
Appeal Decision

Site Visit made on 28 June 2021 by B Phillips BSc MSc MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2021

Appeal Ref: APP/K0425/D/21/3271805

47 Hillside Road, Marlow, SL7 3JX

- 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 L Charter against the decision of Buckinghamshire Council.
 - The application Ref 20/07505/FUL, dated 24 September 2020, was refused by notice dated 4 February 2021.
 - The development proposed is described as a Proposed Ground & First Floor Rear Extension and Alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for a proposed ground & first floor rear extension and alterations at 47 Hillside Road, Marlow, SL7 3JX in accordance with the terms of the application, Ref 20/07505/FUL, dated 24 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1908OS01, 1908AL02, 1908AL03
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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.

Preliminary Matters

3. The Council's refusal reason refers to Nos 13 and 17 Allanson Road. These properties are evidently not near the appeal site, and this is clearly an error. The delegated report discusses the impact on the adjoining neighbour, which is No 49 Hillside Road.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions

must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

5. As such, the main issue is the effect of the proposed extension on the living conditions of the occupants of No 49 Hillside Road, with particular regard to light and outlook.

Reasons for the Recommendation

6. The existing property has a single storey rear projection, partly sited on the boundary with No 49. The projection on the boundary is limited in depth, and the plans show that the single storey element of the proposal represents an additional projection of some 625mm on the boundary. The proposed first floor element would extend 3m from the main rear wall over and beyond the existing single storey projection with a short overhang. No 49 has windows in close proximity to the boundary at both ground and first floor levels.
7. The Supplementary Planning Guidance document (SPG) 'Householder Planning and Design Guidance' (2020) sets out that *'the extent to which the (45 degree) line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property.'*
8. Given the proximity of the extensions to the nearest windows of No 49, it is accepted that they would break a 45 degree line when drawn from the centre of these windows. However, given the limited depth of 3m, the first-floor extension would not significantly break this line, and the ground floor projection, given its shorter depth, would be less impactful.
9. I am mindful that the extensions would be sited to the east of No 49, and so would overshadow to a limited extent during the mornings only. The extensions would not therefore result in a loss of light or sunlight to a degree that would have an unacceptable impact on the living conditions of neighbouring occupiers in using the rooms served by the rear facing windows, as well as the rear garden.
10. The land falls to the rear of the appeal site, however both the appeal site and No 49 appear to be level at the location of the proposed extension. Given the limited depth of the extensions, they would neither be enclosing nor overbearing to an extent that would have an adverse effect upon the current open outlook from the rear of No 49 or the rooms served by the rear facing windows.
11. Therefore, the proposed development would not be harmful to the living conditions of the occupiers of No 49 Hillside Road, and in this regard there would be no conflict with the high quality design and living conditions protection objectives of Local Plan (2019) (LP) Policies CS9, DM35 and DM36, in addition to the guidance set out in the SPG.
12. The Council also reference LP Policies CP1 and DM20. CP1 is an overarching sustainable development policy and DM20 lists matters which are not

specifically covered by Local Plan policies and are therefore to be determined in accordance with the National Planning Policy Framework. These policies have limited relevance in this instance.

Other Matter

13. In reaching my decision, I have also had regard to the impact of the proposed development on the character and appearance of the host dwelling, which whilst not referred to explicitly within the reason for refusal, was addressed by the Council in the officer report. Although I have noted the Council's contention regarding the form of the extensions, I am satisfied that the design is subservient in its scale, form and design to the existing dwelling given its position and relationship to the existing extensions and roof. Furthermore, I do not find the design to be either clumsy or contrived but providing visual interest and a welcome contrast to the existing predominant flat roof form of the single-storey elements to the rear of the property.

Conditions

14. The Council has suggested the imposition of a condition relating to the start date of development, and in addition to requiring compliance with the application plans. I consider these to be necessary in the interest of clarity. The plans show that the extension will be finished at first floor level in horizontal cladding. A condition requiring further details of the external finish of the extension is considered necessary in the interest of the character and appearance of the existing dwelling and area. The Council's suggestion of a condition relating to the use of materials to match the existing dwelling is not appropriate given the differing materials suggested by the submitted plans. Further details are required in this instance given the vagueness of the details as set out on plan.

Conclusion and Recommendation

15. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed with the suggested conditions.

B Phillips

APPEAL PLANNING OFFICER

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree that the appeal should be allowed with the conditions set out above.

Martin Seaton

INSPECTOR