



Appeal Decision

Site visit made on 1 March 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref: APP/X0415/D/22/3309440

357A Chartridge Lane, Buckinghamshire, Chesham HP5 2SH

- 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 and Mrs Patel against the decision of Buckinghamshire Council.
 - The application Ref PL/22/1581/FA, dated 3 May 2022, was refused by notice dated 29 July 2022.
 - The development proposed is conversion of garage to habitable accommodation including attached garage and dormer window.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, and on the living conditions of neighbouring occupiers with particular regard to light and whether there would be an overbearing effect on no. 357.

Reasons

Character and Appearance

3. This part of Chartridge Lane is characterised by large detached houses. A notable feature of this area is its topography with the land falling away from the front to the rear of the properties on the northern side of the road. The host property follows this pattern and the front garden slopes steeply and is part soft landscaped and partly paved for access and parking. Some of the properties nearby have detached garages to the front, including neighbouring no. 357. These are generally detached, with low pitched roofs and garage doors and are clearly separate secondary outbuildings.
4. The proposed addition would extend from the front of the host dwelling. Although it would be lower than the main house, it would nevertheless contain two floors of accommodation and this is clearly apparent through the first floor dormer window and domestic window at ground floor. The scale and height of the roof combined with the dormer window create significant bulk at first floor level. The appeal scheme would therefore result in an overly large residential extension in a highly prominent position. Consequently it would be harmfully dominant and would be at odds with the nearby limited, modest front garden outbuildings.

5. The boundary planting and entrance gates would limit views from the road. However, the extension would be visible when gates are open and trees are not in leaf. Furthermore, the proposed development would clearly be seen from neighbouring properties. As such, the harm described above would be experienced.
6. Therefore, the proposed development would be harmful to the character and appearance of the area. This would be contrary to Policy CS20 of the Core Strategy for Chiltern District - Adopted November 2011 and Policies GC1, H15 and H18 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 (the LP). Together these seek a high standard of design, including with particular regard to extensions and dormers, in terms of character of the surrounding area, scale, height and features of the external appearance amongst other things. Also including that extensions at first floor should not be prominent in the streetscene. As well as being contrary to the advice in the Residential Extensions and Householder Development Supplementary Planning Document (2013) (SPD) which provides more details of these principles for householder development.

Living Conditions

7. The proposed extension would be close to the shared boundary with no. 357, and it is put to me that the extension would be around 4.3m from the nearest windows. The closest neighbouring ground floor window serves a living room where current levels of light are likely to be limited due to the existing garage at no. 357. Nevertheless, the overall height, sizable massing at roof level and the positioning of the proposed extension would be likely to further restrict light to this room, resulting in an unacceptable loss of light to this property. Furthermore, and for the same reasons, the proposed development would be overbearing.
8. The neighbouring first floor window closest to the boundary with 357A serves a bedroom and has a more open outlook with greater existing levels of light. Additionally, the bulk and massing of the extension would be reduced at first floor level due to the pitched roof. Consequently, although it would be visible in peripheral views, the proposed development is unlikely to be overbearing nor unacceptably harmful to the light to this room. However, this does not overcome the harm to the ground floor room identified above.
9. Consequently, the proposed development would be harmful to the living conditions of neighbouring occupiers with particular regard to light and overbearing effect on no. 357. As such, it would be contrary to Policies GC3 and H14 of the LP which seek to protect the amenities of neighbouring occupiers and ensure that extensions are not overbearing or result in a significant loss of daylight to habitable rooms of neighbouring properties. As well as the advice in the SPD which provides further guidance in these regards.

Other Matters

10. I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and

people who do not share it. The Act sets out the relevant protected characteristics which includes age.

11. I have considered that the extension would provide additional accommodation in the form of two rooms. I understand that they would be occupied by elderly family members. However, I am not satisfied that the proposed development would represent the only or least harmful option to provide the required accommodation. Furthermore, due to the scale of the development (an extension to a single dwelling), the benefit identified above would be mainly a private benefit. I have also considered that the proposed extension would result in unacceptable public and permanent harm to the character and appearance of the area, as well as harm to the living conditions of neighbouring occupiers as described above. Therefore, in such circumstances there is a clear reason in the public interest that the proposed development should not be permitted.

Conclusion

12. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR