The Planning Inspectorate

Appeal Decision

Site visit made on 27 July 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021

Appeal Ref: APP/K0425/D/21/3270938
7 Brimmers Hill, Widmer End, Buckinghamshire HP15 6NN

- 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 Moat against the decision of Buckinghamshire Council – Wycombe Area.
- The application Ref 20/08039/FUL, dated 13 November 2020, was refused by notice dated 12 February 2021.
- The development proposed is described as: 'demolish existing detached garage. Construct single storey rear extension with rooms in roof, dormer additions to both sides of roof. Reconfigure some internal wall layouts'.

Decision

1. The appeal is allowed, and planning permission is granted to demolish existing detached garage. Construct single storey rear extension with rooms in roof, dormer additions to both sides of roof. Reconfigure some internal wall layouts at 7 Brimmers Hill, Widmer End, Buckinghamshire HP15 6NN in accordance with the terms of the application, Ref 20/08039/FUL, dated 13 November 2020, and the plans with it, subject to the following conditions:

   1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 20/012-01; 20/012-02 and 20/012-03.

   3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those specified on the application form and submitted drawings.

   4) Notwithstanding any other details shown on the plans hereby approved, the window(s) and any other glazing to be inserted in the Eastern and Western roof slopes of the proposed development facing 5 and 9 Brimmers Hill, shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. The window(s) shall thereafter be retained as such.

Procedural Matters

2. Whilst the appeal form lists Mr Paul Moat as the appellant, confirmation has been received that the appeal should proceed in the name of Mr and Mrs Moat, which are the applicant details on the application form. I have dealt with the appeal on this basis.

3. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of the appeal. The main parties have had an opportunity to comment on the significance of the changes, but no comments have been received. Therefore, I will not prejudice either main party by taking the Framework into account in reaching my decision.

Main Issues

4. The main issues of this appeal are the effect of the proposed development on:

   i. the character and appearance of the appeal site and surrounding area; and,

   ii. the living conditions of neighbouring occupiers.

Reasons

Character and appearance

5. The host dwelling is a detached bungalow, located on a road that comprises a variety of dwellings, differing in design, all situated within generous plots, with long rear gardens and positioned in an orderly arrangement fronting the road. Due to the location of the host dwelling and its neighbours, the rear garden that would incorporate the proposed development is not clearly visible from the street. Thus, the development has little effect on the visual amenities within the public realm.

6. The Council have raised concerns surrounding the projection of the rear extension and its proportionality with the main dwelling. Given the size of the host dwelling and its plot, I do not consider that the development amounts to a disproportionate feature. Additionally, I observed the rearward projection of the neighbouring properties, in particular No 5, which extends further into its rear garden than the appeal scheme would.

7. The Council's Householder Planning Guidance 2020 (the SPD) advises that rear extensions should be no deeper than half the depth of the original dwelling. Although, it goes on to advise that larger extensions may occasionally be acceptable on substantial detached properties, but only in cases where it can be demonstrated that no harm to neighbouring amenity would result. I consider that given the depth of the plot that the host dwelling is situated within, such an exception may be considered.

8. Concern has also been raised towards the design of the proposed dormers windows that would be installed in the roof as part of the proposed development. I acknowledge that this element of the scheme is not fully compliant with the guidance contained within the SPD, with particular regard to the lack of a set down from the ridge on those windows facing No 9.

9. However, the dormer windows would be located a notable distance from the front elevation of the host dwelling, reducing their visibility in the street scene. Additionally, I note the dormer window present in the side elevation of No 5, which faces the site. Overall, this element of the proposed development is well-designed and would form subordinate additions to the existing dwelling, which would not result in any significant harmful effects. Despite the minor technical

breaches of the SPD, the site-specific circumstances of the host dwelling means that the scheme still accords with its overall design aims.

10. For the reasons given above, I therefore conclude that the proposed development would not harm the character and appearance of the appeal site and the surrounding area. This would accord with the design, character and appearance aims of Policies DM35, DM36 of the Wycombe District Local Plan 2019 (LP), the SPD of and the requirements of the Framework.

Living conditions

11. Whilst noting the notable length of the proposed development, due to its design with the facing roof slopes, sloping away from the adjacent dwellings, this will provide sufficient mitigation to ensure that the neighbouring occupiers do not experience any significant loss of day/sun light. I note that both No 5 and No 9 have windows in their side elevations facing the host dwelling, but for a number of reasons these will not be adversely affected. The side windows at No 5 comprise a number of windows at ground floor, which are all obscure glazed and set behind a tall closed boarded fence. A side dormer window also faces the site, which is also obscure glazed.

12. Whilst the proposed development will involve the demolition of the detached garage which is sited in proximity of the shared boundary with No 5, it is an area where there are no facing windows at No 5. Nonetheless, a sufficient gap to the shared boundary from the host dwelling will be maintained to ensure that there will be no dominance issues and given that all the facing windows at No 5 are obscure glazed there will be no issues with regards to outlook. At No 9, the windows facing the site in the side elevation are all set away from the shared boundary. A number of these windows already face the host dwelling, apart from a ground floor window in the extended part of this property that would face the proposed development.

13. However, I find that this window is a secondary window to the room it serves, due to the larger opening on the rear elevation. Additionally, the appellant has demonstrated that the proposed development would not intersect with a 60-degree line when taken from the mid-point of the nearest opening at No 9 in its rear elevation at ground floor. This would comply with the guidance in the SPD for single storey rear extensions. Issues of privacy have also been cited by the occupiers of No 9 as a concern. However, it is proposed that obscure glazing would be installed in the dormer windows, which would overcome any such adverse effect. In this instance, I find that a suitably worded condition could also be imposed, to ensure that otherwise unacceptable development could be made acceptable.

14. For the reasons given above, I therefore conclude that the proposed development would not harm the living conditions of neighbouring occupiers. This would accord with the amenity aims of LP Policies DM35, DM36, the SPD and the requirements of the Framework.

Conditions

15. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within paragraph 55 of the Framework and the Planning Practice Guidance.

16. I attach a condition specifying the approved plans, for certainty, and a materials condition in the interests of the character and appearance of the appeal site and surrounding area. I have also included a condition regarding obscure glazing and the ability to open the windows, which is reasonable and necessary to ensure and preserve the privacy of the occupiers at No's 5 and 9.

Conclusion

17. For the reasons given above, I conclude that the appeal should succeed.

W Johnson

INSPECTOR