
Appeal Decision

Site visit made on 15 June 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2020

Appeal Ref: APP/X0415/D/19/3243314

Ferndale, 54 Lower Road, Chalfont St Peter SL9 9AB

- 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 Sheen against the decision of Buckinghamshire Council - Chiltern Area.
 - The application Ref PL/19/3140/FA, dated 10 September 2019, was refused by notice dated 4 November 2019.
 - The development proposed is described as a 'two storey rear extension, single storey side extension and porch canopy'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. On 1 April 2020 a number of Local Planning Authorities including the original decision-making authority, Chiltern District Council, merged into a single Unitary Authority called Buckinghamshire Council. As such, I have referred to the new authority in my Appeal Decision.

Main issue

3. The main issue is the effect of the proposed two-storey rear extension on the living conditions of the occupants of 52 Lower Road having particular regard to outlook, overshadowing and loss of light.

Reasons

4. Policies GC2, GC3, H13 and H14 of the Chiltern District Local Plan Written Statement, Adopted 1 September 1997 (including alterations Adopted 29 May 2001), Consolidated September 2007 and November 2011 (LP) seek to protect the occupiers of neighbouring properties from significant harm to their living conditions as a result of development. Further guidance in relation to this is provided within the Council's Residential Extensions and Householder Development Supplementary Planning Document (September 2013) (SPD). Whilst not part of the development plan, in this context and given that it was produced after the initial publication of the National Planning Policy Framework (The Framework), I afford it significant weight.
5. Paragraph 20 of the SPD sets general principles relating to householder development, including that it should not appear overbearing or visually

intrusive when viewed from neighbouring dwellings or their gardens. Furthermore, whilst paragraph 21 guidance relates to issues of overlooking, it identifies that kitchens should be considered as habitable rooms.

6. The appeal site is occupied by a two-storey detached dwelling with single-storey elements to the side and rear. To the north, on a lower level and positioned slightly forward of the appeal property is the neighbouring dwelling of 52 Lower Road. This is a similarly proportioned dwelling. It has a private rear garden, terraced into the land as it rises away from the rear elevation of the house. At ground floor level the kitchen of No 52 has a window in the south elevation and a glazed door and window within the rear elevation facing west.
7. The proposal would bring the two-storey built form within very close proximity of the shared boundary and the built form of No 52. It would be clearly visible over the existing boundary treatments. Furthermore, the rear projection of the proposal would be substantially beyond the rear elevation of the neighbouring property, and site the extension to the south at a higher level.
8. Whilst the outlook and light from the existing side kitchen window is limited, this does not mitigate the significant additional impact from the proposal which would further restrict outlook and light. Whilst the rear facing glazed door and window would retain a reasonable outlook, the proposed extension would result in overshadowing and a loss of light to this aspect also. Furthermore, these effects would be exacerbated by the lower levels at No 52 compared to the appeal site.
9. Additionally, the proposal causes an overshadowing and loss of light to parts of No 52's garden, in particular the patio area immediately to the rear of the property. However, the remainder of the neighbouring garden would retain good levels of outlook and light, free from overshadowing. Consequently, the harm to the living conditions currently experienced in the garden, of itself, would not be significant. But cumulatively the effect would contribute to the overall effects of the proposal to the living conditions of the neighbouring property's occupiers.
10. Therefore, I conclude that the proposed two-storey rear extension would have a significant harmful effect on the living conditions of the occupants of 52 Lower Road having particular regard to outlook, overshadowing and loss of light. As such, the proposal would conflict with Policies GC2, GC3, H13 and H14 of the LP and paragraph 20 of the SPD.
11. Furthermore, paragraph 127 f) of the Framework sets out that development should create places with a high standard of living conditions for existing users. For the reasons set out above the proposal would not achieve this for the occupants of No 52. I do not find any evidence to outweigh this harm and the conflict with the development plan, including consideration of the Framework's presumption in favour of sustainable development at paragraph 11.
12. For the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR