



Appeal Decision

Site visit made on 18 January 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Appeal Ref: APP/N0410/D/21/3275824

The Bungalow, Wexham Street, Stoke Poges, SL3 6PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Sati Khaira against the decision of Buckinghamshire Council.
 - The application Ref PL/20/4361/PAHAS, dated 21 December 2020, was refused by notice dated 10 May 2021.
 - The development proposed is a notification under Town and Country Planning (General Permitted Development) Order 2015 (Amendment to part 1 of Schedule 2 Class AA) for additional storey to existing dwelling house (maximum height increase 2.6 metres).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development listed on the application form was 'the removal of the existing roof and the rection of a first-floor with a replacement matching roof. The first floor will be constructed of matching brick. The front and rear elevations will have casement windows and there will be rooflights in the front and rear roof slopes. The first floor will contain three bedrooms with two bathrooms. A further two bedrooms and an en-suite will be accommodated within the floor space'.
3. The Council amended the description to 'a notification under Town and Country Planning (General Permitted Development) Order 2015 (Amendment to part 1 of Schedule 2 Class AA) for additional storey to existing dwelling house (maximum height increase 2.6 metres)'.
4. The amended description was used on the appeal form. I consider that the amended description represents a more concise summary of the proposed development and have therefore proceeded on this basis.
5. The appeal site is located in the Green Belt. The National Planning Policy Framework regards the erection of new buildings in the Green Belt as generally inappropriate, unless specific criteria have been met. However, Permitted Development rights are, in general, applicable to properties within the Green Belt.

Background and Main Issue

6. Schedule 2, Part one, Class AA of the General Permitted Development Order (the GDPO) permits the enlargement of a dwelling consisting of the addition of

one story by the construction of a roof extension, together with any engineering operations reasonably necessary for the purpose of that construction. Development is permitted under Class AA of the GPDO subject to certain limitations and conditions, including the requirement that the developer applies for the prior approval of the Local Planning Authority.

7. The Council has confirmed that the proposed development complies with all the limitations to the permitted development as set out in the GDPO. The application was refused due to concerns regarding the external appearance of the dwelling itself, including the design and any architectural features.
8. Accordingly, the main issue is whether prior approval should be given having regard to the effects of the developments upon the living conditions of the occupiers of neighbouring properties with particular reference to outlook and privacy.

Reasons

9. The appeal site consists of a bungalow located to the rear of houses in Wexham Street and Farthing Green Lane. the surrounding area contains a large number of dwellings, several of which are houses. The appeal site is relatively level in nature with the boundaries being marked by a combination of wooden fences and walls. The area near to the front of the appellant's dwelling includes a driveway, car parking and a small lawn.
10. The proposed development would result in an increase in the height of the dwelling by reason of the additional storey. Owing to the height of the proposed development and the length of the appellant's dwelling, the proposed extension would have a significant mass. This would be exacerbated by the relatively narrow depth of the rear garden at the appeal site. These circumstances would ensure that the development would be readily perceptible within the rear gardens of the neighbouring properties.
11. In result, the development would therefore create an enclosing effect upon the gardens of the nearby residential properties. This means that the occupiers of the neighbouring existing dwellings would experience a diminished level of outlook owing to the overbearing effects upon their gardens
12. This arises owing to the increase in built form and the relatively level topography between the appeal site and the neighbouring properties. In consequence, this increases the prominence of the proposed development.
13. In addition, the proposed development would result in an increase in windows at first-floor level. These would face some neighbouring properties and, specifically, those to the rear of the appeal site. From these new windows views of significant portions of the neighbouring properties, including their rear gardens, would be achieved.
14. This would mean that the occupiers of the neighbouring properties would experience a substantially lower level of privacy than is currently the case. Owing to the relatively level topography between both appeal site and neighbouring properties and the nature of the boundary treatments, there is insufficient scope to mitigate this affect.
15. This is of particular concern given that the rear gardens of the neighbouring properties represent the only areas in which outdoor recreation might take

place within a private setting. In result, the loss of privacy would be particularly significant and would have a notable erosion of the living conditions of neighbouring occupiers.

16. It has been suggested that the effects of the proposed development would be akin to a new dormer window. However, such an installation would, in all likelihood, be smaller than the appeal proposal. This means that the effects of a dormer window would also be smaller than the appeal scheme before me. In result, I do not find that this suggestion overcomes my previous concerns.
17. My attention has also been drawn to houses in Wexham Street. I do not have the full information regarding their planning circumstances, which lessens the weight that I can attribute to them. Nonetheless, I note that the separation distance between the appellant's dwelling and the shared boundary with the properties in Wexford Street is greater than the distance between the appellants dwelling on the shared boundary with the properties to the rear.
18. In addition, the area to the front of the appellant's dwelling does not have the same level of sensitivity to change as the rear gardens of the neighbouring dwellings. In result, I do not find that the existing dwellings elsewhere in the facility allows me to disregard my previous findings.
19. Whilst the proposed development is unlikely to lead to a loss of light for the occupiers of the neighbouring properties, this does not overcome my previous concerns.
20. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conflict with the Framework.

Conclusion

21. For the proceeding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR