



Appeal Decision

Site visit made on 16 June 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2020

Appeal Ref: APP/N0410/D/20/3247175

The Middlewood, 17 Dukes Wood Drive, Gerrards Cross, SL9 7LJ

- 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 Javed against the decision of Buckinghamshire Council - South Bucks Area.
 - The application Ref: PL/19/2569/FA dated 8 July 2019, was refused by notice dated 30 January 2020.
 - The development proposed is part two-storey/part single storey front/side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 1 April 2020, South Bucks Council was one of several local planning authorities to merge into a single Unitary Authority called Buckinghamshire Council. Accordingly, although the original decision (PL/19/2569/FA) was made by South Bucks District Council, it is proceeding as an appeal under the newly formed authority.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of 15 Dukes Wood Drive, with particular regard to daylight.

Reasons

4. The Middlewood is a large two-storey detached house set within a generous plot. It has a single-storey garage with a pitched roof, positioned close to the boundary with the neighbouring property at Number 15 Dukes Wood Drive (No. 15). This property lies to the west of the appeal site and is a similarly large, detached property set within a large plot. A ground floor, obscurely glazed window in the side elevation of No. 15 serves a sizeable, single aspect home office.
5. The proposed development would extend the appeal property above and to the rear of the garage to form two-storeys. The first floor would be set in slightly from the side elevation and would have a pitched roof.
6. The appellants' Daylight and Sunlight Report (DSR) followed the Building Research Establishment guide 'Site Layout Planning for Daylight and Sunlight:

- a guide to good practice' (2011) (BRE guide). It concluded that there would be some loss of daylight to the home office in No. 15 but suggests this is due to the very close juxtaposition of this window to the common boundary.
7. The BRE guide sets out two tests to measure diffuse daylight, the Vertical Sky Component (VSC) and the Daylight Distribution (DD) tests, the latter which can be used where room layouts are known. Where the VSC is already less than 27% a room will receive less than adequate daylight. The BRE guide sets out that if the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, the reduction in skylight will be noticeable. Similarly, if the DD decreases by 20% or more the reduction in daylight will be noticeable and more of the affected room will be poorly lit.
 8. The DSR indicates that the study has a VSC of 21.23% which is already less than the recommended 27%. The proposed scheme would reduce this to 12.53%, which would be a 59% reduction in daylight. Similarly, the DD test indicates that currently 44% of the room is naturally lit and this would reduce to 22% which would represent a 50% reduction. Both these tests greatly exceed the accepted 20% reduction in daylight set out in the BRE guide. This would make the room significantly gloomier and darker. This would be harmful to the living conditions of these occupants.
 9. The precise boundary between No. 15 and The Middlewood is a matter of dispute between the parties. During my site visit, I observed that a dense evergreen hedge runs along this boundary, very close to the flank wall of the garage to The Middlewood. I also saw that the flank wall of No. 15 is separated from this boundary hedge by an area of paving, wide enough to accommodate a modestly sized garden shed which is accessed via this paved area. For a two-storey property, albeit a large one, with this space at the side neither the flank wall to No. 15 nor the study window appear to be unusually close to the common boundary. It therefore follows that I do not find that No. 15 could be considered to be taking more than its fair share of light. I am therefore not persuaded that the use of alternative targets based on a 'mirror-image' scenario as set out in Appendix F of the BRE guide for a site that is already developed is justified in this case.
 10. The proposed first floor extension would be contained within the footprint of the existing building and set in from the boundary. I acknowledge that there would be similarities in the height of the proposed ridge to No. 15 and that the existing garage would remain where it is in relation to the boundary. However, the first-floor extension would nevertheless be closer to the boundary than the two-storey flank wall to No. 15 and it would result in a significant loss of daylight to this existing window.
 11. I acknowledge that the BRE guide does not specifically refer to home studies. However, as a home office, this room could be used for working from home it would therefore require a reasonable amount of light. Furthermore, I am also mindful that whilst this room is currently used as a study, given its relatively large size and ground floor position, it is quite possible that future occupants may wish to use the room for other purposes, such as a living or dining room, both of which could reasonably expect an appropriate amount of natural light.
 12. I conclude that the proposed development would significantly harm the living conditions of the occupants of No. 15 with particular regard to daylight. It would therefore conflict with Saved Policies EP3 and EP5 of the South Bucks

District Local Plan 1999 which together require development to not result in a significant loss of daylight to adjacent buildings nor adversely affect neighbouring amenities. It would also not accord with the Supplementary Planning Document Residential Design Guide 2010 which seeks appropriately designed extensions that would not harm neighbouring amenity.

Other Matters

13. The scheme has been found acceptable by the Council in terms of the character and appearance of the area, ecological and arboricultural effects. However, these do not outweigh the harm to the living conditions of No. 15 I have identified.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR