
Appeal Decision

Site visit made on 9 November 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021.

Appeal Ref: APP/J0405/D/21/3281852
76 Chiltern Street, Aylesbury HP21 8BW

- 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 T Edmonds against the decision of Buckinghamshire Council.
 - The application Ref 21/01399/APP, dated 1 April 2021, was refused by notice dated 10 June 2021.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since the appeal was lodged, the Council has adopted the Vale of Aylesbury Local Plan 2013-2033 (VALP), which now forms part of the development plan. The VALP policies replace those in the Aylesbury Vale District Local Plan, to which the Council's decision notice refers. Relevant policies are those that are in place at the time the appeal decision is made. Therefore, I shall refer to the VALP. Both main parties have been given the opportunity to submit comments in the light of the VALP, although none have been received.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

4. The proposal is primarily a new single storey extension that would extend outwards from the existing single storey addition at the back of the appeal property, which is a mainly 2-storey terrace house within a predominantly residential area. The walls of the proposed extension would be painted brick and the roof would be flat. A small summerhouse within the long back garden of No 76 would be removed to make way for the new addition.
5. The proposal would be modest in height and set at a lower level than the extension to which it would attach to reflect the notable change in ground levels. It would also be narrower than the host building with the new side elevation set in from the existing flank wall. The resultant stepped roof and side profile to the ground floor rear projection, as complete, would help to visually 'break up' its scale and mass, to some extent.

6. Nevertheless, the proposal would be a sizeable addition. According to the Council, the combined depth of the proposal and the existing single storey rear extension would be about 10.8 metres from the back wall of the main house. The new addition would also extend across a significant portion of the width of the host building and the flat roof would visually accentuate its bulk. With the new extension in place, I consider that the ground floor rear projection would appear as an overly long and large 'box-like' addition that would relate poorly to the scale and proportions of the 2-storey house. Given its considerable depth and width, the proposal could not reasonably be described as subservient or proportionate to the host dwelling, as the appellant suggests.
7. The main outcome would be significant harm to the character and appearance of the host building because the rear façade of the main 2-storey house would be totally overwhelmed by the new addition. That impression would be evident even when seen at some distance from the rearmost part of the long back garden of No 76.
8. As the appeal scheme would be at the back of the main house, away from the road, there would be no discernable effect on the street scene to which No 76 belongs. Existing vegetation would also shield the new development in views from the car park just beyond the rear of the site. The proposal would, however, form part of the character and appearance of the local area as it is experienced and appreciated from nearby houses and their gardens. From the rear of the properties on either side of the site, the new rear extension would draw the eye as an uncharacteristically large and bulky addition and as a discordant element in the local area.
9. The appellant has referred to a planning permission to replace the existing rear extension with a part single storey, part 2-storey addition. From the information provided, I have no reason to doubt that the approved scheme would be larger in volume than the proposal with a single storey element that would be slightly shorter although taller than the appeal scheme. On that basis, it would have a significant effect on the appearance and character of the appeal property, as the appellant suggests. However, from the evidence before me, the approved development would differ to the proposal in that it includes a new 2-storey element and the removal of the existing rear ground floor extension. These features would clearly differentiate it from the proposal that, in any event, has been assessed on its own merits.
10. The appellant has also drawn my attention to a fallback position in which the approved scheme could be implemented together with a new outbuilding placed just beyond the new rear wall through the exercise of permitted development (PD) rights. While I have carefully considered this option, it is likely that planning permission would still be required to join the enlarged dwelling and the outbuilding together to form a single living area, as proposed. As any future application for planning permission would be considered on its individual merits, the outcome is not necessarily a foregone conclusion, as the appellant suggests.
11. The appellant also states that it would be possible to build the approved scheme but replace the orangery section of it with a PD compliant outbuilding to achieve the desired living area. Again, the built form of this particular arrangement would markedly contrast with that of the proposal before me and so its consequences for the character and appearance of the host building and

the local area would also be different. On that basis, I am unable to attach more than limited weight to this option in favour of the appeal.

12. The Council's Design Guide: Residential Extensions (DG) notes that bulky box like extensions should be avoided in favour of smaller additions that respect the form of the original building. It also states that it is almost always necessary not to overwhelm existing buildings. The National Planning Policy Framework (the Framework) notes that development should add to the overall quality of the area and be sympathetic to local character. For the reasons given, the proposal would not adhere to these important policies and principles.
13. On the main issue, I conclude that the proposal development would have an unacceptable effect on the character and appearance of the host building and the local area. Accordingly, it conflicts with VALP Policy BE2, which states that all new development should respect and complement the scale and context of the site. It is also contrary to the DG and the Framework.
14. Aylesbury Town Council and local neighbours raise no objection. Once in place, the additional living accommodation would improve the living conditions of the appellant and his family. However, these matters do not outweigh the significant harm that I have identified.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR