



Appeal Decision

Site visit made on 17 October 2022

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 11 NOVEMBER 2022

Appeal Ref: APP/J0405/D/22/3300167

6 Upton Road, Dinton, Buckinghamshire HP17 8UF

- 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 Wayne Ingram against the decision of Buckinghamshire Council.
 - The application Ref 22/00462/APP, dated 8 February 2022, was refused by notice dated 27 May 2022.
 - The development proposed is part ground floor extension to front, rear and side and part first floor extension to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the planning application form. The part first floor extension to the rear is situated above a single storey extension to the rear and therefore that element of the proposal is considered to be a two storey rear extension and is referred to as such by the Council. On that basis and for consistency, I will also refer to that part of the proposal as a two storey rear extension.

Main Issue

3. The main issue is the effect of the proposed two storey rear extension on the living conditions of the occupants of 7 Upton Road with particular regard to matters of outlook, daylight and sunlight.

Reasons

4. The appeal site comprises of a two storey semi-detached dwelling. The side elevation of 6 Upton Road sits at an acute angle with the rear elevation of the neighbouring dwelling, 7 Upton Road. A significant part of the rear elevation of No 7 sits forward of the rear elevation of No 6. The rear elevation of No 7 is therefore orientated to face partly towards the appeal building. No 7 has a triangular shaped private rear garden which is limited in depth, particularly in close proximity to the shared boundary with No 6.
5. Guidance relating to rear extensions set out in the Aylesbury Vale District Council Design Guide Residential Extensions (Adopted May 1991 and amended November 2013) (DGRE) states that the Council will not normally grant permission for a rear extension of more than single storey height that protrudes beyond a 45 degree line (drawn in the horizontal plane) from the centre of the nearest window to a habitable room of a neighbouring dwelling.

This guidance is intended amongst other things to prevent undue loss of daylight to neighbouring properties and to preserve a reasonable standard of outlook. Submitted drawing 103 identifies a 45 degree angle taken from the centre of the middle first floor window of No 7. This demonstrates, due to the depth of the proposed two storey rear extension along with the positioning, that the proposal would not comply with the 45 degree guideline set out in the DGRE.

6. The outlook from the rear ground floor window of No 7, currently faces towards the close boarded boundary fence, which is located in close proximity, with the openness of the garden area of No 6 beyond. The outlook from the middle window at first floor level in the rear elevation of No 7 currently sits above the boundary fence line and has open outlooks across the rear garden area of No 6.
7. The outlook from the rear elevation and rear garden area of No 7 would be replaced by the two storey rear extension with single storey extension running alongside it being present beyond the existing boundary fence. Due to the scale, bulk and massing of the proposed two storey extension and the orientation in relation to the rear elevation and garden area of No 7, the proposal would introduce an imposing side elevation that would create a significant overbearing effect. The outcome would be restricted outlooks from the ground floor window nearest to the boundary with No 6, the middle first floor window and the rear private garden area, which would be oppressive.
8. Given the orientation of the proposed extension in relation to the rear elevation and rear garden space of No 7, there would not be a significant additional impact on sunlight. However, as a result of the scale and positioning of the proposed two storey rear extension, the amount of daylight reaching the ground floor window in the rear elevation of No 7, nearest to the boundary with No 6, would be impacted upon, leading to a harmful effect on the living conditions of existing or future occupants.
9. In conclusion, the proposal would result in unacceptable harm to the living conditions of the occupants of No 7 with regard to outlook and daylight and is therefore contrary to the requirements of Policy BE3 of the Vale of Aylesbury Local Plan 2013-2033 Adopted September 2021, relevant guidance in the DGRE and relevant policies in the National Planning Policy Framework. These policies and guidance seek amongst other things to ensure that development will not unreasonably harm any aspect of the amenity of existing residents.

Other Matters

10. The proposal also includes a single storey extension that wraps around part of the front elevation and the side elevation and extends beyond to the rear and a single storey rear extension that sits alongside the boundary with the neighbouring attached dwelling. The Council has not raised objection to these elements of the proposal, and I have reached the same finding. However, given they are not clearly severable from the proposed two storey rear extension I cannot issue a split decision in this case.
11. The appeal site is located outside of the Dinton, Westlington, Upton and Gibraltar Conservation Area but is within the setting of it. It is stated in the Council's Officer Report that the significance of the heritage asset would either be preserved or enhanced as a result of the proposal. Due to the positioning of

the rear and side extensions and the scale and design of the single storey front extension, which would be the most visible element, the proposal would preserve the character and appearance of the Conservation Area.

12. The proposal would provide an additional bedroom which is required by the family. It has not been demonstrated that the appeal scheme is the only way to achieve this and therefore this attracts limited weight.
13. The lack of objections to the application from interested parties does not weigh in favour of the proposal.

Conclusion

14. The proposal is contrary to the development plan as a whole and there are no other considerations which outweigh the harm. The appeal is therefore dismissed.

G Dring

INSPECTOR