



Appeal Decision

Site visit made on 29 September 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/N0410/D/20/3255014
3-5 Church Street, Burnham SL1 7HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mandeep Takhar against the decision of Buckinghamshire Council - South Bucks Area.
 - The application PL/20/1033/VRC, dated 23 March 2020, was refused by notice dated 15 June 2020.
 - The application sought planning permission for the creation of 3 residential/HMO units (Use Class C4) in loft space including 2 front rooflights and 2 rear dormer windows, 1 rear rooflight and removal of chimney without complying with a condition attached to planning permission PL/19/2115/FA, dated 14 October 2019.
 - The condition in dispute is No 5 which states that: This permission relates to the details shown on the approved plans as listed below:
Drawing Nos(s): R3-SCS.P received on 9 October 2019, 3.5 C.S.B received on 9 October 2019, 3.5 C.S P2 received on 9 October 2019, X3-5 CCS.B received on 9 October 2019, RY C.SB received on 9 October 2019, 3-SCS.R.R received on 9 August 2019, and in accordance with any other conditions imposed by this planning permission.
 - The reason given for the condition is: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.
-

Decision

1. The appeal is allowed and planning permission is granted for the creation of 3 residential/HMO units (Use Class C4) in loft space including 2 front rooflights and 2 rear dormer windows, 1 rear rooflight and removal of chimney without complying with condition 5 attached to planning permission PL/19/2155/FA, dated 14 October 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. During the course of the application the Local Planning Authority, formerly South Bucks District Council, merged with other councils to form Buckinghamshire Council.
3. The development remains as described on the original permission granted under PL/19/2155/FA, although for the avoidance of doubt the 2 front rooflights mentioned in that description would be replaced by a dormer window.

Background

4. This appeal seeks to vary the plans approved under PL/19/2115/FA to enable the replacement of 2 front rooflights with a dormer window.
5. The Council refused permission for the following reason: *The proposed dormer, by virtue of its siting, size and poor design would appear visually discordant and would detract from the character and appearance of the host building which is identified as a non-designated heritage asset. The proposed dormer extension would fail to integrate with vernacular (sic) of the existing property and would create an obtrusive and incongruous form of development which would fail to preserve or enhance the wider setting of heritage assets of significance, the host building and the character and appearance of the Burnham Conservation Area. As such the proposal is considered to be contrary to policies C1, C6 and EP3 of the South Bucks District Local Plan (adopted March 1999), Core Policy 8 of the South Bucks Core Strategy (adopted February 2011), paragraphs 189, 190, 192, 194, 196 and 197 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

Main Issue

6. The main issue is whether varying the approved plans to include the proposed dormer window would preserve or enhance the character or appearance of the Burnham Conservation Area, the building at 3-5 Church Street as a non-designated heritage asset and other heritage assets in the vicinity.

Reasons

7. The appeal property is traditional in appearance with a central range dominated by a sweeping roof and two forward projecting gables, the upper parts of which are timber framed and from which two tall brick chimneys rise. Fenestration is white painted casement windows with leaded lights. There is one long dormer window in the front elevation at first floor level. Three other pitched roof dormers have been approved at second floor level on the rear roof slope.
8. According to the Council the building is late 19th/early 20th century in age but it looks older. Its vernacular appearance contributes positively to the character and appearance of the Conservation Area. Its significance lies in its role as part of the group of listed and non-listed vernacular buildings that line the approach to St Peter's Church along Church Street.
9. It is proposed to replace two conservation style rooflights (not yet inserted) with a dormer window. The dormer would be at second floor level, of similar design and proportions to the existing first floor dormer window and centred above it.
10. To my mind the proposed dormer window would sit comfortably in the roof slope. Its size would be in proportion with the roof slope, which is extensive. Its design would be traditional in form with a roll jointed lead roof and fenestration that would match in style and colour the fenestration on the rest of the building. Being centred above the first floor dormer window, it would maintain the symmetry of the front elevation.
11. Although the submitted plans indicate that it would replicate the existing dormer, I agree with the Council that as drawn the proposed dormer would be slightly taller than the existing dormer. However, it would in all other respects

match that dormer, and I do not find the slight difference in height to be objectionable or overly dominant.

12. The dormer would have a limited impact on the character and appearance of the wider Conservation Area and other heritage assets as, other than when viewed head on, it would be largely hidden by the flanking projecting gables. In those views where it would be seen from Church Street, it would in my opinion appear as a proportionate addition to the building and complement its design and appearance.
13. I conclude that amending the approved plans to enable the substitution of the dormer window for two rooflights in the front elevation would preserve the character and appearance of the Burnham Conservation Area and 3-5 Church Street as a non-designated heritage asset, and preserve the settings of other heritage assets in Church Street. It would therefore comply with Policies C1, C6 and EP3 of the South Bucks District Local Plan and Policy 8 of the South Bucks Core Strategy, which seek to preserve or enhance important features which contribute to the character or appearance of conservation areas.
14. For the same reasons, I consider the development would satisfy the statutory test to preserve or enhance the character and appearance of the Burnham Conservation Area and the settings of neighbouring heritage assets.

Other Matters

15. The Council has criticised the accuracy of the plans. However, it registered the plans as part of the application, and subsequently reached its decision on the basis of those plans. I consider that they are sufficiently accurate for the purposes of assessing the merits of the proposal and monitoring its implementation in due course.

Conditions

16. The effect of the appeal being allowed is to create a new planning permission. I have therefore repeated the conditions set out on PL/19/2115/FA, the reasons for doing so being the same as set out on that permission. The time limit condition has been modified so that this appeal decision runs from the date of the original permission granted under P/19/2115/FA. I have also imposed a revised condition 5 listing the approved plans, to include those relating to the front dormer window, in the interests of certainty.

Conclusion

17. I conclude that the appeal is allowed.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of 3 years from the date of planning permission P/19/2115/FA, which was granted on 14 October 2019.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

- 3) The rooflights hereby permitted shall be of a conservation style and shall be fitted flush within the roof slope.
- 4) The number of residents associated with the use hereby permitted occupying the building known as 'Bryony House', 3-5 Church Street, Burnham, shall not exceed a total number of 19.
- 5) This permission relates to the details shown on the approved plans as listed below:

Drawing Nos: R3-SCS.P received on 9 October 2019, 3.5 C.S.B received on 9 October 2019, 3.5 C.S P2 received on 9 October 2019, X3-5 CCS.B received on 9 October 2019, RY C.SB received on 9 October 2019, 3-SCS.R.R received on 9 August 2019, as modified by drawing numbers 3.5 L1/SP dated March 2020, 3-5 C.S (2) dated March 2020, 3.5 C.S.B (3) dated March 2020, and 3-5 (4) dated March 2020 and in accordance with any other conditions imposed by this planning permission.