



Appeal Decision

Site visit made on 6 December 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH January 2023

Appeal Ref: APP/N0410/D/22/3308865

69 Horseshoe Crescent, Beaconsfield, Buckinghamshire, HP9 1LJ

- 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 Sorbon Estates Limited against the decision of Buckinghamshire Council.
 - The application Ref PL/22/1444/FA, dated 16 May 2022, was refused by notice dated 21 July 2022.
 - The development proposed is one and a half storey side extension with front dormer and 2 rear rooflights, part single / part two storey rear extension, door canopy, extended vehicular access, new front fence and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is dispute between the parties as to whether the land on which the side extension is proposed is lawfully required for parking to serve the adjacent flats. It is not within the scope of this appeal to determine the lawfulness of the use of the land which should be determined under the provisions of section 191 of the Town and Country Planning Act 1990 through a Lawful Development Certificate application.

Main Issues

3. The main issues are:
 - the effect of the proposed development upon the living conditions of occupiers of 7 Blue Dragon Yard, with particular regard to outlook; and,
 - the effect of the proposed development upon car parking provision and highway safety.

Reasons

Living conditions

4. Blue Dragon Yard is a courtyard development of flats off Horseshoe Crescent next to the appeal site. The land on which the proposed 2 storey side extension would be built is to the side of the house and provides a gap between the appeal property and the flats. It is used for parking and backs on to the rear garden of 7 Blue Dragon Yard and is separated from it by an approximately 2m high close board wooden fence.

5. The flats are mostly surrounded by development including a depot to the south and houses to the north, west and east. Rear gardens provide space and some relief from a full sense of enclosure. Although No 7 only has a neighbouring garden on one side, the appeal site provides an open gap above the fence boundary on the other side.
6. The proposed development would be close to the fence and significantly higher than it. It would fill most of the gap between the house and courtyard development that provides an open view from the rear of No 7. As a result, it would appear overbearing and add to the sense of enclosure experienced by the occupants of No 7 when viewed from their rear windows and garden. It would thus harm their living conditions and therefore conflict with Policies EP3 and H11 of the South Bucks District Local Plan (1999) and the National Planning Policy Framework (2021) (the Framework) which seek to protect the amenity of neighbouring properties from over dominant and visually intrusive development.

Highway safety

7. The Council are concerned that the proposed development would reduce parking available to the adjacent flats and thereby lead to an increase in on street parking pressure. Horseshoe Crescent has double yellow lines, limited parking and is narrow. Therefore, additional parking pressure could lead to conflict between drivers and highway safety concerns.
8. The appellant has provided evidence in the form of leasehold agreements with all the flats in Blue Dragon Yard indicating parking spaces for each flat. The agreements excluded the appeal site. Letters from former directors of the development company that sold the flats suggest that the appeal site was used by occupiers of the host dwelling, No 69, and visitors to the development company offices, not by residents of the flats. Additionally parking license agreements show the site being available for 1 to 2 parking spaces for occupiers of No 69. Therefore, based on the evidence before me it appears that the appeal site has been primarily used for parking by residents of No 69 and not by residents of the flats.
9. The proposed development would retain 2 parking spaces for residents of No 69. Notwithstanding the issue of the lawful use of the land, it appears to me that there would be no practical change in the number of carparking spaces available to residents of the flats, or more generally, and therefore no additional pressure for on street parking. As such, there would be no conflict with the objective of the Buckinghamshire Countywide Parking Guidance (2015) to reflect real-world demand for parking, and the Framework which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR