



Appeal Decision

Site visit made on 23 July 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2024

Appeal Ref: APP/X0415/W/24/3336976

Manderley, 86 Bottrells Lane, Chalfont St Giles, Buckinghamshire HP8 4EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs James Shorthouse against Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/23/3414/FA.
 - The development proposed is 'remodelling of house including raising the roof height and repitching the roof to accommodate habitable space with the addition of side and rear rooflights, part single, part two storey rear extension with rear balcony, front first floor infill extension and front porch canopy roof'.
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Decision

1. The appeal is allowed and planning permission is granted for 'remodelling of house including raising the roof height and repitching the roof to accommodate habitable space with the addition of side and rear rooflights, part single, part two storey rear extension with rear balcony, front first floor infill extension and front porch canopy roof' at Manderley, 86 Bottrells Lane, Chalfont St Giles, Buckinghamshire HP8 4EH in accordance with the terms of the application, Ref PL/23/3414/FA, 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: 1119.01 Rev A, 1119.02, 1119.03, 1119.04 and 1119.05.
 - 3) The exterior of the development hereby permitted shall only be constructed in the materials specified on the approved plans or in materials which shall previously have been approved in writing by the Local Planning Authority.
 - 4) The development hereby permitted shall not be occupied until the first-floor level windows to the flank elevation of the building have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The windows shall be retained as such thereafter.
 - 5) The flat roof to the single-storey part of the rear extension hereby permitted shall not be used as a balcony, roof terrace or similar amenity area at any time.

Preliminary Matters

2. The description of development entered by the appellant on the appeal form differs from that stated on the application form, but it is consistent with the description used by the Council. I consider it to more fully and accurately describe the development shown on the submitted plans than the original description on the application form, and because it has been used by both main parties, I am satisfied that no unfair prejudice would be caused by my determining the appeal on the basis of the amended description which I have used in the banner heading and my formal decision above.
3. At appeal stage, the appellant provided an amended version of the 'existing and block and location plans drawing' (plan no. 1119.01 Rev A) to enlarge the extent of the area shown on the location plan to include at least two named roads. The amended plan does not change the development applied for in any way, and I am satisfied that no party would be unfairly prejudiced by my considering this plan. I have determined the appeal accordingly.
4. The Council did not determine the planning application within the prescribed period but indicates in response to the appeal that it would have recommended permission be granted. Nevertheless, I note representations made by interested parties including objections to the proposal. These inform the main issues that I have identified below.

Main Issues

5. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings.

Reasons

Character and Appearance

6. The Chiltern and South Bucks Townscape Character Study 2017 ('the TCS') identifies that the appeal site is part of a 'Green Suburban Road' typology area which are characterised by a regular arrangement of plots and a strong landscape character. Most of the buildings on Bottrells Lane near to the appeal site comprise reasonably large two-storey detached dwellings, although there are also a few bungalows, some of which have roof-level accommodation, as well as some semi-detached dwellings nearer to the junction with Back Lane and Mill Lane. Variety in the height, form and architectural style of the dwellings provides for a fairly diverse street scene, although buildings are typically set back from the street on similar building lines within generous plots. Together with the deep verges along the north side of the street and mature landscaping within plots, this provides for an attractive spacious and reasonably verdant quality to the area consistent with the TCS.
7. The appeal site includes a detached two-storey dwelling with a wide but relatively shallow footprint, and a low pitched roof with a projecting front gable. The Council's officer report suggests that it is flanked by two-storey dwellings, but I saw that the first-floor levels of the neighbours at 84 and 88 Bottrells Lane are accommodated within and partly within their roofs rather than as full second storeys. No 84 is also at a lower land level than the appeal dwelling.

8. As part of the proposal, there would be alterations to the dwelling's roof including an increase in the ridge height. This would further increase the maximum height of the appeal dwelling above No 84, and the ridge would also sit slightly higher than the main roof of No 88. However, the re-pitching of the roof would see a reduction in the width of the ridge which would partly offset the visual impact of the greater height. The reduction would also provide for greater spacing between the highest part of the dwelling and the neighbouring properties than currently and given the separation and that there would be no change to the height of the eaves, I am satisfied that the difference in the height of the building against the immediate neighbours would not be jarring.
9. Moreover, the roofline and height of buildings on Bottrells Lane is not uniform with existing examples of buildings of markedly different height sitting side by side, and the development would remain lower than 90 and 92 Bottrells Lane. The roof would accommodate a second-floor level to the dwelling, but rooflights serving the space would be limited to the rear and flat section of the roof and would not be readily appreciable from Bottrells Lane so as to stand out against the typical single and two-storey dwellings nearby.
10. While the development would be taller than the existing and immediate neighbouring dwellings and would exceed the height suggested by the Council in pre application advice, I am satisfied having regard to the factors above that the height would not be disproportionate or unduly imposing and would not cause the dwelling to appear conspicuous in the street scene.
11. The proposal also includes front and rear extensions. There would be a significant increase in the dwelling's depth to the rear at first-floor level and an even greater increase at ground floor. However, the extensions would be of relatively modest width against the building and set down from its roof to the rear such that they would not dominate it. The dwelling would also retain a generous frontage and rear garden, and would not project significantly beyond the front or rear of other buildings nearby so as to stand out.
12. I acknowledge that the combined extensions and alterations to the roof would result in a considerable increase in the overall scale of the dwelling. It would have a much greater bulk and mass at the upper level than No 84 and would also be much taller so that I cannot agree with the suggestion in the Council's report that it would be comparable in scale to this neighbour. Nevertheless, separation to No 84 would be maintained, with spacing to the highest part of the development increased. The scale of the building would not be out of keeping with other buildings on Bottrells Lane and variety in the scale of buildings, including adjacent neighbours, is an existing feature of the street scene. Notwithstanding its relative size, I find in this context that the dwelling would not be striking or unacceptably dominant when seen against No 84. In my judgement, the scale of the development would sit comfortably on the site and Bottrells Lane, and the spacious quality and strong landscape character of the area would not be harmfully diminished.
13. Furthermore, the appearance of the dwelling would be notably altered, but from the evidence before me including my observations at my visit, I am satisfied given the variety in the wider street scene that its form and design would not be discordant or incongruous.
14. The proposal would not strictly accord with saved Policy H15 of the Chiltern Local Plan 1997 (including alterations adopted 2001, Consolidated 2007 and

