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## Appeal Decision

Site visit made on 2 August 2022

**by J Davis BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8TH August 2022**

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**Appeal Ref: APP/X0415/D/22/3295456**

**104 Mount Nugent, Chesham, Bucks, HP5 2ND**

- 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 Mrs S Sajjad against the decision of Buckinghamshire Council.
  - The application Ref PL/21/4267/FA, dated 2 November 2021, was refused by notice dated 12 January 2022.
  - The development proposed is a first floor rear extension.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. I have used the Council's description of development in the above banner heading as the Council confirm that amended plans were received during the course of the application which omitted a front extension from the proposed development.

### Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings, with particular reference to outlook, light and privacy.

### Reasons

4. The appeal concerns a two-storey semi-detached dwelling which is sited in a triangular shaped plot close to the junction of Mount Nugent and Great Hivings. It is physically attached to 248 Great Hivings, which forms the other half of the semi-detached property.
5. The proposal is for a first floor rear extension which would be above an existing single storey addition. Both the appeal property and 248 Great Hivings have a shallow garden which tapers to the rear. There is also a single storey outbuilding adjacent to the rear boundary of the appeal property.
6. The proposed first floor extension would be close to the side boundary of the site with No 248. The rear of No 248 already has a relatively enclosed character due to the shallow depth of its rear garden and the close proximity of the flank wall of No 246. The proposed first floor extension would have a depth of 3 metres and would further add to this sense of enclosure. In my view, it would appear overbearing and overly dominant when viewed from rear

windows of the property. Furthermore, I consider that the proposed extension would be particularly overbearing on the small rear garden of No 248 due to its depth and proximity to the boundary. I also consider that the proposal would also be overbearing on the rear garden of 246 Great Hivings as a result of its nearness to the boundary of that property.

7. There are several windows and other openings on the rear elevation of 248 Great Hivings. Due to the orientation of the appeal proposal to the south of No 248, it is highly likely that there would be some loss of sunlight to existing windows and to the small rear garden of No 248, further compounding the harm to outlook that I have identified above.
8. The Residential Extensions and Householder Supplementary Planning Document (September 2013) (SPD) advises (amongst other matters) that new development should sustain the privacy of neighbouring dwellings and should not enable direct overlooking into neighbouring habitable rooms or facilitate direct overlooking to the private amenity space of neighbouring gardens.
9. I acknowledge that some mutual overlooking of the rear elevations and rear gardens of Nos 246, 248 Great Hivings and Nos 102 and 104 Mount Nugent already exists due to the close siting of the dwellings in relation to each other. However, the proposed extension would have a first floor bedroom window on its rear elevation which would lead to an increased level of direct overlooking into neighbouring gardens. Views from the proposed extension would be angled towards the rear gardens of 102 Mount Nugent and 246 Great Hivings and in my view would lead to a loss of privacy to the occupants of those dwellings.
10. Overall, I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring dwellings with particular reference to outlook, light and privacy. Thus, the proposal would be contrary to Policies GC1, GC2, GC3, H13 and H14 of the Chiltern District Local Plan – 1997 (including alterations Adopted 29 May 2001) Consolidated September 2007 & November 2011 and the SPD which, among other things, seek to protect the amenity of neighbouring occupiers.

## **Conclusion**

11. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*J Davis*

INSPECTOR