



Appeal Decision

Site visit made on 6 October 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 3 November 2020

Appeal Ref: APP/X0415/W/20/3255018

29 Darvell Drive, Chesham, Buckinghamshire, HP5 2QL

- 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 F Javed against the decision of Buckinghamshire Council.
 - The application Ref PL/19/2512/FA, dated 18 July 2019, was refused by notice dated 31 January 2020.
 - The development proposed is change of use of existing dwelling house into 3 x 2 bedroom flats. Scheme includes alteration to fenestration. Widening of dropped kerb.
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Decision

1. The appeal is dismissed.

Procedural matters

2. On 1 April 2020 Chiltern District Council was merged with other local planning authorities into a new Unitary authority named Buckinghamshire Council. While the original application was submitted to Chiltern District Council, the authority's new name has been referred to in the banner heading above.

Main issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of neighbours at Nos 25, 27 and 31 Darvell Drive, with particular regard to overlooking of rear amenity space.

Reasons

Character and appearance

4. The appeal site is a 2-storey, semi-detached house on a suburban estate. It has previously been enlarged with a rear dormer roof window, 2-storey and 1-storey side extensions and a single storey rear extension. In the immediate area, the estate comprises uniform, semi-detached housing and purpose-built maisonettes. At the site visit, I observed that several houses nearby had been extended, but the host house was notable for its unusually large size and modern finish.
5. I note the appellant's argument that the property occupies a 'transitional plot' between a maisonette and a house, but I do not consider that the proposal relates well to either form. The maisonettes have been designed to conform with the suburban character of the estate, including front lawns, discrete access via side doors and off-site blocks of garages. The appeal site would

appear as an extended, converted house, with 2 front doors and car parking to the front, and does therefore not take design cues from the neighbouring maisonettes. The proposal would not relate well to surrounding semi-detached housing because it would read as conversion to flats of a significantly extended building, exacerbated by comparison with the attached house, which remains a single dwelling of much smaller scale. I therefore do not find that the proposal reflects the prevailing character and appearance of housing in the area.

6. A low, brick wall along the boundary clearly demarcates and contains the property. The proposal would remove this wall to allow parking for 4 cars and, in addition to the lack of landscaping, the front treatment of the house would subsequently appear akin to a small car park. Whilst I accept that several properties locally have expanded their driveway to accommodate a second car, I observed that all had retained some landscaping and a clear boundary between the curtilage and street, both of which I consider positive characteristics. Removal of the front wall would cause the front of the development to be further dominated by car parking and therefore harm the character and appearance of the area.
7. The modestly sized rear garden would be divided into 2 small private plots, with shared access to a larger area beyond. The appellant compares this to the treatment of gardens attached to the maisonettes. At the site visit I observed that each maisonette was assigned a quarter of a substantial, rectangular plot behind each building. The proposed private plots would be half the width of a maisonette garden and substantially smaller overall. In addition, I did not observe that the maisonettes shared the rear space, apart from limited side access. Whilst I accept that this aspect of the development would not be visible from the street, the layout would be evident to several neighbours from the rear of their properties. I consider that the small size of the private plots with associated intensive high fencing and shared garden would therefore be harmful to the character of the area.
8. It is proposed to add a balcony above the existing rear extension to provide the occupants of Flat 3 with external space, incorporating a 1.7-metre-high privacy screen to the sides. No other balconies were observed at the site visit and I do not consider the proposal to be in keeping with the prevailing design and character of the area. I accept that it would be to the rear and therefore not easily visible from the public domain, but due to the layout of housing on a bend in the road, the balcony would be widely visible from the rear gardens of other houses and this discordant change in character would therefore be tangible locally.
9. Policies GC1 and H7 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 (the 'LP') require that design of development respects local character and appearance, including in respect of scale and appearance of car parking. For the reasons above, I consider that the proposal conflicts with the requirements of these policies. Policy TR15 of the LP also requires that there should not be large, barren areas of uniform hard surfacing and that car parking areas should be adequately landscaped, requirements which this proposal does not fulfil.

Living conditions of neighbours

10. The 1.7-metre-high privacy screen around the balcony would prevent overlooking of the area immediately behind the neighbouring house at No 31. However, allowing for the potential viewing angle from the balcony the occupants of Flat 3 would be able to view the neighbouring garden at a distance of approximately 3 metres. The appellant has stated that the screens would limit oblique angle views but has not provided evidence to refute the Council's calculations. The view would be partly screened by vegetation, but I conclude that the balcony would result in at least half of the small rear garden of No 31 being overlooked, which is a harmful degree of loss. The edge of the balcony would coincide with the boundary of No 31 and given the proximity, I consider that users of the garden would be highly aware of activity on the balcony above them, which could also lead to harmful perception of being overlooked.
11. The gardens associated with the maisonettes at Nos 25 and 27 are on the opposite side of the development to the balcony, at a lower elevation and largely screened behind a boundary wall. Given the structure of the sides of the balcony, I do not consider it likely that the occupants of the garden closest to the maisonettes would be significantly overlooked. However, taking into account the likely view from the opening on the balcony, the maisonette's rearmost garden would be visible at a distance of approximately 8 metres. At the site visit I noted that this view would be partly screened by the boundary wall and vegetation, but I consider that overall, overlooking of a significant proportion of the rearmost garden would be possible.
12. I conclude that there would be a significant reduction in the adjoining neighbours' privacy from installation of the balcony in addition to a potentially harmful perception of being overlooked when occupying the garden of No 31. The proposal is therefore in conflict with the requirements of Policies GC3, H7 and H14 of the LP which require that conversion of a dwelling must not impair the amenities of the occupiers of adjoining properties and that extensions do not cause a significant reduction in privacy.

Other matters

13. I have noted the results of the Transport Assessment, but as the Council have not pursued the risks to highway safety or lack of parking as a reason for refusal, I have not considered this matter further.

Conclusions

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

B Davies

INSPECTOR