



Appeal Decision

Site visit made on 15th December 2022

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 19th January 2022

Appeal Ref: APP/K0425/D/22/3304585

1 Kew Grove, High Wycombe, Buckinghamshire HP11 1QJ

- 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 Akphoraz Miah against the decision of Buckinghamshire Council.
 - The application Ref.22/05808/FUL, dated 23 March 2022, was refused by notice dated 19 May 2022.
 - The development proposed is "Part single, part double storey side extension, single storey rear extension and new front porch".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposed part single part double storey side/rear extensions on either side of the dwelling on the character and appearance of the host dwelling and the streetscene, and the effect of the proposed development on the living conditions of the occupants of Hamilton House in respect of privacy.

Reasons

Character and Appearance

3. The appeal site is a two storey detached dwelling with a connected single storey garage/study/utility room to its south side.
4. The main dwelling has a double hipped roof and a single storey front porch. It sits in a spacious plot on Kew Grove where the dwellings are broadly of a similar appearance, albeit some have been altered and extended. It stands back from the road by a few metres and has room for off-street parking at the front. The front elevation is wholly visible in the streetscene and that is a general characteristic of the dwellings on Kew Grove.
5. To the immediate south of the plot there is the access road to Kew Place, off Kew Grove. Hamilton House is a two storey detached dwelling in Kew Place and it is situated, broadly speaking, to the west of the appeal site.
6. To the north of the appeal site there are detached houses and their rear gardens. The houses face Daws Hill Lane.

7. The appeal site is within the defined settlement boundary of High Wycombe and within the Daws Hill Neighbourhood Plan area. It has an extant planning permission for demolition of the existing garage and construction of a part single, part two storey side/rear extension and single storey front porch extension (planning application ref:21/0620).
8. The proposal includes demolishing the single storey garage/study/utility room element to the south of the main dwelling and building 2 two storey wings to the north and south flanks of the existing dwelling. There would also be a single storey garage attached to the southern two storey wing. Each two storey wing would be lower than the ridge line of the main dwelling. There would be a two storey heavily-glazed front porch gabled element central to the main dwelling. There would be single storey elements wider and deeper than the proposed two storey extensions. The proposed extensions would be finished with materials to match the original main dwelling. At first floor level, the 2 two storey wings would be set back from the main front elevation.
9. Setting aside the proposed single storey garage on the southern flank, the proposed wings would result in an abnormally wide and bulky dwelling. The proposed garage would further increase the abnormal width. Whilst the two wings would have a lower ridgeline than the main dwelling they would not appear sufficiently subservient to the main dwelling in my view, and the proposed two storey glazed central element would be a discordant element that would not reflect any locally distinctive architecture. Similarly, the rear elevation would appear sprawling and overly wide. In relation to the host dwelling overall, the proposed extensions would not be sympathetic.
10. The extended dwelling would have little in common with the scale and pattern of dwellings in Kew Grove and would stand out as anomalous. In coming to this view I have had close regard to other examples of extended dwellings in the area highlighted by the appellant and properties seen on my site visit including opposite the appeal site. Furthermore, the proximity of the extended dwelling to the road and its high visibility in the streetscene would result in a domineering, overly prominent building at odds with the character of the area.
11. Even though the resulting building would be an abnormal width, I would not describe it as appearing unduly cramped within its remaining plot because I consider that the gaps that would remain between the extended dwelling and the dwellings at 3 Kew Grove, Hamilton House and those facing Daws Hill Lane would be sufficiently large to avoid the appearance of the house being squeezed into an unduly tight plot. I do, however, agree with the Council that allowing this particular proposed development would be likely to set an undesirable precedent which would make it unduly difficult in the future for the Council to refuse extensions of a similar scale, width and impact to similar dwellings in the area. Cumulatively such development would further harm the character and appearance of the area.
12. On the first issue, therefore, I conclude that the proposed part two storey, part single storey side/rear extensions would unduly harm the character and appearance of the host dwelling and the streetscene. There would be conflict with policies DM35 & DM36 of the Wycombe District Local Plan (adopted 2019), Householder Planning and Design Guidance Supplementary Planning Document (Jan 2020) and Policy 6(a) of the Daws Hill Neighbourhood Plan (made Dec 2019).

Living conditions of Occupants of Hamilton House

13. Hamilton House is located on Kew Place and is orientated broadly north/south so that it sits at right angles to 1 Kew Grove. There is a reasonably high fence on the common boundary. The first floor rear-facing windows at Hamilton House look into its rear garden. The proposed development at 1 Kew Grove would be broadly perpendicular to those windows. Given the orientations, it would be very difficult to see into any of the rear windows of Hamilton House from the extended dwelling. The angle would be acute and the separation distances fairly generous. The privacy of the first floor rear-facing window rooms would not be compromised by the proposal. In respect of the rear amenity area at Hamilton House, given the generous separation distance between that area and the closest new first floor windows, and given the boundary fence height, I do not consider that overlooking of that rear amenity area would be materially worse than the overlooking which is currently possible.
14. On the eastern flank of Hamilton House (which has a single storey element) there is a first floor window which has obscured glass and on the ground floor there is a window serving a reception room. Even though this is a secondary window for the reception room I consider that the possibility of overlooking from the first floor bedroom window proposed at the southern end of the rear elevation would be significantly adverse. In my view, the boundary fence would not prevent overlooking as views would be from an elevated position. I have borne in mind that this is an urban area where a degree of overlooking is often unavoidable and to a certain extent to be expected, however, the loss of privacy for the occupants when using the reception room would fall below an acceptable level. I have noted that the extension which has planning permission pursuant to application ref.21/0620 allows two new rear first floor windows in a broadly similar position to the proposed bedroom in the current appeal scheme. However, from what the appellant has stated in evidence before me in my view there is no realistic prospect of that planning permission being implemented if this appeal fails and so I do not treat that planning permission as a valid fallback development from which to judge any incrementally worse impacts on residential amenity.
15. I have considered the potential loss of daylight and sunlight for the occupants of Hamilton House from the proposal but I consider that the separation distances from Hamilton House windows and amenity areas would be likely to give rise to only a minimal loss of daylight or sunlight. I have also considered whether the proposal would result in an undue sense of enclosure and loss of outlook for the occupants but I consider the proposed new development to be too distant to result in an unacceptable loss of outlook or feeling of enclosure.
16. On the second issue, I conclude that the proposed development would result in an unacceptable loss of privacy for the occupants of Hamilton House when in their eastern reception room which would be detrimental to their living conditions. It would be contrary to policies DM35 & DM36 of the Wycombe District Local Plan (adopted 2019) and Householder Planning and Design Guidance Supplementary Planning Document (2020).

Conclusion

17. I conclude that there would be loss of privacy to one room at Hamilton House and harm to the character and appearance of the host dwelling and area from the proposed development. Having taken into account all representations made

including the benefit of additional living space and the appellant's desire for a better design than the dwelling granted pursuant to planning permission ref.21/0620, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR