

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/22/3305439

27 Chestnut Lane, Amersham, HP6 6EN

- 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 Dawne Garrett and Fiona Cowdell against the decision of Buckinghamshire Council (Chiltern Area).
 - The application Ref PL/22/1073/FA, dated 25 March 2022, was refused by notice dated 23 June 2022.
 - The development proposed is a first floor extension and double storey side/rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development is taken from the application form. The Council's decision notice describes the proposed development as a "two storey side/rear extension and first floor rear extension with side Juliette balcony."

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers with regards to outlook and privacy.

Reasons

4. The appeal property is a two storey end terrace dwelling. It has a small single storey element to the rear, which is very low in height and which has a lean-to roof.
 5. The appeal property's garden is located to the side of and off-set to the rear of the dwelling. Unusually, Number 29 Chestnut Lane's rear garden, along with a narrow access to that property, is located immediately to the rear of the single storey element of the appeal property.
 6. The appeal property is located in a residential area, which is characterised by the presence of a wide range of two storey detached, semi-detached and terraced dwellings. Houses tend to be set behind short parking areas and/or front gardens and have longer gardens to the rear.
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7. The proposal would include the replacement of the single storey rear element with a two storey extension. This would be built immediately adjacent to No 29's rear access and garden.
8. I find that the immediate proximity and two storey height of the proposed rear extension would result in it appearing to "loom" down upon No 29's rear access and garden to an overbearing extent. Further, the scale and immediacy of the proposal would result in an overwhelming sense of enclosure above the access to No 29 and this, together with the presence of two prominent "letterbox" windows and two new large windows and one new small obscure window would also result in the proposal appearing visually intrusive when seen from No 29's rear garden.
9. The proposed two storey side extension would include a juliette balcony. This would provide views out across the rear garden of Number 25 Chestnut Lane within relatively close proximity. However, there is already some significant overlooking of No 25's rear garden by other properties and whilst there would be an additional impact on privacy arising from the proposal the subject of this appeal, the harm arising would not, on its own, result in such harm as to warrant dismissal of the appeal. It is a factor, however, which adds to the harm identified above.
10. Taking the above into account, I find that the proposed development would harm the living conditions of neighbouring occupiers with regards to outlook and privacy. This would be contrary to the National Planning Policy Framework; and to Chiltern District Local Plan (1997, altered 2001, consolidated 2007 and 2011) Policies GC3, H13 and H14, which together amongst other things, seek to protect residential amenity.

Other Matters

11. 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 harm and this is not a matter mitigated or outweighed by the presence of other developments elsewhere.

Conclusion

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

N McGurk

INSPECTOR