



Appeal Decision

Site Visit made on 24 August 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/K0425/W/21/3275005

2 Beaumont Way, Hazlemere, Buckinghamshire HP15 7BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Thomas against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 21/05313/FUL, dated 3 February 2021, was approved on 12 April 2021 and planning permission was granted subject to conditions.
 - The development permitted is described as 'householder application for construction of front porch, single storey side extension, rear pitched roof dormer and 2 x roof lights to front roof slope in connection with loft conversion and fenestration alterations'
 - The condition in dispute is No 4 which states that: 'The development to which this permission relates shall not be exercised in addition to, or in combination with, any part of the development permitted under reference 21/05315/CLP. Accordingly, this permission shall be alternative to the previous permission so that either, but not both, may be implemented.'
 - The reason given for the condition is: 'To prevent an inappropriate development of the site by the implementation or partial implementation of both permissions.'
-

Decision

1. The appeal is allowed and the planning permission Ref 21/05313/FUL for development described as 'householder application for construction of front porch, single storey side extension, rear pitched roof dormer and 2 x roof lights to front roof slope in connection with loft conversion and fenestration alterations' at 2 Beaumont Way, Hazlemere, Buckinghamshire HP15 7BE granted on 12 April 2021 by Buckinghamshire Council - West Area (Wycombe) is varied by deleting condition 4.

Procedural Matter

2. In the period since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on any implications of this change, and I have determined the appeal in this context.

Background and Main Issue

3. The Framework outlines that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
4. The appeal dwelling benefits from a Certificate of Lawful Proposed Use or Development¹ ('the Certificate'). This confirms that a development including a hip to gable roof extension, rear dormer and rooflights would comply with the

¹ Application reference 21/05315/CLP

limitations and conditions specified at Classes B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Planning permission has separately been granted for development including a front porch, single-storey side extension, rear dormer and rooflights² ('the Permission').

5. The appeal has been made pursuant to section 78 of the Town and Country Planning Act 1990 (the Act) which provides the right to appeal where an application for planning permission is granted subject to conditions. Section 79 of the Act provides that I may allow or dismiss such an appeal, or reverse or vary any part of the decision of the Local Planning Authority, and I have considered the appeal accordingly.
6. The appellant objects to condition 4 of the Permission which seeks to prevent the development approved under the Permission being carried out in addition to or in combination with the development approved under the Certificate. The reason given for the disputed condition on the decision notice is to prevent an inappropriate development of the site by the implementation or partial implementation of both permissions. In its evidence, the Council further suggests that the disputed condition is reasonable to control development that could be detrimental to the existing dwelling, locality and neighbouring dwellings.
7. With regard to the above background and the evidence before me, the main issue is whether or not condition 4 is necessary and reasonable in the interests of the living conditions of the occupiers of neighbouring dwellings and the character and appearance of the host dwelling and area.

Reasons

8. Beaumont Way is predominantly characterised by pairs of semi-detached dwellings of generally similar scale and appearance to one another. The majority are two-storey, but there is also a small group of bungalows which includes the semi-detached appeal dwelling. Irrespective of their height though, the reasonably regular layout of buildings fronting the street, and common external materials and overall appearance of the dwellings together give the street scene a fairly coherent character and appearance.
9. The Permission and Certificate developments would both result in alterations to the roof of the appeal dwelling. The Council comments that these developments in combination would exceed the limitation on the increase in the cubic content of the original roof specified at Class B of Part 2, Schedule 1 of the GPDO. Be that as it may and irrespective of the disputed condition, the development approved under the Certificate could not be carried out under permitted development if the relevant limitations and conditions specified by the GPDO would not be met. Therefore the fact that the combined developments would not comprise permitted development is not in itself compelling justification for the condition.
10. In addition, the Council advises that permitted development rights for the appeal dwelling remain intact. It is not for me within the context of this appeal to determine whether or not the Permission development could be lawfully implemented in accordance with the terms and conditions of the Permission

² Application reference 21/05313/FUL

following either the Certificate development, or some alternative proposal that had been carried out under permitted development. However, the disputed condition sets out only that the Permission shall not be exercised in addition to, or in combination with, any part of the Certificate development. Given this and the evidence before me, I have no firm reason to conclude that implementation of the Permission in addition to an alternative but similar development to that subject of the Certificate would be precluded. In practice, it seems to me that an alternative carried out as permitted development could result in largely similar impacts to the Certificate development when combined with the Permissions, and I am therefore concerned that the restriction within the disputed condition would be unreasonable.

11. In any event, even if the Permission and Certificate developments were both to be implemented, it does not necessarily follow that there would be harm as a result. The combined developments would undeniably result in a larger dwelling than either individually. However, neither the Permission nor the Certificate would extend the main roof beyond the existing front or rear elevations of the host dwelling. In addition, the roof alterations under the Permission would be set away from the boundary with the attached neighbour at No 4, and there would be significant separation between the Certificate development and the neighbour at Heathley to the other side. There would also be significant spacing to other dwellings in the vicinity of the site. As a consequence of these relationships, I see no reason that the combined developments would cause a harmful loss of light, outlook or privacy, nor other detriment to the living conditions of the occupiers of neighbouring dwellings.
12. Both developments indicate rooflights to the front of the dwelling, but I do not find that these would be disproportionate against the overall scale of the host roof so as to appear discordant. The dormer under the Certificate would be fairly large, and would not accord with detailed guidelines within the Householder Planning and Design Guidance 2020. However, the side extension and rear dormer of the Permission development and the adjacent dwellings at Heathley and No 4 would largely screen it to views from Beaumont Way. This would limit the visual impact of the dormer itself, and the scale, bulk and mass of the roof as a whole would not therefore be readily appreciable from the street scene. I am also satisfied that the scale and set back of the dormer under the Permission would ensure that it was subordinate to the part of the roof that it would sit in, and if anything, the alterations to the roof under the Permission would help to balance the visual impact of the Certificate dormer.
13. Furthermore, where the side extension and both dormers would be seen together, this would be alongside No 4 where the presence of a large hipped roof to a ground-floor projection occupying much of the rear roofslope would help to balance the additional scale of the development on the appeal site. A substantial two-storey flat roof projection to the rear of 6 Beaumont Way is also visible in close proximity, and given the larger two-storey properties which characterise the street, the scale of the dwelling would not in my judgement be striking. Taking the above factors into account, I find that the visual impact of the Permission development together with the Certificate development would be modest, and I do not consider that it would appear incongruous or at odds with its surroundings. I am accordingly satisfied that the character and appearance of the host dwelling and of the area would not be unacceptably harmed.

14. For these reasons, I conclude that the disputed condition is not necessary or reasonable in the interests of the living conditions of the occupiers of neighbouring dwellings, or the character and appearance of the host dwelling or area, and its removal would not result in conflict with Policies CP9, DM35 or DM36 of the Wycombe District Local Plan 2019. Together, these Policies broadly seek high quality design, and development that respects the character and appearance of an area, responds positively to its context, and preserves the amenities of neighbouring properties. There is also no substantive evidence before me to demonstrate that the Certificate and Permission developments together would otherwise cause harm so as to result in conflict with the development plan.

Conclusion

15. For the reasons given above, I find that the disputed condition is unnecessary and unreasonable. The permission should therefore be varied by deleting the disputed condition.

J Bowyer

INSPECTOR