



Appeal Decision

Site visit made on 24 July 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/J0405/W/23/3316735

10 Portway, North Marston, Buckinghamshire MK18 3PL

- 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 & Mrs Andrew Boyt against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/04222/APP is dated 18 December 2022.
 - The development proposed is the part demolition of an existing house and garage and the erection of a two-storey extension, and erection of orangery and garage.
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Decision

1. The appeal is allowed and planning permission is granted for the part demolition of an existing house and garage and the erection of a two-storey extension, and erection of orangery and garage at 10 Portway, North Marston, MK18 3PL in accordance with the terms of the application, Ref 22/04222/APP, dated 18 December 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved and drawing numbers: 102 Rev B Elevations & Sections and 101 Rev A Site plan & Floorplans.
 - 3) The materials to be used for the external surfaces of the development hereby permitted shall be as specified on approved drawing number 102 Rev B.
 - 4) Prior to the first occupation of the two storey extension hereby permitted, the new windows serving the bathroom at first floor level on the northwest and northeast elevations of the extension, as shown on approved drawing no. 102 Rev B, shall not be glazed or reglazed other than with obscure glass to a minimum of level 3 and non-opening, unless the parts of the window that can be opened are more than 1.7m above internal floor level, and shall thereafter be retained as such in perpetuity.

Preliminary Matters

2. The description of development in the above banner heading is that used on the application form. Although, this does not describe all parts of the scheme, it is in sufficient detail to describe the nature of the proposal as an extension to a dwelling.

Main Issues

3. The application was not determined by the Council within the statutorily prescribed 8-week timeframe. As such, following the submission of an appeal it falls to me to determine whether planning permission should be given.
4. In consideration of the Council's Statement of Case, officer report, and the evidence before me, the main issues in dispute are:
 - the effect of the proposed extension on the character and appearance of the area, and
 - the effect of the proposal on the living conditions of occupiers of 8 Portway (No 8) particularly with respect to overlooking.

Reasons

Character and appearance

5. Portway is part of the main road through North Marston. The area consists of traditional rural dwellings and more modern development within a largely linear settlement pattern. The size and style of housing in the area is diverse with the frequent use of brick and occasional rendered elevations adding to the interest and variety of the area. The host property is a traditional 1930's style dwelling, with brick and render elevations, and a hipped roof. It includes a projecting gable, that adds interest to the building, and decorative brick detailing over the porch. The appeal site is relatively spacious with numerous trees and hedges contributing to it and the surrounding verdant character. Accordingly, the dwelling makes a positive contribution to the character and appearance of the area.
6. The proposed extensions and alterations would result in single and two-storey additions to the rear of the dwelling. Other alterations would include the addition of bay windows to ground floor front windows, the conversion of hipped roof to pitched roofs with gable ends and adding a new brick finish to all elevations. Detailing would include the introduction of a brick string course and plinth. Also, all window aspects would be reconfigured to create openings that would be generally narrower, than the existing openings, and include brick arched lintels.
7. Most of the extended part of the dwelling would be to its rear. The additions would respect the existing form of the dwelling with its projecting front gable and porch remaining clearly defined. The two-storey rear extension would extend the dwelling with a complementary form. It would integrate well with the existing arrangement of the dwelling, without appearing dominant or disproportionate. Although the proposed surrounding single storey components would further increase the footprint of the dwelling, these would be subservient additions.
8. The proposed changes, taken together, would create a clearly unified design that includes more interest and decorative features than is currently evident, whilst respecting its overall shape and form. The proposed ridge line is shown to follow the height of the existing house. Even if it is shown to be marginally higher, the proposed roof line would nevertheless remain subordinate to the dwelling and would complement the form of the existing house. Accordingly,

the proposal would be well designed and enhance the appearance of the existing dwelling.

9. The extended dwelling would be easily accommodated within its generously sized plot. The dwelling is recessed from the highway with nearby dwellings making a greater contribution to the streetscene due to their prominence and orientation. Also, the proposed extensions would not be highly visible, or have a great impact, on its setting within the streetscene being to the rear of the dwelling. Moreover, in consideration of the location plan, the extended footprint of the dwelling would be comparable to the scale of other dwellings within the local area and in keeping with the local pattern of development.
10. An ash tree, and boundary hedging, are found along the eastern boundary of the site adjacent to the highway. Some hedging would need to be removed to accommodate the proposed garage, also the garage footings would be close to, or within, the root protection area of the ash. As such, the proposal may affect the longevity of the ash and would expose views of the garage to the street. These features add to the verdant character of the area but are not protected, do not make a particularly important contribution, and could be removed on the Appellant's own volition. Moreover, such removal would not materially increase views of the proposal due to its generally discreet location. Therefore, the removal of a limited extent of planting would not demonstrably affect the character of the area. Consequently, the proposed additions would integrate well with the existing dwelling.
11. The proposal would make a positive contribution to the character and appearance of the dwelling and the surrounding area. Accordingly, the proposed extensions would comply with policies BE2 and NE8 of the Aylesbury Local Plan [2021] (LP), policies SD3 and E1 of the North Marston Neighbourhood Plan [2023] (NP) and the National Planning Policy Framework. These policies seek, among other matters, for development to complement the physical characteristics of the site, prevent development that would damage trees that make an important contribution to an area and be of an appropriate scale.

Living conditions

12. The relationship between the appeal dwelling and No 8 and to the highway is unconventional and neither dwelling directly addresses the highway. The appeal dwelling, in the north of its plot, is at an angle to the highway with the corner formed by its front and side elevation being nearest to the street. No 8 has a front elevation that faces the shared boundary and presents its side to the highway. There is a parking area between its front elevation and the boundary. Part of this shared boundary includes the rear garden of No 8, but most of its garden is to its side and rear. The shared boundary fence is relatively tall, at around two metres, and includes extensive boundary planting in the garden of No 8, forming an effective visual screen.
13. Due to the arrangement of both dwellings, the rear (northwest) elevation of the appeal dwelling is at an angle to the side boundary of No 8, with rear windows providing some, albeit limited, views of both parts of the garden of No 8 and the field behind both residential plots. The appeal dwelling has three first-floor windows, on the rear elevation, that look toward No 8. These are not shown on the existing first-floor plan but comprise an airing cupboard, bathroom and ensuite clear glazed windows, rather than obscure glazing as thought by the

Council. A bedroom window, on the northeast elevation, also provides a view toward the frontage of No 8. Views from the rear windows take in parts of the front elevation and parking area of No 8 where screening is limited. Nonetheless, views of the neighbour's garden are restricted due to boundary landscaping and the fence. Views into the garden would be greater in the winter, when deciduous trees are not in leaf.

14. The proposed first-floor windows would serve a landing, bathroom and a bedroom. These would be closer than the existing windows, but still some distance from the shared boundary. Furthermore, overlooking from these windows would enable oblique views only and would be further limited by boundary planting. Accordingly, overlooking opportunities would only be moderately greater than that experienced from the existing ensuite and bathroom windows. The windows serving the proposed bathroom would be close to the shared boundary. However, these would result in views that would overlook the frontage of No 8 to only a minor extent. Moreover, these windows could be obscurely glazed, by the imposition of a planning condition, to prevent overlooking.
15. The landing window would be around two metres closer to the boundary than the existing bathroom window. This would provide similar views towards No 8 as can be seen from the existing bathroom window. Views here would largely overlook the frontage of the neighbour's dwelling, rather than the garden area, resulting in a limited further loss of privacy. Both the existing bathroom window and the proposed landing window are non-habitable rooms where occupiers would be expected to spend limited time. As the overlooking experienced would be minor, and is not substantially different to the existing relationship, the increased sense of overlooking would be negligible.
16. Consequently, subject to obscurely glazing being installed in the proposed bathroom windows, the proposal would not result in an adverse effect on the living conditions of neighbouring occupiers, with respect to overlooking. Accordingly, the proposal would comply with LP policy BE3 which seeks, *inter alia*, for development to not unreasonably harm the amenity of existing residents.

Other Matters

17. The two-storey component of the proposal would be close to the shared boundary of No 8. However, it would be set away from the windows of the neighbour's front elevation, would be beyond relatively extensive boundary planting, and would be some distance from its main side and rear garden. Also, whilst the proposed garage would be adjacent to the shared boundary, its main bulk would be mostly obscured by the fence. The ridge rises to just over 4 metres, but the roof recedes away from the boundary as it climbs reducing its overall visual effect from the neighbour's outlook. As a result, the proposed extensions and garage would not demonstrably affect the outlook from the neighbouring property and would not be overbearing.
18. An interested party has raised a concern that the proposal would have an adverse effect on wildlife. However, the area within the footprint of the garden is laid as grass and has poor ecological value. The proposal would have no tangible effect on local wildlife. Furthermore, although sought by the Council's ecologist, there is no compelling reason in policy terms for a bat box to be required for this proposal.

19. The proposed plans show two different redlined site plans. The smaller is noted on the 'Existing Floor Plans & Elevations' with the larger area being seen on 'Site Plan and Floorplan'. The Council has not referred to this anomaly, but in its suggested conditions it has not listed the smaller site plan in its recommended approved plans list. As the proposed scheme could not be accommodated within the smaller site, I have taken the larger site plan as the site area associated with this proposal.

Conditions

20. It is necessary to apply conditions in connection with a commencement period and list the approved plans to accord with the Planning Practice Guidance. It is also necessary to require materials to accord with the details on the approved plans in the interests of the character and appearance of the area. However, the Council's suggested conditions, for an Arboricultural Method Statement/Tree Protection Plan and replacement tree planting, would not be reasonable or necessary as the ash tree is not protected and the extent of hedging removed would be limited.

Conclusion

21. For the reasons given above, I therefore conclude that the appeal should be allowed, and planning permission granted.

Ben Plenty

INSPECTOR