

Appeal Decision

Site visit made on 3 February 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 FEBRUARY 2022

Appeal Ref: APP/X0415/D/21/3286030

36 Layters Avenue, Chalfont St Peter, Bucks., SL9 9HP

- 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 O Drakwall against the decision of Buckinghamshire Council.
 - The application Ref PL/21/2709/FA, dated 7 July 2021, was refused by notice dated 13 September 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Arrangements had been made for me to assess the effects of the proposed development from the neighbouring property, 38 Layters Avenue, which I did.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of the residents of 38 Layters Avenue with specific reference to visual impact.

Reasons

4. The appeal property is set within a small terrace of dwellings in a predominantly residential area. The proposed flat roofed rear extension, about 4m deep, would extend to virtually the full width of the plot, stopping just short of the property's side boundaries with Nos 34 & 38 Layters Avenue; the submitted plans show it to be 3m high.
5. The terrace has a staggered rear building line. The appeal dwelling's rear elevation thus projects well beyond No 38's, so that No 36's two-storey side elevation currently forms part of the common boundary. No 38 is two-storey, with a single storey rear projection, which houses a sitting room/lounge facing the rear garden. Two openings serve the sitting room – a window, closest to No 36, and a set of glazed patio doors opening out onto a paved area. A panelled wooden fence of what appeared to be standard dimensions runs along the boundary demarcating Nos 36 & 38's rear gardens. No 38 also has a side garden, as noted by the appellant, and the garden is separated from the adjacent highway by a thick hedge.

6. Largely for the same reasons, I share the appellant's view and that expressed in the Council's officer report that the proposal would not give rise to unacceptable loss of privacy, daylight or sunlight to the neighbours either side.
7. The extension, would have the effect of extending No 36's side wall to almost 7m from No 38's rear elevation. Although the appellant suggests otherwise, the proposed extension, in my view, would protrude materially above the height of the fence currently separating the rear gardens, even if the fence survived the construction process. The extension, in my opinion, would appear unacceptably bulky, dominating and oppressive when viewed from both within No 38's rear sitting room and from its small rear garden. The occupants of this property would feel increasingly hemmed-in by the development, were it built.
8. Although No 38 also has a side garden, given the layout of the dwelling and the position of its openings, it is clear to me that No 38's occupants have a closer and more intimate physical and practical relationship with the small rear garden than the part to the side.
9. I therefore conclude that the proposal would unacceptably harm the living conditions of the occupants of 38 Layters Avenue by reason of its adverse oppressive visual impact upon them. Accordingly, a clear conflict arises with those provisions of saved policies GC3, H13, H14 and H15 of the Chiltern District Local Plan – 1997 designed to protect neighbouring residents from the adverse effects of development, including extensions.

Other matters

10. The appellant has referred to what is described as an 'identical' scheme at No 30, in the same terrace, which was granted permission by the Council, which she considers should be treated as a precedent. However, the full details of that case are not before me and I am therefore unable to give the weight to that decision which the appellant considers it deserves. In any event, as the Council suggests, each application should be treated on its individual merits, and in this case, I have found the development to cause unacceptable harm for the reasons stated.
11. No 38's resident submitted several letters and photographs to the Council during the course of the determination setting out her objections, and representations were also made by her local ward councillor and the Parish Council. The letters raise several non-planning issues such as ownership, party wall agreements and future maintenance, which are not within my purview, and which therefore have not been taken into account in my assessment.
12. All other matters raised in the representations have been taken into account, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusion that the appeal should be dismissed.

G Powys Jones

INSPECTOR