



Appeal Decision

Site visit made on 12 April 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 MAY 2023

Appeal Ref: APP/X0415/W/22/3306006

**Delmont, Dell Orchard, Winchmore Hill, Amersham, Buckinghamshire
HP7 0PJ**

- 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 D Johnson against Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/22/1765/FA, is dated 2 May 2022.
 - The development proposed is described as 'Rear roof alterations to form 2 bedrooms and bathroom'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council failed to determine the planning application within the prescribed period. However, following the submission of the appeal and before they became aware that the appeal had been lodged, a Decision Notice was issued by the Council. Nevertheless, I have determined the appeal on the basis that it was made against the non-determination of the planning application. I am satisfied that no injustice would arise from this approach as all parties have had the opportunity to state their cases.

Main Issues

3. The main issues for consideration are the effects of the proposed development on;
 - the character and appearance of the existing building and the surrounding area, including the Chilterns Area of Outstanding Natural Beauty (AONB);
 - the living conditions of the occupiers of the adjoining property known as Mon Abri, having specific regard to privacy and overlooking; and
 - protected species, specifically bats.

Reasons

Character and appearance

4. The appeal site lies on the edge of a small settlement. The surrounding area is rural in character and comprises residential properties of a broad range of architectural styles and ages, including semi-detached and detached single and

2 storey properties. The host dwelling is one of a pair of pitched roofed semi-detached bungalows which are modest in scale. They are similar in appearance, although both have been subject to various extensions and alterations, including additions to the rear of the properties. However, as a pair they have nevertheless retained a pleasant sense of balance and uniformity.

5. The appeal scheme would extend the roof of the dwelling considerably outwards above the existing ground floor of the property to create 2 bedrooms and a bathroom at first floor level. The side part of the existing pitched roof to the rear projection would be retained and mirrored on the opposite side elevation of the extension, with the central part being flat roofed. The height of the proposed extension would reflect the existing ridge line of the property and would occupy a significant proportion of the rear roof slope, with the appearance of a flat roof 2 storey extension.
6. As a consequence of the scale and design of the extension the proposal would be at odds with the existing dwelling which is modest in scale with a simple traditional roof form. As such, despite the use of matching materials, the extension would be an unduly dominant and incongruous feature that would detract from the appearance of the dwelling. Moreover, due to the size of the extension at first floor level the proposal would also unbalance the appearance of the pair of dwellings.
7. For the foregoing reasons I find that the proposal would be a disproportionate and unsympathetic addition which would diminish the character of the host building and the pair of semi-detached properties.
8. Although the extension would not be visible from the lane to the front of the property, it would be clearly visible from a number of neighbouring properties and their gardens, as well as from the adjoining open countryside. Whilst views of the development would be localised, it would nevertheless fail to integrate effectively with the surrounding built form or complement the character of the area.
9. Notwithstanding the above considerations, given the scale of the development and location of the appeal site within the context of the existing residential development, the proposal would not result in any perceptible effect on the scenic beauty of the wider AONB. In that regard it would not conflict with the aims of Policy LSQ1 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) Consolidated September 2007 & November 2011 (the LP) or Policy CS22 of the Core Strategy for Chiltern District (Adopted November 2011) (the CS) which require proposals to conserve and enhance the special landscape character of the AONB. However, this is a neutral matter and does not outweigh the harm to the dwelling and immediate surroundings that I have identified.
10. I therefore conclude that the proposed development would adversely affect the character and appearance of the dwelling, the pair of semi-detached dwellings and the surrounding area.
11. In that regard it would conflict with the combined aims of Policies GC1, H13, H15 and H16 of the LP in so far as they relate to achieving high quality design which is in keeping with the existing dwelling and does not adversely affect the character and appearance of the street scene or locality and CS Policy CS20 which seeks high quality design.

12. The proposal would also fail to accord with the Chiltern District Council Residential Extensions and Householder Development Supplementary Planning Document adopted 10 September 2013, which among other things sets out that extensions should harmonise with buildings and the high quality design aims of Section 12 of the National Planning Policy Framework (the Framework).
13. The Council's first refusal reason also refers to Policy GB5 of the LP, which relates to development in the Green Belt. However, as the appeal submissions do not allege conflict with this policy, it is unclear as to how any conflict with Policy GB5 would arise. Nevertheless, this would have no implication on my conclusion in relation to the first main issue. The Council also refer to Policy H18 of the LP in the refusal reason, however as this relates specifically to dormer windows it is not directly relevant to the proposal for a roof extension.

Living conditions

14. Aside from the conservatory projection, the existing wall of the rear elevation of the property is flush with that of the adjoining single storey property, Mon Abri. The development would include the increase in the height of the wall, including the provision of 3 first floor windows in the rear elevation.
15. The window closest to the shared boundary between the properties would serve a bedroom. Whilst set in from the side boundary, which is off-set from the appeal property and angled towards the neighbouring property before continuing along the boundary, the window would allow uninterrupted views from the extension over the neighbouring rear garden. Given that the rear garden is not currently overlooked by the appeal property or the neighbouring dwelling on the opposite side, the proposed extension would introduce first floor windows to the rear of the property where none currently exist.
16. Consequently, I conclude that the proposal would harm the living conditions of the occupiers of Mon Abri due to overlooking and loss of privacy.
17. Accordingly, the proposal would conflict with Policies GC3, H13(i) and H14 of the LP which collectively seek to ensure that new development protects the amenities of the occupants of neighbouring properties, specifically privacy and Section 12 of the National Planning Policy Framework 2021, which requires new development to achieve a high standard of amenity.

Effect on bats

18. The appeal site is in a rural area surrounded by pockets of woodland comprising mature trees, habitats which are likely to be used by bats for foraging and commuting. The proposal includes extensive works to the roof of the property. Whilst I saw at my site visit that parts of the roof have recently been replaced, I cannot be certain that the remaining parts do not have the potential to support bats, given the age and location of the building.
19. The presence of a protected species is a material consideration, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. An ecology survey was not submitted with the planning application or the appeal.
20. I therefore conclude that the appellant has failed to demonstrate that the proposal would not harm protected species, specifically bats. Accordingly, the

proposed development would conflict with Policy CS24 of the CS which seeks to conserve and enhance biodiversity and amongst other things to protect and enhance legally protected species.

Other Matters

21. The appeal scheme before me is a resubmission of a preceding application refused by the Council. I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments would still result in a proposal that would harm the character and appearance of the area for the reasons I have already outlined. I also note the appellant's comments regarding the lack of communication from the Council during the planning application process. However, I have determined this appeal on its individual planning merits and none of the other matters outweigh or overcome my conclusion on the main issue.
22. Whilst interested parties have not objected to the proposal, the absence of objection does not in itself render the scheme acceptable. I have had regard to the desire of the appellant to provide additional accommodation at the property for their family, and the benefit of living near to elderly relatives. However, I am mindful that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances.

Conclusion

23. The proposal would be contrary to the development plan when read as a whole. There is no sound justification to grant planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

E Worley

INSPECTOR