

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/22/3292607
39 Siddington Drive, Aylesbury, HP18 0UE

- 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 Rachid Zine El Abidine against the decision of Buckinghamshire Council (Aylesbury Area).
 - The application Ref 21/03938/APP, dated 6 September 2021, was refused by notice dated 22 November 2021.
 - The development proposed is a part single, part two storey rear extension. Single storey extension to existing detached outbuilding. Loft conversion with associated works.
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Decision

1. The appeal is allowed in part and planning permission is granted for a single storey extension to existing detached outbuilding at 39 Siddington Drive, Aylesbury, HP18 0UE in accordance with the terms of the application, Ref 21/03938/APP, dated 6 September 2021 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: PPA 20 0002 A02 insofar as it relates to a single storey extension to existing detached outbuilding.

Procedural Matters

2. For clarity, permission is only granted for that part of the development referred to under the decision above. The appeal is dismissed insofar as it relates to a part single, part two storey rear extension. Loft conversion with associated works.
 3. The description of the development proposed is taken from the Council's decision notice which is more detailed than that provided on the application form. The application form describes the proposed development as "rear 2 storey extension and loft conversion."
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4. The Council has no objection to the proposed single storey extension to existing detached outbuilding and consequently, this decision focuses on the proposed rear extension and loft conversion.

Main Issue

5. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal property is a modern two storey detached dwelling located within a new residential housing estate. The dwelling is of brick and tile construction. It is set close to Siddington Drive at the front, has a driveway leading to a single storey garage to the side and has a small garden to the rear.
7. The area is characterised by the presence of two storey detached, semi-detached and terraced dwellings. Dwellings along this part of Siddington Drive tend to be located close to one another on quite tight plots, set close to the road and with small garden areas to the rear.
8. The housing estate appears modern and whilst few changes appear to have been made to dwellings, I noted during my site visit that where dwellings have been altered and/or extended, such changes appear to be in keeping with their host properties and surroundings. As a consequence of this, the area has a strong sense of uniformity.
9. During my site visit I observed that the juxtaposition of streets is such that the rear elevation of the appeal dwelling appears prominently from Perrine Close, to the rear, from which the appeal property is separated by a garden wall.
10. The proposed rear extension would extend across the entire width of the appeal dwelling and would feature a tall gable roof, to the height of the existing ridge. Together, I find that the width and height of the proposal would result in a rear extension of such scale and bulk as to appear to overwhelm and unduly dominate the host property. The proposal would fail to appear subordinate to the host property.
11. The harm arising from this would be exacerbated as a result of the prominence of the appeal dwelling's rear elevation in views from Perrine Close, such that the proposal would draw attention to itself as a large and bulky feature that would dominate its surroundings to the point of visual intrusiveness.
12. The appellant, in support of his case, draws attention to the appearance of other dwellings in the area. However, there is no evidence to demonstrate that there are other developments in the vicinity that share such similar characteristics and circumstances as the proposal before me as to provide for direct comparison. Notwithstanding this, I have found that the proposal would result in significant harm and this is not a factor outweighed by the presence of other developments elsewhere.
13. Taking the above into account, I find that that part of the proposal relating to the part single part two storey rear extension and loft conversion with associated works would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Vale of Aylesbury Local

Plan (2021) Policy BE2; and to the Council's Residential Extensions Design Guide (Amended 2013), which together amongst other things, seek to protect local character.

Conditions

14. As part of this appeal, the Council submitted a request for a number of conditions to be imposed should the appeal be successful and I have considered these against the tests set out in Paragraph 56 of the Framework.
15. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
16. A condition controlling external finishes is necessary in the interests of local character.
17. The Council also suggests a condition requiring bird box installation, but no indication is provided in respect of which part of the proposed development such a condition might apply to and there is nothing to lead me to conclude that such a requirement might appropriately apply to a small flat-roofed extension to the garage. The proposed development has only been allowed in part and the proposed condition does not meet the appropriate tests in respect of the development granted planning permission.

Conclusion

18. For the reasons given above, the appeal succeeds in part.

N McGurk

INSPECTOR