



Appeal Decision

Site visit made on 14 December 2021

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2022

Appeal Ref: APP/X0415/D/21/3284153

17 Harding Road, Chesham HP5 3BB

- 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 Dr Boyne Bellew & Dr Niloufar Nikpour against the decision of Buckinghamshire Council.
 - The application Ref PL/21/2267/FA, dated 4 June 2021, was refused by notice dated 8 August 2021.
 - The development proposed is part two storey, part single storey side / rear extensions and garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for part two storey, part single storey side / rear extensions and garage conversion at 17 Harding Road, Chesham, HP5 3BB in accordance with the terms of the application, Ref PL/21/2267/FA, dated 4 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: HR PA 02 Rev.F and HR PA 03 Rev.C.
 - 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) The extensions hereby permitted shall not be first occupied until the windows on the western elevations have been fitted with obscured glazing, and no part of that/those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed as agreed the obscured glazing shall be retained thereafter.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be inserted on the western elevations of the development hereby permitted.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No.15 Harding Road, with particular regard to outlook and privacy.

Reasons

3. The appeal building sits on a sloping site, at a higher land level to No.15. Its western elevation has an outrigger projection. A detached garage sits on the plot boundary to the rear of the dwelling. The appeal scheme would, in part, extend the appeal building towards No.15.
4. The main outlook from the rear facing rooms of No.15 is of its own garden, and the appeal building with the proposed extensions would be viewed obliquely. There would be a direct view of the revised side elevation of the appeal building from the kitchen window of No.15, but this is also true of the existing situation and not unusual for developed residential areas. The extensions as they would face No.15 would also be set off the shared boundary which would lessen their overall influence to a degree. In terms of the rear extension, the intervening garage would remain and would separate the bulk and mass of the new rear sections from the garden of No.15.
5. Two new dormer windows would face No.15, along with rooflights and a utility room window. The dormers are proposed to be fitted with obscured glazing, and the windows of the other rooms could also be obscure glazed without compromising the living conditions of the occupiers of the appeal building. Planning conditions could control such measures. The obscure glazed windows facing the boundary with No.15 would be set back from the boundary beyond the driveway, albeit at a higher level than the neighbouring property. They would not be particularly large and I consider there would not be an unacceptable perception of overlooking from these windows.
6. I therefore consider the proposed development would not harm the living conditions of the occupiers of No.15 Harding Road with specific regard to outlook and privacy. As such it would accord with Chiltern District Local Plan 1997 (including alterations 2001) (consolidated 2007 and 2011) Policies GC3, H13 and H14 which seek to prevent significant harm to amenity with regard to matters such as overbearing appearance, visual intrusion, loss of privacy, overlooking and obtrusive development. It would also accord with the Chiltern District Council Residential Extensions and Householder Development Supplementary Planning Document 2013, which provides guidance on these matters as they apply to residential extensions, and with the principles set out in the National Design Guide.

Other Matters

7. I have taken into account representations from nearby residents including in respect of impacts during construction, access and parking and drainage. Construction would, however, be temporary. The proposal would intensify use of the site. However, there would remain the same level of off-street driveway parking available. I also note that building works must, in any event, comply with the relevant provisions of Building Regulations (including in respect of drainage and waste disposal). Consequently, no other matters alter my reasoning above, namely that the proposal would be acceptable.

Conditions

8. I have had regard to the conditions suggested. I have set out the standard time limit for implementation and the approved plans for certainty. In the interests of good design, I have required the materials to match the existing dwelling. I have specified that the windows in the elevation facing No.15 should be fitted with obscure glazing in accordance with a scheme to be agreed, in the interests of the living conditions of neighbouring occupiers; it would be sufficient for such details to be agreed prior to the first occupation of the extensions permitted and to be retained thereafter. For the same reason I have imposed a condition to require planning permission for any new windows on the western elevations of the extensions.

Conclusion

9. For the reasons given, the scheme would accord with the development plan and the appeal should be allowed subject to the conditions above.

Peter White

INSPECTOR