
Appeal Decision

Site visit made on 15 September 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2020

Appeal Ref: APP/X0415/D/20/3251358

10 Cheyne Close, Chesham Bois HP6 5LT

- 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 McEwen against the decision of Buckinghamshire Council - Chiltern Area.
 - The application Ref: PL/20/0276/FA, dated 24 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is a first floor side extension and single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Subsequent to the determination of the planning application, Chiltern District Council has merged with a number of other authorities into a single Unitary Authority. The name of the new planning authority is set out in the banner heading details above. The development plan remains unchanged as is relevant to this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the building and the area.

Reasons

4. The appeal property consists of a detached house which is 2 storey, apart from a single storey double garage to the side and a supported front canopy structure. The garage is set in from the shared boundary with 8 Cheyne Close (No 8) by around a metre. The property is positioned towards the front of its plot and is forward of No 8. As a consequence, the side of the property where the garage is found is prominent in the streetscene, when approached along Cheyne Close.
5. The majority of the properties along this cul-de-sac are of a comparable design and comprise similarly large houses that lie on spacious plots. With the spacing also between the properties, it exhibits a planned layout. The properties at 3 and 6 Cheyne Close contain first floor side extensions which are set back slightly from their front elevations and, in the case of No 6, also set in

slightly from the side wall. This gives these extensions a subservient appearance and lessens the effect on the spacious character.

6. The effect of the scale, mass and bulk of the proposal would be to extend the property at first floor level to be flush with both the front elevation of the house and the side wall of the garage. The undifferentiated appearance it would have from the existing house would result in it appearing overlarge and bulky. Moreover, it would fill the gap over the existing garage and so considerably detract from the contribution this makes to the spacious character.
7. The proximity of the proposal to the boundary with No 8 would add further to these concerns. 'Saved' Policy H11 of the Council's Chiltern District Local Plan (1997, as altered and consolidated) (Local Plan) states that in an area characterised by spacious layouts where relatively large distances between dwellings and any other buildings are important elements in the street scene, the distance between the flank elevation(s) of the dwelling at or above first-floor level and the boundary of the dwelling's curtilage should be significantly more than one metre. The appeal property is found in such an area and more spacing is required to maintain the local character than the minimum distance of one metre that is also referred to in the policy.
8. The proposal would also appear uncomfortable in these surroundings because it would be highly noticeable in the streetscene, and so cause undue visual harm. As well as its front elevation, much of its side wall would be visible because No 8 is set back. It would not simply be seen against the existing house because it would project to the side of it. The amount of open aspect that would remain on this side of the property would be limited. Thus, it would have a cramped appearance, detracting from the spacious character, layout and appearance of the locality. The more modest front lean to roof would not address this detrimental outcome because the proposed first floor extension would cause a significantly greater level of adverse effect.
9. The appellant has also referred to the smaller gap there is between the appeal property and No 12. This reflects No 12's position at the end of the cul-de-sac and it does not change the prevailing open character. It is also in a less prominent location than the appeal property.
10. I conclude that the proposal would have an unacceptable effect on the character and appearance of the building and the area. As such, it would not comply with Saved Policies GC1, H11, H13 (ii), H15 (i) and (v), and H16 of the Local Plan, and with Policy CS20 of the Core Strategy for Chiltern District (2011), which are concerned with a high standard of design that reflects the existing dwelling and respects the character of the area, that the character and appearance of the streetscene or locality would not be adversely affected, as well as maintaining commensurate distances where an area is characterised by spacious layouts, amongst other considerations. It would also not comply with the National Planning Policy Framework where it concerns achieving well designed places.

Other Matters

11. The appeal property benefits from a recent planning permission¹ for a first floor side extension and a single storey rear extension. This represents a clear

¹ Council ref: PL/19/3017/FA

fallback position. The approved extension, however, incorporates setbacks from the front elevation of the house and from the side wall of the garage. This reduces its scale and bulk compared to the proposal and so the effect on the spacious character would be more limited.

12. In addition, the approved extension would not be a more awkward or contrived, or less integrated, arrangement because it diminishes the visual impacts and it would be more in keeping with the first floor extensions that have taken place along Cheyne Close. The fallback position does not, therefore, justify permitting the proposal before me.
13. The appeal decision² that I have been referred to at No 8 is of some age and concerned a proposal of a different design. It attracts limited weight in my decision. The same applies as regards the accommodation needs of the appellant as this is largely a personal matter. Nor would the proposal comprise sustainable development for the purposes of the Framework because of its shortcomings as regards good design.
14. Interested parties to the planning application have raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have, therefore, not had a significant bearing on my decision. Similarly, comments made about how the Council determined the planning application are not for my consideration, beyond the matters that I have set out above.

Conclusion

15. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR

² Council ref: CH/1978/0803/FA