



Appeal Decision

Site visit made on 22 September 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/X0415/D/20/3254999

Littleholme, Austenwood Lane, Chalfont St Peter, Gerrards Cross SL9 9DB

- 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 Ms N Gupta against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0600/FA, dated 5 February 2020, was refused by notice dated 19 June 2020.
 - The development proposed is demolition of existing garage and rear conservatory and erection of part single, part two storey side and rear extensions to existing house with roof level accommodation.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In addition to visiting the appeal site, the Appeal Planning Officer also viewed the appeal site from the residential dwelling known as Primrose Bank, including from the garden and the side patio area, and from rooms with windows directly facing towards Littleholme.
4. The Council's decision notice refers to Policy CS20 of the Core Strategy (2011). However, it is clear from the Council's decision that it has no objection to the proposal on design grounds. I have no evidence before me to reach a contrary view to the Council in this regard and therefore that policy is not relevant to my assessment of the proposed development and the determination of the appeal.

Main Issue

5. The main issue in this case is the effect of the proposal on the living conditions of the occupants of the residential dwelling known as Primrose Bank, with particular reference to outlook and privacy.

Reasons for the Recommendation

6. The appeal site contains a detached chalet bungalow set within a spacious plot, located in a residential area which largely consists of detached properties. The host property is set back considerably from the road, as is its neighbour,

- Primrose Bank. The proposal would result in a two-storey dwelling, with new accommodation at first floor level, and within the roof space, through the erection of a part single / part two-storey side and rear extension.
7. The development at first floor level and above would entail an almost doubling of the ridge height, and it would span across the full width of the existing bungalow. Primrose Bank is set back further in its plot than Littleholme, but views from the garden are already partially obscured by the presence of Littleholme and the soft landscaping surrounding the garden. Nevertheless, given the separation distances between the two properties, particularly at first floor level, the proposal would not materially increase the sense of enclosure when viewed from the garden, side patio and side windows of Primrose Bank. Therefore, I consider that the proposal would be acceptable, with respect to the outlook from Primrose Bank.
 8. In terms of privacy, I have had regard to the evidence provided in relation to the distances from the nearest corner of the appeal property¹, to Primrose Bank and the angle of the proposed windows and the extended house. The near-most rear windows facing Primrose Bank serving the landing and bathroom would be fully sealed and obscure-glazed, and conditions could be imposed to secure this. As such, occupiers would be prevented from seeing out of those windows towards the garden and patio area of Primrose Bank. Furthermore, no overlooking into the living spaces at Primrose Bank would occur from those windows.
 9. However, the proposed windows serving Bedroom 4 and the cinema room, facing Primrose Bank, would be clear glazed and capable of being opened. This would lead to direct overlooking of the patio area to the side of Primrose Bank. Whilst there is an existing dormer window in the appeal property's rear elevation which serves a bedroom, the increase in the number of windows together with their height would lead to a material increase in overlooking of the side patio which would be harmful to the living conditions of the occupiers. I therefore consider that the proposal would result in a material loss of privacy for the occupants of Primrose Bank.
 10. I recognise that the appeal scheme has been revised from earlier proposals to address the concerns raised by the Council and also in the light of the appeal dismissed in 2019². However, I have come to my decision based on the details of the scheme before me and the circumstances of the appeal site.
 11. In accordance with paragraph 54 of the National Planning Policy Framework (the Framework), I have considered whether a condition could be imposed to secure obscure glazing and fixing of the bedroom 4 and cinema room windows. However, in the absence of any further details I cannot be certain that this would provide satisfactory living conditions for the occupiers of the appeal property and such a condition would fail to meet the tests for conditions set out in the Framework and the Planning Practice Guidance.
 12. Overall, I conclude that the proposal would cause material harm to the living conditions of the occupants of Primrose Bank, with particular reference to loss of privacy. The proposal would conflict with Policies GC3 and H14 of the Local Plan, which collectively require that the amenity of neighbours is safeguarded.

¹ Assessed in the appellant's Statement of Case Appendix C

² APP/X0415/W/18/3213868

The proposal would also conflict with the Residential Extensions and Householder Development Supplementary Planning Document (2013) which states that it is important that new development sustains the privacy of neighbouring dwellings. The proposal would also conflict with paragraph 127 of the Framework which requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

13. Had my findings in relation to the main issue in this case been more favourable, it would have been necessary to address representations on other issues from the Parish Council and local residents in more detail. However, as I am dismissing the appeal for other reasons and since it will not affect the overall outcome, I make no further comments on these matters.
14. The proposal would be in a sustainable location and would involve sustainable design and construction methods. The proposal would also provide an enhanced level of accommodation, in general terms.
15. Having regard to the aims of the Public Sector Equality Duty contained in the Equality Act 2010, it is recognised that the proposed development would also assist in meeting the needs of the appellant's family, including by providing accessible and wheelchair-friendly accommodation and space for a live-in carer. However, these are personal circumstances which can change over time.
16. Overall, I attach limited weight in favour of the proposal from these other matters and I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan. There are no material considerations in this case to justify a decision other than one in accordance with the development plan.

Conclusion and Recommendation

17. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Sarah Housden

INSPECTOR