The Planning Inspectorate

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:24.11.2023

Appeal Ref: APP/X0415/D/23/3330440
16 Graeme Avenue, Prestwood, Buckinghamshire, HP16 0NT

- 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 Tony Lewis against the decision of Buckinghamshire Council.
- The application Ref PL/23/1900/FA dated 12 June 2023, was refused by notice dated 4 August 2023.
- The development proposed is construction of a pitched roof above existing flat roof area on part of the rear of bungalow and creation of living area within the proposed pitched roof area. Construction of internal staircase from ground floor to proposed living space.

Decision

1. The appeal is dismissed.

Procedural Matters

2. 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. The refusal reasons generically reference the Framework however, it is not considered that this impacts upon the determination of this appeal given the main changes to the Framework.

Main Issues

3. The main issues are the impact of the proposal upon i) the character and appearance of the host dwelling and the local area, ii) the residential amenity of neighbouring occupiers with regard to loss of privacy and overbearing impact, iii) protected species and iv) highway safety.

Reasons

Character and appearance of the host dwelling and the local area

4. The appeal site is a detached bungalow that is located on a private spur at the end of the cul-de-sac of Graeme Avenue. The appeal site lies within a built-up residential area and is bordered, on all sides, by residential dwellings. At the time of my site visit I noted that Graeme Avenue is generally characterised by two storey terraced dwellings. The appeal site is, however, located in a cluster of four bungalows that are generally not visible within the remainder of Graeme Avenue partly as a result of substantial trees in the vicinity. The bungalows are a contrast to the surrounding dwellings; however, the appeal site is at the end of a row of three which share a building line and consistent roof forms.

5. I acknowledge, from my site visit and the appellant's statements, that a number of houses and bungalows have been altered and extended, however, I

did not find there to be that much variation within the street scene and found that within the cul-de-sac itself, where the appeal site stands, the roof form is consistent and largely unaltered which is a characteristic of the immediate area. The Council's delegated report, and planning history, note that the appeal site has been subject to previous extensions which has increased the scale of the property, however, at the time of my site I found that these are of a subservient height to the main roof and the existing characteristics of the host property, as a bungalow, remain intact. The proposal before me seeks to construct a pitched roof above the existing roof area to create a bedroom within the proposed pitched roof area.

6. The proposed pitched roof would result in a ridge height exceeding that of the main roof of the bungalow with the proposal compromising the fundamental low-rise character of the bungalow, and the surrounding bungalows, due to excessive height. When viewed from the rear elevation, I find that the proposal would create an incongruent, feature which would cause unacceptable harm to the character and appearance of the host dwelling. It is acknowledged, from the proposed elevational drawings and my site visit, that the adjoining dwelling (number 18, not 19 as per the plan labelling) does have a higher ridge height than the appeal site. Whilst the proposal would not exceed the ridge height of the adjacent property the proposed roof would be higher than the host dwelling's ridge height.

7. The appellant has submitted, on page 6 of their statement, images taken from Google Streetview, but these images are taken from a camera which would have been mounted on the roof of a car and during my site visit, on foot, views of the properties behind the appeal site are more limited. The roof form of the bungalows is, as previously stated, consistent and whilst the proposed ridge would not exceed that of the adjacent property, the extension would project above the centre of the roof in a manner which is entirely uncharacteristic for the area. The proposal would be an incongruous feature within the roof scape when viewing the group of bungalows within which the appeal site stands.

8. The proposed ridge height would, as well as being excessive in height, result in a bulky design with substantial depth, as can be seen from the proposed side elevations. The proposal would fail to integrate in an appropriate manner with the host dwelling's main roof. It should be kept in mind that character and appearance are separate matters with the character being the intrinsic qualities of an area whereas appearance is the visual qualities of an area. Overall, notwithstanding that the visibility of the proposal within the wider street scene would be limited to within the immediate area of the bungalows, I find that there would be unacceptable impact and harm to the appearance of the local area and that there would be substantial harm to the character and appearance of the host dwelling itself.

9. The proposal would, I find, significantly increase the scale of the building, and would result in a disproportionate addition. This is especially so, taking into account the existing extensions which, cumulatively, would consume the character and appearance of the host dwelling. I acknowledge that the proposal before me is a revised application, with a reduced ridge height to that previously proposed with materials to match the property and whilst the existing dwelling is of limited architectural merit, I do not find that the appeal scheme represents an improvement in visual terms which would provide support for the proposal. The proposed roof extension, as a result of height,

depth and design, would fail to respect the scale and design of the established design vernacular of the group of bungalows.

