



Report to West Area Planning Committee

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| Application Number: | 22/06870/FUL |
| Proposal: | Householder application for construction of first floor side extension |
| Site Location: | Fernlands Chapel Lane Naphill Buckinghamshire HP14 4RB |
| Applicant: | Mrs Sal Fraser |
| Case Officer: | Peter Nixon |
| Ward(s) affected: | Ridgeway East |
| Parish-Town Council: | Hughenden Parish Council |
| Date valid application received: | 17th August 2022 |
| Statutory determination date: | 12th October 2022 |
| Recommendation | Application Permitted |

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application is for a first-floor extension above an existing single-story garage, to a detached dwelling house in the village of Naphill.
- 1.2 The neighbouring property is sited on a corner plot, with the rear aspect looking onto the flank of the application house.
- 1.3 The central matter for which representations have been made is the potential for overbearing and overshadowing of the neighbouring rear garden following the enlargement of the first-floor of Fernlands.
- 1.4 Previous applications for a similar extension (albeit larger and of a different design) were refused, and on two occasions dismissed at appeal in 2013.
- 1.5 The current application follows on from pre-application advice issued by the Council in July 2022 supporting the principle of the development of an extension of a reduced scale.
- 1.6 The plans to be considered are amended following a case review, in which the agent was informed that the depth of the extension would need to be reduced and aligned with the existing rear elevation at the first floor.

1.7 Cllr Clive Harris and Cllr David Carroll requested the application be called in if officers are minded to approve the proposal.

1.8 The application is recommended for approval with conditions by the Case Officer.

2.0 Description of Proposed Development

2.1 The proposal would see a first floor built above an existing garage to allow for an additional bedroom and en-suite bathroom.

2.2 The roof would take the form of a valley roof to minimise the massing at the north western flank elevation facing the neighbour at Herewood. The roof would terminate with hips to reflect the existing roof geometry.

2.3 The development would see the existing first floor flank wall extended by 3m towards the boundary with the neighbouring property.

2.4 The property is within the Chilterns AONB, and outside the Greenbelt, however the road serving the property (Chapel Lane) is within the Greenbelt.

2.5 The application is accompanied by:

- Existing and proposed plans and elevations
- Tree and ecology checklist
- Design and Access Statement

3.0 Relevant Planning History

| Reference | Development | Decision | Decision Date |
|------------------|--|-----------------|----------------------|
| 12/05936/FUL | Householder application for construction of two storey side and rear extension, single storey front extension and associated external and internal alterations. Appeal Dismissed | REF | 16 November 2012 |
| 13/05784/FUL | Householder application for erection of part two storey/part single storey front/side/rear extension. Appeal Dismissed. | REF | 31 May 2013 |
| 13/07451/FUL | Householder application for erection of single storey front, side and rear extension | PER | 23 December 2013 |
| 17/08149/FUL | Householder application for construction of first floor side extension | REF | 10 January 2018 |

12/05936/FUL – a copy of the proposed site plan for this application is provided below.



