



Appeal Decision

Site visit made on 24 September 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2020

Appeal Ref: APP/X0415/D/20/3246542
26 Fieldway, Amersham HP7 0JJ

- 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 Nikolay Naumovieh against the decision of Buckinghamshire Council - Chiltern Area.
 - The application Ref PL/19/3247/FA, dated 27 September 2019, was refused by notice dated 22 November 2019.
 - The development proposed is the erection of single-storey part side and rear extension, part double-storey side and rear extension.
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Decision

1. The appeal is dismissed.

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.

Main Issues

3. The main issues are (i) the effect of the development upon the character and appearance of the area; and (ii) the effect of the development upon the living conditions of the occupiers of No 24 Fieldway in respect of outlook, daylight and sunlight and privacy.

Reasons

Character and appearance

4. The appeal site is occupied by a two-storey semi-detached dwelling, which is positioned within a triangular shaped plot that tapers inwards at the rear of the site. It is proposed to erect a part single and two storey side and rear extension.
5. The surrounding area has a suburban residential character and the properties on Fieldway are predominately semi-detached dwellings set within generous plots with modest gaps between the pairs of semi-detached dwellings. These factors create a spacious character which contributes positively to the local distinctiveness of the area. The existing semi-detached dwelling at the appeal site follows the prevailing pattern of development.

6. The proposed extension would be erected hard up to the side boundary of the appeal site, which would significantly diminish the gap between the host building and No 24 Fieldway. Whilst part of the two-storey extension would be stepped in from the side boundary, the degree of set-back would be limited due to the triangular shape of the plot. Therefore, the proposal would have a cramped and discordant appearance which would be at odds with the spacious characteristics of the local area. Consequently, the proposal would cause significant harm to the character and appearance of the area.
7. The appellant has drawn my attention to several other side and rear extensions on Fieldway that have been recently approved by the Council. However, based on the evidence before me, it appears that none of the extensions have been erected hard up to the side boundary of the host building. Therefore, I consider that the other developments are materially different to the current proposal.
8. For the reasons set out above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal does not accord with Policies GC1, H13 and H15 of the Chiltern District Council Local Plan, adopted September 1997 (including alterations adopted May 2001), Consolidated September 2007 and November 2011 (the 'LP') and Policy CS20 of the Core Strategy for Chiltern District which require new development, including residential extensions, to be of a high standard of design which respects the character and appearance of the area.
9. I recognise that the proposed extension would not result in any coalescence between the appeal property and No 24, and, in this context, the proposal does not conflict with Policies H11 and H16 of the LP. However, this does not outweigh or overcome the weighty conflict that I have identified with the development plan policies as outlined above.
10. In addition, the proposal conflicts with advice contained within the Council's Residential Extensions and Householder Development Supplementary Planning Document (the 'SPD') which explains that residential extensions should not adversely affect the character and appearance of the locality.

Living conditions of neighbouring occupiers

11. No 24 Fieldway is situated to the side of the appeal site. Owing to the orientation of the neighbouring dwelling within its plot, the existing dwelling would be sited forward of the proposed extension.
12. On the rear elevation of No 24 there are two ground floor windows and a first-floor window. The main field of view from the nearest ground floor window is obscured by an existing single storey extension to No 24, whilst the remaining ground floor window and the first-floor window above would retain a good degree of separation distance from the proposed extension. To this regard, the proposal would not have a materially harmful impact upon the outlook of the occupiers of the neighbouring property.
13. However, given the location of the proposed extension hard up to the side boundary and the orientation of the rear garden of No 24, the proposed extension would dominate the main field of view for the neighbouring occupiers from their rear garden. Consequently, the development would have an oppressive and overbearing impact upon the living conditions of the occupiers

of the neighbouring property, significantly harming the living conditions of the occupants.

14. In addition to the above, owing to the location of the proposal in relation to the neighbouring dwelling and its positioning along the shared boundary, the development would cause overshadowing to a large part of the rear garden of No 24 thereby resulting in a material loss of daylight and sunlight to the rear facing windows and the rear garden of No 24, especially during the afternoon.
15. In terms of privacy, given the positioning of the proposed Juliette balcony, which would principally provide views over the end section of the rear garden of No 24, in addition to the existing site arrangement where a significant degree of mutual overlooking occurs from an existing first floor window on the side elevation of the host building, I conclude that the proposal would not result in a significant loss of privacy for the neighbouring occupiers of No 24.
16. For the reasons given, I conclude that the proposal would cause significant harm to the living conditions of the occupiers of No 24 Fieldway in respect of outlook and daylight and sunlight. As such, the proposal does not accord with Policies GC2, GC3, H13 and H14 of the LP, which require development to safeguard the amenities of neighbouring occupiers.
17. In addition, the proposal does not accord with advice contained within the Council's SPD which explains that extensions should not appear overbearing or intrusive and should not result in an unacceptable loss of privacy or daylight to neighbours.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR