



Appeal Decision

Site visit made on 17 September 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/K0425/W/19/3232098

1 St Marks House, Station Road, Bourne End SL8 5QF

- 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 UK Lux One SPV1 Ltd against the decision of Wycombe District Council.
 - The application Ref 19/05221/FUL, dated 29 January 2019, was refused by notice dated 28 May 2019.
 - The development proposed is described as: Extension of the existing building and residential flats (granted under prior approval 18/07772/PNP30) to include an additional floor above the first floor level and associated works (in conjunction with works approved under 18/07440/FUL).
-

Decision

1. The appeal is allowed, and planning permission is granted for the construction of a second floor and creation of 4 x studio flats at 1 St. Mark's House, Station Road, Bourne End SL8 5QF in accordance with the terms of the application, Ref 19/05221/FUL, dated 29 January 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by UK Lux One SPV1 Ltd against Wycombe District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development set out in the banner heading above, which is taken from the application form differs to the description used by the Council in their decision notice, which describes the development as the construction of a second floor and creation of 4 x studio flats. This more accurately describes the proposal shown on the amended plans and I have therefore used this description in my decision. The Appellant has also acknowledged this accurately describes the proposed development. On this basis, I do not consider that any party would be unfairly prejudiced.
4. My attention has been brought to a further appeal submitted in respect of 1 St Mark's House that is yet to be determined¹. This other appeal has had no bearing on my separate consideration of this appeal. Each appeal is to be dealt with as a separate entity.

¹ APP/K0425/W/19/3235786

Main Issues

5. The main issues in this appeal are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of 40 and 41 Fieldhead Gardens, having regard to matters of outlook.

Reasons

Character and Appearance

6. The appeal property comprises a large two storey former office building that is currently being converted and re-developed into apartments. At present it has a shallow slated hipped roof over the main two storey portion of the building, but as part of the proposal this will be replaced by a larger mansard roof that will include 15 dormer windows. The new roof will create an additional floor of accommodation comprising four 1-bedroom studio flats.
7. Station Road consists of an assortment of building designs and scales, that include two storey dwellings and larger commercial buildings comparable to the appeal property. Roof design and scale is varied and, during my site visit, I saw traditional saddle roofs, pitched roofs and buildings with more intricate roof shapes that combined both styles. Other roof features included dormer windows on some of the buildings and a small number of modern flat roofed single storey extensions.
8. Away from Station Road, but visible from it through the appeal site's partly open frontage is a three-storey terrace block which has a mansard style roof (Fieldhead Gardens). Other than the use of either slates or tiles as materials I saw no general consistency in terms of roof type, slope, height or scale.
9. The Appellant's plans indicate that the proposed roof would marginally increase the maximum height of the appeal building by approximately 0.32m. But, the increase in scale would be more apparent physically by the steeper roof pitch and flat roofed crown of the mansard roof. This would inevitably increase the overall mass of the building; however, this would not appear incongruous in the context of the street with its variety of roof shapes and sizes.
10. Also, the height increase would not be excessive and would be consistent with a number of the larger buildings in the immediate area, in particular the flat complex on the opposite side of the road and Fieldhead Gardens to the rear. Furthermore, I consider that the dormer windows inserted into the roof would be well proportioned and add a striking rhythm to its design that I would not find discordant in the context of the street.
11. Therefore, the proposed development would not have an unacceptable effect on the character and appearance of the area. As such, it would accord with saved Policy G3 of the Wycombe District Local Plan to 2011 (Adopted January 2004) (the WDLP) which in particular, requires development to be compatible with the immediate surroundings by reference to proportion, scale, bulk, form and massing. It would also accord with Saved Policies G8 and H18 of the WDLP as far as they are relevant to design, and character and appearance matters.
12. The appeal scheme also complies with Policy CS19 of the Wycombe Development Framework Adopted Core Strategy Development Plan Document (July 2008) (the CS), which requires development, amongst other considerations, to reinforce locally distinctive qualities of place by enhancing

built characteristics of the site and wider context. The proposal also complies with the Residential Designed Guide Supplementary Planning Document (Adopted, June 2017) (the RDGSPD), which seeks to ensure, amongst other things, that proposals reinforce local character.

