



Appeal Decision

Site visit made on 5 January 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2022

Appeal Ref: APP/J0405/W/21/3277644

1, Wellcroft, Ivinghoe LU7 9EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs C Hayzelden against Buckinghamshire Council.
 - The application Ref: 21/01409/APP, is dated 1 April 2021.
 - The development proposed is a single-storey rear and front porch extension, two-storey side extension and loft conversion.
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Decision

1. The appeal is dismissed, and planning permission for a single-storey rear and front porch extension, two-storey side extension and loft conversion is refused.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the development upon the character and appearance of the surrounding area;
 - the effect of the development on the living conditions of the occupiers of 2 Ladysmith Road, with reference to privacy; and
 - the effect of the development upon highway safety.

Reasons

Character and appearance

3. The proposed development, amongst other elements, includes a dormer windows in the dwelling's rear roof slope. This has a roof that slopes upwards, in contrast to the direction of the rest of the roof slope. This has been referred to in the appeal documentation as a 'butterfly' roof. The surrounding area contains several different dwellings. However, a unifying trend is that the dwellings are constructed to traditional designs, including pitched roofs.
4. Owing to the consistency between the appellant's dwelling and the traditionally designed buildings that are in the vicinity of the appeal site, the contrasting design of the roof slope would appear particularly incongruous, owing to the contrast in design approaches between the appeal site and the roof shape of dwellings in the surrounding area.

5. Furthermore, the prominence of the proposed development would be exacerbated by the height of the development and, in consequence, the proposal would be notable from some distance away.
6. In addition, the proposed rear extension would feature a combination of a pitched and flat roof. Whilst the extension would be of a single storey, this combination of differing roof slopes would conflict with the traditional character of the surrounding area. This would occur even though the proposed rear extension would be relatively small in proportions. In particular, many of the nearby properties are characterised by the presence of pitched and mono-pitched roofs.
7. This is of concern owing to the prominence of the appeal site. In addition to the views from surrounding properties, the proposed development would be readily apparent from neighbouring properties. Furthermore, in some places, the boundary treatments between properties are relatively low, which increases the prominence of the proposed development.
8. In addition, the topography of the surrounding area is such that the rear extension and roof extensions would be visible from some sections of Wellcroft. These factors mean that the proposed development would appear to be a strident addition to the dwelling.
9. Whilst I note that the appellant is seeking a more modern design to the extension to their dwelling, the proposal would conflict with the traditional form of architecture that is a feature of both the appeal site and the surrounding area. In consequence, the proposed development would appear incongruous.
10. Furthermore, in considering this appeal, I have been directed towards adopted Development Plan policies that seek to ensure that new developments harmonise with their surroundings. In consequence, the intentions of the design ethos do not overcome my previous concerns.
11. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies BE2 of the Vale of Aylesbury Local Plan (the Local Plan); Policy HSG1 of the Ivinghoe Neighbourhood Plan (the Neighbourhood Plan); and the Residential Extensions Design Guide (the Design Guide). Amongst other matters, these seek to ensure that new developments respect the local distinctiveness and vernacular character of the locality; is not out of keeping; and respect the character and appearance of existing buildings.

Living conditions

12. The proposed development includes a balcony area within the rear roof slope. The appeal site is directly adjacent to the neighbouring property of 2 Ladysmith Road. This property contains a rear garden that runs parallel to the appeal site.
13. Users of the proposed balcony area would therefore be able to gain views into the garden of the neighbouring property by reason of its elevated position. This would therefore erode the privacy of the users of the neighbouring property's garden.
14. In addition, by reason of the relative positioning between the appellant's dwelling and the neighbouring property, views of a significant length of the

neighbouring dwelling's garden would be possible. This would limit the areas in the neighbouring property where private recreation might take place owing to the loss of privacy in these areas.

15. As the rear garden of the neighbouring dwelling represents the only area where outdoors recreation might take place, the lack of appropriate private space would lead to an erosion of the living conditions of the occupiers of No. 2 owing to a diminished ability to undertake routine domestic activities.
16. Whilst the proposed development would feature a set-back of one of the dormer's elevations, the recessed element would be relatively small and would therefore not provide sufficient mitigation to overcome the adverse effects arising from the proposed development, as views from a large window would still be possible into the garden of the neighbouring property.
17. Furthermore, owing to the proximity of the development to the shared boundary and the relative height of the proposed development, there would be insufficient room for any of the views that would be gained from the proposed development to be screened by the existing boundary treatments.
18. In addition, any conditions requiring the installation of additional landscaping, planting of new landscaping or boundary treatments would not overcome my previous concerns given the height from which views would be gained and the relative position of this element of the proposed development.
19. It has been suggested that a Juliet balcony could be installed within the rear roof slope. Whilst this may be the case, it would have a different design to the appeal scheme. Therefore, the effects on the occupiers of the neighbouring property would be different to the appeal scheme. In consequence, this suggestion does not overcome, or outweigh, my previous concerns.
20. I therefore conclude that the proposal would have an adverse effect upon the privacy levels of the occupiers of the neighbouring property at No. 2. The development, in this regard, would conflict with the requirements of Policy BE3 of the Local Plan; Policy HSG1 of the Neighbourhood Plan; and the Design Guide. Amongst other matters, these seek to ensure that new developments should not unreasonably harm the amenity of existing residents; does not result in the loss of residential amenity

Highway safety

21. The proposed development would increase the number of bedrooms within the appeal site from three to five. This means that potentially the number of occupiers of people that could reside at the appeal site would also increase.
22. In consequence, there is a likelihood that the proposed development would result in an increase in the number of vehicle movements associated with the appeal site.
23. This raises a concern as there would not be sufficient room within the appeal site to accommodate the increased number of vehicles requiring parking spaces owing to the size of the site's drive. In consequence, some vehicles would be displaced onto the surrounding road network
24. The surrounding road network features a significant number of dropped kerbs. This reduces the potential space for vehicles to park within the surrounding

road network. In addition, the nearby roads are narrow, which also reduces the amount of space for vehicles to be parked near to the appeal site as some parked cars are likely to impede the flow of traffic.

25. Therefore, given that the proposed development is likely to result in the displacement of parked vehicles onto the surrounding highway, it is likely that the development would encourage unsafe parking practices as residents may be compelled to park in locations that are close to the appeal site owing to the greater amount of convenience.
26. However, parking in such locations is likely to result in insufficient visibility for motorists to manoeuvre safely. This would mean that the development would result in an erosion of highway safety as the lack of visibility for all road users would create a greater amount of conflict between different road users. This would mean that there would be an increased risk of collisions.
27. I therefore conclude that the proposed development would have an adverse effect upon highway safety. The development, in this regard, would conflict with Policy T6 of the Local Plan. Amongst other matters, this seeks to ensure that new developments provide an appropriate level of car parking.

Other Matters

28. The proposed development is likely to result in improved living conditions for the appellant's family. Whilst this is a matter of note, which I have had regard to, I am mindful that, in general, planning decisions should be made in the public interest. However, I have been directed towards adopted development plan policies which have been breached by the proposal and that notable harm would emanate from these breaches. Therefore, I do not find that the personal circumstances of the appellant outweigh my previous conclusions.
29. The appeal site is near to the Ivinghoe Conservation Area. However, the evidence before me is indicative that the proposed development would not have an adverse effect upon the character and appearance of the Conservation Area. I have no reason to disagree. Whilst this is a matter of note, it is only one of all the matters that must be assessed and therefore does not outweigh my conclusions in respect of the main issues.
30. I acknowledge concerns raised by the appellant regarding the manner in which the application was assessed by the Council. However, in considering this appeal, I have limited my considerations to the planning matters before me.

Conclusion

31. The proposed development would have an adverse effect upon the character and appearance of the surrounding area; the living conditions of the occupiers of No. 2; and highway safety. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed, and planning permission refused.

Benjamin Clarke

INSPECTOR