to ensure that there is no overbearing effect on neighbours. The proposed development would also comply with a core planning principle of the Framework which requires a good standard of amenity for all existing and future occupants of land and buildings.

Conditions

20. It is necessary to specify conditions confirming the approved plans, as this provides certainty, and to restrict the materials to those specified for the proposed development in the interests of visual amenity. In order to safeguard the living conditions of neighbouring occupiers at No 22 in relation to privacy, it is necessary to restrict the insertion of windows and to control the type of windows in the south-eastern flank elevation of the house.

Conclusion

21. For the reasons set out above, and having taken into account all other matters raised, I conclude that the appeal should be allowed.

J Gilbert

INSPECTOR