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## Appeal Decision

Site visit made on 31 July 2024

**by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> August 2024**

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**Appeal Ref: APP/X0415/D/24/3343800**

**Rushden, 17 Kingsway, Chalfont St. Peter, Buckinghamshire, SL9 8NS**

- 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 Girolamo against the decision of Buckinghamshire Council - Chiltern Area.
  - The application Ref is PL/23/4136/FA.
  - The development proposed is single storey front extension, two storey rear extension, roof alterations and replacement rear dormer window and lower ground floor rear gym and leisure room below existing patio.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of single storey front extension, two storey rear extension, roof alterations and replacement rear dormer window and lower ground floor rear gym and leisure room below existing patio at Rushden, 17 Kingsway, Chalfont St. Peter, Buckinghamshire, SL9 8NS, in accordance with the terms of the application Ref PL/23/4136/FA and the plans submitted with it, 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: A-22-252E.01Rev01, A-22-252E.02 Rev01, A-22-252E.03Rev01, A-22-252P.01Rev02, A-22-252P.02Rev02, A-22-252P.03Rev02, A-22-252P.04Rev02 and A-22-252P.05Rev 02.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
  - 4) Before the first occupation of the development hereby permitted the windows at first floor level and above in the northeast and southwest flank elevations shall be fitted with obscured glazing and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.
  - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no

windows/dormer windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the Local Planning Authority, shall be inserted or constructed at any time at first floor level or above in the northeast flank elevation of the dwelling.

### **Main issues**

2. I consider that the main issues in this case are its effect on the character and appearance of the area and on the living conditions of residents.

### **Reasons**

3. 17 Kingsway is a detached two storey house of white painted render with a prominent front gable and a forward projecting single garage. It is located in an Established Residential Area of Special Character where the topography creates a stepped pattern of development following the slope up from north to south. Properties along the street are substantial, mainly detached houses, typically of render or brick and, although there are some common architectural features, there is a wide variety of building and roof forms, sizes and heights and many have been extended.
4. The relevant policies in this case include GC1, GC3, H13, H14, H15 and H18 of the Chiltern District Local Plan 1997, altered and consolidated in 2007 and 2011 (the local plan). These require, among other things, that development, including extensions and dormer windows, should be of a high standard of design, in scale with its surroundings, in keeping with the character and appearance of the locality and should cause no significant detriment to the amenities of neighbours. Policy CS20 of the Core Strategy for Chiltern District 2011 (the Core Strategy) also requires new development to be of a high standard of design which respects the character of the surrounding area.
5. Also relevant are policy H7 of the Chalfont St. Peter Neighbourhood Plan 2013-2028 and the Council's Supplementary Planning Document *Residential Extensions and Householder Development* 2013 (the SPD) which give further detailed advice on development proposals including extensions and alterations to the roof.
6. The Council has not objected to the proposed single storey front extension or the lower ground floor gym and I see no reason to disagree with this.
7. The proposed two storey rear extension would include an infill section at ground floor level, with the first floor over the full ground floor element to a new eaves height across the width of the house, resulting in a small increase in the footprint of the property. This would be combined with an overall increase in height in the roof and a large rear dormer window replacing an existing one.
8. I consider that the two storey extension would not appear excessive in the context of the substantial properties on either side, especially the large extension at No.19 which is at a higher ground level to the south. It would not be readily visible from the street. The crown roof would not be unduly bulky and would be unobtrusive in the street scene since it would be a narrow strip running parallel with the street and fairly modest in extent. Although such roofs are not common in the area, there is a small number nearby which are relatively unobtrusive. The increase in height would slightly disrupt the stepped roof pattern along this part of the street, but I consider that there is sufficient variety in the street as a whole for this variation to be acceptable.

9. The proposed rear dormer would extend the whole width of the new roof apart from some set back from the edges. Details of the proposed materials are unclear from the information before me but the submitted plans indicate that it would be clad in a dark grey material rather than matching the materials of the existing house. It would therefore appear as a very prominent feature somewhat at odds with the building. However, I am mindful that there is a very similar dormer immediately next door at No. 19. Although I understand that this was permitted in the context of a permitted development rights fallback which does not apply here, I consider that it would be unreasonable to dismiss the appeal for this element particularly as it would not be visible from the street.
10. The overall size and bulk of the extension would be substantial in proportion to the existing building. However, it would be mostly contained within the existing footprint and to the rear and, apart from the increase in height would not have a significant effect on the street scene.
11. I conclude that the proposal would not harm the character and appearance of the area and that in this respect it is not contrary to local plan policies GC1, GC3, H13, H14, H15 and H18 and policy CS20 of the Core Strategy
12. No. 15 lies to the north of and at a lower level than No. 17 with a high timber fence along the common boundary. The proposed two storey rear extension would not project any further into the rear garden than the rear elevation of No. 15 and would not have any impact on the amount of sun or daylight to the latter. There would be no increase in overlooking from new windows compared with the existing situation. The bulk of the extension and the dormer would not be visible from within No. 15, though it would be visible from parts of the rear garden. However, I consider that it would not appear unduly overbearing when seen in the context of other large extensions in the vicinity.
13. I conclude that the proposal would not harm the living conditions of neighbouring residents and that in this respect it is not contrary to local plan policies GC3 and H14.
14. For the reasons given above, the appeal is allowed.

### **Conditions**

15. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development. Conditions relating to the obscure glazing of windows and restrictions on additional windows are necessary to protect the amenities and privacy of the adjoining properties.

*PAG Metcalfe*

INSPECTOR