



Appeal Decision

Site visit made on 15th December 2022

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 18th January 2023

Appeal Ref: APP/K0425/W/22/3301639

50 Fennels Way, Flackwell Heath, Buckinghamshire HP10 9BY

- 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 and Mrs Raj Sharma against the decision of Buckinghamshire Council.
 - The application Ref.21/07893/FUL, dated 23 September 2021, was refused by notice dated 1st April 2022.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling at 50 Fennels Way, Flackwell Heath, Buckinghamshire HP10 9BY in accordance with the terms of the application, ref. 21/07893/FUL, dated 23 September 2021, subject to the Schedule of Conditions at the end of this appeal decision.

Main Issue

2. The main issue in the appeal is the effect of the proposed replacement dwelling on the character and appearance of the area.

Reasons

3. The appeal site is located on the north-eastern side of Fennels Way in the settlement of Flackwell Heath. The existing dwelling consists of a large, detached building finished in white render with a gabled roof. The dwelling incorporates a full two storey side gable with the remainder of the dwelling chalet-style, with accommodation incorporated into the roof space.
4. The dwelling sits in between a detached chalet-style bungalow (no.52 Fennels Way) and a detached two storey dwelling (no.48 Fennels Way). It has a large rear garden and there is woodland to its rear incorporating a public right of way. Across Fennels Way from the appeal site there are a number of chalet style bungalows.
5. Fennel's Way is a private road accessed from the south east via Swains Lane with pedestrian accesses to the west linking Oakland Way and Bernards Way. Dwellings within the vicinity of the appeal site are varied in type and size and

include replacement dwellings and extended dwellings. The height, scale and mass of buildings ranges from modest bungalows, chalet bungalows to more traditional two-storey dwellings along both sides of the road some of which would be a similar scale and size to the proposal.

6. The proposed development would be two full storeys high plus accommodation within the roof space. It would have a ridge height of about 8.8m incorporating a crown roof with front gable projections. It would be constructed in a broadly similar position to the existing dwelling (see paragraph 10 below) and would retain a significant distance to the front boundary of the site. Whilst there would be more of a contrast in height with no.52 (the bungalow to the north west) than at present, there would be an appropriate distance between the flank walls and the relationship would not be alien to the streetscene where bungalows can occasionally be seen to abut two storey houses.
7. The proposed symmetrical appearance of the dwelling coupled with the traditional hipped-roof profile and fenestration arrangement would ensure the property does not appear unduly disproportionate or top-heavy. To maintain this harmony with the streetscene, the eaves and ridge height have been designed to respect no.48 Fennels Way ensuring the dwelling would not appear out-of-character. By maintaining similar forms to nearby dwellings the design of the dwelling would respect the architectural diversity of the road but maintain the prevailing pattern of development with similar build lines and substantial gardens with reasonable spacing to the flank boundaries.
8. The use of double gable features within a symmetrical principal elevation would present a sympathetic, traditional and attractive form of development. With appropriate external facing materials, it would not be overdominant or strident. The use of a single storey rear element in the design is in the case a benign method of increasing footprint without any material adverse impacts. However, a large rear garden would remain along with a generous front forecourt.
9. On the main issue, I conclude that the proposed development would not harm the character or appearance of the area. It would not be in conflict with policies CP9 or DM35 of the adopted Wycombe District Local Plan (adopted 2019) or the Residential Design Guidance Supplementary Planning Document.

Other Considerations

10. The two storey element of the proposed dwelling would not extend beyond the front or rear elevations of either neighbouring property. A single storey rear element is proposed as part of the replacement dwelling, which would extend past the rear elevation of no. 52 by approximately 1.6m. Given the positioning of the dwelling, any incremental loss of light to neighbouring dwellings would be negligible.
11. Two first-floor windows are proposed within the flank elevations of the replacement dwelling, which would serve en-suite bathrooms. Given the nature of these rooms, it is considered appropriate to condition them to be obscurely glazed. A total of four rooflights are also proposed (two in each roof slope) but given the positioning of the dwelling, the proposed roof lights would not look out onto any private amenity areas of neighbouring properties. However, the height and positioning of the roof lights would allow for a direct view of

neighbouring properties. Given that the rooflights would provide a secondary source of light to their rooms, it is reasonable to require them to be obscurely glazed via an appropriate planning condition. I am satisfied that with appropriate conditions, there would be no deterioration in privacy for neighbours.

