



Appeal Decision

Site visit made on 3 February 2022

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 FEBRUARY 2022

Appeal Ref: APP/J0405/D/21/3286835

14 Heron Close, Aylesbury HP20 1PT

- 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 Liam Amos, against the decision of Buckinghamshire Council.
 - The application Ref 21/03207/APP, dated 9 August 2021, was refused by notice dated 6 October 2021.
 - The development proposed is described on the planning application form as: 'one and a half storey side extension, loft conversion and rear dormer, single storey rear extension and front open porch (amended plans for refusal under 21/02059/APP)'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect on the character and appearance of the host dwelling and locality.

Reasons

3. The appeal concerns a semi-detached bungalow located in a cul de sac of generally similar properties, with some single storey dwellings also found nearby in Connaught Road. These provide a significant degree of consistency to the built environment in the vicinity and are characterised by their simple, linear pitched roof form.
4. In the Council's Residential Extensions Design Guide (REDG) it is indicated that dormers should generally have pitched roofs. It is also advised that larger additions need to be carefully designed as over dominant or box-like roof extensions can be particularly incongruous.
5. The flat topped rear dormer extension now proposed would have fairly limited gaps to the sides and the ridge of the main roof, while abutting the eaves level of the property. In these circumstances I have no doubt that this extension would comprise an overly dominant, intrusive and discordant feature, unacceptably at odds with the pitched roof character of the host dwelling and adjacent properties.
6. The Appellant refers to rear dormer extensions at 2 Connaught Road and 16 Heron Close, where there are also similar features at the front. It is suggested that these have set a precedent for accepting the appeal scheme. Nevertheless, I saw at my site visit that these are, as a whole, smaller than

that now proposed, especially bearing in mind their fairly generous gaps to the eaves. This is the case even if the addition at 16 Heron Close abuts the boundary with no. 15, which I was not able to verify.

7. In any event, they are somewhat isolated and unusual instances with dwellings nearby generally not having been subject to such alterations and therefore retaining their original pitched roof character. Moreover, I have not been provided with the full details and background to these cases. As a result, there is nothing to show that the Council has been unreasonably inconsistent in its decision making. Rather than justifying the appeal scheme, the nearby additions illustrate the adverse effect that such development can have.
8. Because of the location of the addition at the back of the dwelling there would be no significant effect on the streetscene. It is also acknowledged that the host dwelling is not a Listed Building and is not located in a Conservation Area. However, regardless of matters such as these it is concluded that the character and appearance of the host dwelling and locality would be harmed for the reasons given.
9. As well as being at odds with the REDG, the development would therefore conflict with Policy BE2 of the Vale of Aylesbury Local Plan, which seeks, among other things, to ensure that new development respects and complements the local distinctiveness of the locality in terms of form.
10. In the National Planning Policy Framework (The Framework) it is indicated that planning decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene and is well designed.
11. Notwithstanding that this case involves the enlargement of an existing dwelling rather than use for a new home, for the reasons given the upward extension would be inconsistent with the prevailing form of neighbouring properties and would not be well designed anyway. Moreover, there would also be conflict with the Framework in respect of the failure of the development to add to the overall quality of the area and be visually attractive and sympathetic to local character.
12. The Appellant suggests that two alternative roof extensions could be constructed using permitted development rights, with one including the prior approval process. The relevance of such matters are as fall-back positions. However, there are no drawings of either scheme that would enable a meaningful comparison with the current proposal. I also note that it is advised that the scheme not involving prior approval would be smaller than that now proposed, albeit modestly. In consequence, I have no evidence to show that either potential development would have an impact greater than the scheme before me sufficient to justify accepting the appeal in order to seek to prevent an appreciably more damaging development.
13. The Council has raised no objections in relation to other parts of the development, including the side and rear extensions. I share the view that matters such as the size, position and design of the other parts of the scheme would prevent any adverse effect in relation to either the living conditions of the adjacent occupiers or the character and appearance of the locality. The

roof addition would not harm residential amenity due to its position and the orientation of windows facing down the rear garden. The proposal would meet the Council's car parking standards and there is no flood risk objection. Nevertheless, mere acceptability in respect of these considerations does not weigh positively in favour of the appeal and cannot therefore offset the harm that I have found.

14. I acknowledge the concerns raised by the Appellant over the Council's handling of this matter. I also note that the application seeks to address a previous refusal of planning permission. However, these matters do not confer acceptability and I must decide this appeal strictly on its own planning merits. The development would make more efficient use of the site in a location with good access to local shops and services, while providing additional habitable accommodation for the Appellant's family. However, in this instance this would be achieved at the undue expense of the quality of the built environment.
15. Taking account of the above considerations and all other matters raised, it is decided that the appeal fails.

M Evans

INSPECTOR