

Appeal Decision

Site visit made on 17 June 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/J0405/W/19/3226371

98 London Road, Aston Clinton HP22 5HS

- 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 Rostaglow Limited against the decision of Aylesbury Vale District Council.
 - The application Ref 18/01159/APP, dated 2 April 2018, was refused by notice dated 9 October 2018.
 - The development proposed is 'demolition of existing garage and erection of single dwelling'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupier(s) of No. 96 London Road, with particular regard to outlook.

Reasons

3. The proposal seeks to build a two storey dwelling on land which currently accommodates a single storey garage. The proposed dwelling would sit next to a pair of semi-detached dwellings (Nos. 98 and 100 London Road) to the east and an end of terrace dwelling (No. 96 London Road) to the west.
 4. The Council raises no concerns regarding the impact of the proposed dwelling on the living conditions of the occupiers of No. 98 London Road because of the distance from the shared boundary and according to the plans, it would not project beyond the single storey addition at the side of this property. I have no reason to disagree.
 5. The Council does, however, raise concerns regarding the impact of the proposal on the occupier(s) of No. 96 London Road, to the other side. The main body of the proposed dwelling would be set about 1 metre off the shared side boundary and the side elevation of No. 96 is set off this boundary by the width of its driveway. However, the side elevation of No. 96 contains several windows, including a ground floor window serving a kitchen. The main body of the proposed dwelling would extend just short of the full depth of No. 96, including its single storey rear extension. The proposed dwelling includes an additional
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two storey section set in from the side boundary that would project even further rearwards.

6. In dismissing an earlier proposal (Ref. APP/J0405/W/16/3162540), my colleague explained that the two storey dwelling proposed for the appeal site would be just over 3 metres away from the single storey rear extension at No. 96. He also explained that the ground floor habitable window at the side of the external door, the external door and side yard would directly face the flank wall of the proposed development. He considered that the effect would be 'overbearing on the outlook of the occupiers of No. 96, and harm their living conditions'.
7. The design of the proposed dwelling is materially different to the proposal considered by my colleague. It would not be as tall, its main body would have a hipped rather than gable ended roof, the rear section would sit further off the shared boundary and it would not project as far into the plot. Nevertheless, the main body of the proposed dwelling would remain close to the shared boundary. As a result, the ground floor window, which I understand to be the only window serving the kitchen of No. 96, would face the large expanse of the two storey side elevation of the proposed dwelling. Whilst it is suggested that a kitchen is not a 'habitable room', it is a room where significant periods of time can often be spent. When viewed from this room, the proposed dwelling would be oppressive and unduly dominant, thereby unacceptably harming the outlook for its occupier(s). I am not satisfied that existing or additional landscaping, as suggested by the appellant company, would mitigate this harmful effect.

Other considerations

8. The site lies within the defined settlement boundary, where residential development is acceptable in principle. The appellant company asserts that the proposal amounts to the effective use of land and sustainable development which would contribute to the supply of dwellings within the District. However, the addition of one dwelling would make only a very small contribution to the supply of housing therefore I attach only limited weight to this factor. Furthermore, the National Planning Policy Framework (the Framework) explains that good design is a key aspect of sustainable development. As I have found the proposal to be harmful to the living conditions of the occupier(s) of a neighbouring dwelling, it follows that it is not good design. On this basis, it does not amount to sustainable development in the widest sense of the definition provided by the Framework.
9. The Council accepts that the proposed dwelling would sit comfortably within the street scene. Whilst concerns have been expressed by third parties regarding car parking and turning provision along with the standard of the associated vehicular access, from what I have seen and read, I agree with the Council's Highway Officer that the scheme is acceptable in such terms. I am also satisfied that any increase in the intensity of the use of the existing driveway and vehicular access generated by future occupiers of the proposed dwelling would not be unduly disturbing for adjacent residents. Nevertheless, I consider these factors to be neutral in the overall planning balance.

Overall Conclusion

10. I conclude that the proposal would unacceptably harm the outlook for the occupier(s) of No. 96 London Road. In such terms, it conflicts with policy HQD1 of the adopted Aston Clinton Parish Neighbourhood Plan and saved policy GP8 of the Aylesbury Vale District Local Plan, which seek to protect adequate standards of residential amenity. The arguments advanced by the appellant company do not outweigh this failing and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR