



Appeal Decision

Site visit made on 21 March 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2022

Appeal Ref: APP/X0415/D/21/3288545

12 Penfold Cottages, Penfold Lane, Holmer Green, High Wycombe, HP15 6XR

- 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 Jacob Puttick against the decision of Buckinghamshire Council.
 - The application Ref PL/21/3222/FA, dated 10 August 2021, was refused by notice dated 28 October 2021.
 - The development proposed is a part two storey part single storey rear extension, with a single storey side extension and the creation of a front porch.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of occupiers of 8 Penfold Cottages, with particular regard to light and outlook.

Reasons

3. The appeal property is a semi-detached house in a residential street. Side accesses to the rear gardens of the appeal property and its neighbour, No 8, provide a gap between the houses. First floor bedroom windows on the side elevations of both houses face each other above the side accesses. The appeal property has a small flat roofed side projection which provides a door from the kitchen to the side access and garden. The kitchen extends back at the rear the house with a single pitched roof extending up to where it joins the main roof at eaves level. At the front of the house a 2 storey gable end projects forward accommodating part of the lounge and an upstairs bedroom.
4. The proposed development includes a porch on the side of the front projecting gable and a ground floor extension which would wrap around the side and rear of the house above which a second floor rear extension that would project back from most of the rear of the house. The Council's concern relates to the extent to which the 2 storey rear extension would appear overbearing from, and reduce light to, the neighbours' side bedroom window, as this is the only window serving the bedroom.
5. No 8's side bedroom window is approximately opposite the side kitchen door of the appeal property, above which the ground floor kitchen roof extends at an

angle up to the main roof. Consequently, although the appeal property partly obscures views out of the window, there are views across the kitchen roof and to the side of it. The proposed first floor rear extension would project from the rear of the house to a depth of approximately 4.3 metres measured from the rear building line and at eaves level. However, the roof would extend from the rear gable end of the proposed extension to above the eaves and over the existing kitchen roof to meet the main roof ridge. As a result, the existing sloping pitched roof profile would be replaced by a substantially bulkier one which would fill most of the view from the neighbours' bedroom window. It would be considerably more visually intrusive and overbearing than the existing house and have an unacceptable impact on the outlook from the bedroom window.

6. The appellant is correct that the orientation of the neighbours' window, and position of the proposed rear extension, would not affect access to sunlight entering the bedroom, but it would affect daylight as it would block out a significant proportion of the sky that was previously visible from it. Whilst no technical daylight assessment has been provided to me, I am satisfied that the reduction in daylight that would occur, in combination with the overbearing effect that the proposed development would have would lead to an unacceptable detrimental impact on the living conditions of occupiers of the bedroom and the proposal would therefore conflict with Policies GC2, GC3, H13 and H14 of the Chiltern District Local Plan - 1997 (including alterations Adopted 29 May 2001) (Consolidated September 2007 & November 2011) (CDLP) and the Residential Extensions and Householder Development Supplementary Planning Document (2013) which seek to ensure that development does not lead to a significant detrimental impact on neighbours.

Other Matters

7. The appellant considers that the Local Plan policies are out of date and as such the proposal should be considered against the policies of the National Planning Policy Framework (the Framework). Although the CDLP was adopted some years ago, Paragraph 219 of the Framework states that due weight should be given to policies according to their degree of consistency with the Framework. I consider the relevant policies of the CDLP to be consistent with Paragraph 130 of the Framework which seeks to ensure that development promotes health and well-being and has a high standard of amenity for existing and future users. As such, I accord them substantial weight.
8. I have had regard to the benefits identified by the appellant which align with the Framework's sustainability objectives, such as the contribution that building works can make to the local economy. However, the harm to living conditions that I have identified and resultant conflict with the Local Plan policies would significantly and demonstrably outweigh the proposal's benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore be sustainable development for which the Framework indicates a presumption in favour, as suggested by the appellant.
9. The appellant has provided examples of developments which the Council approved at Nos 1 and 9 Penfold Cottages. No 1 is an end of terraced house and its position relative to neighbouring houses is different to that of the appeal site. Regarding No 9, I do not have enough details of the neighbouring property to assess any direct comparability. In any case, I have come to my own view

regarding the development rather than relying on the approach the Council may have taken elsewhere.

Conclusion

10. I have considered all other matters raised in support of the appeal, including the absence of public representations. However, for the reasons above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR