
Appeal Decision

Site visit made on 1 December 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/J0405/D/20/3258962

Owls Barn, 11 Northcroft, Weedon HP22 4NR

- 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 and Mrs Sameulson against the decision of Aylesbury Vale District Council.
 - The application Ref 19/04352/APP, dated 10 December 2019, was refused by notice dated 19 June 2020.
 - The development proposed is first floor extension to a bungalow to provide a 4-bed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Aylesbury Vale District Council merged with a number of other local planning authorities into Buckinghamshire Council. Aylesbury Vale District Council is now called Buckinghamshire Council-Aylesbury area.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the host property and the area; and
 - The effect of the proposal upon the living conditions of nearby occupants with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site comprises a previously extended bungalow that sits close to its front and rear boundaries. It sits lower than the road and has a low-key

appearance. Northcroft is a narrow no-through road lined on both sides by boundary treatments and planting. On the opposite side of the road are individually designed bungalows sitting in spacious plots that sit higher than the appeal site. The form of the bungalows and meaningful gaps between properties provide a sense of spaciousness with views of the surrounding countryside.

6. The combination of the increased height and the form and scale of the proposal would markedly change the appearance of the dwelling. The proposed development due to its mass and roof form would result in a dwelling with a visually confused and unbalanced appearance that would diminish the character of the host property.
7. Whilst the host dwelling sits lower than the properties opposite the proposed development, close to the road, would result in an unduly prominent and visually intrusive dwelling, notwithstanding the presence of planting.
8. Notwithstanding the appellant's comments the proposal would unduly erode the undeveloped space around the dwelling and the combination of its footprint and height close to the road would give rise to a cramped appearance and would be at odds with the spacious setting of nearby dwellings.
9. I conclude that the proposed development would adversely affect the character and appearance of the host property and the area contrary to Policies GP.9 and GP.35 of the Aylesbury Vale District Local Plan (2004) (DLP) which, amongst other things, sets out that extensions to dwellings will be permitted where they respect the appearance of the dwelling and its setting and other buildings in the locality and the design of new development respects and complements the physical characteristics of the site and the surroundings.
10. It would be contrary to Policy BE2 of the emerging Vale of Aylesbury Local Plan (LP) which, amongst other things, requires new development proposals to respect and complement local distinctiveness and vernacular character of the locality. It would also be contrary to the guidance set out in the Council's design guide 'Residential Extensions'.

Living conditions of existing occupiers

11. Notwithstanding the angle of the houses, the proximity of the host dwelling to and the narrow nature of the road means there is limited separation from 4 Neville. This limited separation and the position of the first-floor windows would result in direct overlooking into the rear garden area including the area closest to the dwelling leading to an unacceptable loss of privacy for existing occupiers. The existing planting would not adequately screen or obscure views, furthermore there is no certainty that it would remain for the life of the development.
12. Whilst in practice the window is likely to be screened by curtains or blinds for parts of the day, it is neither practical nor appropriate to rely on the actions of a third party to ensure that the proposal does not give rise to any unacceptable overlooking.
13. I conclude that the proposed development would adversely affect the living conditions of existing occupiers with particular regard to loss of privacy contrary to Policies GP.8 and GP.9 of the DLP which, amongst other things, requires new development not to unreasonably harm any aspect of the amenity

of nearby residents and for extensions to dwellings to protect character of outlook, access to natural light and privacy for people who live nearby.

14. It would be contrary to Policy BE3 of the LP which, amongst other things, states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents.

Other Matters

15. I note the appellants comments that the proposal would improve the property for their family. However, the Planning Practice Guidance sets out that in general, planning is concerned with land use in the public interest. It is probable that the proposal would remain long after the current personal circumstances cease to be material. I acknowledge that the proposed development would not harm highway safety and would provide adequate living conditions for future occupiers. However, these factors would not outweigh the harm that I have identified.
16. The appellant has drawn my attention to extensions approved by the Council nearby at 7 and 9 Northcroft. However, based on the information before me I am not aware of the individual circumstances that led to them being considered acceptable by the Council. In any case, every appeal must be considered on its own merits and they do not justify the harm that I have identified.
17. I note the information provided by the appellant in relation to other properties in the area. However, based on the limited information before me I find that their context is not comparable to the appeal site. In any case, I have considered the appeal on its own merits and give this aspect of the appellant's case little weight.
18. The appellant contends that it would be possible to construct additional storeys utilising permitted development rights in Class AA of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I acknowledge that such permitted development rights may well exist. However, there is no evidence before me to indicate that what could be built as permitted development would not be significantly different to the appeal development. I therefore afford this matter only limited weight in coming to my decision, furthermore, I have determined this appeal on its own individual planning merits.

Conclusion

19. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR