



Appeal Decision

Site visit made on 13 October 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/X0415/D/21/3276706

Laurelslee, Hollow Way Lane, Chesham Bois, Buckinghamshire, HP6 6DJ

- 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 Halpern against the decision of Buckinghamshire Council.
 - The application Ref PL/21/1376/FA, dated 6 April 2021, was refused by notice dated 26 May 2021.
 - The development proposed is part two storey, part single storey rear and front extensions and first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the street scene and the area;
 - the living conditions of the neighbouring occupiers at 6 Hollow Way Lane with regard to outlook and light.

Reasons

Character and appearance

3. The development plan includes policies GC1, H13 and H15 in the Chiltern District Local Plan (LP) (adopted 1997, altered 2001 and consolidated 2007 & 2011) and policy CS20 in the Core Strategy for Chiltern District which together seek to ensure that development is of a high standard of design and protects the character and appearance of the area.
4. The appeal site is located on a busy, leafy residential road of mainly detached dwellings of varying styles, some of which are grouped into two or three dwellings with a consistent style, set back from the road behind hedges. It sits in a corner position and as the ground level of the site is above that of the road, has a prominent location. The front elevation can be seen in approaches from both directions along Hollow Way Lane and the rear elevation from St Leonard's Road. It comprises a 1960's dwelling which is one of three similar dwellings in a row, with a main pitched roof and a flat roofed porch. Although it has a previous single storey side extension, that also has a pitched roof and given its much lower ridge height is subservient to the original part of the dwelling which has a simple and uncluttered appearance on its front elevation.

Despite the variety of dwellings in the wider area, the uniformity of this group of three dwellings has a cohesive and attractive character which is reflective of the period and makes a positive contribution to the character and appearance of the area.

5. The proposed extensions include a two storey front extension and a porch, a part single storey, part two storey rear extension and a first floor extension above the previous side extension. The Council has not raised any objection in terms of character and appearance to the side or rear extensions and from what I have seen, those would be acceptable in this regard.
6. However, the front two storey extension would project forward of the main front wall of the dwelling by some 3m which would disrupt the simple plan form. This, together with the gabled roof and the single pitched roof of the porch, would also disrupt the simplicity of the front elevation and the consistent building line within the group. As such, it would fail to reflect or enhance the character and unity of the group of three dwellings and would be clearly seen from Hollow Way Lane.
7. The appellants have referred to other examples in the area of dwellings with projecting gables but from what I saw, those are dwellings of a different style and I am not persuaded that there are sufficient similarities for those to set a precedent for this proposal.
8. The site also lies close to but not adjoining the wooded Chesham Bois Conservation Area (CA). Given the distance from there and the siting of the proposed extensions, public views towards the CA would not be adversely affected and the significance of the CA would be preserved, in accordance with LP policy CA2. The Council has not objected in respect of the CA and I would agree with that view.
9. Notwithstanding my findings in the paragraph above regarding the CA, I conclude that by reason of its siting, size and form, the proposed front extension would not amount to a high standard of design and would significantly harm the character and appearance of the street scene and the area, contrary to the development plan policies referred to earlier.

Living conditions

10. The proposed rear and side extensions would be sited very close to the side boundary with no 6 Hollow Way Lane and the two storey part of the rear extensions would project some 3.6m beyond the main rear wall of the dwelling. I saw at my visit that no 6 has a similar rear building line and sits on a significantly lower ground level than the appeal property. There is a high, evergreen hedge along the side boundary which currently provides a good level of screening between the two properties.
11. Although the two storey part of the proposed rear extensions would not impinge a line taken at 45° from the neighbouring bedroom window and would have a hipped roof to reduce the impact, given the difference in ground levels, it would appear unduly dominant and overbearing when seen from the rear garden of no 6. Furthermore, given the orientation of the proposal to the south west of no 6, there would also be some loss of afternoon or early evening sunlight to the rear garden of that property at a time when the neighbouring

occupiers would be most likely to expect to be able to sit outside and enjoy their garden.

12. I am, however, satisfied that the privacy of the occupiers at no 6 would not be significantly harmed, given that any overlooking from the proposal would be at an oblique angle towards the rear garden. Although no 6 currently has views towards the Conservation Area, those are private views. Whilst the proposal would result in some change to those views, that change would not be sufficient to cause significant harm to the occupiers' living conditions. The development would also be acceptable in regard to the living conditions of other neighbouring occupiers given its distance and relationship to those.
13. Notwithstanding my findings in the paragraph above, I conclude that, taken together, the loss of outlook and sunlight would significantly harm the living conditions of the occupiers at no 6. The proposal would, therefore, be contrary to development plan policies GC2, GC3, H13 and H14 in the LP which seek to protect the amenities of neighbouring occupiers.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Sarah Colebourne

Inspector