
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/21/3273343
184 Waterside, Chesham HP5 1PG

- 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 J Longbottom against the decision of Buckinghamshire Council.
 - The application Ref PL/21/0144/FA, dated 11 January 2021, was refused by notice dated 6 April 2021.
 - The development proposed is for a single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension at 184 Waterside, Chesham HP5 1PG, in accordance with the terms of the application Ref PL/21/0144/FA, dated 11 January 2021, subject to the conditions set out below:
 1. The development hereby permitted shall begin not 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: 1:1250 Site Location Plan, 102-WS, 101-WS Rev B and 201-WS Rev B.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/doors/openings other than those expressly authorised by this permission shall be inserted or constructed at any time in the northern flank elevation of the extension hereby permitted.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of 182 Waterside, with specific reference to outlook and light.

Reasons

3. The appeal site comprises a detached two storey house which is set well back from the road, 182 Waterside to the north west sits further forward than this

and has a kitchen window towards the rear of its facing flank elevation. This window, along with no182 itself, is situated on slightly lower ground than the appeal site, with the outlook therefrom and sunlight and daylight received by it being restricted by the two storey built form of no184.

4. The design of the proposal before me includes a 1.2m wide utility room extension to the side of the host dwelling, and set further back in line with the rear edge of the aforementioned neighbouring kitchen window would be a doorway to serve a garden store.
5. I note the advice within the Council's Residential Extensions and Householder Development Supplementary Document which requires that residential extensions should not dominate a neighbouring property or result in important windows serving habitable rooms being presented with a building that appears visually intrusive or overbearing. The guidance does not define what is meant by a 'habitable room' although I note that paragraph 21.(i) where concerning overlooking does include kitchens. Notwithstanding this, by virtue of the presence of the existing dwelling and its orientation in relation to said window, I consider that any loss of light to it would not be significant. Furthermore by virtue of the staggered north western elevation which is proposed, the scheme would allow a degree of outlook to be maintained, notwithstanding the difference in ground levels.
6. I consider that overall the proposed development would not appear overly dominant or intrusive when viewed from the kitchen window of no182. Consequently I find that there would be no material conflict with the Development Plan and specifically Policies GC2, GC3, H13 and H14 of the Chiltern District Local Plan which together permit the extension of dwellings in built-up areas providing that there would be no significant detriment to the amenities of neighbours; requiring extensions to be designed so that their size and siting does not result in, amongst other things, an overbearing appearance for neighbours or a significant loss of daylight to kitchens of neighbouring properties.

Conclusion and Conditions

7. Therefore for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
8. Other than the standard time limit condition, the Council recommends that conditions are imposed that require the development to be carried out in accordance with the approved plans and that materials match the existing building. I consider that in the interests of the character and appearance of the area these conditions are necessary. Furthermore, the Council has also recommended the imposition of a condition that removes Permitted Development rights that would normally allow the insertion of additional windows, doors and other openings in the northern flank of the extension hereby permitted. The reason for this is to protect the privacy of the neighbouring property which I consider is both reasonable and necessary.

C J Tivey

INSPECTOR