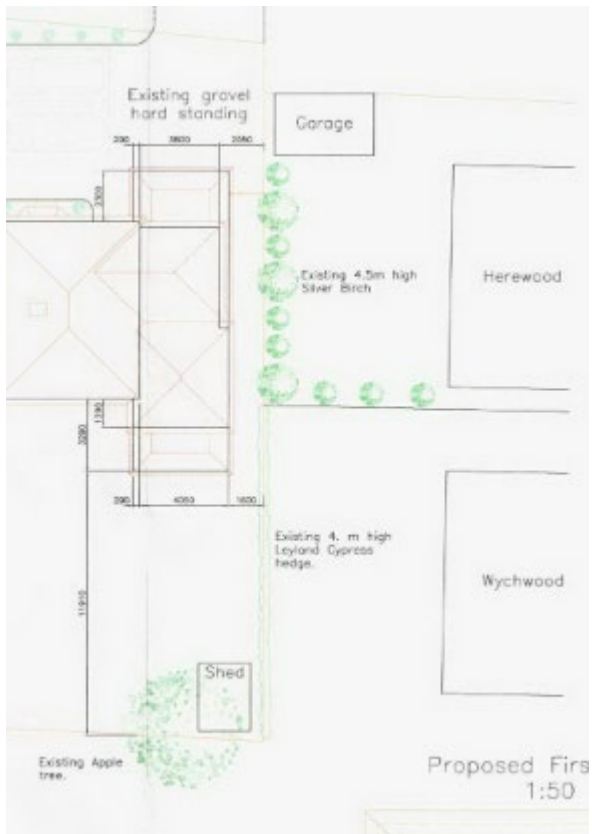
Extract from appeal decision

The proposal entailed the erection of a two-storey side extension incorporating a single garage. About half of the garage would extend forward of the existing front elevation and would have a crown roof. At first floor level the extension would be set back marginally from the existing front elevation. At the rear, the extension would project beyond the existing rear elevation by about 3m on both storeys. The proposed extension would be set in from the boundary by about 1.6m to 1.9m. At first floor level it would have a depth of about 10m.

The appeal inspector found that the distance of this proposal from Cormandel to the rear was an acceptable one given this is a built-up area and there is a degree of mutual overlooking between dwellings. She also found that the proposal would not have a detrimental impact upon the character of the area or the Chilterns AONB.

The Inspector dismissed the appeal. She concluded that, 'from the rear windows at Herewood the outlook would be largely towards the flank elevation of the proposed extension. At first floor level there would be limited articulation in this elevation, comprising a small set-in towards the front, a small top-hung window to an en-suite shower room, and a chimney stack. I consider that due to its size, location and design the extension would appear as a monolithic and overbearing presence in the view upwards from the ground floor windows and from the conservatory, and as an oppressive feature in the outlook from the dormer windows, from which the view would be direct and at close range. In addition, I am concerned that the rear part of the extension would block a certain amount of morning sunlight received at Herewood due to its position to the east, and would reduce daylight due to its size and proximity. This compounds the harm to amenity due to the effect on outlook. In respect of Herewood, therefore, I conclude on the main issue that the proposed extension would be significantly harmful to living conditions due to its impact on outlook and loss of light.' She also determined; 'There would be two bedroom windows in the rear elevation of the extension at first floor level. These would be close to the rear boundary of Wychwood. Albeit that the angle of view would be oblique and that there is vegetation along the boundary, I believe that the degree of overlooking, particularly of the rear garden, would be intrusive and unneighbourly. The proposal would therefore be unacceptably harmful to living conditions at Wychwood due to loss of privacy.

13/05784/FUL - a copy of the proposed site plan for this application is provided below.



Extract from appeal decision

The proposal would result in a combined two storey and single storey extension that fills a gap formed by the side garden of Fernlands and would mainly flank the rear of the neighbouring property at Herewood. Approximately half of the side of the first floor would be stepped back from the boundary where it flanks Herewood by reason of a stagger. Below this stagger, there would be a crown roof that wraps around from the front of the extension. The roof above the first floor would be divided into two smaller hipped roofs with a central valley where it would flank the two neighbouring properties. The first floor would be articulated further by a recessed bricked-up 'window-tax' feature and a nonopening window. There would be single storey projections behind and in front of the two-storey part of the extension.

The inspector again found that there was no detrimental impact upon the character of the area, the AONB, or the existing dwelling. He also found that the impact upon the amenity of properties to the rear was acceptable. With regard to overlooking of Herewood and Wychwood he concluded; 'A first floor window in the proposed extension would directly flank Herewood but it would be the only window above the ground floor and would be designed to be obscured and non-opening. For this reason, there would be no overlooking, including perceived of this neighbouring dwelling. This window would not directly face Wychwood and consequently there would be no harmful overlooking, including perceived, of this property. There would be further windows to the rear of the first floor in the proposed development which would face the garden of the appeal property but which would not give rise to significant overlooking primarily because of the distances to the adjacent dwellings and gardens.'

The Inspector again dismissed the appeal. He concluded in terms of overbearing impact that:

The flank of the extension's first floor would be between 2.05m to 1.6m away from the rear common boundary with Herewood, the rear wall of which would be a further 7m to 7.5m away. This provides an approximate separation distance of 8.6m increasing to 9.55m by reason of the stagger in the extension and the relationship of Herewood to the boundary. These separation distances would be insufficient to overcome the overbearing impact of the extension given its size and extent along the boundary and the layout of the neighbouring dwelling at Herewood....

