



Appeal Decision

Site visit made on 3 December 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2020

Appeal Ref: APP/K0425/D/19/3235747

52 Highwoods Drive, Marlow Bottom SL7 3PY

- 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 K and P Millward against the decision of Wycombe District Council.
 - The application Ref: 19/05461/FUL, dated 25 February 2019, was refused by notice dated 30 May 2019.
 - The development proposed is described on the application form as demolition of existing garage and conservatory, proposed side and rear extension, internal alterations and refurbishment.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The site is located within the Chiltern Hills Area of Outstanding Natural Beauty (AONB) and it is agreed by both parties that the proposed development would preserve the natural beauty of the AONB, and I agree with them on this matter, given the nature of the proposal and the location within a suburban housing estate.
4. Following the determination of the planning application Wycombe District Council adopted the Wycombe District Local Plan (LP) on the 19 August. The Council have identified the policies most relevant to the determination of the appeal and the appellants have been given an opportunity to comment on the policies in the adopted LP.
5. The Council have referred to policy DM20 of the Wycombe District Local Plan (2019) (LP) in the Decision Notice. The policy sets out the areas of policy on which the Council will rely on the detailed policies of the National Planning Policy Framework (The Framework). These include 5 different areas of planning, none of which are relevant to the proposal before me. Therefore, I have not referred to policy DM20 in the determination of this appeal.

Main Issues

6. These are: 1) The impact of the proposed development on the living conditions of the occupiers of no.50 Highwoods Drive with particular regard to whether the proposal would have an overbearing impact and whether it would lead to a loss of light; and 2) the effect of the proposed development on the character and appearance of the host dwelling and the street scene.

Reasons for the Recommendation

Living conditions

7. The proposed extension would replace the existing conservatory and garage which is located between no.52 and no.50. The garage is set back from the house and continues beyond the rear of the host property. The extension would have a similar footprint to the garage and consequently would also extend beyond the rear of the property and would partly wrap around it. There is a significant ground level difference between no.52 and no.50, with no.50 located at a lower ground level. As such any extension would appear more overbearing than an equivalent extension on the same ground level. The proposed extension would be two storeys in height and combined with the difference in ground level the extension would have the appearance of a two and a half storey building for the occupiers of no.50.
8. The window that would be most affected would be the kitchen/diner window at the rear of no.50 which is a habitable room where residents are likely to spend a reasonable proportion of their time. The current outlook is partially of the existing garage and, beyond that, the trees that run along the rear of the properties along Highwoods Drive. Whilst the garage is located on the boundary between the two sites, because it is a single storey building it does not appear overbearing when viewed from the rear no.50.
9. In contrast, the combined effect of the height and depth would appear overbearing for the occupiers of no.50 and would create a sense of enclosure when viewed from the kitchen/diner. The outlook for the occupiers would be negatively affected and the impact would be heightened because the window serves one of the main habitable rooms within the property.
10. The parties dispute whether the proposal would extend beyond a 45-degree line measured from the neighbouring ground floor window but neither party has submitted a plan depicting the measurement of the 45 degree line. From my observations on site it appears that the line would be infringed. However, regardless of the precise measurement, the proposal would result in a substantial two storey flank wall extending beyond the rear elevation of the neighbouring property in close proximity to the shared boundary. Given the proximity, scale, and orientation, directly to the west of no.50 the proposal would undoubtedly result in increased overshadowing and a reduction in direct sunlight in the late afternoon and early evening period. The harm in that respect adds to my concerns about the overbearing impact of the proposed development.
11. Therefore, the proposed development, due to its height and set back distance from the rear of the dwelling, would appear overbearing to the occupiers of no.50 and would result in a loss of natural light for the occupiers using the kitchen/diner for no.50. The proposed development would consequently be

contrary to policy DM35 and DM36 of the LP, all of which seek to ensure development provides a level of privacy for future occupants and ensure extensions preserve the living conditions of neighbouring occupiers.

Character and appearance

12. The proposed extension would be set back from the front elevation of the dwelling and the proposed height would be below the existing ridgeline and would continue the existing eaves height. The proposed extension would be constructed from similar materials and would be a mirror the image of the host dwelling. Because of the size, scale and materials proposed, the extension would appear subservient to the host dwelling.
13. Although the extension would partially infill a gap between the two dwellings, a separation of around 1 metre would be retained. When combined with the position of the extension, set back from the front of the dwelling, the impact would not adversely affect the spacious character of the area. There are a number of dwellings within the area that have been extended and the proposal would maintain a similar gap between the properties to what has been approved elsewhere such that it would not look out of place against the existing street scene.
14. Consequently, the proposed development would be in accordance with policy DM35 and DM36 of the LP which seeks to ensure that development improves the character of the area and achieve a high quality in the detail of the design whilst appearing subservient to the host property.

Conclusion and Recommendation

15. The proposed extension would appear subservient to the host dwelling and would not harm the character or appearance of the street scene. Whilst there is an understandable desire to extend the property to meet the needs of the occupiers, the proposal would result in harm to the living conditions of the occupiers of no.50 and is contrary to the relevant policies of the development plan in that respect. Therefore, whilst the appearance of the extension would be acceptable this would not outweigh the impact the proposal would have on the living conditions of neighbouring occupants. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR