
Appeal Decision

Site visit made on 10 May 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2023

Appeal Ref: APP/N0410/D/22/3313943

Orchard End, 1A Lower Drive, Knotty Green, Buckinghamshire HP9 2AD

- 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 Ms Sara Hudson against the decision of Buckinghamshire Council.
 - The application Ref PL/22/3276/FA, dated 16 September 2022, was refused by notice dated 17 November 2022.
 - The development proposed is single storey rear and first floor front extensions, raising the ridge and loft conversion.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of the house and the local area; and
 - ii) Living conditions at the neighbouring properties, 37 and 39 Sandelswood End.

Reasons

Character and appearance

3. Lower End is one of a set of short residential cul-de-sacs leading off Sandelswood End, in a leafy suburban residential neighbourhood. Orchard End is a substantial 2 storey detached, hipped roof house, set down by nearly a metre from the level of Lower End but at a similar level to the adjacent houses fronting onto Sandelswood End, Nos 37 and 39. The proposal would raise the roof and add both a first floor gable extension at the front and a dormer window extension at the back. The Council's concerns relate to these parts of the proposal. It raises no objection to a proposed single storey rear extension, which may now have been approved separately and was under construction at the time of my site visit.
4. Several other houses on Lower Drive and nearby have been extended or replaced with other substantial houses of similar size in recent years. The visual impact of the increased height would be mitigated to a large extent by

the low level of the house as viewed from Lower End. Within this context the scale and height of the proposal would not look out of place. The design approach would be in keeping with the existing house and would sit well within the variety of architectural styles and detailing in the area, without crowding the large plot.

5. The main element detracting from the overall architectural composition would be the very long and tall, somewhat monolithic side elevation facing the Sandelswood End houses. This would not be significantly out of character, however, in an area where there are other similar side elevations on existing houses. Furthermore, the side elevation would only be glimpsed in views from Sandelswood End and views from Lower End would be limited both by the house's set back from the street and by the screening provided by the thick beech roadside hedge. The continued existence of a hedge like this should not normally be relied on to make permanent development acceptable, but even without the hedge the visual impact of the side elevation in public views would be comparatively minor. Taking all these factors into consideration I find no objection to this aspect of the proposal.
6. I conclude that the proposal would not harm the character or the appearance of the house or the local area. It therefore accords in this respect with the shared aims of Policy CS20 of the Core Strategy for Chiltern District, policies GC1, H13, H15 and H16 of the Chiltern Local Plan - Consolidated September 2007 & November 2011 (LP), the Council's Residential Extension and Householder Development Supplementary Planning Document (SPD), the National Planning Policy Framework (the Framework) and the National Design Guide (NDG), to ensure high quality design which reflects and respects the character of the surrounding area and local distinctiveness, including in regard to scale and proportion. Although LP policy H15 states that extensions should not exceed the height of the existing building, the raising of the roof in this case would not be harmful. I find that the proposal accords with the development plan, taken as a whole.
7. This conclusion is not dissimilar to that reached by another Inspector in respect of a replacement dwelling at 2 Lower Drive, back in 2013¹. I note that decision, but have assessed this proposal on its own merits, in light of current circumstances.

Living conditions

8. The rear windows of 37 and 39 Sandelswood End would face towards the elongated side wall and raised roof of Orchard End, which would be well over 9m high in comparison to ground levels on the shared boundary. The extended building would only occupy a proportion of each shared boundary and would be far enough away from the rear windows at Nos 37 and 39 so that despite the height and bulk of the extended house, the outlook from the windows of those properties would not be unduly affected.
9. Orchard End only sits about a metre from the garden boundary, however, and the extended house would loom over and dominate a significant proportion of No 39's rear garden to an extent that would be overly intrusive on the enjoyment of that garden. A smaller proportion of No 37's garden would be

¹ APP/X0415/A/12/2181944

affected, so that the extension would be much less intrusive there. The impact on the outlook from the garden of No 39 would, however, be unacceptable.

10. In making this finding, I have had regard to the Building Research Establishment guidance on daylighting and sunlighting, but this addresses a different matter which can at most be used as an indicator of the effect on outlook. I have also noted the guidance of East Staffordshire Council and North Somerset Council on building separation distances, as quoted by the appellant, but note that there is no locally applicable standard here. Again, I have assessed this case on its own merits.
11. I find no objection in regard to other aspects of living conditions at Nos 37 and 39. There would be some loss of light, both skylight and direct sunlight, but both properties would retain a sufficiently open aspect, especially to the south. Their privacy could be protected by the careful treatment of the proposed side rooflights.
12. Due to the overbearing impact of the proposal on the outlook from No 39's rear garden, I conclude that it would unacceptably harm living conditions at that neighbouring property. It therefore conflicts with the relevant aims of LP policies GC3 and H14, the SPD, the Framework and the NDG, to protect the amenities enjoyed by the occupants of neighbouring properties, including by ensuring that the size and siting of extensions do not cause an overbearing appearance.

Conclusion

13. I have considered all other matters raised. In particular, I recognise the appellant's reasonable desire to improve their family home to meet evolving requirements. I have furthermore found in favour of the appellant on the first main issue. My concerns in regard to the second main issue are nevertheless sufficiently compelling for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR