



Appeal Decision

Site visit made on 9 February 2022

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/K0425/C/21/3285857

Land at Braeside Cottage, Naphill Common, Naphill, Buckinghamshire, HP14 4RF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Martyn Sims against an enforcement notice issued by Buckinghamshire Council - West Area (Wycombe).
 - The notice, reference 21/00029/OP was issued on 1 September 2021.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a single storey extension.
 - The requirements of the notice are 1. Demolish the extension (shown outlined in blue on the attached plan); and 2. Remove all materials and debris resulting from carrying out step 1 of this Notice from the Land shown outlined in red on the attached plan.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. It is directed that the enforcement notice is varied by extending the compliance period to 6 months. Subject to that variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (c)

2. This ground is that the matters alleged do not require planning permission, in this case because the appellant suggests they are permitted development. Because the house lies within the Chilterns AONB then Class A.2 of Part 1 of the General Permitted Development (England) Order 2015 is the relevant limitation. This says that development is not permitted if "*the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse*".
3. Braeside Cottage is the last house in a terrace and sits at the end of the cul-de-sac. The extension is attached to the wall that fronts the access drive. In the neighbouring houses this is clearly the front, as it contains the front door and fronts onto Braeside. Braeside Cottage however faces into its garden, and a new access has been created from Chapel Lane which runs at right angles to Braeside. The garage, which is beside the Cottage has been turned around so it too faces towards Chapel Lane. There is no dispute the façade that fronts Chapel Lane is the front of the house. It must therefore follow that, by definition, the rear of the house is directly behind the front and the other two

façades are “sides”. In this case the rear of the house is joined to the neighbour and one of the sides is where the extension is located. I accept this means the house doesn’t have a rear façade, but that is just a quirk of its design. It doesn’t mean that a different façade can be nominated as the rear, when it clearly is a side. The appeal on ground (c) is refused.

The Appeal on Ground (a)

4. This turns on whether the extension harms the character and appearance of the area. Policy DM30 of the Wycombe Local Plan (2019) requires development to, at least, conserve the natural beauty of the AONB; DM35 requires development to create positive and attractive buildings and spaces; while DM36 requires extensions to be of a high quality and respect the character and appearance of the surrounding area.
5. In this case Braeside Cottage is the last house in the cul-de-sac and the garage, which stood at the end of the short access road and in front of the building line created by the side wall of the house, terminating the view with a line of trees beyond. This was clearly a part of the design of the estate, which I saw generally was well thought out, the houses finished in high quality materials and evidencing a degree of consistency in their form and character, with the mix of red brick and flint, the decorative bands of brick, porches over the doors and use of small dormers.
6. The extension by way of contrast, despite continuing the decorative brick band, is blocky and squat in appearance, with a large grey metal looking fascia and flat roof with a central roof light. It is entirely at odds with the form and character of the house itself and the estate in general. I saw very few other extensions visible from the public realm in the estate which was remarkable homogenous. The one that was pointed out, while not of the highest quality was not as jarringly out of place as the appeal structure which is contrary to the three policies mentioned above. The appeal on ground (a) fails.

The Appeal on Grounds (f) and (g)

7. The appellant suggests the extension could be redesigned to enable it to fit in more easily. However, no alternative scheme has been provided and it is not clear whether or how the extension could be improved. Certainly the removal of the large fascia and flat roof with its roof light, would be an improvement, but a pitched roof would present problems because of the side window on the first floor. The bricks used also appeared to be a different colour and the extension sits uncomfortably in front of the garage creating a cluttered end to the cul-de-sac that is clearly not part of the original design.
8. In my view the extension is harmful as described by the Council and demolition would seem to be the only way of remedying the breach and alleviating any injury to amenity. I agree however, that 3 months would not seem to be adequate time to find a builder and fulfil the requirements of the notice. I shall extend the compliance period to 6 months.

Simon Hand MA

INSPECTOR