



Appeal Decision

Site Visit made on 13 April 2021

by R Sabu BA (Hons), BArch, MA, Pg Dip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2021

Appeal Ref: APP/J0405/W/20/3253997

15 Chalgrove Walk, Aylesbury, HP21 8NT

- 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 Ghazala Naeem against the decision of Buckinghamshire Council - Aylesbury Area.
 - The application Ref 19/04026/APP, dated 8 November 2019, was refused by notice dated 29 May 2020.
 - The development proposed is flat conversion of single four-bedroom dwelling into 3 separate units. The units are a three bedroom, a two bedroom and a one-bedroom unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the site address in the appeal form. However, from the wider evidence and the application form, the correct address is as stated in the banner above and I have assessed the appeal on this basis.
3. From the evidence and my observations during the site visit, the proposal has been largely implemented. While the development appeared to have been carried out in accordance with the submitted drawings, in the interests of certainty, I have based my assessment on the drawings before me.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the development provides a suitable living environment for future occupiers with particular regard for internal space and privacy; and
 - whether the development results in other similar development in the area.

Reasons

Character and appearance

5. Chalgrove Walk is a quiet residential street characterised by two storey semi-detached dwellings that gives the area a pleasant feel.
6. The scheme results in four dwellings within the same size property whereas previously the property was a single household. This represents a substantial increase in the number of households living in the same size property and consequently the number of comings and goings associated with each. While I

note that the development has been implemented for a number of years, given the high likelihood of a substantial increase in activity and domestic paraphernalia such as bins that could result from the development, there could be a significant harmful effect on the character and appearance of the immediate area in this regard.

7. Consequently, the development unacceptably harms the character and appearance of the area. Therefore, it conflicts with Policies GP.6 and GP.35 of the Aylesbury Vale District Local Plan Written Statement Part 1 January 2004 (LP) which seeks development that has regard to the effect on the character of the area and respects the characteristics of the site and surroundings among other things. The scheme also conflicts with the Framework in this respect.
8. LP Policy GP8 relates to residential amenity and is not directly relevant to this main issue.

Living conditions

9. The floor area of Flats 2 and 3 and the outbuilding are significantly below that advised in the Technical housing standards – nationally described space standard (NDSS). The guidance provides a useful guide to the sizes of fit for purpose internal spaces.
10. Flat 2 lacks a living room and from the evidence the kitchen is not large enough to be used as a multi-purpose space. The smallest bedroom fits a single bed but lacks sufficient circulation space to accommodate other suitable furniture. Moreover, it is not of a sufficient size to be used as a living area. Accordingly, Flat 2 does not provide an adequate living environment for occupiers.
11. Flat 3 also lacks a living room and the kitchen is not large enough to accommodate a multi-purpose function. While the bedrooms are of adequate size to fit double beds and associated furniture, given the lack of a living space, this flat does not provide an adequate living environment for occupiers.
12. From the evidence, the outbuilding has a constrained living area such that the scheme results in an oppressive environment for occupiers. In addition, the kitchen area is an awkward shape such that a limited area is usable resulting in an inadequate living environment for occupiers.
13. With regard to privacy, the bedroom window of Flat 3 and full height door to the living area of the outbuilding look to the communal private amenity space such that the privacy of the occupiers of these dwellings are unduly affected.
14. Consequently, the development does not provide a suitable living environment for occupiers with particular regard to internal space and privacy.
15. Therefore, the development conflicts with the aims of LP Policy GP8, which resists development that would unreasonably harm any aspect of the amenity of residents. The development would also conflict with the Framework which promotes health and well-being.

Other similar development

16. I acknowledge concerns regarding the scheme resulting in other similar developments in the area which may have a cumulative effect on the character and appearance of the area, living environment of future occupiers and parking

pressure. However, from the evidence, any other conversions of single-family dwellings to separate flats would require planning permission. Moreover, each case must be determined on its individual merits.

17. Consequently, the development does not result in other similar developments in the area.

Other Matters

18. The development contributes an additional three dwellings to the local housing supply and provides some economic benefit through the contribution of the additional occupiers to local services.
19. However, given the unacceptable harm to the character and appearance of the area, and the inadequacy of the living environment provided, the adverse effects of the development significantly and demonstrably outweigh the benefits.
20. The appellant has indicated that it is necessary for an occupier to remain in their property due to a terminal illness. I have had due regard to Article 8 of the of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998 (Article 8) which states that everyone has the right to respect for his private and family life, his home and his correspondence. I have also had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. While I acknowledge the concerns raised with respect to the occupier, there is little substantial evidence before me to indicate precisely which dwelling the occupier resides in, or to demonstrate that there are no over suitable avenues available.
21. Therefore, having regard to the legitimate and well-established planning policy aims to protect the living conditions of occupants and harm to the character and appearance of the area, in this case I consider that greater weight attaches to the public interest. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the occupier.
22. I note that No 17 Chalgrove Walk (No 17) is also a flatted development and that another property has received approval for conversion to flats. However, limited further details are before me to enable a direct comparison to be made with this appeal. In any event, each case must be determined on its individual merits. Given the harm to the character and appearance of the area that could result from the scheme, this point has not altered my overall decision.

Conclusion

23. For the reasons given above, the proposal conflicts with the development plan and in the absence of any material considerations to indicate otherwise the appeal should be dismissed.

R Sabu INSPECTOR