The outlook from the dwelling and garden of Herewood would be towards a substantial development in terms of mass and bulk, the harmful impact of which would not be lessened by the design of the extension's flank, including its roof. In relation to Wychwood, the position and size of the chimney attached to the extension would not have a significantly overbearing impact because this development flanks only a small part of this neighbour's boundary. On this basis, the overbearing impact would be harmful to the outlook of occupiers of the neighbouring property at Herewood.

In terms of loss of light, he concluded:

The extension would be located to the east of Herewood. It is appreciated that the depth, height and design of the extension, including its roof, seeks to prevent the significant loss of daylight and early morning sunlight from the east. Nonetheless the mass and bulk of the extension, in close proximity to the neighbouring property, would be substantial and would consequently reduce the level of both sunlight and daylight. The appellant's evidence on daylight and sunlight, based on the Building Research Establishment Guidance, is noted but fails to take into account the impact of the proposed development on the conservatory and the garden of the neighbouring property. I conclude that the proposal would be materially harmful to the living conditions of the occupiers of Herewood by reason of the loss of daylight and sunlight caused by the proximity of the proposed extensions.

4.0 Policy Considerations and Evaluation

Principle and Location of Development

Wycombe District Local Plan (August 2019): DM30 (The Chilterns Area of Outstanding Natural Beauty), DM36 (extensions and alterations to existing dwellings). The Chilterns Buildings Design Guide SPD and the Householder Planning and Design Guidance SPD.

- 4.1 Extensions to dwellings within the Chilterns AONB are acceptable in principle, subject to compliance with other policies in the Development Plan.
- 4.2 The use of an existing building plate to enlarge a dwelling is also acceptable in principle, it allows extending a house without further loss of garden space and green infrastructure within the property.
- 4.3 All householder development is expected to adhere to policy DM36 and the Householder Design Guide SPD to ensure that the amenity of neighbours is preserved to a reasonable level.

Transport matters and parking

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 4.4 An additional bedroom would see the parking requirement for the property rise from 2 to 3 vehicles (for a 4-bedroom dwelling in residential parking zone B)
- 4.5 The integrated garage would remain available to the property, along with capacity for two further vehicles to the front curtilage. As such the optimum parking requirements for the use are fulfilled.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM35 (Placemaking and Design Quality)

- 4.6 The extension follows the established design language of the parent dwelling, with hipped-roofs and windows matching the existing. Materials are also stated to match the existing. As such the proposal in design terms is acceptable.

- 4.7 The use of a dual pitched roof with a valley has been proposed to minimise the height of the extension. The valley roof is an acceptable form of design, and reflects the highly varied roofscape of the area.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM36 (extensions and alterations to existing dwellings), DM40 (Internal space standards). Household Design Guide SPD.

- 4.8 The application has been called into the planning committee on the grounds that the extension may result in harm to the outlook from the rear of the neighbouring dwelling known as Herewood, by way of overbearing and overshadowing.
- 4.9 This follows a planning history in which a number of similar proposals have been refused by The Council, and on two occasions in 2013 (12/05936/FUL and 13/05784/FUL) dismissed by the Planning Inspectorate on the ground of the loss of amenity to the neighbour at Herewood
- 4.10 The neighbouring property is a corner plot, and the dwelling is oriented at a right angle to Fernlands. As such the rear outlook of Herewood faces the flank to which the development is proposed.
- 4.11 The separation distance between the rear elevation of the neighbour and the development would be 11m at its minimum (9m to the existing conservatory at Herewood), a reduction of 3m over the existing standoff distance, and when compared to previous applications, an improvement to separation distance by 85cm.
- 4.12 The most recent appeal stated that '9.55m' would be an insufficient separation distance to avoid overbearing. The inspector also considered that the impact on natural light would be unacceptable on the conservatory and rear garden of Herewood, particularly during morning hours. The separation distance would now be approximately 11m to the main dwelling – less to the conservatory, but allowing for greater levels of natural light into the rear garden and conservatory than the previously refused proposals.
- 4.13 When compared to previously refused applications, the depth of the extension has also been notably reduced. The proposal now reflects an extrusion of the existing first floor of the dwelling; a reduction in depth of 3.2m when compared to the 2012 application, and 1.2m when compared to the 2013 application. The result of this is a reduction in the massing facing off with the rear of Herewood, which would reduce the overall overbearing impact of this proposal compared with the previous.
- 4.14 Further mitigation against overbearing and overshadowing is achieved by the reduced ridge height of the proposal by 40cm when compared to previous applications. This, when considered with the reduced width and depth, would result in a notably diminished scale of extension and improved relationship between the neighbours. On balance, officers are of the opinion that these reductions in the overall bulk, scale and massing of the proposal are sufficient to make the relationship an acceptable one.
- 4.15 In this instance there would be no windows in the new flank elevation, and as such the development would maintain the current level of privacy.
- 4.16 The policy landscape has also evolved following the 2012 appeal decision. While harm from overbearing and overshadowing to the amenity of a neighbour remain material considerations, a presumption in favour of sustainable development has been introduced at a national level within the NPPF.
- 4.17 The development would see the dwelling extended without any further uptake of the garden area, minimising harm to green infrastructure. As such a first floor extension over

