



Appeal Decision

Site visit made on 20 August 2013

by Jonathon Parsons MSc BSc (Hons) DipTP Cert (Urb) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 September 2013

Appeal Ref: APP/K0425/D/13/2200532

Fernlands, Chapel Lane, Naphill, High Wycombe HP14 4RB

- 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 Stuart Fraser against the decision of Wycombe District Council.
 - The application Ref 13/05784/FUL, dated 7 April 2013, was refused by notice dated 31 May 2013.
 - The development proposed is a two storey side extension with single storey front and rear extensions.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Wycombe District Council adopted a Delivery and Site Allocations Plan on 16 July 2013. The main parties were consulted on the implications of the new document and have chosen to make no further representations. In view of this, I have not referred to any policies within the Plan in this decision.

Main issue

3. The main issue is the effect of the proposal on the living conditions of residents at neighbouring properties, particularly in terms of outlook, loss of light and overlooking.

Reasons

Preamble

4. Fernlands is a two storey detached house. The house and side garden of Fernlands flank the rear gardens of two chalet style dwellings known as Herewood and Wychwood and to a much lesser extent the rear garden of Schar. A detached house, Coromandel lies to the rear of the appeal property. Herewood and Wychwood both have first floor dormers and conservatory extensions to the rear. The rear gardens of these two neighbouring properties, along with Schar, are comparatively short.
5. 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 non-opening window. There would be single storey projections behind and in front of the two storey part of the extension.

Outlook

6. 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.
7. The neighbouring dwelling at Herewood has a first floor dormer with two windows facing the proposed extension and forward of this, a conservatory and garden area which is comparatively short. Within this context, the proposal would be substantial in size in terms of both its first floor and ground floor and would flank a large part of the neighbour's rear boundary. The first floor of the proposed extension would flank more than half of this boundary and be in close proximity to the neighbour's garden and dwelling. The single storey parts of the proposed extension would also flank the neighbour's boundary and be in close proximity. The single storey elements would be visible by reason of their prominence above the fence separating the two properties. Consequently, 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.

Daylight and sunlight

8. 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.

Overlooking

9. 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.
10. The extension would be a significant distance away from other neighbouring properties at Schedar and Coromandel. The rear garden of Schedar is located alongside the bottom part of the appeal site, some distance away from the location of the extension. Consequently, the impact on the living conditions of the occupants of this neighbouring property, in terms of overlooking would be limited. In respect of Coromandel, there would be a back to back distance of approximately 25m, and the distance between the rear of the extension and the boundary with this neighbouring property would be approximately 13.9m. It has been indicated by the occupier of Coromandel that this separation distance is below the minimum requirement but in my opinion, any harm to living conditions would be limited by reason of this separation distance. In light of this, there would be insufficient reason to justify the withholding of planning permission on this issue.
11. In summary, the proposed development would not materially harm the living conditions of the occupiers of neighbouring properties by reason of overlooking.

Other matters

12. The proposal seeks to address an Inspector's reasons for dismissing a previous appeal, reference APP/K0425/D/13/2191330, by making several design changes. However, this appeal has been determined on its merits and for the reasons given, the mass and bulk of the proposal would give rise to harm on the living conditions of the occupiers of Herewood.
13. The design of the proposal would ensure that the extension integrates with the host dwelling which is smaller than some other dwellings in the area, occupying a relatively small footprint in terms of the size of the plot. The extensions would respect the design of the existing dwelling and the use of hipped and crown roof designs, together with the articulation of the flank elevation, would ensure subservience. Representations have referred to the impact of extension on the character and appearance of the area but I am satisfied that the design of the extension would be acceptable for the reasons given. Accordingly, the proposal would not result in any material harm to the landscape of the Chilterns Area of Outstanding Natural Beauty. However, these matters, taken individually or cumulatively, do not outweigh the material harm that has been identified related to living conditions.
14. I have considered very carefully the reasoning for the proposal to provide adequate family accommodation, bringing Fernlands up to a similar standard to the surrounding properties. However personal circumstances will seldom outweigh the more general planning considerations as works of a permanent

nature will remain long after the personal circumstances have ceased to be material. I do not consider that the personal circumstances in this case are sufficient to outweigh the conflict with policy and harm that would arise if the appeal were to be allowed.

Conclusions

15. The proposal would result in harm to the living conditions of the residents of Herewood by reason of the loss of outlook, loss of daylight and sunlight. Consequently the requirements of Policies H17 and G8 of the Wycombe District Local Plan 2004, and Policy CS19 of the Wycombe Development Framework Core Strategy 2008, which collectively and amongst other matters, indicates that development needs to safeguard and prevent adverse impact on residential amenities, with particular reference to daylight, sunlight and visual intrusion, would not be met. The appellant has quoted paragraph 59 of the National Planning Policy Framework which indicates that planning policies should avoid unnecessary prescription of detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development. These policies comply with this advice by not having prescriptive requirements.
16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR