



Appeal Decision

Site visit made on 7 January 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 16 January 2020

Appeal Ref: APP/X0415/D/19/3240058

15 Les Gres, Orchard Road, Chalfont St Giles HP8 4HT

- 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 and Mrs M. Buckley against the decision of Chiltern District Council.
 - The application Ref: PL/19/2404/FA, dated 10 July 2019, was refused by notice dated 27 September 2019.
 - The development proposed is the construction of new roof with raised ridge height to allow for first floor accommodation. Single storey side extension incorporating garage, changes to ground floor windows and doors, erection of front porch.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the proposed development from 'erection of first floor roof extension, side extension and associated works (resubmission of previous scheme)' to the 'construction of new roof with raised ridge height to allow for first floor accommodation. Single storey side extension incorporating garage, changes to ground floor windows and doors, erection of front porch'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more precise definition of the proposed works and have therefore proceeded on this basis.

Main Issue

3. The main issue is the effect of the development upon the living conditions of the occupiers of adjoining properties, with particular reference to 16 Orchard Road and 9 Kings Road.

Reasons

4. The appeal site consists of a bungalow within a residential area. The surrounding area consists of a number of bungalows, although the adjoining dwelling at 14 Orchard Road is notably taller than the dwelling on the appeal site. The side boundary of the appeal site adjoins the rear boundary of the properties at nos. 9 and 16. These dwellings, and their gardens, are located on ground that is notably lower than the appeal site.
5. The proposed development would increase the height of the building, resulting in a notable increase in the massing and scale of the dwelling. As a result of

this, the proposed extension cannot be considered to represent a subordinate addition to the original building. In consequence, the proposal would result in an enclosing effect on the rear gardens of the adjoining properties at nos. 9 and 16.

6. Furthermore, the relatively short length of the gardens at the neighbouring properties would mean that the proposed development would result in a significant loss of outlook for the occupiers of these dwellings. This situation would be exacerbated by the height of the proposed development, which would be significantly taller than the appeal site's boundary treatments.
7. These factors combined with the appeal site being on higher grounds than nos. 9 and 16 means that the proposed development would result in a substantial enclosing effect. In consequence, the proposed roof extension would appear to be imposing and would have an overbearing effect on the adjoining properties and particularly their gardens.
8. Given that the rear gardens of the neighbouring properties represent the only private space where outdoor recreation might take place, the enclosing effect and resultant adverse impact on living conditions would be significant.
9. I acknowledge that the views from No. 16 towards the proposed development would be at an oblique angle. However, given the height of the proposed roof extension and its proximity to the shared boundary, there would be a significant enclosing effect on this property, which would be particularly notable within the rear garden.
10. The adjoining property at No. 14 is of a similar height to that proposed within the development before me. However, as this building is located within a line of dwellings, it does not result in the same enclosing effect. I have also noted a dwelling of a similar height called Oakdowne. However, there is a greater separation distance between this building and the nearest dwellings in Kings Road with the space in between also including a larger outbuilding and tree, which provide a greater level of screening than that present within the appeal site or its adjoining properties. Accordingly, I do not believe that the presence of these developments requires me to disregard my previous concerns.
11. My attention has been drawn to Policy GC2 of the Chiltern District Local Plan (1997) (including alterations adopted May 2001 and consolidated 2007 and 2011) (the Local Plan). This policy seeks to ensure that developments do not adversely affect the levels of light experienced by the occupiers of neighbouring properties.
12. Owing to the orientation of the site and positioning of the building, the proposed development is unlikely to lead to a significant loss of light to the occupiers of the adjoining properties. However, this does not overcome the adverse impacts that I have identified in respect of the enclosing effect of the development, and resultant loss of outlook.
13. I therefore conclude that the proposed development would have a significant enclosing and overbearing effect on the adjoining properties, resulting in an adverse impact upon the living conditions of the occupiers. The development, in this regard, would fail to comply with the requirements of Policies GC3, H13 and H14 of the Local Plan; and the Residential Extensions and Householder Development Supplementary Planning Document (2013) (the SPD). These

policies, and the SPD, amongst other matters, seek to ensure that new developments maintain the living conditions of the occupiers of neighbouring properties and that extensions do not have an overbearing effect on neighbouring properties.

Other Matter

14. I acknowledge that the appellant has revised the scheme over the course of the planning application. Whilst this is a matter of note, it does not overcome the harm as previously identified in respect of the Main Issue.

Planning Balance and Conclusion

15. Whilst I have found that the proposed development would not result in a significant loss of light to the occupiers of the neighbouring properties, this does not outweigh the significant harm that would emanate from the enclosing effect and loss of outlook. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR