



Appeal Decision

Site visit made on 7 November 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2023

Appeal Ref: APP/X0415/D/23/3329247

24 Elizabeth Avenue, Little Chalfont, Buckinghamshire, HP6 6QB

- 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 & Mrs M Jones against the decision of Buckinghamshire Council.
 - The application Ref PL/23/1363/FA dated 18 April 2023, was refused by notice dated 19 June 2023.
 - The development proposed is two storey side and front extension, addition of a front canopy and changes to some windows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the determination of the application, and the submission of this appeal, a revised National Planning Policy Framework 2023 (the Framework) was adopted on 5 September 2023. It is not considered that this impacts upon the determination of this appeal given the main changes to the Framework.

Main Issues

4. The main issues are the impact of the proposal upon i) the host dwelling and the street scene, ii) residential amenity with regard to overshadowing, visual intrusion and overbearingness and iii) potential protected species.

Reasons

Host dwelling and the street scene

5. The appeal site is a two-storey end of terrace dwelling which stands within a row of four dwellings which are set back from Elizabeth Avenue in comparison to the dwellings either side of their general setting (which comprise of both terraced rows and semi-detached dwellings). The appeal site has a large driveway with there being a green in front of the terraced row. I parked and walked around Elizabeth Avenue in the vicinity of the appeal site and noted that there have been variations to buildings within the vicinity which appear to be, and are stated by the appellant to be, a mixture of both permitted development alterations as well as general extensions. The character of the area is defined by consistency in relation to building lines, particularly in relation to the terraced row within which the appeal site stands, with consistent

building scale and form. I acknowledge that there are some examples of development to the front of properties within the vicinity, however, I saw nothing of the scale or of a broadly similar nature to the appeal proposal before me. The appeal proposal seeks to add a substantial extension which would be two storey to the side and front of the property, and, to the front of the two-storey extension, a canopy is proposed further adding to the development. This would be uncharacteristic for the area and the terraced row.

6. Whilst there may be a stagger in the building line, taking into account the terraced row and properties either side of this, the terraced row itself is uniform. I note that at the other end, at 18 Elizabeth Avenue, there is a single storey extension with a modest porch, but this is truly subservient and leaves the original terraced row entirely dominant and legible. The stagger noted by the appellant would not mean the proposal would remain subordinate with it sitting against the backdrop of 26 Elizabeth Avenue (no. 26). In current views from the west, shown on the photograph on page 13 of the appellant's statement, as well as views from the centre of the green in the street scene there is a visual break in built form due to no. 26 being forward of the appeal site. The proposal before me would bring two storey-built form forward of the host dwelling closing this visual gap and contrasting negatively in the context of the terraced row itself.
7. A lack of view from one direction, travelling towards Bell Road, is noted but it should be kept in mind that character and appearance are separate matters. Appearance is the outward, visible qualities whereas character is the sum of all the qualities which distinguish an area. Overall, I find the proposal would be harmful to the character of the area as well as the appearance for the reasons I have outlined above. In addition to this whilst there are examples of hipped roofs within the vicinity, these are typically on single storey extensions. In this case I find that the hipped roof does not assist the proposal in appearing as subordinate – the proposal seeks to add a significant extension, when comparing existing and proposed footprints, to the side and rear of the host dwelling. The proposal would dominate the host dwelling and does not respect the scale and proportions of the existing building and, as a result of building up to the boundary with such bulk, scale and massing would, fail to maintain the spacious feel around the appeal site and terraced row.
8. The proposal would appear as an uncharacteristic feature within the street scene and appear as a cramped addition on the end of the terraced row and would project significantly forward of the building line of the terraced row which would result in unacceptable impact to the character and appearance of the area as well as the host dwelling itself. The proposal would be contrary to Chiltern District Local Plan 1997 (consolidated 2007 and 2011) (LP) Policy GC1 which requires that development relates well to the characteristics of the site on which it is to be located and that extensions to existing buildings should reflect the form of those buildings.
9. The proposal would also be contrary to CS Policy H13 which seeks to avoid adverse impact upon the character and appearance of the street scene or locality in the vicinity of the extension and LP Policy H15 which requires an extension should be designed to respect the scale and proportions of the existing dwelling and that the siting of the extension should relate well to both the existing dwelling and the adjoining street scene and should not be obtrusive.

10. The proposal would be contrary Core Strategy for Chiltern District 2011 (CS) Policy CS20 which requires that all new development be of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness as well as the objectives of the Framework and National Design Guide 2019 in achieving high quality and appropriate design.

Residential Amenity

11. At the time of my site visit I walked down the shared access (as shown on the block plan as shared access to the rear of no.'s 22 and 20) which allowed me to consider the relationship between the proposal, the boundary, the walkway and no. 26. I also note that the appellant has provided photographs, within their statement, from within the site which clearly demonstrate further the relationship with no. 26. A lack of objection from neighbouring occupiers is a neutral consideration. Whilst reference is made to the internal layout of no. 26, I have no evidence as to the layout to be able to take this into account.
12. Two-storey built form is currently set away from the side boundary to the East, and the proposal would bring two storey-built form up (at an angle) against the boundary which would exceed the height of the hedging to the front part of the walkway. I found, when within that walkway, that the hedging does not extend fully down the site boundary. The appeal site and no. 26 have a staggered relationship with the appeal site being set back, and at an angle to, no. 26. I find that the current separation, with two-storey built form being set in away from the boundary within the appeal site, maintains an appropriate relationship between the properties. As a result of proximity to the boundary and the general bulk, scale and massing of the proposal I find the extension would appear visually intrusive and overbearing for neighbouring occupiers at no. 26. The proposal would result in two storey-built form, at an angle, close to their amenity space/garden to the rear of their property as well as being visually notable from the closest windows – I do not find the separation between the proposal, and the neighbouring property, to be notable to the rear.
13. In addition to this, whilst I acknowledge the existing orientation and the general implications of being Northern facing as to light levels, I find that the proposal would likely overshadow the garden area immediately to the rear of no. 26 during parts of the day. The appellant acknowledges limited overshadowing (but on the basis that it would not be so harmful as to warrant refusal). In the absence of evidence to the contrary, for example a shading analysis, when combined with the other issues I have identified in relation to neighbouring residential amenity I find that any overshadowing adds, cumulatively, to the harm which would impact upon the amenities of the neighbouring property.
14. The proposal would be contrary to LP Policy GC2 which seeks to ensure that sufficient daylight and sunlight reaches into, between and around extensions to existing buildings, LP Policy GC3 which seeks to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties, LP Policy H13 which will seeks to prevent significant detriment to the amenities of neighbours and LP Policy H14 which seeks to prevent overbearing appearance and loss of daylight for neighbours/neighbouring properties. The proposal would also be contrary to paragraph 130 f) of the Framework which seeks to ensure a high standard of amenity for existing and future users as well as the

guidance contained within the Residential Extensions and Household Development Supplementary Planning Document 2013 which seeks to ensure extensions are designed so that they do not appear overbearing or intrusive and do not result in an unacceptable impact to neighbours.

Protected Species

15. The appellant's background is noted, however, is of limited relevance as a material consideration within this appeal. The appellant has, although full details have not been submitted other than the list within their statement, raised four other sites in the locality where the Council have not requested such information which does suggest some inconsistencies in the information being requested for this type of application.
16. The Council are required to take into account potential impact upon protected species and the proposal involves work to the roof of the dwelling, however, whilst the trees in the vicinity are noted the site is located within a built-up area. Other than a reference to being near to trees I have no other evidence from the Council to further support a requirement for ecological surveys (such as, for example, comments as to the condition of the existing roof which would be of direct relevance for bats). Had I found the proposal acceptable in all other regards a condition could have been applied to enhance biodiversity, through installation of bat and/or bird boxes, along with an informative as to the appellant's legal responsibilities in relation to bats should they have been encountered at the point works commenced on site.
17. Subject to the above I find that the proposal would preserve and enhance biodiversity. Subject to conditions the proposal would be consistent with CS Policy CS24 which seeks to ensure that where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest and the objectives of the Framework and relevant legislation for protected species.

Other Matters

18. I note that the Parish Council object to the proposal – I have dealt with the comment made within the main body of this decision letter.
19. The Council reference, in the third refusal reason, LP Policy NC1 but I find it is of limited relevance to the appeal site before me as it seeks to refuse proposals where they would significantly harm an acknowledged nature conservation interest of established importance. The appeal site is not one of the sites identified within LP Policy NC1. In relation to the windows I note, from my site visit, that the windows of the appeal site are already different to those within the wider row. I therefore place limited weight upon this within the context of the refusal.

Conclusion

20. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR