The Planning Inspectorate

Appeal Decision

Site visit made on 8 February 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Appeal Ref: APP/J0405/D/22/3309563
61 Russell Avenue, Aylesbury HP21 8NE

- 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 Josh Rookley against the decision of Buckinghamshire Council.
- The application Ref 22/02566/APP, dated 8 July 2022, was refused by notice dated 2 September 2022.
- The development proposed is a side extension.

Decision

1. The appeal is dismissed.

The Main Issues

2. The main issues are the effect of the proposed development upon (i) the character and appearance of the host dwelling and area and (ii) the living conditions of the occupiers of No 63 Russell Avenue in respect of privacy.

Reasons

Character and appearance

3. The appeal property lies within the area of Southcourt, a large residential housing estate started in the early 1920s and continued after the Second World War. The Southcourt Policy Technical Advice Note 2005 (STAN) describes the area as having a distinctive and spacious character derived from the Garden City principles inherent in its development. It notes that the significant spacing between dwellings, generally only infilled, if at all, with single storey outbuildings, is a major positive contributor to the character and appearance of the area.

4. On my site visit, I was able to note that the appeal building and its neighbouring properties of semi-detached dwellings, exhibit a uniformity of design with flat frontages and rendered ground floors with horizontal boarding above and have substantial gaps between buildings, especially at first floor level. The latter contribute to the spacious quality of the area, providing views of the landscape beyond and of the sky. They add positively to the character and appearance of the area.

5. The proposed two-storey side extension would interrupt the aforementioned gaps and hence would break the general rhythm of dwellings in the immediate vicinity, all to the detriment of the character and appearance of the area.

6. I have taken into account that the STAN considers that district wide guidelines allow for two storey extensions to within one metre of the side boundary between dwellings at first floor level. However, while the appeal proposal would accord with this, in this instance and in this location, I consider that even though this general guidance is met, it would nonetheless result in unacceptable harm for the above reasons.

7. On my site visit, I was able to see that two-storey side extensions have been constructed at No's 7 and 13 Russell Avenue and which extend to approximately 1 metre of their side boundaries. However, I am not aware of the circumstances surrounding them and I have determined the appeal on its individual merits. While the achievement of good design has always been important, it has received much greater emphasis since the publication of the National Planning Policy Framework in 2021 (the Framework).

8. Therefore, I conclude that the proposed development would not accord with policy BE2 of the Vale of Aylesbury Local Plan 2021 (LP), with chapter 12 of the Framework or with the Council's Residential Extensions Development Guide 2013, all of which required development to be in keeping with the character and appearance of the area. I am unaware of the exact planning status of the STAN, though I consider it has value in assessing the qualities of the area, including the gaps between buildings and their importance to its character and appearance.

Privacy

9. The proposed extension would include a window to a study room at first-floor level which would allow views parallel to and along the rear elevation of the host property and that of the adjoining No. 63 Russell Avenue.

10. There would be no direct views into the windows of the adjoining property, but there would be of its private rear amenity space. However, there are already such views from the existing rear windows of the host property, albeit at an oblique angle. In addition, the proposed extension and its first-floor window would not abut the boundary with No. 63 Russell Avenue but would be sited at the furthermost part of the host property.

11. On balance, I consider that the proposed development would not materially harm the living conditions of the occupiers of No. 63 Russell Avenue by reasons of overlooking. Therefore, I conclude that the proposed development would accord with policy BE3 of the LP which aims to protect the amenities of neighbouring occupants and with the Framework which requires the same.

Conclusion

12. While I have concluded that the proposed development would not materially harm the living conditions of the occupants of No. 63 Russell Avenue, the proposed development would nonetheless have a significantly adverse impact upon the character and appearance of the area. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR