



Appeal Decision

Site visit made on 9 January 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2023

Appeal Ref: APP/N0410/W/22/3293041

31 Syke Cluan, Iver, SL0 9EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr T Balra against Buckinghamshire Council.
 - The application Ref PL/21/4466/FA, is dated 19 November 2021.
 - The development proposed is described on the application form as "Proposed new extended porch, double storey side, rear and roof extensions and replacement of the existing garage with a new attached garage".
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. The appeal is against the Council's failure to give notice of its decision within the prescribed period. The Council's case and its putative reason for refusal are set out in a statement of case submitted with the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers of 2 St James Walk with particular regard to outlook and light.

Reasons

4. The appeal relates to a two storey detached dwelling situated on the western side of Syke Cluan within an established residential area. The appeal property is double fronted with a two storey projecting gable to the front, a large attached garage to the northern side and a single storey extension to the rear. There is a large garden and driveway to the front of the property and a more private garden to the rear. The appeal property is bounded by 2 St James Walk to the north and by 31A Syke Cluan to the south.
5. Given the relationship between the appeal proposal and the neighbouring property to the south, 31A Syke Cluan, I share the Council's view that the proposal would have no significant impact on the living conditions of this neighbouring occupier.
6. The appeal property is positioned at an angle and set back a significant distance relative to 2 St James Walk. That neighbouring property includes a gable end and high wall on the boundary with the appeal site. The rear elevation contains several windows at ground floor level within a single storey

rear extension and at first floor level, which have close range views towards the appeal property.

7. The proposed two storey rear extension would project a significant distance from the rear elevation of the property and extend relatively close to the boundary with No 2. Given its scale, massing and proximity to the boundary, the two storey extension would appear as an imposing feature when viewed from the rear windows of No 2, particularly from the ground floor windows, and the neighbour's rear garden. This would significantly reduce the neighbour's outlook resulting in an unacceptable overbearing impact and an uncomfortable sense of enclosure. The impact would be exacerbated by the proposed extension to the northern side of the property incorporating a triple garage and first floor accommodation above and the increased overall ridge height of the building, which would increase its dominance when viewed from the rear of the neighbouring property and its rear garden.
8. The Council says that the proposal would fail to comply with the 45 and 60 degree tests in relation to light, which the appellant has not disputed. Although the windows to the rear of No 2 are south facing, due to the scale, height and close proximity of the development, I consider that it would unacceptably overshadow the neighbour's rear windows, particularly those situated at ground floor level which are set closer to the development, as well as the neighbour's rear garden. That impact would be exacerbated by the position of the development to the south of No 2. I accept that the appeal property, as existing, already affects the amount of light received by the neighbour's rear windows and rear garden, but the impact would be increased by the extent to which the enlarged building would extend beyond the rear of the neighbour's property and its length along the shared boundary.
9. The appellant has provided a floor plan showing a single storey rear extension projecting 8m from the rear of the property under larger homes extension guidelines. However, there is no substantive evidence before me, for example in the form of a lawful development certificate, to demonstrate that such a development could be carried out under permitted development rights. I therefore give limited weight to this consideration. The appellant also contends that the total ground floor internal area of the development would be smaller than that of a previously agreed application, but it is the height of the proposed two storey elements and roof extensions that would have the greater impact on the neighbouring occupiers.
10. The appellant says that the proposal would result in the scale of the property being commensurate with neighbouring properties. However, no specific details have been provided and each property inevitably has a surrounding context specific to it rather than to the appeal site. Accordingly, I have determined the appeal on its own merits and do not find that the presence of other developments in the area outweighs or alters my findings above.
11. For the above reasons, I conclude that the proposal would result in significant harm to the living conditions of the neighbouring occupiers of 2 St James Walk in terms of outlook and light. It would be contrary to saved Policies EP3, EP5 and H11 of the South Bucks District Local Plan (1999) which, amongst other things, seek to ensure that development does not adversely affect the amenities of nearby properties, including in terms of sunlight and daylight. The proposal would also conflict with paragraph 130 of the National Planning Policy

Framework (the Framework) where it seeks to ensure that development provides a high standard of amenity for existing and future users.

Other Matters

12. Interested parties have raised other concerns with the proposal, including in relation to privacy, noise and disturbance during the construction period, the character and appearance of the area and flooding. However, the Council raise no concerns in relation to these matters and I have no reason to reach a different conclusion based on the evidence before me and my observations on site.
13. Whilst I appreciate that the proposed extensions would provide enlarged accommodation for the appellant, in the form proposed this would be at the expense of the living conditions of the neighbouring occupiers. Therefore, this consideration does not outweigh the harm that I have identified.
14. I note the appellant's concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Conclusion

15. For the reasons set out above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed, and planning permission refused.

M Ollerenshaw

INSPECTOR