
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: 28 January 2022.

Appeal Ref: APP/J0405/D/21/3278999
14 Milton Road, Aylesbury HP21 7LZ

- 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 Ms Ria Hillier against the decision of Buckinghamshire Council.
 - The application Ref 21/01110/APP, dated 16 March 2021, was refused by notice dated 24 May 2021.
 - The development proposed is the erection of a single storey side/rear extension. First floor side extension. Loft conversion including hip to gable roof 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 appeal dwelling is a 2-storey semi-detached house with a single storey rear addition within a predominantly residential area within which properties vary in size, style and general appearance. I saw that several dwellings in the vicinity of the site have also been externally altered and extended including those to which the appellant has referred. Consequently, there is considerable variety to the existing built form in the local area to which No 14 belongs.
5. The new ground floor rear extension would extend across almost the full width of the plot and therefore exceed the width of the main 2-storey house. This element of the appeal scheme would also project outwards from the existing single storey rear extension for a considerable depth into the back garden of No 14. In doing so, it would elongate the built form of No 14, significantly enlarge its footprint and noticeably add to its size and mass.

6. Given its considerable width and depth, the new rear extension would be a disproportionate addition to the host building even taking into account the built form and site coverage of the detached garage that would be demolished and removed to make way for the proposal. When taken together with the existing rear extension, the proposal would totally overwhelm the rear façade of the main dwelling. In other words, a rear extension that is wider and longer than the main 2-storey house would be so large that the intrinsic character of the dwelling would be spoiled. That impression would be evident from the long back garden of No 14 and the rear of its attached counterpart, 12 Milton Road.
7. At the front, the proposed hip to gable extension and part of the new 2-storey side extension would be visible from a short section of Milton Road just to one side of the site. From this vantage point, the appeal scheme would draw the eye because the new roof shape and the additional built form at the side of the host building would disrupt the general symmetry between Nos 12 and 14 as a broadly matching pair. It would do so by unbalancing their principal elevations. For these reasons, the proposal would be an unsympathetic addition that would be obtrusive even among the varied built form within the local street scene.
8. My attention has been drawn to several examples of extensions to properties in the local area with photographs and some background details provided. The appellant considers that some of these extensions are larger and more prominent in their local street scene than the proposal and that the Council has been inconsistent in deciding to approve these schemes and not the development before me.
9. Having spent some time looking at the area around the host property and carefully reviewed the examples highlighted by the appellant, I agree that some elements of what is now proposed at No 14 are in place elsewhere that are visible from the road. These include large side additions and loft conversions with hip to gable extensions. I also acknowledge that the external materials to be used would match those of the existing dwelling.
10. In my experience, it is rare that direct parallels can be drawn between one site and another because the circumstances between them often differ. In this instance there are, it seems to me, significant differences in terms of location, proposals and characteristics between the various sites quoted and the new development such that preclude any meaningful comparisons between them.
11. It is also a central principle of the planning system that every proposal should be considered on its own merits within the framework set by the development plan. Having done so, my own conclusion is that the proposed changes would be on a scale where the form of the host building would be compromised and there would be a harmful impact on the street scene and the surrounding area.
12. The Council's Design Guide: Residential Extensions (DG) states it is almost always necessary not to overwhelm existing buildings and that once an extension begins to match or exceed the size of the original building then the architectural integrity of the original structure tends to become lost. That would be the case with the proposal before me. The National Planning Policy Framework (the Framework) also states that new 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 policies.

13. Against that background, I conclude on the main issue that the proposed development would cause significant harm to 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, amongst other things. It is also at odds with the Council's DG and the Framework for the reasons given.

Other matters

14. Once complete, the proposal would provide additional living space with an outlook across, and access directly to, the back garden. It would make efficient use of the available space especially at the side of the main house, which the appellant says is unusable as a parking space. According to the appellant, the proposal would allow photovoltaic tiles or panels to be inserted onto the roof, bicycle storage to be provided and an electric charging point to be installed at the front of the property. The appellant also says that a utility and washroom would be installed for disabled family members who cannot access floors above ground level. However, I am not persuaded that the only way to achieve these benefits is by developing the site, as proposed. These considerations do not outweigh the significant harm that I have identified.
15. Reference is made to the opportunity to erect a number of outbuildings in the back garden of No 14 through the exercise of permitted development (PD) rights. However, few details have been provided to indicate what form a PD compliant scheme would take, how it would compare with the proposal, or the likelihood of this course of action being pursued. Consequently, I am unable to attach more than limited weight to this consideration in favour of the appeal.
16. Aylesbury Town Council has raised no objection, which is noted in the Officer's report. However, Buckinghamshire Council, as the planning authority in this instance, is not tied to that decision. Its role is to decide the application having taken into account all of the evidence before it. That evidence includes the representation made by Aylesbury Town Council.
17. The appellant is critical of the Council and states that its decision to withhold planning permission took into account the viewpoint of a Councillor that she considers did not submit a conflict of interest notification. The procedures adopted by the Council for determining planning applications are generally a matter for the authority within the context of local government accountability.
18. An interested party raises additional objections including parking, over development and the potential multi-occupancy of the finished property. These are important matters and I have taken into account all of the submitted evidence. However, given my findings on the main issue, these are not matters that have been critical to my decision.

Conclusion

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

Gary Deane

INSPECTOR