

Appeal Decision

Site visit made on 1 June 2022

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/X0415/D/21/3288908

Tregellen, 21 Back Lane, Chalfont St Giles HP8 4PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr James Barrett against the decision of Buckinghamshire Council.
 - The application Ref PL/21/3934/VRC, dated 7 October 2021, was refused by notice dated 2 December 2021.
 - The application sought planning permission for two storey front, first floor side extensions, garage, car port and loft conversions, external insulation cladding with monochrome render finish without complying with conditions attached to planning permission Ref PL/19/2466/FA, dated 10 September 2019.
 - The conditions in dispute are Nos 3, 4 and 5 which state that:
 - 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the southern flank elevation of the extension hereby permitted.
 - 4. The first and second floor windows in the southern flank elevation, the first floor rear window serving the dressing room and the southern rear dormer of the extension hereby approved shall only be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
 - 5. This permission relates to the details shown on the approved plans as listed below:
Drawing No.(s): 11-00 P1 received on 16 July 2019, 11-01 P1 received on 16 July 2019 and in accordance with any other conditions imposed by this planning permission.
 - The reasons given for the conditions are:
 - 3. To protect the amenities and privacy of the adjacent property.
 - 4. To protect the amenities and privacy of the adjacent properties.
 - 5. To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.
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Decision

1. The appeal is allowed and planning permission is granted for two storey front, first floor side extensions, garage, car port and loft conversions, external insulation cladding with monochrome render finish at Tregellen, 21 Back Lane, Chalfont St Giles HP8 4PB in accordance with the application Ref PL/21/3934/VRC, dated 7 October 2021, subject to the conditions in the attached Schedule.

Main Issues

1. The main issues are the effects of the proposal on:
 - i) The character and appearance of the house and the local area; and
 - ii) Living conditions at the neighbouring property, 20 Grayburn Close, in terms of privacy.

Reasons

Background

2. The proposal is for the variation of 3 planning conditions to allow for changes to the internal layout, roof form, rooflights, windows and doors of the approved extensions, which are part built. The Council raises no concerns in regard to several aspects of the revised scheme, including a change to a hipped roof on one gable, replacement of a dormer window with rooflights and changes to window positions on the south side elevation. The Council's concerns are about the proposed increase in glazing on the front elevation and the use of clear glazing for a first floor rear window.

Character and appearance

3. Back Lane is mainly characterised by an architecturally varied mix of 20th Century houses and bungalows. The proposed increase in glazing on the front wall together with the rendering and other changes would give the house a more contemporary style than other nearby buildings. The area does, however, have a capacity to absorb such changes due to its reasonably diverse architecture. The corner plot location is appropriate for a somewhat different treatment like this, which would stand out in comparison to most of the other houses on the street but would not be so dissimilar that it would appear to be out of place. The proposed glazing would complement the other permitted changes, improving the design quality of the house and adding interest to the street scene.
4. I conclude that the proposed changes to the house's glazing would not harm the character and appearance of the house or the local area. The proposed variation accords with the aim of policy GC1 of the Chiltern District Local Plan as altered and consolidated (LP), to ensure that development is designed to a high standard, including elements such as windows and doors.

Living conditions

5. Condition 4 of the existing permission requires the obscure glazing of a new first floor rear window and 1 of the 3 new rear dormer windows, which all look out towards the back garden of 20 Grayburn Close. The first floor rear window is a replacement for a larger window which did also previously look out towards No 20. Originally intended to serve a dressing room, this new window is now proposed to serve a bedroom. The appellant asks that it be allowed as clear glazed.
6. The view from this window is currently blocked by an evergreen tree, but it seems unlikely that that tree would be retained in the long term. Likewise, trees in the back garden of No 20 might be removed in the future. Although the window is positioned fairly close to No 20's rear garden, just under 10m from the boundary, that house has a wide garden with its main patio area and

outdoor living space much further away. In these circumstances, even with the trees removed, the window would not give overly intrusive views into No 20's garden. The dormer window above this window at second floor level would still need be obscure glazed as currently required, due to its extra elevation which would give it more commanding views. The adjacent first floor rear windows serving a bathroom and an en suite should also be obscure glazed in order to reasonably minimise the overall amount of overlooking of No 20's garden. These 3 windows would need to be covered by the revised condition to ensure their obscure glazing, as indicated on the original drawings and confirmed in the appellant's appeal statement.

7. I conclude that, subject to an appropriately revised condition, the clear glazing of this rear first floor window would not unduly affect living conditions at No 20 due to loss of privacy. The proposed variation therefore accords with LP Policy GC3's aim to protect the amenities enjoyed by occupants of neighbouring properties.

Conditions

8. As this will be a free-standing planning permission, it is necessary to pull forward all relevant conditions from planning permission PL/19/2466/FA. The standard condition requiring commencement within 3 years is not necessary, however, because the works have already started. The numbering of the other conditions alters accordingly.
9. Approval of materials is necessary in the interest of local character and appearance, as external materials are not specified on the approved plan. Conditions 4 and 5 (as was) are varied in order to allow for the revised plans and the clear glazing of a first floor rear window, as set out above. Condition 3 (now No 2) does not need to be varied because the relevant revised plan can be specified in the new version of condition 5 (now No 4). The revised conditions are necessary in order to protect local character and appearance and neighbours' privacy.

Conclusion

10. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

SCHEDULE OF CONDITIONS

1. The exterior of the development hereby permitted shall only be constructed in accordance with a schedule of external facing materials that has been submitted to and approved in writing by the Local Planning Authority.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed

at any time at first floor level or above in the southern flank elevation of the extension hereby permitted.

3. The first and second floor windows in the southern flank elevation and the southernmost rear dormer window of the extensions hereby approved and the three central first floor rear windows of the resulting house shall only be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
4. This permission relates to the details shown on approved plan No 21/3932/1, and the other conditions imposed by this planning permission.