
Appeal Decision

Site visit made on 30 November 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/N0410/W/21/3269787

Beechwood Court, 5 Gore Road, Burnham SL1 8AA

- 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 Malkit Purewal against the decision of Buckinghamshire Council.
 - The application Ref PL/20/3428/FA, dated 14 October 2020, was refused by notice dated 15 January 2021.
 - The development proposed is insertion of a total of 12 rooflights: 3 front, 4 either side and 1 rear of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties had the opportunity to comment on any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.
3. There has been a series of planning consents at the appeal site for change of use of the appeal building from an office to residential. The most recent was a prior notification application (Ref. PL/20/1461/PNO) under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use from office to ten residential units. Planning permission has also been granted under Ref. PL/20/0502/FA for the installation of 7no. rooflights on the building (1no. front elevation; 1no. rear elevation; 1no. eastern side elevation; and 4no. western side elevation). Condition 3 of that planning permission states "*The roof lights as hereby permitted shall be of Conservation style; flush fitting with the slate roof and top hinged (not centre pivot).*"
4. In comparison to planning permission Ref. PL/20/0502/FA, the appeal scheme proposes to increase the number of rooflights to 12no. (3no. front; 4no. side elevations and 1no. rear elevation), and for the rooflights to protrude beyond the plane of the roof. Apart from 2no. rooflights on the rearmost section of the eastern side elevation, the proposed rooflights have been installed. The appeal scheme is therefore part retrospective and I have determined the appeal on the basis of the details shown on the submitted plans.

5. Other relevant planning history includes planning application Ref. PL/20/1356/FA for infilling below the existing undercroft with walls, door and windows to facilitate the implementation of prior approval Ref. PL/19/2783/PNO, which was allowed on appeal in November 2020¹.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the host building, the Burnham Conservation Area, and the setting of listed buildings.

Reasons

7. Burnham Conservation Area (the CA) predominantly comprises the historic core of the town around the High Street, which includes attractive buildings of varied architectural design from different periods. The previous Inspector noted that the significance of the Conservation Area is derived from its layout and the collection of buildings it contains. I agree. The appeal property is located to the rear of Grade II listed buildings that face the High Street, including Nos 113 to 121. These buildings have a collective value as a group of cottages, which reflect the historic character of the CA. They feature roughcast rendered walls and a tiled, pitched roof with prominent chimneys. Whilst the rear of the buildings can be seen from Gore Road, their significance is mainly understood from High Street.
8. Given the location of the appeal property directly to the rear of Nos 113 to 121 High Street, it is within their setting. The appeal building is located within but adjacent to the north-western edge of the CA, and its siting and modern appearance is more in keeping with the adjacent development in Gore Close and Bay Tree Court than the historic buildings in the CA. However, the scale of the building respects the properties in its surroundings, and I regard it to have a neutral effect on the character and appearance of the CA and the setting of the adjacent listed buildings.
9. The proposed 4no. rooflights in the western side elevation, the rearmost 3no. rooflights in the eastern side elevation, and the 1no. rooflight in the southern rear elevation would have minimal visibility in the public realm and so I find that they would have no adverse effect on the character and appearance of the CA or the setting of listed buildings.
10. Nevertheless, the 3no. rooflights in the front roof slope would be closely spaced and appear cramped due to the limited roof area close to the apex. The protrusion of the rooflights from the plane of the roof would exacerbate the dominance and cramped appearance of the rooflights. They would also have a poor relationship with the windows on the front elevation below. Furthermore, the 1no. rooflight towards the front of the eastern side elevation of the building would be clearly visible in the public realm within the CA. Given that it would be the only rooflight on this part of the roof, its size and siting on the eastern side elevation would be acceptable in principle. Nevertheless, the sizeable protrusion beyond the roof plane would result in a cumbersome appearance, to the detriment of the elegance and simplicity of the original roof form.
11. The separation to the listed buildings and the minor nature of the proposal ensures that it would cause no harm to the significance of the listed buildings.

¹ Appeal Ref. APP/N0410/W/20/3256637

However, the proposed development would be harmful to the character and appearance of the host building and the CA.

12. Given the small-scale nature of the proposed development, I find that the degree of harm to the CA would be less than substantial. In accordance with paragraph 202 of the Framework, any harm should be weighed against the public benefits. In this regard, I note the appellant's statement that the rooflights would improve the level of light to a second floor flat. However, I consider that adequate levels of light could be provided through fewer front rooflights. In this respect, I note that planning permission was previously granted for a single front rooflight. This consideration therefore carries limited weight. Regarding the side rooflight, I appreciate the appellant's comments about building regulations, however I consider that this could be overcome through an alternative proposal. The identified harm would therefore outweigh the public benefits of the proposal.
13. I appreciate the appellant's reference to rooflights at other properties in the area, some of which protrude from the roof slope. However, details of the circumstances that led to the approval of those rooflights are not before me. The circumstances of each case will vary, and I am required to determine the appeal on its own merits, which I have done in this case.
14. Regarding the appellant's reference to a front dormer that was previously approved but not constructed, this is a materially different development to the proposal before me. The dormer would sit lower on the roof slope, away from the edges of the roof, and so it would be positioned more comfortably than the proposed rooflights. Therefore, the suggested fallback position would not justify the proposal.
15. For the reasons given above, I conclude that the proposal would be harmful to the character and appearance of the host building and the Burnham CA. The proposal is therefore contrary to Saved Policies EP3 and H11 of the South Bucks District Local Plan (Adopted March 1999, Consolidated September 2007 and February 2011) and Policy CP8 of the South Bucks Core Strategy (Adopted February 2011), which, amongst other things, state that all new development must be of a high standard of design and make a positive contribution to the character of the surrounding area; and protect the District's historic environment. The proposal also conflicts with Chapters 12 and 16 of the Framework, which contain similar objectives.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR