
Appeal Decision

Site visit made on 28 July 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2020

Appeal Ref: APP/J0405/D/20/3251148

26 Hilton Avenue, Aylesbury HP20 2EZ

- 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 Mohammed Khan against the decision of Aylesbury Vale District Council.
 - The application Ref 19/04395/APP, dated 12 December 2019, was refused by notice dated 15 March 2020.
 - The development proposed is 2 storey side extension and first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on (i) the character and appearance of the area, and (ii) the living conditions of residents at 28 Hilton Avenue and 6 Cotswold Green, with particular regard to privacy, outlook and sunlight.

Reasons

Character and appearance

3. The appeal relates to a semi-detached dwelling in a predominantly residential area. The dwelling has already been subject to some alteration, including a two storey side extension and a single storey rear extension.
4. The side extension would be set back from the front wall of the existing extension and would have a lower ridge height. In this regard, it would appear as a subordinate feature. However, the existing extension is also set back and down from the original dwelling. As a result, there would be three distinct elements to the building across the frontage. The stepped roof and front building line would create a somewhat disjointed and imbalanced appearance, particularly considering the relatively narrow width of the proposal.
5. The impact of this would be exacerbated by the excessive overall cumulative width in comparison to the host dwelling and the insertion of an additional door in the front elevation. These factors would all detract from the appearance of the host dwelling, the semi-detached pairing and the street scene.
6. The side wall of the extension would also follow the angle of the site's boundary. This would result in a tapering wall that would not extend to the full depth of the dwelling. The extension would therefore appear as an awkwardly

- shaped and unsympathetic addition to the house. The consequential contrived and incongruous appearance would be highly prominent in the street scene.
7. The first storey rear extension would have a gabled M-shaped roof profile. As with the side extension, the side wall would taper to reflect the footprint of the ground floor and the shape of the site. Accommodating the constrained nature of the plot in this way means that the upstairs window in the 'chamfered' gable would not sit centrally and one of the eaves would be at a different height to the others. The resulting asymmetrical appearance would not constitute a good standard of design and would detract from the overall appearance of the dwelling.
 8. Although it would not extend the dwelling's footprint, the rear extension would still add considerable bulk and mass to the building. The roofline would not be characteristic of the dwelling itself, and I saw no similar examples in the vicinity. The scale and design of the extension therefore ensures that this would not appear as a subordinate or complementary feature. While primarily visible only from the private views of neighbours, the incongruous nature of the development would still be apparent. Furthermore, the flank of the extension, and excessive bulk, would be visible in the gap between No 26 and No 28. As such, it would still have a harmful impact on the street scene.
 9. The development would therefore have an unacceptable impact on the character and appearance of the host dwelling and the wider area. The presence of the flats opposite does nothing to alter my conclusion in this regard. Accordingly, there would be conflict with Aylesbury Vale Local Plan (AVLP)(2004) policies GP9 and GP35 which seek, amongst other things, to ensure extensions respect the appearance of the host dwelling and their surroundings.
 10. The Council's reason for refusal refers to the emerging Vale of Aylesbury Local Plan (VALP). This is not yet part of the development plan but has been subject to Main Modifications consultation. It is therefore at a late stage in the preparation process and thus can be given substantial weight. The development would conflict with Policy BE2 of this plan, which also seeks to ensure development respects and complements the physical characteristics of the site and its surroundings.
 11. Finally, there would be conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which includes an expectation that development will add to the quality of an area and be sympathetic to local character.

Living conditions

12. It is not unusual for there to be a degree of overlooking into rear gardens in residential areas. Indeed, it is already likely that the occupants of No 26 would be able to see into the gardens of neighbouring properties, including that of 6 Cotswold Green.
13. However, while the development would not add to the number of first floor windows, it would bring two of them substantially closer to the common boundary with No 6. This boundary runs at an angle and at the narrowest point there would not be a particularly large gap between the windows and the garden of No 6. This lack of separation would result in a more overt and

unwelcome perception of being overlooked than might currently be the case. The somewhat looming presence of the windows would therefore have an unneighbourly effect that would tangibly diminish the enjoyment of the garden space to the detriment of any occupants' living conditions.

14. The depth, position and orientation of the rear extension means that it is likely it would be more visible from the bedroom windows of No 28 than the existing dwelling. However, No 26 angles away from No 28 and thus views of the extension are likely to be at relatively oblique angles. Based on the evidence provided, I am not persuaded that this would be unacceptably intrusive or overbearing.
15. Neither party has provided substantive evidence relating to impact on either daylight or sunlight. It is possible that there are times of the day where the extension might increase the amount of shadow cast over the garden or rear ground floor windows of No 28. However, there is no clear evidence that this would be significantly different to the current situation, or that it would result in material harm.
16. Therefore, while I have found no harm in relation to No 28, this does not alter my conclusion that the development would have an unacceptable impact on the living conditions of those living at No 6. In this regard, there would be conflict with AVLP policies GP8 and GP9, Policy BE3 from the emerging VALP and Paragraph 127 of the Framework which seeks, amongst other things, to ensure development provides good standards of amenity for existing residents.

Conclusion

17. I therefore find that the proposal would conflict with the development plan when considered as a whole. There are no material considerations that would lead me to a decision other than in accordance with the development plan in this case. Accordingly, for the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR