



Appeal Decision

Site visit made on 17 February 2020 by Elizabeth Davies BSc (Hons) PIEMA

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/X0415/D/19/3240974

5 Grange Fields, Chalfont St Peter SL9 9AG

- 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 V Bika against the decision of Chiltern District Council.
 - The application Ref PL/19/2562/FA, dated 23 July 2019, was refused by notice dated 24 September 2019.
 - The proposed development is a first floor rear extension.
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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.

Main Issue

3. The main issue in the appeal is the effect of the development on the living conditions of the occupiers of No 4 and No 6 Grange Fields (No 4 and No 6) with regard to outlook and light.

Reasons for the Recommendation

4. No 5 Grange Fields (No 5) is a large, two storey dwelling and is one of a small group of similar dwellings on the short residential cul-de-sac. The dwellings are detached, but sited close to each other, with garages at the side of each dwelling built up to the shared boundary with the neighbouring property.
5. No 5 features a large single storey rear extension which has been built almost up to the boundary with No 6, but maintains a larger gap along the boundary with No 4. To the rear, No 4 features a conservatory and No 6 features a small ground floor extension. The proposal before me would provide additional accommodation at first floor level above this existing ground floor extension at the appeal property.
6. The proposed extension would substantially increase the scale of built form at first floor level within close proximity to the boundary with No 4 and No 6 and would exceed beyond the built form of both neighbouring dwellings. Although the extension would have some set back from the boundaries with No 4 and No 6, given its height and width, from within the neighbouring dwellings and in

particular from the conservatory and ground floor extension and area of garden immediately next to the houses, the outlook would be dominated by the proposed extension. The set back would not be enough to alleviate the imposing nature of the development. On this basis, the scale and proximity of the development would have an oppressive impact that would cause unacceptable harm to the outlook of the occupants of No 4 and No 6.

7. Both parties refer to a previous proposal for a first floor rear extension that was dismissed at appeal (APP/X0415/D/18/3219431). I note that the appellant asserts that they have sought to respond to this dismissal by setting the extension further in from the boundary with No 6. Whilst I have not been provided with a copy of the plans for the original proposal, I can appreciate from reviewing the previous Appeal Decision that the appellant has sought to address the concern that was raised relating to the proximity of the extension to No 6. However, whilst I have had regard to the findings of the previous appeal decision, I must consider the appeal proposal before me on its own merits.
8. In relation to access to light for No 6, the Council and Inspector on the previous appeal found that loss of light would occur. However, the set back of the current appeal proposal from the boundary would help to alleviate this impact and allow sufficient space between the extension and the neighbours windows to allow a good amount of natural light to be received by the property. With regard to No 4, the dwelling is located to the south of the appeal property and the amount of sunlight received would not be significantly impeded. As such, there would be no material harm from loss of light. This would not, however, mitigate or outweigh the harm I have identified.
9. I conclude that the proposal would be harmful to the living conditions of the occupants of No 4 and No 6 with regard to outlook, contrary to Policy GC3 and H13 of the Chiltern District Local Plan (adopted September 1997 including Alterations Adopted May 2001, Consolidated September 2007 and November 2011) (the 'Local Plan') which seek amongst other things to protect the amenity of occupants of neighbouring properties. It would also be contrary to Policy H14 of the Local Plan which seeks to ensure extensions do not result in an overbearing appearance for neighbours. In addition, there would be conflict with the guidance in the Residential Extensions and Householder Development Supplementary Planning Document (September 2013) (the 'SPD') which advises that development should not dominate a neighbouring property or appear overbearing or visually intrusive.
10. The appellant refers to local planning policy requiring two storey extensions to be set in by one metre from the side boundary. Whilst the SPD does state this, it is in relation to two storey side extensions, not rear extensions. No harm has been found in relation to the effect of the proposed development on loss of light for the occupants of neighbouring properties and on this basis the proposal would not be contrary to Policy GC2 of the Local Plan which seeks to ensure that extensions enable adjoining land and buildings to be protected from significant loss of sunlight and daylight.

Conclusion and Recommendation

11. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR