



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/N0410/D/21/3289738

103 Gregories Road, Beaconsfield, Buckinghamshire, HP9 1HZ

- 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 and Mrs Alan and Elaine Lowe against the decision of Buckinghamshire Council.
 - The application Ref PL/21/2039/FA, dated 18 May 2021, was refused by notice dated 14 October 2021.
 - The development proposed is part double storey, part single storey side extension, single storey rear extension.
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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 105 Gregories Road, with particular regard to outlook and privacy.

Reasons

3. The appeal property is a large, detached house in a substantial plot. Gregories Road is on a slope and the neighbouring property, No 105, sits below the appeal property. The land also slopes from the front to the rear of the site. The appeal property is built into the slope and is three storeys at the front and 2 storeys at the back. The rear garden is stepped, as is the close board boundary fence between it and No 105. No 105's garden boundary consists of an embankment rising to the boundary fence. Mature trees along the embankment provide screening between the two properties. Nonetheless, I could see between the vegetation from the appeal site into the neighbouring property. Steps at the side of the appeal property provide access to the rear garden and a gap between the house and boundary wall.
4. The proposed development is for a flat roofed extension to the rear of the property. It would abut the boundary and replace the steps up to the garden, thus reducing the gap between the 2 houses. It would be built into the slope and from the front of the house it would appear as 2 storeys, with a small bin storage area on the ground floor, above which there would be a window serving a utility room. The remainder of the extension at the rear would be 1 storey, providing a sitting room at the rear of the kitchen.

5. The rear building line of the appeal property extends further back than No 105. Part of the side of the building is therefore visible looking across from the garden and windows of No 105, albeit at an angle, along with the fence at the top of the embankment. Occupiers of No 105 will, therefore, already be used to the overbearing presence of the appeal property and boundary fence. The appellant has also referred to existing trees within No 105's ownership as adding to the sense of an existing overbearing impact.
6. The proposed extension would extend along a substantial proportion of the rear garden boundary of No 105. Plans indicating its side profile, relative to the existing boundary fence, show that the extension would be significantly higher than the fence for most of its length, although diminishing as the fence steps upwards following the garden slope. It would have a more solid appearance than the existing fence and trees which are more naturally associated with a garden and as such are less visually intrusive than a building. Whilst the existing trees would to some extent screen the proposed development, it would be seen as a solid structure high above the ground level of No 105's garden, and along much of its rear boundary. From the rear of the property, it would appear considerably more dominant and overbearing than the existing fence and trees. Also, the shared boundary is angled slightly towards No 105 which would increase the impact of the proposed development.
7. The appellant has suggested that the garage and study at No 105, which are closest to the proposed development, should be considered as secondary spaces rather than habitable rooms and are therefore less sensitive to views. That may be the case for the garage, but with home working becoming more common an office or study can be used for much of the day and as such the impact on outlook from it is as important as from other habitable rooms. Overall, I conclude that the proposed development would be unacceptably visually intrusive and overbearing when viewed from the neighbours' study and from within their garden.
8. The utility room window would face windows on the rear elevation of No 105 and would be at an angle and distance that would cause a greater potential for overlooking than is currently the case, particularly into the neighbour's study. However, this could be mitigated by a planning condition requiring the window to be obscured glazed and as such is not a reason to withhold planning permission. Nonetheless, I have found that the proposal would harm the outlook from 105 Gregories Road and as such harm the living conditions of its occupants', contrary to Policies EP3 and H11 of the South Bucks District Local Plan (March 1999) (Consolidated September 2007 and February 2011) and Policy CP8 of the South Bucks Core Strategy (February 2011) which require development to be of a high quality and not adversely affect the amenity of nearby properties.

Conclusion

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

P D Sedgwick

INSPECTOR