
Appeal Decision

Site visit made on 13 September 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021.

Appeal Ref: APP/X0415/D/21/3275868

70 Beech Tree Road, Holmer Green HP15 6UT

- 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 A O'Rourke against the decision of Buckinghamshire Council.
 - The application Ref PL/21/0480/FA, dated 5 February 2021, was refused by notice dated 4 May 2021.
 - The development proposed is for a two storey rear extension and loft conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of neighbouring dwellings, with specific reference to outlook and privacy.

Reasons

3. The appeal site comprises a bungalow with a hipped roof. High close boarded fencing runs along both side boundaries of the rear garden and 72 Beech Tree Road has an obscurely glazed kitchen window facing the area of the proposed extension, with the remainder of its eastern elevation comprising a blank wall.
4. 68 Beech Tree Road is a two storey house set slightly further away from its shared boundary and has a glazed door at ground floor level facing the appeal site.
5. With regard to the kitchen window serving no72, due to it being obscurely glazed, outlook from it is limited to when its top opening fanlight is jammed open to the limit of its hinges, and which currently enables some view over the intervening boundary fence. Admittedly, any such views would be obstructed by the proposed extension, however due to the form of glazing and the fact that kitchens are not generally considered to be habitable rooms, I consider that any loss of outlook or privacy for that matter would not be material.
6. Clearly, with the extension being over two storeys, there is scope for overlooking both adjacent properties, particularly from the large expanse of glazing proposed to serve bedroom no1 on the rear elevation, views from which would be substantial. No72 has a patio area to its rear which is enclosed by a high garden wall continuing in a northerly direction from its rear elevation.

Consequently I consider that the immediate rear sitting out area would in the main retain its existing privacy, although I accept that longer range views would be afforded over the lawn area and orchard beyond.

7. However, I consider more critical in the determination of this appeal would be the impacts that the proposal would have upon the occupants of no68. In addition to the substantial glazed area proposed to serve the main bedroom, it is likely that direct views could also be afforded from the rooflight serving the proposed bedroom no2 into the immediate rear garden area of that neighbouring property. Furthermore, by virtue of the overall scale and bulk of the proposal, it would also have a detrimental impact upon the outlook from that property too.
8. I acknowledge that the appellant sought to make amendments to the scheme that was originally submitted to the Council and I can understand their frustration with regard to the protracted nature of the determination of the planning application. I have noted the examples of other extensions that have been built within the locality and especially 80 Beech Tree Road, although ultimately each case must be assessed on its own merits. Having said that, I note that the Council have not raised an objection to the design of the proposed extension upon the character and appearance of the area, nor have issues been raised in respect of parking provision, sunlight or daylight.
9. Overall, I consider that that proposal would give rise to a demonstrable loss of privacy to the occupants of 68 Beech Tree Road whose outlook from their rear garden would also be significantly affected. From this basis I find the proposal contrary to Policies GC3, H13 and H14 of the Chiltern District Local Plan which, where concerning extensions to dwellings in the built-up areas excluding the Green Belt, state that they will be granted where there would be no significant detriment to the amenities of neighbours; and that extensions should be designed so that their size and siting in relation to adjoining properties does not result in, amongst other things, an overbearing appearance or a significant reduction in privacy for neighbours.

Conclusion

10. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR