



Appeal Decision

Site visit made on 19 May 2025

by **Megan Thomas K.C.** Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 06 June 2025

Appeal Ref: APP/K0425/D/25/3362409

96 Arnison Avenue, High Wycombe, Buckinghamshire HP13 6BU

- 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 Ruhail Aslam against the decision of Buckinghamshire Council.
 - The application ref. is 24/07898/FUL
 - The development proposed is part single, part two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposed development on the living conditions of the occupants of 98 and 94 Arnison Avenue in relation to outlook, and the effect of the proposal on highway safety.

Reasons

Living conditions of neighbours with respect to outlook

3. The appeal dwelling is a two storey semi-detached dwelling with a study in the loft space, situated on estate of similar properties within an existing residential area of High Wycombe. The semi-pair is no.98 Arnison Avenue and this is located on higher land to the north of the appeal site. No.94 is the neighbouring semi-detached property to the south and this is paired with no.92. This is on lower land (by about 1m) as this part of Arnison Avenue is on a downhill stretch sloping in a north/south direction.
4. No.98 has a single storey rear extension located on the north side of its plot. This has a window and a door in its flank(south-facing) elevation and a window in its east-facing elevation. No.94 has an outbuilding on the northern side of its plot.
5. The appeal site has a single storey side/rear extension and this is situated on the south side of its plot. It has a front forecourt with space for parking two vehicles.
6. The proposed development includes constructing a side and rear first floor extension on the south side of the dwelling. It would not extend out to the southern boundary of the site and would allow views from the front towards the rear of the plot/land behind. At the rear the first floor extension would have a pitched roof with a front hip and would not extend out to be flush with the ground floor extension end but would be about 3m deep from the rear elevation of the original dwelling.

7. The Householder Planning and Design Guidance Supplementary Planning Document (2020) (p.9) advises that extensions should not be overbearing or enclose adjacent properties because of their height and or depth. No.94 to the south of the appeal site has a small rear garden. It has patio doors at the rear. I consider that when using the rear garden particularly the part closest to the house, the proposed side/rear first floor extension would give an undue sense of enclosure to the users. The elevated position of the proposed extension relative to the ground level immediately to the rear of no.94 and the limited separation distances would exacerbate this loss of outlook. The proposed first floor set back of about 1m from the appeal site boundary would not be sufficient to overcome the unneighbourly impacts of the development.
8. In coming to this view I have had regard to the Daylight and Sunlight Assessment produced for the Appellant, but the results of this do not alter my view that the proposal would be overbearing for users of the small rear garden at no.94. I have to consider present and future occupiers of neighbouring buildings and have to preserve living conditions of the housing stock for future users.
9. In relation to the occupants of no.98 to the north, this dwelling has a small rear garden and the rear extension as described above. I consider that the proposed first floor rear extension would be visually intrusive and create an unacceptable sense of enclosure for the occupants of no.98 when using their rear garden or when looking out of the south-facing window on the rear extension. I have taken into account the garden's generally higher level than the rear garden of no.96 and the Appellant's Daylight and Sunlight Assessment but nevertheless the separation distances are not large and the bulk of the rear garden of no.98 is on the south side of its plot where the proposal would have most impact.
10. On this issue, I therefore conclude that the proposal would have an unacceptable effect on the living conditions for the occupants of nos 98 and 94 Arnison Avenue through loss of outlook. The proposal would be contrary to policies CP9 (2), DM35 (g) and DM36 (e) of the Wycombe District Local Plan (2019) and the Householder Planning and Design Guidance Supplementary Planning Document (2020).

Highway Safety

11. The crux of this issue is that if one of the rooms shown on the submitted plans for the proposed development was converted into an additional bedroom then the optimum parking standard would increase from two spaces to three spaces. As only two vehicle parking spaces of the required size can be provided on site this might lead to additional on-street parking and to vehicles reversing onto or from the highway to the detriment of highway safety.
12. The Appellant has suggested that the potential for converting a room in the redevelopment (if it was to take place), into an additional bedroom could be controlled by the imposition of a planning condition restricting that conversion. It appears to me that there is at least one room on the submitted plans that could be used as an additional bedroom and so the Council's concern is not misplaced. However, I do not consider that a condition which sought to prevent the addition of a bedroom use would comply with the policy requirements for conditions. In particular the Local Planning Authority would be unlikely to be able monitor if the condition was being breached and so in practical terms it would be an unenforceable condition. The condition could not reasonably achieve its purpose.
13. In light of that, I am not able to conclude that harm to highway safety would be avoided if the proposal was granted permission and implemented. In coming to this view, I have borne in mind that there appeared to be limited on-street/layby parking on Arnison Avenue but also that my site visit could provide only a snapshot of parking pressure in the area. On this issue, therefore I conclude that there is insufficient evidence before me to be able to exclude

unacceptable harm to highway safety as a result of the proposed development. Advice in Buckinghamshire Council Local Transport Plan 4 - 2013-2036 (2016) and the Buckinghamshire Council Highways Development Management Guidance document (2018) would be breached.

Conclusion

14. Having considered all representations made, including representations relating to other extended properties in the area, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

Inspector