



Appeal Decision

Site visit made on 27 July 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/J0405/D/21/3272952

199 Aylesbury Road, Bierton, HP22 5DS

- 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 Emma Russell against the decision of Buckinghamshire Council.
 - The application Ref 20/04197/APP, dated 7 December 2020, was refused by notice dated 15 February 2021.
 - The development proposed is a two-storey rear extension, porch extension to front and bay window to front.
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Decision

1. The appeal is allowed and planning permission is granted for a part single, part two-storey rear extension, porch extension to front and bay window to front at 199 Aylesbury Road, Bierton, HP22 5DS in accordance with the terms of the application Ref 20/04197/APP, dated 7 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EDL 1929-01 Rev C; and EDL 1929-03.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
 - 4) The new windows at first floor level in the east flank elevation of the extension hereby permitted shall not be glazed or reglazed other than with obscured glass to a minimum of level 3 and non-opening unless the parts of the window that can be opened are more than 1.7m above internal floor level. The windows shall be retained in such condition at all times.

Procedural Matters

2. The description of the development in the banner heading above is taken from the planning application and appeal forms. This differs from the description contained in the Council's decision notice. I consider that the Council's description more accurately reflects the proposal. Consequently, I have used it in the formal decision in paragraph 1 above.
3. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In my

opinion, the revised document does not materially alter the policy context in relation to the main issues and in reaching my decision, it was not necessary to seek comments from the main parties.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of both the original dwelling and the local area; and whether the proposal would have an adverse effect on the efficiency of solar panels on the neighbouring property at number 199A Aylesbury Road (number 199A).

Reasons

Character and Appearance

5. The appeal property is a two-storey detached double fronted dwelling, which is situated in a predominantly residential area. It fronts Aylesbury Road, which is the main route through the village. The front of the property has a modest simple appearance. However, it has been previously extended at the rear with a relatively large two storey addition, that projects some 4m from the original rear wall of the property.
6. Other dwellings in the vicinity of the appeal site vary in terms of their age, size and appearance. A number have been altered and extended, including a large extension that has been added to the neighbouring house at number 197 Aylesbury Road. The dwelling at number 199A has also been extended with first floor and ground floor rear additions. Bierton Conservation Area is on the opposite side of Aylesbury Road.
7. The appeal proposal contains different elements. A front porch and bay window extension is proposed on the front elevation, facing Aylesbury Road with a part two-storey, part single-storey extension at the rear. Policies GP9 and GP35 of the Aylesbury Vale District Local Plan seek (amongst other things) to ensure that extensions respect the appearance of the original dwelling and complements the physical character of the local area. The emerging Vale of Aylesbury Local Plan has similar requirements. In my opinion, the Council's policies are consistent with the provisions of paragraph 130 of the Framework.
8. In reaching my decision, I have also had regard to the Council's Residential Extensions Design Guide, which cautions against extensions that would match or exceed the size of the original dwelling as it can result in the loss of its architectural integrity.
9. With regard to the front porch and bay window, these alterations are relatively minor and they would not have an adverse impact on either the host dwelling or the appearance of the area.
10. The proposed rear extension(s), would be significant in terms of the overall length of the additions. It would project some 8m at ground level from the existing earlier rear extension and overall, the original property would be dominated at the rear by these additions. In that regard, there would be some conflict with the Council's Design Guidance.
11. However, I am not persuaded a large extension, such as that proposed, is necessarily harmful in principle. The design of the extension reflects the character and appearance of the existing dwelling in terms of its gabled roof

structure at first floor level. The lower roof height at first floor, the flat roof on the single-storey part of the extension and the fact that the structure would be set-back from the side boundary with number 199A, all help to add interest and break up the mass of the development.

12. Furthermore, the rear of the appeal site is viewed in relation to the large extension at number 197 Aylesbury Road and the alterations and extensions at number 199A. In that context, further extensions at the appeal property would not be at odds with the surroundings. In addition, the proposed extensions would not be highly visible from Aylesbury Road and any views from land at the rear would be from a considerable distance. I also agree with the Council's assessment that the proposal would not have an adverse impact on the setting of the Bierton Conservation Area.
13. Accordingly, on this issue, I find that the proposal would not have an adverse effect on the character of either the existing dwelling or the local area.

Solar Panels

14. The neighbouring dwelling at number 199A contains an array of solar panels on its south facing roof areas. The panels are positioned on the roof of the original dwelling and also on the roof of a single storey rear extension. The Council points to the lack of evidence from the appellant regarding to effect of the proposal on the operation and efficiency of the solar panels due to the height and close proximity of the proposed rear extension.
15. The Council points to case law and the provisions of the Framework, which confirm that climate change is a material consideration. I do not diverge from that statement and the positive contribution made by small scale domestic renewable energy in mitigating the effects of climate change is, in my view, important. However, the rear of 199A faces in a south/south easterly direction, where it will receive significant amounts of natural light for much of the day and for much of the year. Whilst there may be some shading effects later in the day, I consider that the overall impact of this would not justify dismissing the appeal.

Conditions

16. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard time condition and a condition specifying the approved plans, a condition requiring the use of matching external materials is also imposed in order to ensure a satisfactory appearance to the development.
17. The Council has also suggested that a condition be imposed requiring that the first-floor windows on the east facing elevation be obscure glazed with opening lights no lower than 1.7m above the floor level. I consider this to be reasonable in order to protect the privacy of the occupants of number 199A.

Conclusion

18. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR