



Appeal Decision

Site visit made on 17 December 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Appeal Ref: APP/J0405/D/19/3237381

14 Archer Drive, Aylesbury HP20 1EP

- 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 M Khan against the decision of Aylesbury Vale District Council.
 - The application Ref 19/01033/APP, dated 19 March 2019, was refused by notice dated 22 August 2019.
 - The development proposed is a loft conversion with rear dormer and front gable.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - The character and appearance of the area;
 - The living conditions of occupiers of No's 24, 25 and 26 Shepherd Close with regard to overlooking.

Reasons

Character and appearance

3. The appeal property is a two storey detached dwelling with a pitched roof which includes a small gable to the front elevation within the roofline. The character of the area is comprised of predominantly detached two storey dwellings of a range of styles built as part of the same development. The proposed rear dormer would introduce a new feature into the rear roof slope. The dormer would be set in from the gable ends of the property allowing some of the original roof slope to be visible on either side. However, the dormer would be sited very close to the eaves and the ridge line of the roof slope. The extent of the dormer would cover a very significant proportion of the roof slope, and as a result, would have an unduly bulky appearance when viewed from the rear gardens of the adjoining properties, breaking up the consistent roof styles in the vicinity.
4. The majority of properties adjoining No 14 in Archer Drive and Shepherd Close have pitched roofs which have no interventions in the rear roof slopes. Due to the limited separation distance between No 14 and the neighbouring dwellings, the introduction of a dormer into the rear roof slope would appear anomalous in the context of the design of the surrounding dwellings. The dormer, with its

flat roof design would interrupt the harmony of the simple rear roof slopes in the vicinity, jarring with the surrounding built form. The Aylesbury Vale District Residential Design Guide Supplementary Planning Guidance (SPG) notes that larger additions to rear roof slopes need to be carefully designed as over dominant or box-like roof extensions can be particularly incongruous. The proposed dormer would have a box-like appearance, and as such, it would be an incongruous feature that does not accord with the prevailing pattern of development.

5. The appellant has indicated that as a fallback, the rear dormer would be within Permitted Development rights under the General Permitted Development Order. However, Permitted Development rights in relation to the extension to dwellings were removed when the estate was originally granted planning permission. Therefore, notwithstanding whether the proposal would meet those provisions, in this instance Planning Permission would be required and as a result the fallback would not be able to be exercised. The appellant has indicated that there are similar examples to the proposed development that have been approved in the area. However, no details have been provided to support this position and there were no examples of rear dormer extensions were visible in the vicinity of the appeal site.
6. In light of the above, the proposal would result in harm to the character and appearance of the area. As such, it would be contrary to Policies GP9 and GP35 of the Aylesbury Vale District Local Plan (2004) (the AVDLP) which seek to respect the appearance of the dwelling and accord with the Council's Residential Extensions (SPG) and respect the building form and materials of the locality. It would also be contrary to Paragraph 130 of the National Planning Policy Framework (the Framework) which indicates that permission should be refused for development of poor quality design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions

7. The appeal site and surrounding properties have relatively short rear gardens, with close board fence boundaries. The two storey nature of the dwelling results in some existing overlooking into the rear gardens of No's 24, 25 and 26 Shepherd Close due to the presence of windows at first floor level. Some overlooking into the rear windows of these properties is also likely. However, the existing rear boundary fencing provides screening allowing privacy of the rear gardens. The introduction of a rear dormer with two glazed windows at second floor level would have the effect of adding a habitable room in the roof with windows facing directly towards No 25 Shepherd Close and oblique views across to No's 24 and 26. The additional windows at second floor level would extend the distance over which overlooking to the rear gardens and the rear first floor windows of these properties would be possible. The additional overlooking that would be possible as a result of the proposed second floor windows would be such that it would further erode the privacy of No's 24, 25 and 26. As such, this would result in harm to living conditions of the occupiers of these properties as a result of the increased overlooking.
8. Paragraph 54 of the Framework considers whether unacceptable development could be made acceptable through the use of conditions. The proposed windows in the rear dormer would not be obscured glazed. The other proposed windows in the loft conversion are within the front elevation, one of which

serves a proposed bathroom and neither windows in the front elevation would adversely affect living conditions of neighbouring occupiers. However, it is considered to be inappropriate to impose a condition requiring that the rear dormer windows be obscured glazed and with limited opening as this would itself adversely affect the use of the proposed habitable room. Furthermore, there is insufficient screening of a suitable height that would be capable of mitigating the effect of additional overlooking that would not itself result in some harm.

9. In light of the above, I consider the proposed development would result in harm to the living conditions of occupiers of No's 24, 25 and 26 Shepherd Close with regard to overlooking. This would be contrary to Policy GP8 of the AVDLP which states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents. It would also fail to comply with Paragraph 127 of the Framework which seeks to ensure that development proposals do not undermine quality of life.

Conclusion

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

P Mileham

INSPECTOR