



Appeal Decision

Site Visits made on 28 April 2021 and 3 June 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/N0410/W/21/3267808

765 Bath Road, Burnham SL6 0PR

- 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 Ramya Gangaiah against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0826/FA, dated 6 March 2020, was refused by notice dated 4 December 2020.
 - The development proposed is erection of an outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an outbuilding at 765 Bath Road, Burnham, SL6 0PR, in accordance with the terms of application Ref PL/20/0826/FA, dated 6 March 2020.

Preliminary Matters

2. Further to my initial site visit I considered that it was necessary to view the proposal from the neighbouring property at 6 Rochford Way. The purpose of that visit, which was carried out on 3 June 2021, was to assess the effect of the proposal on the living conditions of the occupants of that property.
3. The Appellant and the Council describe the application as being made retrospectively. However, I have noted that there are differences between the building as shown on the submitted drawings and the building I observed at my site visits. These include a different style of window to the front elevation and a render finish to the rear and right (west) elevations. However, given that the building has been completed I have determined the appeal on the basis of the development I observed on site which is also clearly shown in the photographs accompanying the appeal.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and the living conditions of the occupants of 6 Rochford Way, with particular regard to outlook.

Reasons

Character and Appearance

5. The appeal site is located in a built-up residential area, wherein there is variation in terms of the scale, form, design and materials of buildings. The outbuilding has a simple design and form that relates well to the host dwelling and other buildings that I observed in the locality. Moreover, as a result of its siting it sits comfortably within the appeal site and, in conjunction with its form

and height, appears as an ancillary structure to the host dwelling achieving a clearly subservient appearance to it.

6. While the outbuilding is visible from neighbouring gardens and properties, only glimpsed views of its roof are available from the public realm between buildings. From here, the outbuilding is clearly viewed as an ancillary building, and is compatible to the locality and respects the character of existing development in the area. The materials used in the construction of the outbuilding, including the render, uPVC wood cladding and tiles do not stand out as being inappropriate, given the mix of materials found on surrounding development and the discreet location of the outbuilding to the rear of the appeal site.
7. I conclude that the proposal does not result in any harm to the character and appearance of the area. The proposal accords with Saved Policies EP3 and H13 of the South Bucks District Local Plan Adopted 1999 Consolidated September 2007 and February 2011 (LP). These seek, amongst other matters, to ensure that development is in scale with surrounding development, does not adversely affect the character of the area and that buildings within the curtilage of a dwelling would be very subordinate to the existing dwelling. It would also accord with the overarching aims of the National Planning Policy Framework, the National Design Guide and the South Bucks District Council Residential Design Guide Supplementary Planning Document October 2008.

Living Conditions

8. The outbuilding is located close to the rear boundary of the appeal site, which also forms the side boundary of the rear garden of the property at 6 Rochford Way (No 6).
9. The outbuilding, due to its location, is clearly visible from the rear patio area and the French doors and windows serving the kitchen/dining room of No 6 above the existing boundary fence. However, its roof slopes away from the boundary and given its overall size and scale, in conjunction with its eaves height, the outbuilding does not appear overbearing or over-dominant when viewed from these areas. There are also French doors and windows on the rear elevation of No 6 serving the living area. Given their location on the opposite side of the rear elevation to the appeal site, the outbuilding does not appear overbearing or over-dominant from this room either.
10. In addition to the above, the occupants of No 6 have raised concern over the potential loss of their privacy. Whilst there is a window in the rear elevation of the outbuilding this serves a toilet and shower room. Furthermore, views from the window are largely restricted by the boundary fence to the extent that there would not be any significant overlooking.
11. I have also had regard to potential overlooking to the occupants of 767 Bath Road and in particular the ground floor windows of that property. However, given the presence of boundary fencing and the distance between the rear elevation of that property and the outbuilding there would not be any significant level of overlooking.
12. I also observed that there are single storey structures in the rear gardens adjacent to the appeal site to the west and to the south of No 6. Given the scale of these structures and the spaces around them the outbuilding does not

result in a tunnelling effect and the open aspect of the rear garden at No 6 is maintained.

13. I conclude that the proposal does not harm the living conditions of the occupants of No 6 Rochford Way (and 767 Bath Road). It accords with Saved Policies EP3 and H13 of the LP, which in summary seek to ensure that development does not adversely affect the amenities of occupants of nearby properties.

Other Matters

14. Concern has been expressed that the outbuilding has been erected without planning permission. Whilst this is the case, I have determined the appeal on its planning merits.

Conditions

15. Given that the development has already been carried out I consider that it is not necessary to impose any planning conditions.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Scott Britnell

INSPECTOR