10. The proposal would appear as prominent within the areas roof scape and I also note that the Residential Extensions and Householder Development Supplementary Planning Document 2013 (SPD) confirms that consideration should be given to the character and appearance of the area with particular regard to scale, finish and design vernacular of existing buildings and the prevailing character of the street scene. The SPD also highlights that if a building is located in a row of buildings which all adopt a single roof style, then it will normally not be suitable to alter this to a different style with alterations to the roof of a bungalow being considered in terms of impact upon the street scene as it would result in a building that would appear uncharacteristically different in form and style in comparison to the buildings in the surrounding street scene. As previously outlined, whilst I acknowledged the group of four bungalows are, to some extent, separate from the main street scene of Graeme Avenue, they are notably uniform within their grouping.

11. The proposal would be contrary to Core Strategy for Chiltern District 2011 (CS) Policy CS20, which requires that development is of a high standard of design which reflects and respects the character of the surrounding area and Chiltern District Local Plan Consolidated September 2007 and November 2011 (LP) Policy GC1 which requires development to be in scale with its surroundings relating well in terms of overall dimensions to all features of the town scape which forms the setting of the application site with extensions being designed to respect the scale and proportions of those buildings.

12. The proposal would also be contrary to LP Policy H13 which requires that planning permission for extensions be granted where the character and appearance of the street scene or locality in the vicinity of the extension would not be adversely affected, and LP Policy H15 which requires that extensions should be designed to respect the scale and proportions of the existing dwelling, should not exceed its height 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. The proposal would also be contrary to guidance contained within the SPD, as already outlined above, as well as being contrary to the objectives of both the Framework and the National Design Guide 2019 which seek to achieve high quality design.

Residential amenity

13. The Council's delegated report states that the rooflights on the southern roof slope have been removed, however, the plans before me (side extensions – 16GA02C and roof plans – 16GA04) both show three rooflights with two being in the side elevation (southern elevation) with one in the other side elevation (north elevation). These are the same plans which are referenced within the appellant's statement. The Council's assessment is therefore based upon a singular roof light in the northern elevation. I have considered the proposal based upon the plans before me.

14. Based upon the plans before me, and double checking on Clare Road during my site visit, the proposed rooflight in the north elevation (to the side of the proposed extension) would be facing towards 80 Clare Avenue and not 80A Clare Avenue due to number 80A standing directly to the rear of the appeal site which is to the west and not to the north. Potential views north, from the

extension proposed, would be into the garden of 80 Clare Road. There would be no windows in the proposed rear elevation so there would be no impact upon the privacy for occupants at 80A Clare Road.

15. No clear sections have been submitted to demonstrate the height of the rooflights in the context of the usable space and there is some inconsistency in the plans in relation to this (the roof plan and side elevations are not consistent as to position of the rooflights). Based upon the plans before me, the introduction of rooflight windows in the side roof slopes would likely, offer unacceptable views into the private garden space of both 80 Clare Road as well as 18 Graeme Avenue as the adjoining property. This would, without obscure glazing, result in views which would impact upon privacy for neighbouring occupants. A bedroom, with entirely or largely obscure glazing, would significantly affect the amenities of future occupiers as whilst appropriate light levels may still be able to be achieved with certain obscure glazing levels, the outlook would be non-existent for users which, combined with restrictions as to windows opening, would provide a poor standard of amenity for the additional bedroom and dressing area.

16. I acknowledge the appellant's reference to application PL/19/1957/FA at 14 Graeme Avenue, however, regardless of the amount of glass in the gable facing neighbouring properties, as well as the rooflights, they were undertaken as an extension to an existing single storey dwelling which would not result in a material loss of privacy in the same manner as a roof light/window would at first floor level. The views available from the glazing are entirely incomparable in terms of impact upon neighbouring amenity with regard to privacy.

17. The third refusal reason is specific in its relation to residential amenity with specific regard to overbearing impact from neighbouring properties stated, in the refusal reason, to be 80 Clare Road and 18 Graeme Avenue. The proposal would introduce additional bulk above the existing rear extension, which would overall introduce bulk at notable depth when viewed from the side elevation as can be seen from the plans and the sections provided. The appeal site is set notably forward of 80 Clare Road and, as can be seen from the proposed rear elevation, the increase in height would be incremental up and away from the eaves and the neighbouring boundary and, albeit higher than the existing ridge height, given the distances involved, I do not find that the proposal would result in overbearing impact for the occupiers of 80 Clare Road given its position approximately halfway down their garden.

18. In relation to 18 Graeme Avenue, the adjacent bungalow, whilst the overall ridge height would be central to the appeal property, and it would slope away from 18 Graeme Avenue I find that the proposal would increase bulk and massing at notable depth which would be overbearing for occupiers of 18 Graeme Avenue within their garden area. The adjacent garden at 18 Graeme Avenue is relatively short, the same depth as the appeal site, with the properties sharing a common building line. Whilst I acknowledge that the rear elevation already benefits from an existing pitched roof close to number 18, the overall bulk scale and massing would be significant when comparing the existing and proposed side elevations on plan reference 16GA02C. This would not be mitigated by the adjacent property already having an existing higher ridge as the impact would be felt largely from the amenity area to the rear of the adjacent property.

19. The Council do not raise a refusal reason based upon overbearingness with regard to 80A Clare Road. Based upon the plans before me, and my site visit where I noted separation and the boundary hedging, I have no reason to conclude differently. A proposal being visible does not necessarily result in overbearing impact.

20. The proposal would be contrary to LP Policy GC3 which seeks to achieve good standards of amenity for the future occupiers of the development as well as protecting the amenities enjoyed by the occupants of existing adjoining and neighbouring properties and LP Policy H14 which states that extensions should be designed so that their size and siting in relation to adjoining properties does not result in an overbearing appearance for neighbours or a significant reduction in privacy for neighbours.

21. Whilst, as discussed, impact upon the privacy for neighbours could be controlled through obscure glazing I find that this would be inappropriate, and in turn it would impact upon future occupiers of the proposal. The proposal would also be contrary to the guidance set out within the SPD which seeks to avoid development which appears overbearing or visually intrusive when viewed from neighbouring dwellings and/or their gardens and should not facilitate direct overlooking to the private amenity space of neighbouring gardens. There should generally be a buffer zone between the rear walls of a neighbouring property and its garden which is not overlooked by an extension so as to provide existing neighbours with an area of privacy in their gardens.

Protected species

22. The Council are required to take into account potential impact upon protected species and the proposal involves work to the roof of the dwelling. Other than a reference to there being works to the roof 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). The Council could have, as appropriate, invalidated the application pending receipt of such ecological appraisals had they required them following receipt of the Ecology and Trees Checklist or requested them during the application process.

23. 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 or other protected species should they have been encountered at the point works commenced on site. 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.

Highway safety

24. The submitted parking plan, 16GA05, shows four spaces and a garage but I have concern as to the contrived nature of the submitted parking layout and its practicality on a day-to-day basis. Naturally there are two spaces to the front of the dwelling, on the gravel area, and one car could reasonably be parked to the front of the garage. The location of the fourth vehicle I find could likely

compromise general manoeuvrability within this area of the cul-de-sac especially combined with the boundary with 14 Graeme Avenue, their parking to the side of the dwelling and access to the garage. I do not place any weight upon the fourth space shown on the plans before me. The site does fail to meet the optimal dimensions for parking standards.

25. Despite this I find that, based upon the evidence before me and my site visit, the appeal site can still reasonably, and safety, demonstrate adequate provision for three vehicles (and would do so even if this appeal failed). I find that this would be sufficient given the nature of the proposal and its location, taking into account the Council's adopted parking guidance (Buckinghamshire Parking Guidance September 2015 (the parking guidance)). The parking guidance states that four-bedroom properties in Zone C should provide a minimum of 3 off-road parking spaces not including the garage (given that this does not meet modern standards). I have no evidence that the proposal would result in danger and inconvenience to the occupiers of the development, neighbouring properties, and other highway users.

26. Whilst partly contrary to the parking guidance in terms of dimensions the proposal would be broadly consistent with the guidance requiring three spaces. The proposal would be consistent with LP Policy GC3 which seeks to achieve good standards of amenity for future and existing occupiers and paragraph 111 of the Framework which confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The Council have not provided a copy of LP Policy TR11 with their appeal submissions, but the appellant has included a copy on page 41 of their submission. The proposal would be consistent with the overarching objectives of LP Policy TR11 which seeks provision for parking to be made as part of any development.

Other Matters

27. I note that there are a number of objections to the proposal, however, I have dealt with the matters relating to bulk, scale and massing within the main body of this decision letter against the main issues and the chimney is not showing as being raised on the plans before me. I note comment made relating to sunlight levels, however, the Council raise no refusal reason based upon this matter and I have no evidence to conclude differently. Fear of a precedent is not a sufficient reason for refusal, each case should be considered on its own merits.

28. The appellant's reference to the Framework, on page 30 onwards of their appeal statement, is noted but it should be kept in mind that whilst the Framework is a material consideration it does not outweigh the Local Plan which is the starting point for determination in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. There are three elements to sustainable development which should be considered as a whole. In this case the issues I have identified with regard to design, impact upon the locality and residential amenity fail to achieve both the social and environmental objectives of sustainable development.

29. The proposal is not one which falls to be considered in the context of a tilted balance. Pre-dating the earliest iteration of the Framework does not, automatically, result in Local Plan policies being out of date and in this case the policies relating to character, appearance, relationship with the host dwelling

and residential amenity are consistent with the overarching objectives of the Framework. I have considered the imposition of conditions, however, given the main issues identified no conditions would make the proposal acceptable as submitted. Furthermore, there is no evidence to suggest that the site, as it stands, is underutilised or would be a more effective use of the plot.

Conclusion

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

Eleni Randle

INSPECTOR