2011) ('the LP') insofar as it includes a stipulation that an extension should be designed to respect the scale and proportions of the existing dwelling and should not exceed its height. However, I find for the above reasons that the development would assimilate suitably with its surroundings and this is a material consideration which I find would outweigh the conflict with Policy H15 in this case.

15. Overall, I conclude that the proposal would not cause unacceptable harm to the character or appearance of the area and it would accord with saved Policies GC1, H13 and H16 of the LP and Policy CS20 of the Core Strategy for Chiltern District 2011 insofar as they together broadly require high quality design which reflects and respects local character and distinctiveness and seek well designed extensions which do not adversely affect the character and appearance of the locality.

Living Conditions

16. The neighbour at No 84 has glazing to the side elevation serving a rear conservatory and a sitting room and bedroom on the ground-floor level which face towards the appeal site while the neighbour at No 88 includes flank glazing to the ground-floor and a rooflight. There is also a window to the first-floor level of No 84, but it is fitted with obscure glazing which already restricts outlook and given that it serves a bathroom which is not a habitable room, I find that any effects on light to this window would not cause meaningful harm to the living conditions of occupiers.
17. Spacing between the ground-floor flank glazing to the neighbours and boundary fencing and vegetation is limited so that the boundary treatment would provide for notable enclosure of available views. It would form the main component of outlook from the glazing at close proximity, and the glazing to the side of No 88 and the bedroom window to No 84 then face generally onto the side of the existing appeal dwelling beyond the boundary.
18. The proposal would not increase the width of the dwelling or the depth of the sections closest to the neighbours. There would be an increase in the maximum height of the dwelling and the overall bulk of the main roof, but its height at the eaves would not change and the roof would be hipped away from the boundaries. Given these factors and my observations at my visit of existing relationships and views from No 84, the alterations to the main roof would be unlikely to be readily appreciable from the bedroom window of No 84 or glazing and rooflight to the side of No 88. I further find that the altered roof over the existing dwelling would not become an unduly dominant feature in views from the other side glazing to No 84 and it would not cause any harmful loss of light.
19. The rear extension would project some way deeper than the main roof but the deepest part and the section closest to No 84 would be single-storey with a flat roof of modest height, and it would be set in some way from the boundary with No 84 with a larger set in to the two-storey part. I acknowledge that No 84 is at a lower level and the apparent bulk of the development as shown on a flat side elevation. Nevertheless, I am satisfied that the separation provided to the rear extension would ensure that the development as a whole would not be unduly overbearing where it would be seen above the existing boundary treatment from No 84, and it would not cause a harmful loss of light or outlook to the side of this dwelling in comparison to the existing situation.

20. The rear extension would be closer to the boundary with No 88. Even so, there would still be a reasonable set in. Having regard to the existing relationship and my observations at my visit, the development would not in my assessment cause unacceptable loss of light or outlook to the side of this dwelling.
21. Views of the development from the rear of Nos 84 and 88 would be oblique and the projection beyond the rear of these neighbours, particularly at two-storey level would be relatively modest. The extensions to the front of the dwelling would also be of very modest depth, and the development as a whole would not project significantly forward of either neighbour. Given these factors and the separation that would be provided between both the front and rear extensions and the boundaries, I am satisfied that there would not be a harmful loss of light or outlook for the garden or front or rear windows of either neighbour.
22. Having regard to the position of glazing and boundary treatment to the site and subject to planning conditions to control the nature of first-floor flank windows and require that the flat roof of the single-storey part of the rear extension was not used as a balcony or terrace in order to prevent overlooking, I am further satisfied that there would not be a harmful loss of privacy for neighbouring dwellings or gardens.
23. I appreciate that there would be a significant increase in the overall scale of the dwelling and that it would be much larger and of greater height in comparison to No 84. Nevertheless, I find for the above reasons that it would not be unacceptably dominant and in my judgement, there would be no meaningful detriment to levels of light, outlook or privacy experienced by residents of neighbouring dwellings.
24. I therefore conclude that the development would not cause unacceptable harm to living conditions for neighbouring occupiers, and I find no conflict with Policies GC2, GC3, H13 or H14 of the LP which include requirements seeking broadly to protect the amenities enjoyed by occupants of neighbouring properties, and to ensure that extensions do not result in an overbearing appearance or loss of light or privacy for neighbours.

Conditions

25. I have considered suggested conditions against the tests set out in the National Planning Policy Framework. I have made amendments where necessary to ensure compliance with these tests or for clarity, brevity or consistency.
26. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. A condition controlling external materials is necessary to ensure a satisfactory appearance, and I have found above that conditions to control the nature of glazing to the flank of the dwelling and restrict use of flat roof areas as a terrace or similar would be necessary to safeguard neighbouring occupier's living conditions.
27. The Council also suggested a condition to require parking for three cars to be laid out within the plot and thereafter retained before occupation of the development. However, the proposal would not result in any significant reduction to the existing site frontage which could currently accommodate at

least three vehicles. In my view, the condition would be unnecessary and unreasonably onerous, and I have not therefore imposed it.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR