The Planning Inspectorate

Appeal Decision

Site visit made on 24 September 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/X0415/D/20/3247252
61 Berkeley Avenue, Chesham HP5 2RP

- 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 Mrs Martina Pettitt against the decision of Buckinghamshire Council - Chiltern Area.
- The application Ref PL/19/3564/FA, dated 17 October 2019, was refused by notice dated 17 January 2020.
- The development proposed is a rear extension incorporating loft conversion and single storey side extensions.

Decision

1. The appeal is allowed and planning permission is granted for a rear extension incorporating loft conversion and single storey side extensions at 61 Berkeley Avenue, Chesham HP5 2RP in accordance with the terms of the application, Ref: PL/19/3564/FA, dated 17 October 2019, subject to the schedule of conditions attached to this decision.

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.

Background

3. Following the Council's refusal of planning permission for the appeal proposal, the local planning authority granted planning permission[1] in March 2020 for a revised proposal at the appeal site. The revised proposal comprises of a single storey rear extension, single storey side extensions, loft conversion with dormer window and rooflights. At my site visit, I observed that construction had commenced in relation to the approved development and that the roof alterations, including the dormer window, were near to completion.

Main Issue

4. The main issue is the effect of the development upon the living conditions of the occupiers of Nos 59 and 63 Berkeley Avenue in respect of outlook, daylight and sunlight and privacy.

[1] Council Ref: PL/20/0252/FA

Reasons

5. The appeal site is a detached bungalow located on the northern side of Berkeley Avenue. It is proposed to erect two single-storey side extensions, a rear extension and a loft conversion, which would incorporate a hip to gable alteration on the rear elevation with a Juliette balcony. Immediately to the rear of the dwelling there would be a raised patio area.

6. No 59 Berkeley Avenue is a two-storey semi-detached dwelling, which is substantially higher than the appeal property and sited approximately 5 metres away from the shared boundary with the appeal site. Whereas, No 63 Berkeley Avenue is a detached chalet bungalow, which has been extended to the rear and protrudes beyond the original rear elevation of the appeal property.

7. Nos 59 and 63 both feature rearward facing ground-floor windows and patio doors and first-floor windows. The windows and doors are clearly glazed and serve habitable accommodation. The users of these rooms presently have views over their respective long rear gardens with townscape views beyond.

8. The proposal would have a similar ridge height when compared to that of the approved development and would protrude a comparable distance to the rear of the host building. However, the current proposal has a gable roof form, whereas the approved development has a hipped roof.

9. Whilst I recognise that the proposed gable roof form would result in additional bulk and mass to the rear of the host building, given that the proposed development would not significantly protrude beyond the rear elevation of No 63, and, owing to the separation distance between the appeal property and the side/rear elevation of No 59, the proposed development would not be a dominant or intrusive feature when viewed from the rearward facing windows of the neighbouring properties and their respective rear gardens. As such, the occupiers of Nos 59 and 63 would retain an acceptable outlook.

10. For these reasons, and, given the moderate height of the proposed development, I conclude that the proposal would not result in a material loss of daylight or sunlight for the occupiers of Nos 59 and 63.

11. In terms of overlooking, the extent of overlooking from the Juliette balcony would be comparable to that of the rear dormer window at the appeal property, which forms part of the approved development and would overlook the rear gardens of the adjoining properties. Moreover, given the separation distance between the appeal property and No 59, and, the positioning of the Juliette balcony relative to the rear elevation of No 63, the Juliette balcony would only allow for oblique views section of the adjoining rear gardens nearest to the rear elevation of Nos 59 and 63. As such, I conclude that the development would not result in a significant loss of privacy for the neighbouring occupiers.

12. For the collective reasons outlined above, the proposed development would not cause significant harm to the living conditions of the occupiers of Nos 59 and 63 Berkeley Avenue in respect of outlook, daylight and sunlight and privacy. As such, the proposal would accord with 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.

13. Moreover, the proposal would accord with advice contained within the Council's Supplementary Planning Document: Residential Extensions and Householder Development (September 2013) in relation to neighbouring amenity.

Conditions

14. The Council have suggested five conditions which I have considered against the tests as laid out in paragraph 55 of the Framework.

15. 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.

16. In the interests of the character and appearance of the area, it is necessary to impose a condition requiring the external materials to match those on the existing property.

17. The Council have recommended a condition requiring the installation and retention of privacy screening to either side of the raised patio area. I agree that the condition is necessary to protect the privacy of the occupiers of the adjoining properties.

18. In addition, the Council have recommended a condition which requires the development to provide off-street parking for three vehicles and the management of surface water run-off in respect of the parking area. I agree that the condition is necessary in the interests of highway safety and to reduce the risk of surface water flooding in the local area.

Conclusion

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

Christopher Miell

INSPECTOR

Schedule of 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:

   BA PA 02 Rev: C (Proposed Floor Plans and Elevations)
   BA PA 03 Rev: A (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.

4) Within one month of the rear raised patio area being constructed, a screen shall be erected along both sides of the raised patio area. The screen shall extend along the full length of both sides of the raised patio area hereby approved and shall be of a solid opaque design, measuring a minimum of 1.8 metres in height above the finished floor level of the raised patio area. The screen shall then remain in place and no alterations shall take place to it thereafter.

5) The extension hereby permitted shall not be occupied until parking spaces for three vehicles have been provided in accordance with a plan which shall have previously been approved in writing by the Local Planning Authority. The parking spaces shall thereafter be retained unobstructed except for the parking of vehicles in accordance with the approved details. The hard surfacing to provide these spaces shall be of a permeable material, or alternatively provision shall be made to direct water run-off from the hard surface to a porous or permeable area within the curtilage of the dwelling.

***** End of Conditions *****