
Appeal Decision

Site visit made on 21 January 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/J0405/D/19/3241560
13 Sheerstock, Haddenham, HP17 8EZ

- 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 & Mrs Scott against the decision of Aylesbury Vale District Council.
 - The application Ref 19/02701/APP, dated 20 July 2019, was refused by notice dated 5 November 2019.
 - The development proposed is first floor extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Scott against Aylesbury Vale District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 15 Sheerstock, with particular regard to sunlight and daylight.

Reasons

4. The appeal site consists of a semi-detached dwelling set within a substantial corner plot in a primarily residential area. There is a two-storey projection to the rear and a flat roof single storey addition that extends up to the site boundary.
5. No 15 is located to the north-east and its size and design almost mirrors that of the dwelling at the appeal site. There is a first-floor window to the rear of No 15 which serves a bedroom and is in close proximity to the site boundary.
6. In order to protect neighbour's enjoyment of their home the Council's Supplementary Planning Guidance: Residential Extensions, 2013 (SPG) sets out standards to be applied in assessing the impact of new development. With regards to the current appeal scheme the 45-degree code is the relevant standard.
7. It is acknowledged that the extension would be to the north, though I saw on my site visit that the rear of the property does still receive a reasonable amount of daylight. Whilst the proposed extension would have a limited depth,

it would infringe a 45-degree sightline from the bedroom window at No 15. Considering this and its proximity to the site boundary it would be a dominant feature and result in a significant reduction in daylight reaching the bedroom window.

8. The appellant states that the bedroom has a dual aspect with another window to this room on the southern elevation. Whilst this would provide an additional source of daylight, the room would be large, spanning the full depth of the dwelling. There would therefore be more reliance on daylight to the rear window for a large part of the day.
9. The existing two-storey projection at the appeal site, due to its limited depth and inset from the boundary with No 15, would still permit sunlight to reach the bedroom window. It is noted that this would primarily be in the afternoon and late evening, though this is the period when there would be decreased daylight to the front of the property.
10. The proposed extension would be in close proximity to the existing bedroom window and have a depth greater than the existing two-storey rear projection at the appeal site, considering this and its height and design it would result in harmful overshadowing to No 15, though it is acknowledged that this impact would be reduced at certain periods of the year.
11. Nevertheless, when considered in combination with the impacts to daylight that would be experienced throughout the day, the proposal would, overall, result in a loss of daylight and sunlight that would unacceptably harm the living conditions of adjacent occupants. The appellant states that the colour finish would reflect light though there is little evidence to substantiate this and, in any event, this would not be sufficient to mitigate the harm outlined above.
12. The proposal would provide for improved living accommodation for the appellant, though I am mindful that this benefit would be personal to the appellant and would not outweigh the harm identified above.
13. On that basis the proposed development would be contrary to Policies GP.8 and GP.9 of the Aylesbury Vale District Local Plan, 2004, which seek to ensure that developments accord with the SPG and do not unreasonably harm any aspect of the amenity of nearby residents, such as natural light, when considered against the benefits arising from the proposal.
14. It is acknowledged that no objections were submitted to the original planning application. The existing occupiers of the adjacent property have also stated they have no concerns with the impact of the proposed development. Whilst I am mindful of this, I must consider that occupancy of No 15 could change, and the appeal scheme must be considered on the basis of the relationship between built form and not the personal preferences of current occupants. This does not, therefore, lead me to a different conclusion. The appellant's concerns regarding the length of time the Council took in determining the planning application would not justify the harm I have identified.

Conclusion

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

A Denby INSPECTOR