



Appeal Decision

Site visit made on 15 February 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH March 2024

Appeal Ref: APP/N0410/D/23/3334361

42 First Avenue, Amersham, Buckinghamshire HP7 9BL

- 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 Brown against the decision of Buckinghamshire Council.
 - The application Ref: PL/23/2703/FA, dated 17 August 2023, was refused by notice dated 12 October 2023.
 - The development proposed is described as a part two storey, part single storey rear extension and first floor side extension
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Decision

1. The appeal is allowed and planning permission granted for a part two storey, part single storey rear extension and first floor side extension at 42 First Avenue, Amersham, Buckinghamshire HP7 9BL in accordance with the terms of the application, Ref: PL/23/2703/FA, dated 17 August 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 referenced: FA PA 01 Rev A – Existing Floor Plans and Elevations; FA PA 02 Rev D – Proposed Floor Plans and Elevations; and FA PA 03 Rev A – Location Plan and Site Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. Since the decision was made by the Council, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issue.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of No 41 First Avenue (No 41), with particular regard to overbearing and visual intrusion.

Reasons

4. The appeal relates to a two-storey semi-detached dwelling with a hipped and cat-slide roof design. The dwelling has single storey projections to its side and rear. The dwelling is sited within a linear plot with a long rear garden. Land levels slope away from First Avenue, with the dwelling set at a lower level than the public highway. Levels continues to slope to the rear of the property.
5. The surrounding area is predominantly residential in character comprising a mix of two-storey detached and semi-detached properties. The adjacent dwelling, No 41, is a two-storey detached property which has a rear building line which is set forward of the appeal property. The rear elevation of No 41 is, in turn, set behind No 40 First Avenue (No 40). Therefore, there is a staggered rear building line between the appeal dwelling and No 40. Within the rear elevation of No 41, the closest ground floor window to the appeal site is a large glazed opening with patio doors. Between the appeal dwelling and No 41 is a narrow gap, accessed from the appeal site via a gate, beyond which is a boundary fence which is approximately 1.8m in height. The fence is positioned in line with the side elevation of No 41. No 41 also has a long and spacious rear garden. The depth and width of gardens in the area provide a sense of openness.
6. The proposed rear and side extension would be project above the existing single storey rear projection. The staggered relationship is such that the extension would project by some distance, across two stories, beyond the rear elevation of No 41. However, the first-floor would be set in from the side and this positioning, in addition to the existing gap between the properties, would ensure that the extension would not be unduly prominent or loom over the garden area. In addition, the rear garden of No 41 is relatively wide and of some considerable depth. The extension would only occupy a small part of its overall length. The majority of No 41's boundaries would remain free from any development above the existing boundary treatment. Therefore, I find that the existing sense of openness across the garden would not be significantly eroded by the proposed development.
7. The extension would be visible from rear windows within No 41 and the additional solid form at first-floor level would partly erode outlook, particularly from the nearest windows. However, the positioning of the first floor, away from the window, cumulatively with the existing gap, would mean the extension would not be prominent from internal spaces. Furthermore, the majority of long views across the garden would be unaffected by the development ensuring that a satisfactory level of outlook would be maintained. Therefore, the extension would not result in any significant sense of enclosure to internal and external areas of No 41. Consequently, I find that the degree visual intrusion and overbearing would not be significant.
8. Therefore, the development would not have a harmful effect on the living conditions of the occupiers of No 41 with particular regard to overbearing and visual intrusion. The development therefore accords with Policies GC2, GC3, H13 and H14 of the Chiltern Local Plan (1997)¹ and the Residential Extensions and Householder Development Supplementary Planning Document (2013).

¹ including alterations adopted 29 May 2001, and as Consolidated September 2007 & November 2011

Together, amongst other things, these seek to ensure a good standard of living conditions for the occupiers of neighbouring properties.

Conditions

9. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. A condition requiring the rear extension to be constructed from materials to match the existing dwelling is also necessary in the interest of the character and appearance of the property.

Conclusion

10. For the above reasons the appeal is allowed.

D Cleary

INSPECTOR