



Appeal Decision

Site visit made on 22 May 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2024

Appeal Ref: APP/J0405/W/23/3330137

18-20 Bicester Road, Aylesbury, Buckinghamshire HP19 8AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dale-Lace Property Development Ltd against the decision of Buckinghamshire Council.
 - The application Ref is 23/00712/APP.
 - The development proposed is change of use from HMO (C4) to large HMO and extension of properties to include a loft conversion and rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from HMO (C4) to large HMO and extension of properties to include a loft conversion and rear extension at 18-20 Bicester Road, Aylesbury, Buckinghamshire HP19 8AD in accordance with the terms of the application, Ref 23/00712/APP, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the address set out on the appeal form in the banner heading above, as it more accurately sets out the location of the proposal.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I have not sought further submissions.

Main Issues

4. The main issues in this appeal are the effect of the proposal on the:
 - character and appearance of the host dwelling and area; and
 - living conditions of the occupants of Nos 16 and 22 Bicester Road, with particular regard to daylight, privacy and outlook.

Reasons

Character and appearance

5. The appeal property comprises two houses that form part of a short terrace fronting Bicester Road. There are a lot of vehicle movements along Bicester Road, which creates a degree of vibrancy. The houses within the row gradually step down from one another following a gentle fall in the topography. Nos. 12 and 14 Bicester Road are on the highest ground. At three storeys plus a

basement, they are imposing and much taller than the rest of the houses in the terrace. They include grander features, such as a large group of masonry chimneys and quoins around the windows. This makes the other houses, including the appeal property, appear relatively humble.

6. Notwithstanding this, the appearance of the rear of the terrace is more varied than the front and the character less vibrant. The rear gardens serving the houses are visible from the rear lane, which provides access to parking areas and garages serving the terrace, as well as houses on Ardenham Street. They include a variety of outbuildings and, while most of the houses in the terrace include a rear projection, they have been extended and altered in various ways meaning they differ somewhat in their form, features and materials. Trees and other plants within the rear gardens of the houses and the adjacent properties provide an element of greenery. Although Nos 12 and 14 Bicester Road are less imposing from the rear, they still dominate the terrace.
7. The proposed extensions, while modest in themselves, would be an appreciable addition to the rear elevation of the appeal property. Nonetheless, they would not significantly alter its appearance. The upwards extension to the rear projection would simply extend its existing form. Given the variety of form in the immediate area and the scale of Nos 12 and 14 Bicester Road, it would not appear incongruous or overly prominent in the terrace of houses. Furthermore, the proposed windows would be evenly spaced and would build on the existing pattern of fenestration, creating a well-balanced arrangement.
8. The proposed box dormer, although wide, would not appear bulky. It would sit below the ridge of the roof and above the eaves. Its height, design, and position on the roof would be similar to the smaller rear dormer window at No. 22 Bicester Road. It would appear as a subservient and compatible addition in accordance with the advice set out in the Council's Design Guide on Residential Extensions (Design Guide).
9. Accordingly, for the reasons above, the proposal would not harm the character and appearance of the host dwelling or the wider area. It would accord with Policy BE2 of the Vale of Aylesbury Local Plan 2013-2033 (2021) (Local Plan), which seeks to ensure that all new development proposals respect and complement the site, their surroundings and the local distinctiveness and vernacular character of the locality. It would also accord with the similar provisions of the Framework.

Living conditions

10. The houses adjacent to the appeal property, Nos 16 and 22 Bicester Road, both have first floor windows, which are set back from their rear projections on the principal part of their rear elevations. This is not an uncommon arrangement on terraced houses with rear projections. Although these windows are positioned close to the boundaries with the appeal property, the rear projection of the appeal property is stepped in at first floor level from these boundaries so there is greater separation between these windows and the rear projection. From the evidence before me, there is nothing to suggest that this current arrangement does not allow these windows to receive an adequate amount of daylight.
11. The proposal would raise the height of the appeal property's existing rear projection to 300mm below the ridge of the main roof. From the evidence before me and my observations on site, this appears to be a relatively modest

increase in height and, given the rear elevations of the properties face south-west, any loss of light to these windows would be limited and not to a degree that it would result in any appreciable harm to the living conditions of the occupants in this regard.

