



Appeal Decision

Site visit made on 29 October 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/K0425/D/19/3235245

Malvern, Spurgrove Lane, Frieth, RG9 6PA

- 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 Martyn Coles against the decision of Wycombe District Council.
 - The application Ref 19/06230/FUL, dated 17 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is rear extension, roof and first floor extension, garage and window alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site visit procedure was altered from an access required site visit to an unaccompanied site visit as the appellant was not present when I arrived at the appeal site during the pre-arranged period. The appellant however did agree, via the telephone, that I could access the site unaccompanied. I also viewed the site from the adjacent property, Karicia, with the neighbour present.
3. Since the application was determined, the Wycombe District Local Plan 2019(LP) has been adopted, and as such I have had regard to it in making my decision. The LP has replaced both the Wycombe District Local Plan, 2011 (LP-2011) and the Wycombe Development Framework Core Strategy 2008.(CS) Therefore, although the Council's decision notice refers to policies within those plans, the LP-2011 and CS are no longer material considerations. The aims of the superseded policies and the new ones are very much the same as they relate to the main issues in this appeal. Moreover, when the Council refused the planning application it referred to the then emerging policies from the LP and, as such, they have been before both sides from the outset. Against this background, despite their changed status, no injustice has been caused to either appeal party.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of Karicia with regard to light and outlook.

Reasons

5. The appeal site consists of a detached bungalow, which has a stepped front elevation and hipped roof. There is also a garage to the side of the existing dwelling which is set back from the front elevation. There is a low-level post and rail fence to the site boundary, and the adjacent property, Karicia, is at a slightly lower ground level and has windows to its side elevation facing the appeal site.
6. I saw on my visit that there is a window to the side of Karicia which serves a kitchen, which is a habitable room. Whilst internally this room has an open plan layout to an adjacent dining space, and there is a glazed opening to the rear elevation, the depth of that room means it does not act as a secondary window to the kitchen. It is the side window which offers the primary source of light and outlook for the kitchen.
7. The proposal would result in a substantial increase in the size and overall bulk of the roof form which, when considering its proximity to Karicia and the level change, would be a dominant and visually intrusive feature when viewed from this property.
8. It is noted that whilst the roof on the appeal property would be extended forwards, the ground floor would remain open. Nevertheless, the extended roof would still create an oppressive feeling when viewed from next door's kitchen window.
9. In addition, due to the orientation of the site in relation to Karicia, there would be an increased level of overshadowing to the kitchen window that would unacceptably harm the living conditions of the occupants. It is acknowledged that the impact on other windows, at ground and first floor level, would be less as they are either secondary windows or to non-habitable rooms. However, this does not cause me to find the appeal scheme acceptable.
10. With regards to the impact of overshadowing the appellant has referred to the design guidance contained within Appendix 4 of the LP-2011, though as detailed above the LP-2011 has now been superseded. Nonetheless, the 45-degree rule within the design guide, that has been referenced, relates to assessing the impact of the outward projection of rear extensions, and not upwards extensions, as is the case with the appeal scheme.
11. The appellant has also stated that a 1.8m high fence could be erected along the boundary and that would have a significantly increased impact on the kitchen window. Even if that were the case, the proposed development, due to its height and overall bulk, would still overshadow and be a more dominant and visually intrusive feature when viewed from the kitchen window of next door. The potential for fencing on the site boundary does not, therefore, weigh in favour of the appeal.
12. For these reasons the proposed development would fail to comply with Policies CP9, DM20, DM35 and DM36 of the LP, which seek to ensure that developments achieve a high-quality design and preserve the amenities of neighbouring properties.

Other Matters

13. It is acknowledged that the occupants of Karicia did not object to the original planning application, and that extensions undertaken at that property may have resulted in the kitchen becoming internalised. However, my assessment of the impacts, must be based on the current relationship between the dwellings.
14. The appellant has also drawn my attention to the relationship between Karicia and its opposite neighbour. Whilst I am mindful of this, I do not know the full circumstances of that scheme, and in any event each case must be considered on its own merits. These other matters do not, therefore, lead me to a different conclusion.

Conclusion

15. For the reasons given above I therefore conclude that the appeal should be dismissed.

A Denby

INSPECTOR