12. Even though the replacement dwelling would be higher than the existing dwelling, there would be no loss of outlook for the occupants of 52 and 48 owing to the flank-to-flank pattern. The new house would not loom over the occupants of 52 or 48 when in their gardens.
13. If the proposed replacement dwelling was to bring increased traffic movements, there is no evidence before me on which to conclude that this would result in any deterioration in highway safety. Whilst there would be an increase in the number of bedrooms, I consider the on-site parking would be adequate. I note that there is no objection from the Highway Authority on parking or highway safety grounds.

Conditions

14. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance. The Council suggested a number of conditions in the event that the appeal was successful. A condition which ties the built development strictly to the approved plans is necessary in the interests of certainty. In order to protect the character and appearance of the area I have imposed conditions requiring approval of materials, finishes and surfacing materials of the dwelling, a prohibition on the ground level being increased and approval of a landscaping scheme for the frontage. For similar reasons a condition which requires trees and plants etc which die to be replaced for 3 years after completion of the development.
15. To aim to reduce carbon emissions there is a requirement to provide an electric vehicle charging point and in the interests of water efficiency a water use standard per head per day. In order to protect residential amenities, there are requirements for obscured glazing in some openings/windows/rooflights and, owing to the particular relationship of the development to its neighbours, a prohibition on additional openings in the proposed flank elevations is justified. To protect privacy of neighbours, a condition prevents the flat roof element from being used as a terrace.
16. For highway and pedestrian safety reasons, there is a condition which requires approval (and implementation) of a parking and manoeuvring forecourt. Cycle and bin storage details need to be provided (and before development commences for certainty), in the interests of future occupants and neighbours' amenities, and to encourage sustainable travel. The appellant has consented to this pre-commencement condition. So that visual amenity is protected via the existing vegetation there is a condition requiring tree protection. This needs to take effect prior to commencement of development in order to be effective and the appellant has consented to this. To avoid flooding elsewhere, condition 18 requires the sustainable drainage scheme to be completed before occupation of the replacement dwelling.
17. For ecological reasons, recommendations in the Emergence and Activity Bat Survey need to be followed and implemented.

Conclusion

18. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas K.C.

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be built in strict accordance with the details contained in the planning application hereby approved and two plan numbers 'A101 + A102' dated November 2021 showing Location Plan, Site Plan, Proposed Floor and Roof Layouts, & Proposed Elevations.
- 3) A schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
- 4) A schedule and/or samples of all external surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
- 5) No development shall take place before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the hard and soft landscaping for the frontage of the site. The development shall be implemented in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- 7) Prior to the occupation of the development hereby permitted, one electric vehicle charging point with a minimum rating of 32 amp must be installed in a location suitable to its use.

- 8) The development hereby permitted shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
- 9) Before the first occupation of the dwelling hereby permitted the first-floor windows within the flank elevations shall be fitted with obscured glazing and shall be fixed shut up to 1.7 metres above the finished floor level of the room it serves and only openable at the top section. The windows shall be permanently retained in that condition thereafter.
- 10) Before the first occupation of the dwelling hereby permitted the roof lights within the flank roof slopes shall be fitted with obscured glazing and shall be fixed shut. The roof lights shall be permanently retained in that condition thereafter.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further windows, doors or openings of any kind shall be inserted in the flank elevations of the development hereby permitted.
- 12) A scheme for the parking and manoeuvring of vehicles on the site shall be submitted and approved in writing by the Local Planning Authority. Development shall be laid out in accordance with the approved details prior to the initial occupation of the development hereby permitted. That area shall not thereafter be used for any other purpose.
- 13) There shall be no building-up or increase of the existing ground levels on the site.
- 14) Details of cycle and bin storage facilities shall be provided to the Local Planning Authority prior to any demolition works for the replacement of the dwelling. The facilities shall be provided prior to initial occupation of the replacement dwelling and thereafter shall be permanently retained.
- 15) The single storey flat roof area of the development hereby approved shall not be used as a balcony, terrace, sitting-out or amenity area.
- 16) Protective measures shall be implemented in accordance with British Standard 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) before any site clearance works or development commence, and before any machinery or equipment has been allowed on site. The root protection area of off-site, protected trees shall remain undisturbed during the course of the works, and in these areas:
 1. there shall be no changes in ground levels,
 2. no materials or plant shall be stored,
 3. no buildings or temporary buildings shall be erected or stationed,
 4. no materials or waste shall be burnt; and,
 5. no drain runs, trenches or other excavation shall be dug or otherwise created,without the prior written approval of the Local Planning Authority.
- 17) The recommendations set out in the submitted Emergence and Activity Bat Survey (Section 4.3) dated 1/9/21 shall be implemented prior to the replacement dwelling being brought into use, in accordance with the details

submitted in that document. Implemented measures shall be retained thereafter for the lifetime of the development.

- 18) The dwelling hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with an agreed management and maintenance plan.