



Appeal Decision

Site visit made on 21 July 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2020

Appeal Ref: APP/X0415/D/20/3246777

65 Hillside Gardens, Amersham HP7 9DX

- 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 Ms Caroline Garstang against the decision of Buckinghamshire Council - Chiltern Area.
 - The application Ref PL/19/3514/FA, dated 12 October 2019, was refused by notice dated 9 December 2019.
 - The development proposed is a single storey rear / side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear / side extension at 65 Hillside Gardens, Amersham HP7 9DX in accordance with the terms of the application, Ref: PL/19/3514/FA, dated 12 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HG PP 01 Rev: E (Floor Plans, Elevations, Location Plan and Site Plan).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. On 1 April 2020 several 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.
3. It has been brought to my attention that the location plan, which has been sourced from the Ordinance Survey, submitted by the appellant does not take account of recent developments on Hillside Gardens. Whilst this may be the case, the purpose of the location plan is to identify the exact location of the appeal site. In this instance, I am satisfied that this is the case. Therefore, I have dealt with the appeal on that basis.

4. Before the site visit, a written request was received from the owner of No 63 Hillside Gardens to view the appeal site from the neighbouring property. At the appeal site visit, No 63 was vacant and the side gate to the rear garden was locked. Nevertheless, I am satisfied that I was able to properly judge the effect of the proposal on neighbours from within the appeal site and public land. Therefore, I have dealt with the appeal on that basis.

Main Issue

5. The main issue is the effect of the development upon the living conditions of the occupiers of No 63 Hillside Gardens in respect of outlook, daylight and sunlight and No 67 Hillside Gardens in respect of outlook.

Reasons

6. The appeal property is a two-storey semi-detached dwelling located on the eastern side of Hillside Gardens. It is proposed to erect an 'L-shaped' single-storey rear and side extension. The proposed extension would have a brick exterior and tiled roof to match the host building.
7. Nos 63 and 67 Hillside Gardens are the immediate neighbouring properties located either side of the appeal site. No 67 is the adjoining semi-detached dwelling located to the south of the appeal property. No 63 is located to the north of the appeal site and positioned forward of the appeal property closer to the highway. Both neighbouring properties have rearward facing fenestration on the ground floor, which overlooks the rear gardens of the respective dwellings.
8. The proposal would introduce built form close to the boundary of Nos 63 and 67. The impact of the additional built form, when viewed from the rear of the respective properties, would be limited due to the low single-storey height of the proposed extension, whereby the eaves of the extension broadly aligns with the top of the existing ground floor rearward facing window at the appeal property, and shallow roof design of the proposed extension, which slopes downwards from the host building, with the garden views from the rear of Nos 63 and 67 remaining largely unaltered by the proposal. Consequently, I conclude that the occupiers of Nos 63 and 67 would retain an acceptable outlook and that the proposal would not lead to an oppressive sense of enclosure when viewed from the rearward facing fenestration of the neighbouring properties and their respective rear gardens.
9. In terms of daylight and sunlight, I recognise that the proposed extension would be located to the south of No 63. However, the side extension element of the proposal would have a negligible impact due to its position to the side of the existing two storey dwelling. In terms of the rear extension, given the single-storey height of the proposal and its shallow roof design, and taking account of the forward position of No 63 and the separation distance between the side extension of the proposed extension and the neighbouring dwelling, I consider that the proposal would only cause a very limited amount of shadowing to the rear of No 63, which would be for a relatively short period of the day due to the depth of the proposed rear extension. Consequently, for the reasons given, I conclude that the proposal would not result in a material loss of daylight or sunlight for the occupiers of No 63.

10. In conclusion the proposed development would not cause significant and demonstrable harm to the living conditions of the occupiers of No 63 Hillside Gardens in respect of outlook, daylight and sunlight and No 67 Hillside Gardens in respect of outlook. As such, the proposal would accord with Saved Policies GC2, GC3, H13 and H14 of the Chiltern District Council Local Plan, adopted September 1997 (including alterations adopted May 2001), Consolidated September 2007 and November 2011, which, amongst other things, require development to safeguard the amenities of neighbouring occupiers, including the significant loss of daylight and sunlight. In addition, the proposal would accord with advice contained within the Council's Supplementary Planning Document: Residential Extensions and Householder Development (September 2013).
11. Accordingly, the proposal would accord with paragraph 127(f) of the National Planning Policy Framework (the 'Framework') which requires that development does not have an adverse impact on the amenities of existing and future occupants.

Other Matters

12. Whilst I understand that there may be some noise and disturbance when the building works take place, this would likely be short term and I am satisfied that any such disturbance could be dealt with by other legislation. The imposition of a planning condition to control the building works would not be proportionate for a development of this scale.
13. The occupier of No 63 argues that the gap to the side of the proposed extension, as shown on the proposed ground floor plan, cannot be achieved along the full length of the appeal site due to the angle of the shared boundary. However, it is not for the planning system to resolve precise boundary disputes between parties owing to the location of shared boundaries. In addition, I have imposed a planning condition which requires the development to be carried out in accordance with the approved plans.
14. Concerns have been expressed that the proposal would be out of character with the other properties on Hillside Gardens and that allowing this appeal would set an undesirable precedent which would make it difficult for the Council to resist similar development in the local area. In determining the application, the local planning authority concluded that the proposal was acceptable in design, character and appearance terms. Based on my site visit, I have no reason to disagree with the Council in respect of these matters. Moreover, I have considered the proposal on its individual planning merits and have found that the proposal would accord with the development plan and the Framework. As such, the appeal decision would not set an undesirable precedent.
15. Concerns have been expressed about drainage from the proposed development. However, no substantive evidence has been put forward to demonstrate that it would not be feasible to adequately drain the proposed development. In addition, I note that this matter did not form part of the Council's case against the development.
16. None of the other matters alter or outweigh my overall conclusion.

Conditions

17. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
18. In the interests of the character and appearance of the area, it is necessary to impose a materials condition.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell

INSPECTOR