



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: 16th August 2024

Appeal Ref: APP/K0425/D/24/3339659

75 Hamilton Road, High Wycombe, Buckinghamshire, HP13 5BH

- 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 Ms M Diaz against the decision of Buckinghamshire Council.
 - The application Ref is 23/06869/FUL.
 - The development proposed is demolition of existing single garage and erection of new rear 1 1/2 width garage with study over for home working and vehicular access onto Fox Hill Close.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing single garage and erection of new rear 1 1/2 width garage with study over for home working and vehicular access onto Foxhill Close at 75 Hamilton Road, High Wycombe, Buckinghamshire, HP13 5BH, in accordance with the terms of the application Ref 23/06869/FUL 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: 23FHCWB GSLP01, 23FHCWA GA01, 23FHCWB GSP01 and 23FHCWB GSP02.
 - 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) The building hereby permitted shall only be used in connection with and ancillary to the occupation of the existing dwelling and shall not at any time be severed and occupied as an independent unit.

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. 75 Hamilton Road is a detached two storey house with a single flat roofed garage attached at the side. The character of the street and of Foxhill Close to the west is of similar two storey detached houses set in good sized plots with a variety of garages and outbuildings and extensive mature vegetation.

4. I consider that that the relevant policies in this case are CP9, DM35 and DM36 of the Wycombe District Local Plan 2019 (the local plan) which, among other things, require development to be of a high quality of design and to respect the character and appearance of the surroundings and to preserve the amenities of neighbouring residents. The Council's SPDs *Residential Design Guidance 2017* and *Householder Planning and Design Guidance 2020* (the SPDs) provide detailed advice on the form and location of garages and outbuildings.
5. The proposed garage with study over would be fairly substantial with a maximum height to the ridge of approximately 6.1m. It would be located at the northwest corner of the rear garden with access from Foxhill Close. This access would be from a turning head which has been approved, but not yet constructed in association with an extant permission for 5 new houses to the northwest of Nos. 73 and 75 Hamilton Road.
6. It would be set down at a lower level than the existing rear garden at the level of the turning head. This would serve to reduce its visual impact which in any case would be limited by the existing mature and dense trees at this end of the Close. The new houses would alter the character of the immediate area, reducing its openness and the proposal would not appear unduly prominent in the context of the houses or some prominently sited garages in Foxhill Close and it would not significantly further reduce openness. I understand that its design and proposed materials reflect those of the new houses and it would therefore be in keeping with the appearance of the surroundings.
7. I conclude that it would not harm the character and appearance of the area and that it is consistent with policies CP9, DM35 and DM36 and the SPDs.
8. The proposal would be located close to the side boundary with No. 73 adjacent to a number of dead trees which overshadow and have provided privacy within the rear garden of the latter from overlooking from the garden of No. 75. These are to be removed and I consider that the siting of the proposal and its lack of openings overlooking the garden at No. 73 would ensure continued privacy at No. 73 and no increase in overshadowing.
9. I conclude that the proposal would not harm the living conditions of the neighbouring residents and that in this respect it is consistent with local plan policies CP9, DM35 and DM36 and the SPDs.
10. For the reasons given above, the appeal is allowed.

Conditions

11. 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. The condition restricting its use is necessary in order to safeguard the residential amenities of the area and prevent the establishment of an independent unit on the site.

PAG Metcalfe

INSPECTOR