Living conditions

13. To the rear of the appeal building is the terrace of dwellings at Fieldhead Gardens. This has part of its rear elevation, that includes Nos 40 and 41, facing that of the appeal building at a slight angle. The remainder of the terrace faces the proposed parking area to the side. The views from upper floor windows relating to Nos 40 and 41 would look onto the proposed roof extension. However, I consider that the physical change and height increase proposed is minor, as a proportion of the existing building. Therefore, the proposal would not unacceptably enclose the space between it and Fieldhead Gardens to such an extent that it would be viewed as dominant and overbearing from the upper floor windows of Nos 40 and 41.
14. On achieving a good outlook, the Council's RDGSPD advises (Section 5.5) that in suburban situations a maximum separation distance of 21 metres between two storey dwellings. No minimum distance or guidance for development of more than 2 storeys is given in the RDGSPD. Nevertheless, the additional height and scale of the proposal is not considered significant to the extent that it would result in an unacceptable impact on the outlook of neighbouring occupiers when viewed from Fieldhead Gardens.
15. I therefore find no unacceptable effect on the living conditions of Nos 40 and 41 Fieldhead Gardens in terms of the effect on their outlook. As a result, I find no conflict with the relevant provisions of Policy G8 of the WDLP, which requires development, amongst other considerations, to safeguard the amenities of future residents with particular reference to visual intrusion. It also accords with Policy H18 of the WDLP and Policy CS19 of the CS as far as it relates to the protection of neighbouring living conditions. The proposal also complies with the RDGSPD, which seeks to ensure, amongst other things, that proposals achieve a reasonable outlook.

Other Matters

16. The Appellant's daylight and sunlight report, which has followed the recognised assessment standards², concludes that the amount of daylight lost to the properties assessed (Nos 40 to 43 Fieldhead Gardens) will fall into the negligible to minor categories. Furthermore, the modest proposed increase to the apex of the existing roof would ensure that there will be no significant overshadowing or loss of sunlight to neighbouring habitable rooms and amenity spaces.
17. As for the impact on the privacy of neighbouring occupiers, it is proposed to obscurely glaze the two dormer windows that would face onto Nos 40 and 41 ensuring that there would not be any significant overlooking upon these properties. This would also satisfactorily reduce the potential for perceived overlooking, as well as actual. There is concern from the Council that the proposed obscure glazing would result in an unacceptable living environment

² Building Research Establishment (BRE), Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)

for the studio flat the windows would relate to. However, the internal space would be open plan and be served by two other windows that would not be obscure glazed, and, in turn, allow for a better outlook for future residents. The other proposed windows maintain a sufficient distance or are positioned at an oblique angle to ensure neighbouring properties are not exposed to unacceptable overlooking.

18. There are concerns that the proposal falls below the Council's parking standards which requires 20 parking spaces, and that this would lead to a further demand for parking in an area with limited opportunities. However, despite this shortfall there has been no objection from the Council's technical advisers on highway matters. Furthermore, I noted from my site visit the close proximity to a bus stop and train station, in addition to the accessibility to local services, making non-car ownership likely for some future residents. On this basis, I consider that the proposal has adequate parking and there would not be an unacceptable impact on highway safety.
19. The development does not have any external amenity space for future occupiers, however, I noted from my site visit that there is existing public recreational space near the site. The limited landscaping opportunities within the site are noted, however, the site is located near mature trees and verdant surroundings which contribute positively to the immediate setting.

Conditions

20. I have imposed a standard condition relating to a time limit for the commencement of development. A schedule of plans condition is also included in the interest of certainty.
21. I also consider it necessary that a condition requiring windows overlooking Nos 40 and 41 are obscurely glazed to protect these neighbouring residents from harmful overlooking.
22. I also consider it necessary that resident parking spaces are provided prior to the occupation of the flats to prevent parking on the highway, in the interests of the free flow of traffic and safety. Finally, a condition on materials is necessary to ensure that the appearance of the roof extension would be satisfactory for reasons of character and appearance.

Conclusion

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

R. E. Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 7242/PL/LP Rev O; 7242/PL/PH1 Rev O; 7242/PL/PH2 Rev O; 7242/PL/PH3 Rev O; 7242/PL/01 Rev O; 7242/PL/02 Rev O; 7242/PL/03 Rev O; 7242/PL/04 Rev O; 7242/PL/05 Rev O; 7242/PL/06 Rev O; 7242/PL/07 Rev O; 7242/PL/8 Rev O; 7242/PL/9 Rev O; 7242/PL/10 Rev O; 7242/PL/11 Rev O; 7242/PL/12 Rev O; 7242/PL/13 Rev O; 7242/PL/14 Rev O; 7242/PL/15 Rev O; 7242/PL/16 Rev O; 7242/PL/17 Rev O; 7242/PL/18 Rev O and 7242/PL/19 Rev O.
3. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
4. The scheme for parking and manoeuvring (as indicated on drawing number 7242/PL/8 Rev O) shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
5. Notwithstanding any other details shown on the plans hereby approved, the two second floor windows to be inserted in the rear facing elevation of unit 15 (as indicated on drawing numbers 7242/PL/11 Rev O and 7242/PL/14 Rev O) shall be glazed in obscure glass. Once installed the obscured glazing shall be retained thereafter.