



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: 17 FEBRUARY 2022

Appeal Ref: APP/X0415/D/21/3285487

Homestead Farm, Homestead Close, Dinton HP17 8UA

- 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 Mrs Claire Brooke, against the decision of Buckinghamshire Council.
 - The application Ref 21/02552/APP, dated 18 June 2021, was refused by notice dated 25 August 2021.
 - The development proposed is described on the planning application form as a 'loft conversion and detached double garage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Last year the Council granted planning permission for a detached garage that has subsequently been built. As a result, my consideration of this appeal is effectively confined to the loft conversion part of the original application. In 2021 a separate planning permission was also granted for a loft conversion, which is of relevance as a potential fallback position in this appeal.

Main Issue

3. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at Orchard Field, with regard to overlooking.

Reasons

4. The appeal concerns a detached dwelling with a single storey below eaves level, which has its rear elevation adjacent to the boundary with the neighbouring dwelling at Orchard Field. There is a wooden fence along this boundary and although it has only been in place for a fairly short period its presence must be taken into account and there is no reason to believe that it might be removed. In any event, it is generally the case that such a fence can be erected without the need for planning permission should an occupier wish to improve their privacy.
5. The access drive into the neighbouring property extends from the highway in Upton Road and its passage towards the house enables views of parts of the garden. However, any associated movements would be likely to be intermittent and relatively infrequent in nature, while they may well often involve those invited to the property such as friends and relations. I am not

therefore persuaded that this drive necessarily results in any significant loss of privacy.

6. The adjacent dwelling, Spindleberrys, has first floor dormer additions but these are broadly at a right angle to the plot of the dwelling at Orchard Field. Therefore, they only enable fairly oblique views of the external amenity space, so that there is no undue overlooking from this source.
7. There are ground floor windows at Homestead Farm facing the fence and a large glazed area in the south-east end elevation. At my site visit, I considered the view from these openings, while also assessing the proposal from the neighbouring property. I saw that the existing windows generally have a reasonably restricted view of the adjacent garden as a whole, over the top of the fence. Moreover, there is also a significant area towards the fence that cannot be seen at all from these windows and has a particularly high standard of privacy. This is the case despite the higher ground level of Homestead Farm relative to Orchard Field.
8. In any event, the proposed dormer addition would contain three windows in an appreciably more elevated roof level position, enabling views into the adjacent garden at an unduly close proximity. It is noted that the house at Orchard Field would, according to the Appellant, be over 25m from these openings but the distance from the garden would be particularly modest and limited.
9. In the above circumstances, the new windows would introduce direct overlooking of the amenity space of the adjacent dwelling at a height that is not currently possible. This would be significantly more intrusive and damaging than the potential overlooking and loss of privacy that the Appellant suggests the occupiers of Orchard Field are currently subject to.
10. I saw at my site visit that during periods of leaf fall the trees at Orchard Field and other vegetation would not prevent harmful overlooking, given the extent of the views that could be obtained. Moreover, the blocking of views, even if possible with new planting at Homestead Farm, secured by a condition, would not acceptably resolve this concern given that vegetation can simply die or be removed by future occupiers anyway.
11. The permitted loft conversion includes a rear dormer with two high-level windows limited to a minimum cill height of 1.7m above the internal floor level by a condition, appreciably restricting visibility. There would also be separate rooflights in this elevation where any views would be significantly limited by the slope of the roof and their fairly modest size.
12. In consequence, this development would have noticeably less impact than the appeal scheme. There would also be an appreciably lesser perception of being overlooked given the relatively modest size of the high-level windows. This potential fallback position would not therefore justify accepting the significantly greater impact arising from the appeal scheme.
13. There would be a new window in the south-east end elevation of the host dwelling. Given the distance and orientation in relation to other properties this would not result in any undue loss of privacy.
14. Nevertheless, due to the unacceptable overlooking of Orchard Field, the living conditions of the adjacent occupiers would be unreasonably harmed. The scheme would therefore conflict with Vale of Aylesbury Local Plan Policy BE3

and the National Planning Policy Framework, which, taken together, seek to ensure satisfactory and high standards of amenity for existing and future residents.

15. The appearance of the flat roof rear dormer addition is acceptable given the fairly generous space to the sides which would prevent it from appearing unduly dominant. Nevertheless, mere acceptability in this respect does not weigh positively in favour of the appeal.
16. Taking account of the above and all other matters raised, due to the harm that would arise it is determined that the appeal fails. In reaching this decision I have carefully studied the photographs submitted by the Appellant.

M Evans

INSPECTOR