12. I saw on site that there is already a degree of mutual overlooking between the houses in the terrace and their rear gardens. The four proposed windows would be modest in size and would not introduce a new relationship of overlooking. The proposed second floor windows would be set away from the boundaries with the neighbouring properties and, although the windows proposed for the roof space would be closer to these boundaries, they would only be as close as the existing first floor windows.
13. Moreover, given the height of the proposed windows, views taken from them of the neighbouring rear gardens would be at a reasonably steep angle and would need to be taken in proximity to the windows. Occupants of the rooms served by the proposed windows are more likely to look pass the rear gardens serving the neighbouring properties towards the rear lane and the parking areas and garages serving the houses on Ardenham Street. Subsequently, while the proposal may increase the perception of overlooking, in practice it would not further compromise the privacy of the neighbouring rear garden spaces to any significant degree. It would therefore not harm the living conditions of the neighbouring occupants in this regard.
14. I appreciate that the rear projection of the appeal property is large, and the proposal would make it larger. However, like the first floor, the upwards extension would be stepped in from the boundaries with the neighbouring properties and the increase in height would be relatively modest. Given this, it would not be an overbearing addition. Neither would the proposed box dormer, which, for the reasons set out above, would appear as a subservient and compatible addition.
15. In line with the Design Guide, the proposal would not give rise to an oppressive environment. It would not result in any undue loss of daylight to neighbouring properties or excessive shadowing of their gardens and would preserve a reasonable standard of outlook.
16. The Council have not referred to any specific policy requirements that deal with the living conditions of occupants of neighbouring properties. Nonetheless, the appellant has considered the effect of the proposal in this regard as part of the appeal. I have before me, a copy of Policy BE3 of the Local Plan, which seeks to ensure that any proposed development would not unreasonably harm any aspect of the amenity of existing residents. For the reasons above, the proposal would accord with this policy. It would also accord with the similar provisions of the Framework.

Other Matters

17. Aylesbury Town Council and other interested parties have raised concerns regarding parking and the effect of the proposal on traffic congestion and highway safety. I saw on site that the houses on Mount Pleasant and West Street do not benefit from off-street parking and therefore on-street parking on these roads is in high demand. On my visit there was very little on-street parking available on Mount Pleasant and West Street. Nevertheless, the occupants of the appeal property benefit from a large parking area to the rear

of the property. There is also nothing before me to suggest that they would not be able to apply for a permit to park on Bicester Road, where parking is for residents only. At the time of my visit, there were spaces available both in the rear parking area serving the appeal property and on Bicester Road. I appreciate that my observations were made at a specific point in time. However, given the appeal property is in a sustainable location within easy walking distance of local facilities and services, including public transport, I am not of the view that unacceptable effects would result in this regard.

Conditions

18. The Council has suggested that, in the event the appeal was allowed, 9 conditions be imposed on any grant of permission. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
19. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. For the same reason and to protect the character and appearance of the area, a condition is necessary to ensure that the external materials of the proposed extension match those of the existing buildings.
20. To protect the living conditions of existing and future occupants and occupants of neighbouring properties, conditions are necessary to limit the number of occupants and ensure the occupants do not cook within the bedrooms. Nonetheless, the proposal would not result in a significant intensification in the residential use of the site. I am mindful that neither the Council nor interested parties raised any concerns regarding noise and disturbance as a result of the proposal, and there is no justification before me as to why extra controls would be required in this case. I have therefore not imposed a condition requiring the submission of an HMO Management Plan in this regard, as based on the information before me it is neither necessary nor reasonable.
21. Also, to protect the living conditions of existing and future occupants and in the interests of highway safety, it is necessary to impose conditions to clarify the exact details of the parking and amenity areas and their future maintenance and retention.
22. In the interests of mitigating climate change, conditions requiring the provision of an electric car charging point and secure bicycle storage are necessary.
23. To ensure the development provides an enhancement in biodiversity, a condition requiring the provision of a bat crevice on site is needed.

Conclusion

24. For the reasons above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

Hannah Guest INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing buildings.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 20/0156/02 Rev H, dated January 2021.
- 4) At no time shall the total number of occupants of the building known as 18 Bicester Road, Aylesbury, Buckinghamshire, HP19 8AD exceed 8 persons.
- 5) At no time shall the total number of occupants of the building known as 20 Bicester Road, Aylesbury, Buckinghamshire, HP19 8AD exceed 8 persons.
- 6) At no time shall any cooking appliance or white goods be installed or used in any of the bedrooms hereby approved.
- 7) Prior to first occupation of the development hereby permitted the parking and amenity area shown on approved plan 20/0156/02 H shall have been laid out in accordance with details previously submitted to and approved by the Local Planning Authority. Thereafter the parking and amenity areas shall be retained and maintained, available at all times for their designated purposes.
- 8) Prior to first occupation of the development hereby permitted secure bike storage for at least 8 bicycles shall have been provided in accordance with details previously submitted to and approved by the Local Planning Authority. Thereafter the secure bike storage shall be retained and maintained, available at all times for the parking of bicycles.
- 9) Prior to first occupation of the development hereby permitted an electric vehicle charging point shall have been installed in accordance with details previously submitted to and approved by the Local Planning Authority. Thereafter the electric vehicle charging point shall be retained and maintained, available at all times for charging electric vehicles.
- 10) Prior to first occupation of the development hereby permitted one bat crevice shall be attached to a building on site in a position suitable for its intended purpose, and thereafter retained for the lifetime of the development.