



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: 2nd January 2024

Appeal Ref: APP/X0415/D/23/3328923

69 Berkeley Avenue, Chesham, Buckinghamshire HP5 2RP

- 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 Vishal Bade against the decision of Buckinghamshire Council.
 - The application Ref PL/22/4224/FA, dated 9 December 2022, was refused by notice dated 7 August 2023.
 - The development proposed is front, side and rear extensions to the existing house, an additional storey on top with habitable loft space within the roof structure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Planning Inspectorate Procedural Guide: Planning Appeals – England 2023 states that the appeal process should not be used to evolve a scheme, and that what is considered by the Inspector should be essentially what was considered by the Council and interested parties at the application stage.
3. In this case, I have been provided with amended drawing nos. PL-01 Rev A, PL-03 Rev A, PL-04 Rev A, PL-05 Rev A, PL-07 Rev A and PL-08 Rev A ('amended plans'). These depict a reduction in the width and depth of the proposed first floor and roof level extensions. I understand that the amended plans were submitted to the Council prior to its determination of the application, but that the Council based its decision on the originally submitted drawings.
4. The amended plans show that the broad form and style of the scheme would not significantly change compared to the original submission, but that the scale and bulk of the proposed extensions would be reduced. I am therefore satisfied that my acceptance of them would not prejudice anyone involved in the appeal.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the area; and
 - the living conditions at 67 Berkeley Avenue ('No 67'), with particular regard to outlook.

Reasons

Character and appearance

6. The host comprises a modestly proportioned bungalow which sits on a large, sloping site, set back from, and at a lower elevation than, the highway. It is smaller in scale compared to its neighbours either side, both of which have a higher ridgeline and, in the case of the extended property at No 67, side facing dormers. However, given the host's broadly similar eaves height, it is not overwhelmed by those buildings.
7. It sits towards the end of a row of properties on this stretch of Berkeley Avenue which are bungalows, or chalet bungalows with accommodation in the roof. They are in a variety of styles. The two storey buildings in the area, such as opposite this site, generally have a significant gap above ground floor level to the neighbouring property on at least one side, which contributes to the area's fairly spacious character.
8. The proposed extensions would significantly increase the scale and height of the host, and would markedly alter its appearance. However, I have no cogent evidence that it is a locally distinctive, vernacular design. Whilst the proposed extensions would dominate the original building, contrary to the advice in the Chiltern Residential Extensions and Householder Development Supplementary Planning Document 2013 ('SPD'), the resultant building would have a reasonably cohesive form and design, with matching materials. Thus, the character and appearance of the host would not be harmed.
9. The amended plans depict a slight set in at first floor on the scheme's eastern flank, but the resultant dwelling would still span almost the whole plot width. Given the height, width and depth of the proposed extensions, together with the expansive roof, they would give it a very substantial bulk and, in the context of the area, it would appear cramped on the plot.
10. Moreover, the resultant dwelling would have a markedly higher eaves compared to the neighbouring chalet bungalows either side. As a result of that, and its proximity to the plot boundaries, there would be an awkward juxtaposition between these buildings. Notwithstanding its set back from the road and ground levels, it would dominate this part of the streetscene.
11. I have considered the scheme in light of a planning application for extensions to 71 Berkeley Avenue, as detailed at Appendix F of the appellant's statement. I have no information regarding the outcome of that application, but even if it has been granted, based on the submitted evidence, those alterations would not change the eaves height or the broad proportions of the front of that property. Consequently, this scheme would still appear discordant and bulky in the streetscene.
12. For the above reasons, the scheme would significantly harm the character and appearance of the area. It would thus conflict with Policies GC1, H13 and H15 of the Chiltern District Local Plan 1997 (Including Alterations Adopted 2001) Consolidated 2007 and 2011 ('CDLP') and Policy CS20 of the Core Strategy for Chiltern District 2011. Amongst other things, and in general terms, these require development to be of a high design standard, to be in scale with its surroundings and in keeping with adjoining buildings having regard to matters

such as frontage width and height, and to not adversely affect the character and appearance of the streetscene.

13. It would also conflict with the advice in the SPD that extensions should blend into the streetscene; and with the National Planning Policy Framework (December 2023) ('Framework') requirement for development which is sympathetic to local character, including the surrounding built environment.

Living conditions

14. The north-western elevation of No 67 contains two first floor dormer windows. However, based on my visit, and the evidence at paragraphs 6.49 and 6.50 of the appellant's statement, those windows, and the ones in the floor beneath, are obscurely glazed, and serve WCs and bathrooms. They are not therefore spaces where the occupants could reasonably expect an outlook.
15. To the rear, the two storey part of this scheme would not project significantly beyond No 67's rear face. The single storey extension would project further but, notwithstanding the sloping ground, given its limited height and flat roofed form, and the boundary fence, it would not result in a significant sense of enclosure. Consequently, the scheme would not have a significantly overbearing impact on those occupiers' outlook; and in the context of their long rear garden, it would not harmfully impact the use and enjoyment of their outdoor amenity space.
16. As the proposal would not harmfully impact the living conditions at No 67, it would not conflict with those parts of CDLP Policies GC3, H13 or H14 which seek to protect the amenities of adjoining occupiers having regard to issues such as overbearance; nor with the Framework's requirement for a high standard of amenity.

Other matters

17. The Council previously determined that prior approval was not required for an additional storey on the host dwelling (Ref: PL/22/2412/PAHAS) ('PA scheme'). The appellant maintains that compared to the PA scheme, the proposal before me is a higher quality design.
18. I agree that the PA scheme would result in a rather contrived form and layout, as its single storey front projection would sit rather awkwardly with the two storey element beyond, and it would have a slightly illegible front entry. However, the two storey part of the PA scheme would be set well in from the boundary with No 67, and its overall scale and bulk would be significantly less than this proposal. Thus, in my view, compared to this proposal, that fallback would have a less harmful impact on the character and appearance of the area.
19. I note correspondence between the case officer and the appellant which stated that, subject to ratification, the original scheme would be recommended for approval. Additionally, there were no objections from interested parties. Be that as it may, I have dealt with the proposal on its planning merits.
20. In its favour, the scheme would make better use of this spacious plot and it would result in a more practically sized family home, with a more functional layout. However, this scheme is not the only way in which those benefits could be achieved.

Conclusions

21. I have found that the proposal would not harmfully impact the living conditions at 67 Berkeley Avenue, but that it would significantly harm the character and appearance of the area. The scheme's limited benefits would not outweigh the harm that it would cause. It would conflict with the development plan when considered as a whole, and it does not benefit from the Framework's presumption in favour of sustainable development. Having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR