

Appeal Decision

Site visit made on 19 October 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/X0415/D/22/3298919

Sans Souci, 6 Ninnings Road, Chalfont St Peter, SL9 0EF

- 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 A Jagdev against the decision of Buckinghamshire Council (Chiltern Area).
 - The application Ref PL/22/0319/FA, dated 27 January 2022, was refused by notice dated 1 April 2022.
 - The development proposed is a part single/part two storey front extension, first floor side extension and part single/part two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice refers to the absence of ecological surveys. However, notwithstanding my decision below, there is nothing before me to lead me to conclude that this is not a matter that could have been addressed via an appropriate condition, should the appeal have been successful.
3. A previous application¹ for two storey front, side and rear extensions, front and rear dormers was refused.

Main Issues

4. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers with regards to outlook and daylight.

Reasons

Character and appearance

5. The appeal property is a two storey, brick and tile-built detached dwelling. It is set back from the road behind a front garden and driveway and has a long garden to the rear.

¹ Reference: CH/2016/0507/FA.

6. The appeal property is located in a residential area. Ninnings Road is characterised by the presence of detached two storey, brick and tile-built dwellings set back from the road within spacious plots.
7. During my site visit, I observed that the presence of similar building materials, the set-back from the road and the generally asymmetrical design of dwellings, with hipped, ridged roof forms and occasional projecting elements, provides for a very attractive sense of uniformity. Further, the presence of gardens, hedgerows and trees combines with the modest and largely original appearance of dwellings, to afford the area a green and spacious character.
8. The proposed development would include considerable extensions to the side at first floor level and the addition of a large crown roof. Taken together, the proposed extensions would result in the creation of a dwelling of unduly large and bulky appearance.
9. The proposed development would fail to appear subservient to or respect, the appearance of the host property. Rather, the host property's asymmetrical design and modest appearance would be subsumed into a large and bulky dwelling of symmetrical appearance. The changes would engulf and overwhelm the existing dwelling and would detract from the spaciousness of the garden plot.
10. The harm arising from the above would be exacerbated as a consequence of the proposal drawing attention to itself as an incongruous feature, out of keeping with the identified attributes of the surrounding area.
11. Taking the above into account, I find that the proposed development would harm the character and appearance of the area. This would be contrary to the National Planning Policy Framework; to Local Plan² Policies GC1, H11, H13, H15 and H16; to Core Strategy³ Policy CS20; and to the Council's SPD⁴ which together amongst other things, seek to protect local character.

Living conditions

12. The proposed development would project to the rear well beyond the rear elevations of neighbouring dwellings to either side.
13. Whilst to some degree, the presence of mature planting to boundaries mitigates any harm arising in respect of the outlook from these neighbouring dwellings, I find that the proposal would, due to its height, projection and position to the south of Number 8 Ninnings Road, reduce the amount of daylight reaching to the rear of that property.
14. Whilst this factor alone would not amount to such significant harm as to justify dismissal of the appeal, it adds weight to the harm identified above.
15. Consequently, I find that the proposed development would harm the living conditions of neighbouring occupiers with regards to daylight, contrary to the National Planning Policy Framework; to Local Plan Policies GC2, GC3, H13 and

² Chiltern District Local Plan (1997, altered 2001, consolidated 2007 and 2011).

³ Chiltern District Core Strategy (2011).

⁴ Residential Extensions and Householder Development Supplementary Planning Document (2013).

H14; and to the Council's SPD, which together amongst other things, seek to protect residential amenity.

Other Matters

16. In support of the proposal, the appellant draws attention to other developments elsewhere. However, there is nothing before me to demonstrate that any other development is so similar to that proposed as to provide for direct comparison. Notwithstanding this, I have found that the proposal would result in significant harm and this is not a matter mitigated or outweighed by the presence of other developments elsewhere.

Conclusion

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

N McGurk

INSPECTOR