an existing ground floor is an appropriately sustainable means of extending a dwelling in a residential area. This means there would be no additional harm to ecology and green infrastructure from the proposal.

- 4.18 While some harm to the neighbour's amenity would occur, such an impact would be typical of householder development in a residential area. The proposal complies with adopted design guidance for light angles and separation distances in terms of preserving privacy. The mature boundary planting in place further would mitigate against any overbearing impact from the development and in itself gives an existing feeling of enclosure and reduction in light to the neighbour at Herewood.
- 4.19 The proposal is no nearer to the rear elevations of properties to the rear than the previous scheme which was deemed acceptable by the planning inspectorate.
- 4.20 With regard to the other neighbouring properties, stand-off distances remain adequate to avoid overbearing or loss of privacy, as established in the planning history of the site, and by inspector decisions.

Green networks and infrastructure

Wycombe District Local Plan (August 2019): DM36 (Delivering green infrastructure and biodiversity in development)

- 4.21 No harm to green infrastructure would occur as a result of the development, as the extension would occur above existing built form.
- 4.22 Should the application be approved, a condition requiring an appropriate level of biodiversity net gain on the property is recommended to ensure compliance with Policy DM34.

5.0 Weighing and balancing of issues / Overall Assessment

- 5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 5.3 As set out above it is considered that the proposed development would accord with development plan policies.
- 5.4 The planning history of the site contains a number of refusals for larger extensions to the flank of the dwelling, by both the Local Planning Authority and the Planning Inspectorate. However, the current scheme benefits from pre-planning engagement with the Council, and is considered to have been reduced enough in scale and separation to be within acceptability.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 6.3 In this instance:
- The applicant was provided with pre-application advice,
 - The agent and applicant were made aware of the large number of representations made in opposition to the development
 - Two Ward Councillors requested that the application be determined at committee should Officers be minded to approve.
 - The applicant was provided the opportunity to submit amendments to the scheme to address issues raised by the objecting parties.
 - The scheme was still considered to be unacceptable by Ward Councillors, and was subsequently called in for determination by Committee.

7.0 Recommendation:

Application Permitted.

For the reasons set out above, the proposal is on balance considered to be an acceptable form of sustainable development and is in conformity with the Local Development Plan. As such it is recommended for approval.

Subject to the following conditions and reasons:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 0758 - 101 - B, 0758 - 103 - C, 0758 - 104 - A; unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
3. The materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.
Reason: To secure a satisfactory external appearance.
4. Prior to the occupation of the development hereby permitted a bird box, or nesting brick shall be incorporated into the property, in positions suitable for their intended purpose (for example, to the first floor below the eaves) and thereafter retained for the lifetime of the development.
Reason: All development is expected to result in a net increase in biodiversity and ecological features proportionate to the development proposed to comply with the requirements of Policy DM34 of the adopted Wycombe District Local Plan (2019).

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Called in by **CLlr David Carroll**, seconded by **CLlr Clive Harris**:

Following contact from local residents regarding the proposed development and history of applications on this site, I request that should the officers be minded to permit this application it be called before committee for decision following a site inspection by the committee to consider the impact on the area and neighbouring properties.

Parish Council Comments

The parish council object to this application because of overdevelopment and negative impact on neighbouring properties.

Consultation Responses

None requested

Representations

A series of representations from the neighbour at Herewood were received in reference to the overbearing and overshadowing impact from the proposed development.

APPENDIX B: Site Location Plan



