



Appeal Decision

Site visit made on 28 October 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/K0425/C/19/3223765

Land at 11 Dashwood Avenue, High Wycombe, Buckinghamshire HP12 3DN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Vadim Samuchov against an enforcement notice issued by Wycombe District Council.
 - The enforcement notice was issued on 24 January 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of a first floor rear extension (shown outlined in blue on the attached plan) and material change of use of the property to 2 x 2 bed flats.
 - The requirements of the notice are: 1. Demolish the first floor rear extension (shown outlined in blue on the attached plan) and as shown on the plan attached to this notice; and 2. Remove the external stair case and wooden canopy covering (in the position shown by the green line on the attached plan); and 3. Remove all materials and debris resulting from carrying out Steps 1 and 2 of this Notice from the Land (shown outlined in red on the attached plan).
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since the appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Procedural Matters

2. Since the issue of the enforcement notice the Council has adopted the Wycombe District Local Plan (the LP) which has replaced the previous development plans for the area. As the enforcement notice also cited relevant emerging policies from the LP, I consequently do not consider that any injustice to the parties would arise and so have determined the appeal solely in relation to this development plan.
3. The enforcement notice identifies breaches of planning control in respect of building works, namely the first-floor rear extension, and the use of the property as two flats. There is however no requirement to cease the use of the property as two flats. The Council has however confirmed in its Statement that it does not object to the use of the property as two flats, which is consistent with the reasons given for issuing the enforcement notice. I have therefore determined the appeal on this basis, and so have only considered the effects of the extension.

The ground (a) appeal

Main Issues

1. The main issues are therefore the effects of the extension on:
 - i. the character and appearance of the original property and area; and,
 - ii. the living conditions of occupiers at No 13 Dashwood Avenue.

Reasons

2. The site is located along Dashwood Avenue which consists of a variety of semi-detached, terraced and flatted properties as well as commercial premises. The site itself comprises a semi-detached property of traditional design with a modest sized rear garden. The property is neither a Listed Building nor situated within a Conservation Area.

Character and appearance

3. The first-floor rear extension has been constructed above an earlier ground-floor extension. It links, somewhat awkwardly, to the existing outrigger from the semi-detached properties and also incorporates an external staircase. Whilst the roof profile is flat, in my view it does not appreciably minimise the height and volume of the extension. Rather, the extension results in a bulky, utilitarian and unsympathetic design. It neither demonstrates attractive and high-quality design, given its form, nor respects the character and appearance of the existing property or the surrounding area, despite not being of excessive depth.
4. Whilst the extension is not visible within the street-scene from Dashwood Avenue, to the rear of the site is a parking courtyard from where the extension can be readily viewed. In this context it is a prominent and incongruous development that does not respect the form and design of the wider general locality, the architectural vernacular of the appeal property or indeed those alongside it.
5. I appreciate that planning permission¹ was granted in 1998 for a two-storey rear extension, but this was not implemented. It also included a dual-pitched roof which better reflects the design, form and bulk of the existing property and surrounding area.
6. A two-extension at No 17 Dashwood Avenue has also been brought to my attention. However, this extension consists of a mono-pitched roof and is therefore not directly comparable to the appeal extension.
7. I conclude that the extension is harmful to the character and appearance of the original property and area. This contravenes Policies DM35 and DM36 of the LP, which requires development, amongst other things, to prevent significant adverse impacts on the amenities of neighbouring land and property, demonstrate attractive and high-quality design and, respect the character and appearance of the existing property and the surrounding area. For the same reasons it fails to accord with the good design objectives of the National Planning Policy Framework.

¹ Council Ref 98/07485/FUL

Living conditions

8. The extension is situated along the boundary with the adjoining property, No 13 Dashwood Avenue. I am not persuaded on the evidence before me that the extension has resulted in an unacceptable loss of light to occupiers of this property given its orientation. However, the height of the adjoining wall of the extension, coupled with its flat roof design, is overbearing and thereby results in an unacceptable loss of outlook to the rear of this property. It is therefore an unneighbourly form of development.
9. Whilst I note the appellant highlights that no objections were received from neighbours when planning applications were submitted in an effort to regularise the development, it remains the purpose of the planning system to safeguard the living conditions of both current and future occupiers. The extension at No 17 is also not directly comparable to the appeal extension given its differing orientation and that the adjoining property in that case benefits from a sizeable ground-floor extension.
10. I conclude that the extension is harmful to the living conditions of occupiers at No 13 Dashwood Avenue, in contravention of the aforementioned Policies of the LP.

Conclusion

11. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal on ground (a) fails.

The ground (g) appeal

12. The enforcement notice affords a period of 6 months for compliance. I have not been convinced on the evidence before me as to why this is insufficient and therefore why a period of 8 months is required to secure builders for the undertaking of the rectification work. I also note the appellant is in discussion with the Council about a reduced scheme, but there would similarly be adequate time to allow for those discussions to continue to take place. The appeal on ground (g) consequently fails.

Overall Conclusion

13. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

14. The appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul T Hocking

INSPECTOR