



# The Planning Inspectorate

Quality Assurance Unit  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line: 0117-372-8252  
Switchboard: 0117-372-8000

<http://www.planning-inspectorate.gov.uk>

Ian Beck  
Wycombe District Council  
Planning Department  
Council Offices  
Queen Victoria Road  
High Wycombe  
Bucks  
HP11 1BB

Your Ref: 09/06118/FUL  
Our Ref: APP/K0425/A/09/2112558/NWF  
Date: 25 February 2010

Dear Mr Beck

**Town and Country Planning Act 1990  
Appeal by Mr Frank Folkard  
Site at 101 Penn Road, Hazlemere, High Wycombe, HP15 7NA**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at [www.planning-inspectorate.gov.uk/pins/agency\\_info/complaints/complaints\\_dealing.htm](http://www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm). This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 0207 947 6655.

Yours sincerely

Dianna Wride

COVERDL1



You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -  
<http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>  
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

Scanned  
and  
Indexed



# Appeal Decision

Site visit made on 8 February 2010

by **K G Smith BSc(Hons) MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

Decision date:  
25 February 2010

**Appeal Ref: APP/K0425/A/09/2112558**

**Land at the rear of 101 Penn Road, Hazlemere, High Wycombe HP15 7NA**

- 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 Frank Folkard, Millbrook Land Planning and Development Ltd, against the decision of Wycombe District Council.
- The application Ref 09/06118/FUL, dated 15 June 2009, was refused by a notice dated 11 August 2009.
- The development proposed is the erection of a pair of 3-bedroom semi-detached dwellings with associated car parking.

## Decision

1. I dismiss the appeal.

## Background

2. The appeal site is the end of the very long back garden to 101 Penn Road, which fronts onto a turning area at a bend on Almond Walk within a housing estate. The proposal is to build a pair of semi-detached houses with access, parking and a turning space served by the estate road. The Almond Walk houses to the west north west of the proposed dwellings would be more affected by the proposals than those on the opposite side of the site, by reason of, principally, the distances involved, the relative locations of the houses and the lack of significant screening compared with the high dense vegetation at the back fence line of those in Briarswood Walk. If the impact of the proposal on the Almond Walk houses were to prove acceptable, then it would also be acceptable on the Briarswood Walk properties.

## Main issue

3. The main issue is the effect on the living conditions of the occupiers of numbers 16 and 18 Almond Walk.

## Reasons

4. I note that the Council's Residential Design Guidance Appendix of the Wycombe District Local Plan seeks a minimum distance between the backs of 2 storey houses of 25 metres, and preferably 30m. It has no similar standard for back to flank wall distances but I would not disagree with the appellant that such standards are normally less, particularly when – with an appropriate condition – there would be no overlooking from the side wall of the new property. The appellant claims that this distance is typically in the region of 10-15m or 'the

length of the back garden plus 1m' to the flank elevation. However, no evidence is submitted in support of these claims.

5. In this case, there would be around 12m from the flank wall of the new house on Plot 1 to the two-storey sections of the back walls at Nos 16 and 18. However, the distance from the back of the single storey extension at No 16 to the proposed flank wall would be 'around 9m' according to the appellant, and 8.7m according to the occupier of No 16.
6. The appellant argues that, while that extension has reduced the rear garden area to No 16, it should not be used as a reason to preclude the development of neighbouring land. However, the extension is part of the adjacent house and I cannot ignore it. It was erected when there was no development immediately behind the property, only the end of the long back garden that is now the appeal site. I consider that the proposed house on plot 1 would be very close to the back of No 16 and I have no doubt that, in that location, it would have an unacceptably overbearing and dominating impact on the outlook from No 16 and the use of its back garden.
7. The BRE sunlight and daylight guidance is very useful for providing numerical guidelines in layout design but there are many factors to be considered in the reasonable expectation of the level of amenity to be enjoyed when dealing with new developments in existing housing areas,. In this case, the appellant's BRE sunlight evaluation shows that from 09.00 hours onwards on 21 March, the sunlight to the patio doors of No 16's extension would be unobstructed and the proposals would not block any sunlight from reaching the back of No 18 on that day. The daylight evaluation shows that at 10.00 hours on 21 March, some 41% of the rear garden of No 16 and 25% of the rear garden of No 18 would be in shadow. The figures for 11.00 hours on the same day are 19% and 21% respectively. Clearly, the overshadowing would be much less in the summer when gardens are used more but much worse in the winter, when early morning frost would take longer to clear and the soil to warm up. The degree of overshadowing in this case, particularly to the back garden of No 16 and to a smaller extent that of No 18, would be seriously damaging to their use and enjoyment by the occupiers of the houses.
8. Overall, I am satisfied that this proposal would have significant detrimental impacts on neighbouring occupiers, in conflict with saved local plan policy G8 and policy CS19 of the adopted Core Strategy.
9. The comments of the Thames Valley Police about the disadvantages of the proposed layout in terms of crime prevention add to my concerns about the appeal proposal but would not in themselves be sufficient to warrant dismissal of the appeal.
10. The suggested lowering of the proposed roof pitch would not be enough to overcome my concerns about the impact of this proposal. I have considered this and all other matters raised including the suggested conditions but they do not outweigh the factors that have led me to my conclusion.

Inspector

Scanned  
and indexed  
by Smith