



Appeal Decision

Site visit made on 27 May 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal Ref: APP/J0405/D/22/3295527

61 Bicester Road, Aylesbury, HP19 9AN

- 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 Z Anwar against the decision of Buckinghamshire Council (Aylesbury Area).
 - The application Ref 21/04330/APP, dated 8 November 2021, was refused by notice dated 30th December 2021.
 - The development proposed is a first floor rear extension with new front window and side window with Juliet balcony.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice describes the proposed development as "infill extensions to front and rear, roof alterations to accommodate first floor living space including raising the ridge height, front gables and rear dormer windows."
3. Permission was recently granted for a first floor rear extension¹ with new front window and side windows with Juliet balcony. The proposal the subject of this appeal would project to the rear across the full width of the dwelling, whereas the recent permission provides for a step-in from the side of the property closest to the neighbouring property, Number 63 Bicester Road.

Main Issue

4. The main issue in this case is the effect of the development on the living conditions of the occupiers of Number 63 Bicester Road, with regards to daylight and sunlight.

Reasons

5. The appeal property is a two storey detached dwelling located in a mixed use but largely residential area along Bicester Road, a busy highway to the north west of Aylesbury. The dwelling is set back from the road behind an open parking area. It is of brick construction and has a number of extensions to the rear.

¹ Reference: 21/00854/APP.

6. Beyond the dwelling to the rear is a garden, to the back of which is a large detached outbuilding.
7. During my site visit, I observed that the side of the appeal dwelling is located close to the side of No 63 Bicester Road, a two storey end-terrace dwelling.
8. Further to observation during my site visit, I noted that the levels of daylight and sunlight reaching the side of No 63 are already relatively low, due to the orientation of that dwelling's windows and to the existing scale and proximity of the appeal dwelling; and that any further reductions in respect of daylight and sunlight would be likely to result in a significant impact in respect of loss of light and overshadowing.
9. The proposed development would bring a first storey extension close to the shared boundary between Nos 61 and 63 and given the proximity, location and scale of the development proposed, it would inevitably result in some degree of reduction in the amount of sunlight and daylight reaching the side of Number 63.
10. Consequently, taking all of the above into account, I find that the proposed development would harm the living conditions of neighbouring occupiers, with regards to daylight and sunlight, contrary to the National Planning Policy Framework; to Vale of Aylesbury Local Plan (2021) Policy BE3; and to the Council's Residential Extensions Design Guide (Amended 2013), which together amongst other things, seek to protect residential amenity.

Other Matters

11. Whilst the appellant states that the occupiers of No 63 Bicester Road do not consider that their amenity will be disturbed, I note that the occupiers of a dwelling may change over time. Notwithstanding this, I have found that the proposed development would result in significant harm and hence the decision below.
12. The appellant states that he did not agree to the approved plans relating to the extant planning permission referred to above. This is a matter between the appellant and his agents.

Conclusion

13. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR