
Appeal Decision

Site visit made on 10 November 2021

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 January 2022.

Appeal Ref: APP/X0415/D/21/3277237

70 St Leonards Road, Chesham Bois, HP6 6DR

- 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 Jason Monger against the decision of Buckinghamshire Council.
 - The application Ref PL/21/0766/FA, dated 18 February 2021, was refused by notice dated 22 April 2021.
 - The development proposed is demolition of existing conservatory and erection of part two, part single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory and erection of part two, part single storey rear extension at 70 St Leonards Road, Chesham Bois, HP6 6DR, in accordance with the terms of the application Ref PL/21/0766/FA, dated 18 February 2021 and the plans submitted with it, 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: 1:1250 location plan and (base number stleonardsrd-70) 0, 1REVC, 2, 3REVC, 4, 5, 6REVC, 7REVC and 8REVC.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of 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 or openings other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time in the first floor level and above flank elevations of the extension hereby permitted.

Main issue

2. I consider that the main issue in this case is its effect on the living conditions of neighbouring residents.

Reasons

3. 70 St. Leonards Road is a detached brick built chalet bungalow with dormer windows to front and back and a conservatory to the rear. It lies at the end of a slip road off St Leonards Road within an established residential area.
4. The relevant policies in this case are GC2, GC3, H13 and H14 of the Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001 and consolidated September 2007 and November 2011) (the local plan). These relate to the design and layout of development, including extensions, and seek to protect the amenities of the occupants of neighbouring properties from, among other things, overbearing appearance and loss of light and privacy.
5. The proposed rear extension would replace the existing conservatory with a full width single storey extension and a two storey extension across part of the width of the house. The latter would project approx 3.9m from the existing roof slope following the form and angle of the existing hipped roof with a similar hip.
6. I consider that the proposed two storey extension would not adversely affect the outlook from No. 68, the neighbouring property. The latter is a bungalow and lies to the south of No. 70. It has an integral garage immediately adjacent to the common boundary. The main habitable room nearest to the boundary has a glazed door and window facing onto a paved courtyard and up a flight of steps towards the rear garden beyond. The courtyard is enclosed by the boundary fence, a timber shed adjacent to the boundary and the rear wing of the bungalow which projects towards the rear garden.
7. Although the proposed extension would be visible from the rear of No. 68, it would not appear overbearing in the context of the existing building at No. 70, the boundary fences and vegetation and the timber shed. There would be no significant loss of light to the main habitable room closest to the boundary because of its distance from No. 70 and because of its location to the south of the latter.
8. I conclude that the proposal would not harm the living conditions of the neighbouring residents and that it is consistent with local plan policies GC2, GC3, H13 and H14.
9. For the reasons given above, the appeal is allowed.

Conditions

10. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development. The condition restricting future openings is necessary and reasonable to protect the privacy of neighbouring residents.

PAG Metcalfe

INSPECTOR