
Appeal Decision

Site visit made on 20 October 2020

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 6 November 2020

Appeal Ref: APP/K0425/D/20/3251967
12 Combe Rise, High Wycombe HP12 4JE

- 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 M P Reed against the decision of Wycombe District Council, now Buckinghamshire Council.
 - The application Ref 20/05192/FUL, dated 27 January 2020, was refused by notice dated 24 March 2020.
 - The development proposed is an artist studio.
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Decision

1. The appeal is allowed and permission is granted for an artist studio at 12 Combe Rise, High Wycombe HP12 4JE, in accordance with the terms of the application, Ref 20/05192/FUL, dated 27 January 2020, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the street scene; and
 - the effect of the proposals on the living conditions of the occupiers of Nos 14 and 15 Combe Rise in relation to outlook.

Reasons

Character and appearance

3. The proposal is for a detached artist studio in the triangular rear garden behind No 12 Combe Rise, one of a pair of semi-detached houses at the end of the cul-de-sac. The building would be about 14.6 m long by 8.5 m wide with a single pitch roof. The eaves would be about 3 m high on one side rising to nearly 4 m high on the other, with the walls finished in timber cladding on the front elevation and willow coloured cladding on the other three and the roof.
4. Although large, the building would be sited in the very extensive rear garden behind No 12 in a position where there appear to be the foundations of an earlier outbuilding. The end profile of the building would be visible from the turning area at the end of Combe Rise, the walkway towards Nos 14/15 and the steps up to No 19, but it would be sited well behind and to one side of the house and behind the existing garage and adjacent small shed which would provide some screening. Whilst the building would be seen rising above these

other existing outbuildings, it would be perceived as another building in the private domain behind the house rather than as part of the public street scene. In this position it would not therefore appear visually intrusive or unduly harmful to the character and appearance of Combe Rise.

5. For these reasons the proposal would not significantly harm the character and appearance of the street scene and would not materially conflict with Policies DM35 and DM36 of the Wycombe District Local Plan 2019 (WDLP). These require appropriate character in the scale, form and detailed design of buildings, and for development to be subservient in scale and ancillary in function to the existing dwelling.

Living conditions

6. The building would be sited lengthways about 2.5 m away from the common boundary with Nos 14 and 15 Combe Rise, a pair of semi-detached houses which face towards the appeal site behind front gardens. Importantly, these two houses are situated on significantly higher ground than the rear garden of No 12 which would significantly reduce the visual impact of the 4 m or so high elevation of the building facing Nos 14/15. The drawing no. PD03 'Existing & Proposed Sections' shows the relationship and demonstrates that only about half of the building would project above the level of the front gardens with the remainder hidden by the bank.
7. There is also extensive hedgerow/tree cover along the boundary which would provide a reasonable level of screening for the proposed building. Much is within the front gardens of Nos 14/15 but there is no reason why this is likely to be removed. Whilst some may be diseased and some deciduous, there is scope for replacement or supplementary planting alongside the building within the appeal site, by agreement on the boundary itself, as well as in the front gardens concerned. The appellant has suggested a 1.8 m close boarded fence along the boundary but this is not welcomed by the occupiers of No 14 and a condition requiring further consideration of suitable screening is proposed.
8. Taken together the change in levels, the new building being set back by about 2.5 m from the common boundary, the front gardens of Nos 14/15 having a reasonable depth of about 10-12 m, the existing and potential screening for the building and the main living rooms of Nos 14/15 being at first floor level, the proposal would not be so seriously overbearing in the outlook from Nos 14 and 15 to justify refusal.
9. For these reasons the proposal would not significantly harm the living conditions of the occupiers of Nos 14 and 15 Combe Rise in relation to outlook and would not materially conflict with WDLP Policies DM35 and DM36. These preclude development with significant adverse impacts on the amenities of neighbouring land and property and require proposals to preserve the amenities of neighbouring properties.

Other matters

10. The use of the building as an artist studio would be ancillary to the main house and not tantamount to a separate dwelling. The circumstances of the proposal are unique to the site concerned so no precedent would be set.

11. Six conditions are necessary. In addition to the standard implementation time limit it is necessary to define the approved plans in the interests of certainty, to control the materials to be used to ensure the satisfactory appearance of the development and to ensure the building is used for ancillary purposes only to control the future use of the site. Two further conditions are necessary to define the floor level of the building and to ensure satisfactory screening of the building to protect the living conditions of nearby residents.

Conclusion

12. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Existing Block Plan Ref PL004 Rev A dated 17.01.2020, Proposed Block Plan Ref PL005 Rev B dated 20.01.2020, Proposed Elevations Ref PL003 Rev B dated 17.01.2020, Proposed Floor Plan Ref PL001 Rev A dated 03.01.2020, Proposed Roof Plan Ref PL002 Rev A dated 03.01.2020, Existing & Proposed Sections Ref PD03 dated October 2020 (excluding close boarded fence unless approved under condition 6), Existing Level Survey Site Plan Ref PD01 dated October 2020 and Proposed Level Survey Site Plan Ref PD02 dated October 2020.
- 3) The external surfaces of the development hereby permitted shall be constructed using the materials specified in drawing no. PL003 Rev B 'Proposed Elevations' dated 17.01.2020 unless prior approval to any variation is given in writing by the local planning authority.
- 4) The building hereby permitted shall be used at all times solely for ancillary purposes in connection with the main dwellinghouse and at no time shall be used independently or severed from the main dwellinghouse.
- 5) The finished floor level of the building hereby permitted shall be no higher than that shown in drawing no. PD03 'Existing & Proposed Sections' dated October 2020.
- 6) Prior to commencement of the development a scheme for tree/hedge planting and/or fencing between the building and the common boundary with Nos 14 and 15 Combe Rise or along the common boundary shall be submitted to and approved in writing by the local planning authority and the approved scheme shall then be fully implemented prior to first occupation of the building hereby permitted or otherwise as agreed in writing by the local planning authority.