
Appeal Decision

Site visit made on 17 December 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18TH January 2022

Appeal Ref: APP/H0520/D/21/3283906
The Birches, Chapel Street, Yaxley PE7 3LW

- 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 Samuel Hooley against the decision of Huntingdonshire District Council.
 - The application Ref 21/00453/HHFUL, dated 26 February 2021, was refused by notice dated 27 August 2021.
 - The development proposed is the erection of a first floor extension to the existing bungalow. The extension would follow the wall alignment of main property.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development firstly, on the living conditions of the occupiers of 50 Chapel Street with particular regard to visual impact and privacy; and secondly, on the character and appearance of the host building and the local area.

Reasons

Living conditions

3. The front of the appeal property, which is a single storey detached dwelling called The Birches, faces the side boundary of the site beyond which is a detached bungalow and garden at 50 Chapel Street. It is the occupiers of this adjacent property that are most likely to be affected by the proposal, which is primarily to extend the existing building upward to create additional living space at first floor level.
4. A dense hedgerow currently marks the shared boundary between the site and No 50. As this vegetation heavily filters views from the site towards No 50 and its back garden it is an effective screen to prevent overlooking. However, soft landscaping cannot be relied upon in this way because it can be cut back or removed at any time. While there is no indication that the appellant intends to do so, future occupiers of the appeal property may decide otherwise. Having carefully viewed No 50 from the site, I am in little doubt that without the intervening soft landscaping or if it were to be cut back significantly there would be clear views between the site and No 50 including its back garden. I have therefore taken this possibility into account in my assessment.

5. There would be no increase to the footprint of the existing dwelling with the new built form in place. Consequently, the completed dwelling would be no closer to the shared boundary with No 50. However, the scale, mass and height of the dwelling would be significantly increased compared to the existing building. That The Birches already occupies a higher-level position relative to No 50 due to the notable difference in ground levels would accentuate the visual impact of the new built form when seen from this adjacent property. Taken together, the scale, mass, height and elevated position of the new 2-storey front elevation with its gables would cause it to overbear especially when seen from the back garden of No 50. That experience would be even more pronounced if the boundary hedgerow between No 50 and the site were to be significantly cut back or removed.
6. The plans show 3 new first floor windows in the front elevation that would provide the principal outlook from a bedroom, dressing room and a landing area. These windows would face towards the northwest elevation of No 50, which contains a number of windows, and its back garden. Given the modest distance between these properties and the angle of view, the overlooking possible would be considerable and it would cover a substantial part of the rear garden of No 50. To my mind, it would unduly impinge on the reasonable enjoyment of the garden space of No 50 because the occupiers of this adjacent property would experience an unacceptable loss of privacy. Furthermore, as the first floor windows of the new extension are also likely to be seen from the garden of No 50, the neighbouring occupiers would also experience a strong sense of being overlooked, especially if the boundary landscaping were to be cut back or removed.
7. On the first main issue, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 50. As such, it is contrary to Policy LP 14 of Huntingdonshire's Local Plan to 2036 (LP) and the National Planning Policy Framework (the Framework) insofar as they aim to ensure a high standard of amenity for all users.

Character and appearance

8. The Birches lies within a predominantly residential area wherein buildings vary in scale, design and age. Consequently, there is considerable variety to the existing built form in the local area.
9. With the new built form in place, the appeal dwelling would be much taller and far more substantial. The overall bulk and height of the completed building would be visually accentuated by an expanse of new flat roof that would be flanked by 2-storey gables. Although the submitted roof design aims to minimise the effect of the appeal scheme on the outlook from a neighbouring block of flats, the overall visual impact would appear contrived and unconvincing. Specifically, the central flat roof section of the finished dwelling would have a large 'box like' appearance that would relate poorly to the proportions of the building.
10. While public views of the new extension would be from some distance along a short stretch of road, it is likely to be evident at reasonably close range from neighbouring properties on either side of the site. From these private viewpoints, the proposal would appear as a large unsympathetic addition to the host building. It would draw the eye as a discordant feature even among the highly varied built form along Chapel Street and within the local area.

11. The appellant states that the proposal has been designed in the light of a newly built house adjacent to the site, which he says the Council has found to be acceptable. From what I saw, none of the 2-storey properties close to the site included a roof form that is the same or very similar design to the proposal and so few direct parallels can be drawn between them. In any event, each development proposal should be assessed on its own merits, as I have done.
12. On the second main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the host building and the local area. As such, it conflicts with LP Policies LP 11 and LP 12 and the guidance within the Huntingdonshire Design Guide Supplementary Planning Document. These policies and guidance aim to ensure that a proposal responds positively to its context and helps create high quality and well designed places. It would also fail to achieve the standards of design sought by the Framework and the National Design Guide.

Other matters

13. The additional living space would better meet the appellant's current and future family needs including home working and looking after elderly relatives. The works proposed provide an important opportunity to improve the building's insulation and its energy performance with reference made to the use of solar panels and an air source heat pump. The Officer's report records that the Parish Council recommended approval of the application. However, these considerations do not outweigh the significant harm that I have identified.
14. I note that the appellant has held discussions with neighbours and considered various alternatives to the proposal including the opportunity to introduce a first floor to the existing dwelling or dormers through the exercise of permitted development rights and to alter the roof form. However, planning permission is sought for the proposed development and I have assessed it on that basis.
15. The appellant is also critical of the Council's handling of the application and to the lack of timely feedback about their concerns. However, my remit is solely to determine this appeal.

Conclusion

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

Gary Deane

INSPECTOR