



Appeal Decision

Site visit made on 31 May 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/K0425/W/23/3327827

Land adjacent to 5 George Road, Stokenchurch, Buckinghamshire HP14 3RN

- 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 Mr Hammond against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 22/08385/FUL.
 - The development proposed is demolition of existing garage and construction of a one bedroom detached house.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and construction of a one bedroom detached house at Land adjacent to 5 George Road, Stokenchurch, Buckinghamshire HP14 3RN in accordance with the terms of the application, Ref 22/08385/FUL, subject to the conditions set out in the schedule below.

Preliminary Matters

2. Amended drawings have been submitted with the appeal. The changes they show include reconfiguration of the rooms at the first floor to move the bathroom to the back of the building, additional windows to the side elevations at the ground floor level to serve a WC and utility area, and alterations to the windows at the front ground floor level. The proposed amendments would not entail a substantial change to the proposed development and they would not cause procedural unfairness to anyone involved given their nature and extent. As such I have taken those amended drawings into account in the determination of the appeal.
3. The Council accept that, should those amended drawings be accepted and subject to appropriate conditions, its concerns for overlooking of Nos.9 and 10 The Coppice would appear to be overcome. As this is no longer a matter in dispute between the main parties I have not dealt with this as a main issue of the appeal.

Main Issues

4. The main issues are the effects of the proposed development on the character and appearance of the area, and whether the proposal would provide an acceptable standard of accommodation for its future occupants in terms of natural light, outlook and privacy.

Reasons

Character and Appearance

5. The area comprises groups of properties of varying design and appearance. This includes a series of two storey semi-detached houses on George Road, of which no.5 forms a part, as well as more recent development on Bartholomew Tipping Way rising to three storeys, and flatted development set among grass verges around Britnell Court. A row of distinctly modern houses have recently been completed to the rear of the appeal site which extend from The Coppice. Accordingly, plot sizes and the extent of gaps between buildings in the area also vary. As a consequence, there is little consistency in the character of the wider area and its appearance has evolved over time. While the properties which line the eastern side of George Road are of a similar height and materials, there is otherwise little consistency in this group as a result of extensions and alterations, as well as more modern housing closer to its junction with Wycombe Road.
6. The proposed house would be much narrower than no.5 and extend to the site boundaries. However, space would remain between the proposed property and no.5 and also to the north due to the presence of the public footpath. Given these breaks, and considered together with the varied character of the area, the proposal would not appear unduly cramped nor at odds with the established character of the area. Despite its corner position, the proposal would share the front building line of other properties on George Road and the public footpath and trees to the north would assist in softening views of the development from around the junction. The removal of the existing garage and replacement with the appeal scheme would improve the local character and street scene.
7. I note the appeal decisions evidenced by the Council. These, however, relate to sites some distance away and the Inspector describes different characteristics of those areas including spacious character and broadly similar plot patterns. As such the circumstances would not appear to be the same as the appeal before me.
8. In conclusion on this main issue the proposal would not cause harm to the character or appearance of the area and would comply with Policy DM35 of the Wycombe District Local Plan 2019 (the LP) which requires, among other things, that development improves the character of the area and responds to existing positive characteristics. It would also comply with the objectives of the Council's Residential Design Guide 2017 and the design objectives of the National Planning Policy Framework (the Framework) which together require development to be sympathetic to local character.

Living Conditions of Future Occupants

9. The amended window sizes to the front elevation would allow improved outlook and natural lighting to the living room, together significantly reducing the prospect of that space feeling dark and oppressive. The windows would also be of a size that they could be openable. New windows to the connecting WC and utility spaces on the ground floor would also help filter light into the central part of the building. Conditions could reasonably be used to ensure those windows were obscure glazed for reasons of privacy, given their proximity to the side windows of no.5 and the public footpath.

10. The kitchen/diner proposed at the back of the property would be relatively narrow and deep, however the proposed rooflight above, together with the near-full width bifold doors, would ensure the conditions were not unacceptably cramped or oppressive. The views from the rear kitchen/diner would be enclosed by the boundary fencing as well as the rear elevations of properties on The Coppice and trees to the north. Despite being a fairly restricted outlook, given the size of the proposed rear garden I do not consider the outlook would be unacceptable and would not differ significantly from the outlook experienced by other nearby properties.
11. The rear windows of the first floor bathroom would remain in close proximity to the windows and elevations of properties on The Coppice. However, given those windows would no longer serve habitable spaces, it would be reasonable for them to be fitted with obscure glass and closed to a specified level in order to maintain an acceptable level of privacy for both future occupiers and those occupants of The Coppice.
12. Taken together, for these reasons the standard of accommodation for future occupiers would be acceptable and would comply with Policy DM35 of the LP insofar as it requires development to provide a level of privacy and amenity for future occupants appropriate to the proposed use. The proposal would also comply with the Residential Design Guide 2017 and the Framework insofar as they relate to achieving good private amenity and healthy living conditions.

Other Matters

13. The Council's case discusses other concerns in addition to those in the reasons for refusal. The amended windows to the front elevation would no longer mirror the existing windows surrounding the front door of no.5. However, given the varied character of properties in the area, this would be acceptable in visual terms. There is potential for the new ground floor side windows to overhang the site boundaries if opened, and this would be a private matter should it occur.
14. The proposal could lead to two parked vehicles being displaced onto the highway. While the reconfiguration of the parking for no.5 could not be secured as part of the appeal, a suitable arrangement could reasonably be achieved and I note the findings of the appellant's parking survey and associated comments from the Highways Authority, which suggest that there is capacity for vehicles to be parked safely on the street should the need arise. As such this does not amount to a reason to dismiss the appeal.
15. The Council also refer to a perceived sense of overlooking between the development and properties on The Coppice arising from the proximity of the proposed first floor windows. However, I observed there is already a sense of perceived overlooking between those houses and those on George Road and I do not consider the effects of the proposal would be unacceptable in this context. The effects would also be lessened by the use of obscure glazing. Refuse could reasonably be moved using a side gate to the property and there is not substantive evidence before me to suggest why this could not be the case.

Conditions

16. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
17. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans to provide certainty. For environmental reasons details of surface water drainage and use of sustainable energies are necessary, as is compliance with the optional standard of water efficiency, given the local plan requirements. Details of surface water drainage need to be provided prior to commencement to ensure it is addressed at an early stage and as a later trigger could limit the scope and effectiveness of the measures.
18. For visual reasons, it is necessary to condition materials to match the neighbouring property and details of cycle and refuse storage. To improve biodiversity and to comply with the local plan requirement, details of ecological enhancements are also necessary. I have, however, simplified the condition given the size of the site and to ensure those enhancements are reasonably related in scale to the development. In order to provide an appropriate standard of privacy for future and adjoining occupiers, a condition is necessary to ensure the relevant windows are obscure glazed and fixed shut below a height of 1.7m. For the same reasons, and having regard to permitted development rights for windows, it is necessary to ensure that additional windows would require planning permission.
19. Given the scope of the appeal site and red line boundary, it would not be reasonable to condition reconfiguration of the parking spaces for no.5 George Road. Given the enclosure by existing boundary treatments, it would not be necessary to condition these further and neither would it be necessary to condition details of soft landscaping and its retention, given the limited scale of the site. Similarly, and having regard to the restrictions of the Permitted Development Order, it is not necessary for the property to be subject to tighter restrictions for permitted development than other properties in the area. Given electric vehicle charging points now fall under building regulations, and in the absence of evidence to the contrary, there is not a planning reason to secure this here. This is similarly the case for the accessibility standard.

Conclusion

20. The proposed development would be compliant with the development plan when read as a whole and the appeal is allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

The development hereby permitted shall be carried out in accordance with drawings: GRH/01, GRH/02, GRH/03A, GRH/04A, GRG/05.
- 2) Prior to the commencement of development (other than demolition), a scheme of surface water drainage shall be submitted to and approved in writing by the local planning authority. This shall be based on sustainable drainage principles and include details to show how the scheme will be maintained for the lifetime of the development. The drainage scheme shall be implemented and maintained thereafter in accordance with the approved details.
- 3) The materials to be used on the external surfaces of the building hereby permitted shall match those used on no.5 George Road.
- 4) The new dwelling shall be constructed to meet as a minimum, the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidelines prescribed by Regulation 36(2)(b) of the Building Regulations 2010 (or any guidance or change to the Building Regulations that may supersede these that set out the requirement for water efficiency).
- 5) The first floor windows in the rear elevation, and all windows to the side elevations at both ground and first floor levels hereby approved shall be obscure glazed in full and no part of those windows that are less than 1.7m above the floor level of the room in which they are installed shall be capable of being opened. Notwithstanding any permitted development rights, no windows other than those hereby approved shall be installed to the side elevations or to the rear elevation at first floor level without further planning permission.
- 6) Notwithstanding the approved plans, prior to the first occupation of the new dwelling details of cycle and refuse storage facilities shall be submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details.
- 7) Prior to the first occupation of the new dwelling, details shall be submitted to and approved in writing to demonstrate how the development will utilise renewable technologies. The development shall be carried out in accordance with those details.
- 8) Prior to the first occupation of the development, details of a scheme for biodiversity enhancements to the site shall be submitted to and approved in writing by the local planning authority. The enhancements approved shall be installed in full within 6 months of the first occupation of the dwelling.

End of Schedule