



Appeal Decision

Site visit made on 8 May 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/J0405/D/25/3361315

16 Heath Close, Aylesbury, Buckinghamshire, HP21 9UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs R Gibbon against the decision of Buckinghamshire Council.
 - The application reference is 24/03288/APP.
 - The development proposed is single storey rear extension with two storey front, side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposals upon i) the character and appearance of the host dwelling and the surrounding area and ii) neighbouring residential amenity with regard to overbearing impact.

Reasons

Character and appearance

3. The host dwelling is a semi-detached dwelling which stands within a row of three pairs of semi-detached dwellings that I find to be relatively uniform in scale, design and massing. The appeal site is located at the end of a cul-de-sac within a residential area where, at the time of my site visit, I noted that the dwellings within the locality are predominantly semi-detached and are relatively consistent in bulk, scale and massing and general design. The host dwelling has previously been extended in the form of a single storey side/rear extension, but this existing extension is subservient with the host dwelling's original massing clearly legible and consistent with other dwellings in the vicinity against which it is viewed.
4. I note from my site visit that there are dwellings within the locality which have been altered or extended (albeit the photographs provided as an appendix to the appellant's statement do not specify where the photographs are in the context of the appeal site itself). I did note what appeared to be a two-storey rear extension on an adjacent dwelling at Pevensey Close, however, this does not appear to have been part of a proposal which, cumulatively, would result in the same wrap around style proposal, nor overall bulk and scale, that is before me as outlined below.
5. There are several elements to the appeal proposal and the Council's delegated report confirms that the single storey rear infill extension would be considered acceptable and I have no reason to disagree with this assessment on this element based upon the evidence before me and my site visit. The single storey rear

extension would, however, be combined with a first-floor extension, an extension at first floor level to the northeast elevation as well as a front extension at first floor level. The two-storey front, side and rear extension would also be uncharacteristic when viewed in the context of surrounding dwellings and the gable design to the front and rear elevations would be out of keeping in comparison to the existing, overall, roof form of the host and adjacent dwellings.

6. The proposal would fail to respect the character and appearance of the host dwelling and cumulatively, the elements which form the proposal would create a wraparound extension which I find would consume the original dwelling as a result of bulk, scale and massing. The proposals would also be highly visible within the street scene of Heath Close both in the cul-de-sac turning head, the general green spaces and footpaths in and around the appeal site and in views from surrounding properties themselves. I find that this would unacceptably impact upon the amenity of the surrounding area as result of cumulative incongruous additions.
7. I note the examples provided by the appellant, within the photographs, which I assume (albeit not specified) are within the locality, however, from the information before me and my site visit, I do not find that these cumulatively represent or are comparable to the proposals which are the subject of this appeal. Whilst I acknowledge the appellant's statement as to a precedent having been set – each case should be considered on its own merits and, in this case, the cumulative extensions and alterations to the host property I find would be out of character within the locality and, furthermore, that they would be out of character and overdevelopment in the context of the host dwelling itself.
8. The proposal would be contrary to Vale of Aylesbury Local Plan (VALP) 2021 (LP) Policy BE2 which requires that all development proposals shall respect and compliment the physical characteristics of the site and its surroundings including the scale and context of the site and its setting. LP Policy BE2 also requires proposals to respect form, proportion and architectural detailing of the locality.
9. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework 2024 (the Framework) which requires that decisions should ensure development will function well and add to the overall quality of the area and are sympathetic to local character. The proposal would also be contrary to the Bedgrove Agreement which seeks to ensure that the amenities and appearance of the Bedgrove Estate are preserved.

Residential amenity

10. The appeal site is side on to, and shares a common boundary with, the rear gardens of numbers 27, 28, 29 and 30 Pevensy Close (the adjacent properties) with the existing dwelling already being sited close to the shared boundary line. The host dwelling has already been extended close to the shared boundary, but this is in the form of a single storey side/rear extension which is of comparatively limited height to the proposal which is the subject of this appeal.
11. The proposal would result in a 1 metre separation from the shared boundary being retained in relation to the first-floor element of the two-storey extension. Despite this separation, the proposal would still result in two storey development running at a length of in the region of 12.35 metres a short distance from the shared boundary with the adjacent properties off Pevensy Close. I find, therefore, that for the adjacent dwellings in question, the presence of two storey development in such

close proximity to the rear garden/amenity areas would result in an overbearing impact within those areas and that this would impact unacceptably upon residential amenity for occupiers of those properties.

12. Overall, the proposed two storey front, side and rear extensions would result two storey development, at a length of in the region of 12.35 metres, in close proximity to the common boundary (even with the acknowledged metre set in at first floor level). I find that the proposal would appear unacceptably overbearing from within the gardens of the adjoining neighbouring properties meaning that the proposal would be contrary to VALP Policy BE3 which outlines that permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents. The proposal would also be contrary to paragraph 135 of the Framework which seeks to ensure a high standard of amenity for existing and future users as well as the terms of the Bedgrove Agreement.

Other Matters

13. I note that there are a number of third-party comments which have been submitted during the application process. I have dealt with matters relating to overdevelopment, character and appearance of the area within the context of the first main issue as well as acknowledging the Bedgrove Agreement Terms.
14. Comments have been raised regarding light levels in relation to neighbouring properties on Pevensey Close, however, due to the pattern of sun movement daylight in the late afternoon is already blocked by the existing properties on Heath Road, including the appeal site. I do not consider that the proposal would substantially reduce daylight to an extent which would warrant refusal compared to the existing development and interaction of existing properties. I have no reason, nor evidence, to disagree with the Council's assessment on this matter.
15. The Council confirm that the appeal site is located within the Green Impact Risk Zone for Great Crested Newt Habitats meaning there is a low likelihood of newts being present on site and householder development is exempt from the requirements to secure net gain in Biodiversity due to the householder exemption for set out within the Environment Act 2021. The proposal would be located in an area fully surrounded by residential dwellings in ongoing use as residential garden with regular upkeep. Given the nature of the proposed works I have no evidence before me to suggest that the proposal would have resulted in any impact upon protected species or biodiversity which would warrant refusal. I have no reason, nor evidence, to disagree with the Council's assessment on this matter.
16. There is already an existing side window facing towards the properties on Pevensey Road over circulation space/a landing area. The proposed side elevation would include two windows which would serve a bathroom and an en-suite and, in that regard, had the proposal been acceptable in other regards a condition could have been applied to ensure that the two windows in question were obscurely glazed with restrictions as to opening below a defined height in order to protect the amenities of adjacent properties with regard to privacy and overlooking.
17. I note comments made regarding anticipated disruption, deliveries and access during construction. Whilst I acknowledge concern the proposal, as a house extension, would ultimately result in short period of disruption and I do not find that such disruption would be sufficient to form a refusal reason on its own. I can see that the appellant has provided comments as to builder, plant and machinery

access and noise and dust pollution which are matters which could potentially be secured (in terms of construction management/a management plan) by condition had the proposal been acceptable in all other regards.

18. Whilst I note the comments made by the appellant as to management of construction and the windows in question they do not, unfortunately, overcome the main issues I have identified with regard to character and appearance of the host dwelling itself, the surrounding area as well as residential amenity with regard to overbearing impact.

Conclusion

19. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR