



Appeal Decision

Site visit made on 18 December 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21.12.2023

Appeal Ref: APP/X0415/D/23/3332986

18 First Avenue, Amersham, Buckinghamshire HP7 9BJ

- 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 Gavin McWilliam against the decision of Buckinghamshire Council.
 - The application Ref PL/23/0335/FA, dated 30 January 2023, was refused by notice dated 25 September 2023.
 - The development proposed is a single storey ground floor extension and a single storey first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey ground floor extension and a single storey first floor extension at 18 First Avenue, Amersham, Buckinghamshire HP7 9BJ in accordance with the terms of the application, Ref PL/23/0335/FA, dated 30 January 2023 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and drawing numbers MFA-PL100, MFA-PL200, MFA-PL101 and MFA-PL201.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows, rooflights or other openings shall be inserted at first floor level in the flanks, or in the roof, of the rear extension hereby permitted.

Main Issue

2. The main issue is the effect of the proposal on the living conditions at 17 First Avenue, with particular regard to outlook.

Reasons

3. No. 17 First Avenue ('No 17') has a single storey section to its side which is separated from the appeal site by a narrow passageway. It contains a rear facing glazed door and a window, both serving a utility room, with the kitchen window and patio doors further away in the main two storey part of the house.

4. The proposed rear extension would be located above No 18's existing ground floor rear projection. According to the Council's calculations, it would extend about 4 metres beyond No 17's rear face. However, it would be set in from the boundary with No 17, and whilst it would be sited on higher ground, its form, with a set down hipped roof sloping down to the boundary, would help to limit its bulk. Thus, whilst the extension would be visible above the boundary fence from No 17's utility room, having regard to the rear outlook from that property as a whole, it would not have a significantly overbearing impact.
5. That part of No 17's rear garden closest to the proposed rear extension comprises a paved area, which is around 1.5 metres below the ground level on the appeal site. However, it is narrow and already fairly enclosed, and is thus of limited amenity value as an outdoor seating area compared to that part next to the main patio doors. Moreover, most of No 17's long rear garden is at a broadly similar ground level to the appeal site, and is much further from the proposed rear extension. The scheme would not therefore lead to a significant sense of enclosure within No 17's garden.
6. No objections were raised to the proposed front extension, and having regard to its siting, limited scale and matching materials, I agree that its impacts would be acceptable.
7. Irrespective of the claimed fallback position, the scheme would not harmfully impact the living conditions at No 17. It would not therefore conflict with Policies GC3, H13 and H14 of the Chiltern District Local Plan 1997 (Including Alterations Adopted 2001) Consolidated 2007 and 2011, or Policy CS20 of the Core Strategy for Chiltern District 2011. Amongst other things, these require a high standard of design, seek to protect the amenities of neighbouring properties, and require extensions to be designed so that their size and siting does not result in an overbearing impact.
8. Whilst I have not been directed to any particular part of the Chiltern Residential Extensions and Householder Development Supplementary Planning Document 2013, the scheme would not conflict with its stance that extensions should not dominate a neighbouring property, or appear overbearing or visually intrusive from it; nor would it conflict with the requirement in the National Planning Policy Framework (December 2023) for a high standard of amenity.
9. Turning to the matter of conditions, I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans. In the interests of good design, a condition is also necessary requiring that the extensions be faced in matching materials.
10. Finally, having regard to the use of the proposed first floor extension as a habitable room, and the location of its flanks and roof relative to the adjacent plots, a condition removing permitted development rights for additional windows or other openings is necessary in order to protect the adjacent occupiers' living conditions. For these reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR