The Planning Inspectorate

Appeal Decision

Site visit made on 1 February 2023

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20th February 2023

Appeal Ref: APP/X0415/D/22/3309161
5 Lye Green Road, Chesham, Buckinghamshire, HP5 3LN

- 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 D Lamba against the decision of Buckinghamshire Council.
- The application Ref PL/22/2183/FA, dated 17 June 2022, was refused by notice dated 6 October 2022.
- The development proposed is roof alterations including increase in roof height, new rooflights and side window.

Decision

1. The appeal is dismissed.

Main issue

2. I consider that the main issue in this case is its effect on the living conditions of neighbouring residents.

Reasons

3. 5 Lye Green Road is a detached chalet bungalow located in an established residential area close to the corner with Crossway. Its orientation and siting are such that its main length and roof ridge are perpendicular to the road and it is very close to the rear boundary of 15 Crossway to the northeast.

4. The property has a long planning history including permission granted in January 2017 for a pair of semi-detached houses. This was not implemented and subsequent applications relate to various schemes for extensions to the bungalow, including planning permission granted in August 2021 for single storey front and side extensions, raising the roof to the side and other alterations (PL/21/2084/FA), and the refusal of planning permission in April 2022 for a rear roof extension and raising the side roof height in line with the main roof (PL/22/0640/FA). At the time of my visit works were being carried out following the scheme approved in August 2021. They have not been completed, but the roof has been tiled and some new windows installed.

5. The policies relevant in this case include CS20 of the Core Strategy for Chiltern District 2011 (the Core Strategy) and saved policies GC3 and H14 of the Chiltern Local Plan 1997 (including alterations 1 September 2011 and consolidated September 2007 and November 2011) (the local plan). These relate, among other things, to design and environment quality and to the protection of the amenities of the occupants of neighbouring properties.

6. Also relevant is the Council's Supplementary Planning Document *Residential Extensions and Householder Development* 2013 (the SPD). This offers more detailed advice for residential extensions including the avoidance of adverse impacts on residential amenities which can arise from even subtle changes, resulting in development which appears overbearing or visually intrusive.

7. The proposal is a revision of the scheme refused planning permission in April 2022 (PL/22/0640/FA). It includes raising the height of the full length of the main roof ridge by approximately 0.5m, extending over part of the existing single storey rear extension and replacing the previous small oculus window in the southeast elevation with a new three light window.

8. I consider that, although the proposed increase in height appears relatively small compared with the previous approved extensions and alterations, it relates to the full length of the main roof and the scheme as a whole would appear overbearing when viewed from 15 Crossway to the northeast. The appeal site is of a generous size but the building itself is located very close to the boundary with No. 15. The main orientation of the latter is towards the appeal site with the windows of the main ground and first floor habitable rooms facing the appeal site across a short patio.

9. The existing bulk and location of the building as currently under construction already appear visually intrusive and dominate the outlook from No. 15. The building appears overbearing and oppressive when viewed from within and from the patio. Any further enlargement would have a harmful cumulative effect which would exacerbate this situation.

10. The proposed first floor window in the southeast elevation would be much larger than the previously approved oculus window facing the rear gardens of 2 Tweenways and 13 Crossway. Some degree of mutual overlooking in relatively densely built up residential areas such as this is to be expected. However, the particular juxtaposition of the houses here is such that the short rear gardens and consequent close proximity of mutually facing windows result in a high degree of overlooking and loss of privacy in both habitable rooms and private garden space which would be exacerbated by the proposed window. This would be harmful to the residential amenities of the neighbours.

11. The appellant specifies sandblasted obscure glazing, fixed shut for this window, to reduce the scope for overlooking. Although I am not convinced that this would wholly resolve the perception of overlooking and loss of privacy experienced by the neighbouring residents, it would mitigate the impact and could be secured by a suitable condition which could be enforced.

12. I conclude that the proposal, when taken together with the previously approved extensions and alterations, would result in an unacceptable cumulative increase in the overall scale, bulk and height of the building which would appear overbearing and visually intrusive when seen from neighbouring properties. This would harm the living conditions of their occupiers, contrary to Core Strategy policy CS20, local plan saved policies GC3 and H14 and the SPD.

13. For the reasons given above, the appeal is dismissed.

PAG Metcalfe

INSPECTOR