



Appeal Decision

Site visit made on 7 August 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal Ref: APP/K0425/W/19/3225583

21 Grove Road, Hazlemere, High Wycombe HP15 7QY

- 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 William Crawford against the decision of Wycombe District Council.
 - The application Ref 19/05101/FUL, dated 14 January 2019, was refused by notice dated 18 February 2019.
 - The development proposed is Demolition of existing dwelling and erection of new detached 2 storey dwelling with accommodation in roofspace.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue to be considered is the effect of the proposed development on the living conditions of neighbouring residents at No 23 Grove Road in terms of light and outlook.

Reasons

4. The appeal site is a detached dwelling with a staggered building line closest to the boundary with the neighbour, No 23. The boundary between the two buildings is a timber panelled fence with brick pillars. The appeal site has a canopy area attached to the house, over a patio area. No 23 is a single storey dwelling, also with a canopy to the side elevation closest to the appeal site. This house also has a detached garage building. There are windows directly facing the appeal site: one window under the canopy, together with a recessed porch and doorway; beyond the canopy is a further window and door; and there is a smaller single window close to the front elevation of the house.

5. There is a previously approved scheme for a similar development which included a flat roofed element immediately adjacent to the property boundary, with a two storey element set back from the side boundary¹, located to the other side of the approved dwelling. The appeal development would introduce two storey elements to the rear, spanning the width of the proposed dwelling. This would have the effect of increasing the amount of the two storey elements along the boundary with No 23.
6. The appeal proposal would reduce the height of the rear gable element as compared to that on the approved scheme. Nonetheless, the appeal development would result in a wall facing the single storey dwelling at No 23 which effectively increases the depth and amount of two storey structure immediately facing that property. This would occur at an oppressively close proximity to the windows at No 23 such that it would be the overbearing feature in the perspective from these windows. I am not persuaded that this lower height would be sufficient to overcome the harm identified due to the overall massing and proximity to what is proposed.
7. The existing canopy to No 23 already restricts light and outlook from the window to the rear of the dwelling, and this is a secondary element to the dwelling and could be removed. Notwithstanding the existing canopy, the addition of the proposed development would result in an exacerbated enclosing effect that would harm the outlook and living conditions of the dwelling due to the dominance and scale of the proposed development resulting in a particularly gloomy and dismal perspective.
8. The appellant confirms that the proposed development would not extend directly in front of the rear-most window to No 23, however the overall overbearing effect of the additional two storey element at this proximity and the overall depth of the proposed dwelling would not be overcome by this relationship to the rear window. Notwithstanding that the proposed development would not project beyond this rear window, the overbearing effects of the proposed development would also affect the other windows at the site.
9. When I visited the site, it was a sunny summer morning and I was able to see that the existing dwelling does not cause shadow across the kitchen window at that time of the day. I have also taken into account the orientation of the buildings, with the affected windows facing south. There is a proportion of sunlight that would be restricted during certain parts of the day by the existing dwelling at the appeal site and No 23 itself and I am not presented with any information to demonstrate otherwise. Therefore I am satisfied that the proposed extensions would not necessarily result in significant additional harm to the living conditions of occupants as a result of loss of light. The change in the extended wall along the boundary as a result of the proposed development would be a relatively small addition and there would be no additional harmful overshadowing of the neighbouring property as a result of the development.
10. The appellant confirms that the other window towards the front of the property is a secondary window which I accept is smaller in size and also being secondary does not have its main outlook from this window. In addition to this, given the existing proximity and relationship to the existing there would be no harm to that window from loss of light or overbearing.

¹ PP/18/06706/FUL

11. I therefore conclude that the appeal proposal would result in significant harm to the living conditions of neighbouring residents at No 23 Grove Road in terms of outlook from overbearing as a result of the proposed development. The proposal is therefore contrary to the policies of the Adopted Wycombe District Local Plan (2004) in particular policies G3 and G8, and policy CS19 of the Adopted Core Strategy DPD (2008) which seek to achieve high quality design which takes into account surroundings and the daylight and sunlight conditions and visual intrusion and overshadowing of occupiers of neighbouring properties. This includes the Residential Design Guidance Supplementary Planning Document (June 2017) which sets out policies to help ensure that dwellings have a reasonable outlook from the windows of their main habitable rooms, by ensuring that there is a sufficient distance between windows and facing buildings. This has not been demonstrated through the appeal proposals. The proposal would also fail to accord with the National Planning Policy Framework at paragraph 127 which requires all development to create places which promote well-being and a high standard of amenity for all.

Other Matters

12. The appellant submits that given the size of the garden land to be retained to the rear, light would be able to penetrate the driveway and habitable room windows of the No 23. There is little evidence to support this finding, and in any case I have not raised concerns with regard to loss of light.
13. It is submitted that the proposal represents a modest change to that previously approved, however this does not justify the harm identified.

Conclusion

14. Whilst I have found that there would not be harm arising from a loss of light to the occupiers of No 23 Grove Road, this does not outweigh the significant harm identified to neighbouring residential living conditions in terms of the loss of outlook. For the above reasons and having considered all matters raised I conclude the appeal should be dismissed.

Rebecca Thomas

INSPECTOR