
Appeal Decision

Site visit made on 8 May 2018

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH May 2018

Appeal Ref: APP/X0415/D/18/3196403
7 Over Hampden, Prestwood HP16 9DZ

- 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 Mr G Faulds against the decision of Chiltern District Council.
 - The application Ref CH/2017/1893/FA, dated 9 October 2017, was refused by notice dated 4 December 2017.
 - The development proposed is for part first floor side extension and part single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a part first floor side extension and part single storey rear extension at 7 Over Hampden, Prestwood HP16 9DZ in accordance with the terms of the application Ref. CH/2017/1893/FA, dated 9 October 2017, subject to the following conditions.
 1. The development hereby permitted shall begin not later than three years of the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1.00 and 1.01.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of 5 Over Hampden, with specific reference to outlook.

Reasons

3. The appeal site relates to a detached two storey house set within a residential street of similar properties, although its front elevation is broadly in line with the rear elevations of 5 and 9 Over Hampden. The appeal dwelling has an existing single storey garage, utility room and sitting room over which would be built the first floor extension. This would be built close to the boundary with no5, the boundary of which is demarcated by a closeboarded fence. High conifer hedging within the neighboring garden towers over the fence and runs from a point approximately level with the rear of the existing garage of no 7 for the depth of the gardens. No5 also has a single storey rear extension close to the

shared boundary which ends approximately where the conifer hedging starts, although I hasten to add that none of these features are shown on the submitted Site Layout plan.

4. The proposed first floor extension would be constructed flush with the existing front wall of the garage and extend back some 8.5m; about 7.2m of this depth of building would be beyond the first floor rear elevation of no 5, within which sits the bedroom window which is the subject of the Council's concern; about 3.2m would be beyond the rear wall of that property's single storey rear extension.
5. Consequently, the ground floor windows serving no 5 are set back a reasonable distance in relation to no 7. The occupier of no 5 kindly allowed me to view the appeal site from their property and I noted that the closest window on the rear of that dwelling serves a games room. I also noted that the main patio area for no 5 was located towards the further side of the rear elevation and consequently I consider that the outlook both from the ground floor windows and this patio would not be unduly harmed by the proposal.
6. I also had the opportunity to view the appeal site from the nearest first floor rear bedroom window of no 5 and as acknowledged by the appellant, the extension would breach a notional 45° line from the centre of it. Therefore, the proposal would clearly affect the outlook from this bedroom window, although in reality by virtue of its overall width and the fact that it would still afford quite broad views across the substantial rear garden of no 5, I consider on balance, that the overbearing effect that would be created would not be so substantial as to warrant withholding planning permission.
7. The Council have not highlighted which aspects of the Householder Development Supplementary Planning Document would be breached by the proposal, but nonetheless, I note, in conjunction with Policies GC3, H13 and H14 of the Chiltern District Local Plan 1997 that the Development Plan seeks to protect the amenities enjoyed by the occupants of neighbouring properties, and that extensions should be designed so that their size and siting in relation to adjoining properties does not result in, amongst other things, an overbearing appearance. I consider that the proposal complies with this policy context.

Conclusion and Conditions

8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.
9. The Council did not suggest that any conditions be imposed, however, I consider that in addition to the standard time limit condition, in the interests of the character and appearance of the surrounding area, conditions requiring that the development be carried out in accordance with the approved plans and that the external materials to be used in the construction of the extensions match those of the existing building, as cited within the application forms, are necessary.

C J Tivey

INSPECTOR

