



Appeal Decision

Site visit made on 30 September 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2019

Appeal Ref: APP/K0425/W/19/3234276

263 Rutland Avenue, High Wycombe HP12 3LY

- 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 J Wilson against the decision of Wycombe District Council.
 - The application Ref: 18/06474/FUL, dated 4 June 2018, was refused by notice dated 10 April 2019.
 - The development proposed is described on the application form as "change of use from an ancillary residential accommodation to form a self contained 1 bed flat in an existing garage conversion [retrospective]. This is an alternative scheme to approved application 11/06443/FUL."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The flat is currently in use as a separate dwelling and consequently I will determine the appeal on the basis that the development has already taken place.

Main Issues

4. The main issues are: 1) The impact the development has upon the living conditions of the future occupiers of the flat and the host dwelling with regard to privacy and outlook; and 2) the effect of the proposed development upon the safe and efficient operation of the highways network in the vicinity of the appeal site, having regard to parking.

Reasons for the Recommendation - *First main issue*

5. The host dwelling is a semi-detached dwelling located on Rutland Avenue with a small front garden and driveway and a relatively large rear garden. The street scene follows a similar pattern of development. The flat is a single storey building that is located to the rear of the dwelling behind the driveway for the host dwelling. Most of the rear garden has been gravelled and there is space to the side of the flat to park a car and there is space to park additional cars

between the two properties in what is the garden for the host dwelling. The flat has a shared living/kitchen area, a bedroom and a bathroom.

6. The occupiers of the host dwelling overlook the patio doors in the flat when viewing it from the first floor of the dwelling and as such the occupiers of the flat are overlooked and their privacy is harmed because of this relationship between the two properties. From the ground floor of the host dwelling a pergola blocks views of the flat. If it was removed the internal and external areas of the flat would be noticeable, which would result in a loss of privacy for the occupiers of the flat. The large patio doors of the flat overlook the garden land between the two dwellings and consequently the occupiers of the host dwelling are overlooked when using the rear garden.
7. The outlook for the occupiers of the flat is currently the rear of a two-storey building and the parking area between the two buildings. The occupiers of the host dwelling view is of the cars parked in the rear garden. Because the two properties are located so close to each other with no real separation provided and a shared garden and parking area between them, the occupiers of both properties share an unacceptable outlook. This outlook and the lack of privacy makes normal use of the garden areas for both dwellings less desirable.
8. Externally the land to the side and rear of the dwelling and the gravelled area between the two dwellings is allocated to the flat which is considered an acceptable sized garden for a single bedroom flat. The host property retains the area to the front of the dwelling and the small area to the rear that is currently covered by a pergola. Consequently, the garden is disproportionately small for a dwelling as large as the host property. Whilst the appellant may not require a large garden, the dwelling could be occupied by a family and the garden area would not be large enough to provide an acceptable living condition for future occupiers.
9. The appellant notes that they and the current occupier of the flat have lived in the two properties for a period of time and they have both found the living conditions acceptable. Nevertheless, these are the current personal circumstances of the two occupiers and the future occupiers of both dwellings should be able to live without being overlooked and afforded an acceptable amount of privacy. Therefore, the proposal creates an unacceptable living condition for the future occupiers of both properties.
10. Whilst the flat provides acceptable accommodation and garden space for a 1 bedroom flat, the close relationship between the two properties harms the privacy and outlook for the occupiers of both dwellings. The proposal also does not provide acceptable garden space for the occupiers of the host dwelling. Therefore, the proposal is contrary to policy DM35 of the Wycombe District Local Plan Regulation 19 Publication Version October 2017 (LP) and the Housing Intensification Supplementary Planning Document and the Residential Design Guidance.

Second main issue

11. The Buckinghamshire Countywide Parking Guidance (BCPG) notes that the host dwelling requires two parking spaces and the proposed one bedroom flat would require a single parking space. The Site Layout Plan submitted identifies a single parking space to the rear of the host dwelling and another space to the front of the host dwelling and consequently, based on the plan there is a

shortfall of a single parking space. The flat was previously used as a garage and the driveway along the side of the house would be wide enough for most modern cars to drive down. Therefore, the space to the rear can be accessed by the occupiers of the flat.

12. When visiting the site, it was clear that the area between the two dwellings was larger than identified on the Site Layout Plan. The occupier of the flat had parked their car next to the flat and thus there was space to park an additional car between the two properties. Notwithstanding the concerns already raised by using the garden for parking, there is space to park three cars within the site. If the land to the side of the flat was to be fenced off and used as a garden as identified in the Site Layout Plan, then there would only be two spaces available for parking and the proposal would result in an increased demand for on-street parking.
13. The development is required to provide three off street parking spaces and the Site Layout Plan identifies that only two can be provided on site. Therefore, the proposal has the potential to generate demand for kerbside parking given the lack of adequate onsite provision. The street has been identified as a road where there is high demand for on street parking. The Highways Authority notes that due to the width of the road and the number of cars parked on both sides of the road this could obstruct heavy goods vehicles, refuse vehicles and emergency service vehicles. A single additional car may not necessarily be the cause of the identified issues, but it would make the situation worse.
14. Whilst the site is in an area that is well served by public transport, the proposals do not meet the parking requirements set out in the BCPG. Therefore, the development has the potential to increase demand for on-street parking, which has a detrimental impact on the safe and efficient operation of the highway network within the vicinity of the site. The proposed development would be contrary to policy DM33 in the LP.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR