



Appeal Decision

Site visit made on 30 May 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/X0415/D/23/3315224

4 The Retreat, Buckinghamshire, Little Chalfont HP6 6SS

- 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 Kamran Haider against the decision of Buckinghamshire Council.
 - The application Ref PL/22/3775/FA, dated 31 October 2022, was refused by notice dated 21 December 2022.
 - The development proposed is Raising of Roof, Loft Conversion including Rooflights, New porch, Single Storey Rear Extension, Installation of PV Panels, Change of Material from Brick to Render.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans altering the internal layout to reduce the number of bedrooms to 3 were submitted with the appeal. I understand that the purpose of the amended drawings is to address some of the concerns raised by the Council in relation to the number of car parking spaces required. However, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. Whilst the Council have seen this amended plan as part of this appeal, they have not had an opportunity to formally comment upon the amended scheme prior to the appeal being lodged and whilst they are internal changes only, they would have a significant effect on the nature of the proposal before me, changing the proposed dwelling from a 5 bedroom to a 3 bedroom unit. For that reason, I consider that the Council, along with any interested parties, would be prejudiced if I determined this appeal on the changes. Accordingly, I have determined this appeal based on the plans originally submitted with the planning application, on which the Council made its decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - car parking and highway safety; and,
 - protected species.

Reasons

Character and appearance

4. The Retreat is a u-shaped cul-de-sac which comprises several dwellings around an open area of grass. The dwellings have open frontages with driveways or front gardens.
5. No 4 The Retreat (No 4) is located towards the end of the road, on the bend. There is a gradual downward slope in the road as you move towards No 4 which the rooflines follow by stepping and therefore results in uniformity on the roofline. There is some variation in roof styles including several dormers that have been added however hipped roofs are still prevalent and No 4 closely mirrors the other dwellings located on this section of the road.
6. The Council's Residential Extensions and Householder Development Supplementary Planning Document (SPD) provides guidance on residential extensions. In particular, it encourages the use of a roof style and pitch that matches the original roof and ensures design elements would not look out of keeping with the existing design.
7. There are variations of roof design on the Retreat however the predominant style is hipped. The proposal would alter the design of the roof to a front facing gable which would therefore differ from the prevailing design. I note that other properties on The Retreat have a front facing gable. However, these are much smaller in scale than the proposal, which would stand out as an uncharacteristic feature in the street scene.
8. The proposal includes the raising of the eaves and ridge of No 4. This increase in height would result in the eaves of the dwelling being closer in height to 3 The Retreat, which is located on higher ground. The proposal would also result in the dwelling being higher than 2 The Retreat which the dwelling closely mirrors.
9. The appellant has provided several measurements of rooflines nearby in order to demonstrate the differences. However, I consider that the existing roofline height differences appear uniform, particularly when viewing from the top of the Retreat and from Oakington Avenue. By contrast, the proposed increase in roof height of No 4 would erode the uniformity, resulting in a dwelling that would stand out as incongruous in the street scene.
10. I note the principal part of the dwelling is set back from the road, with others being closer to the road. However, due to the changes outlined and the overall bulk of the proposal, the set-back would not mitigate the harm I have identified.
11. I have had regard to the various annotated photos that have been provided by the appellant which illustrate the changes in eaves and pitch height. These however support my view that the changes in height will result in the dwelling standing out in the street scene.
12. I conclude that the proposal would harm the character and appearance of the area. It would therefore be contrary to policy CS20 of the Local Development Framework Core Strategy for Chiltern District adopted November 2011 (CS) and policies GC1, H13 and H15 of the Chiltern District Local Plan Written Statement Adopted 1 September 1997 (Including alterations adopted 29 May

2001) Consolidated September 2007 and November 2011 (LP) and SPD. Amongst other things, these seek to ensure development reflects and respects the character of the surrounding area and street scene, relates well to the characteristics of the site and is not prominent in the street scene.

13. The proposal would also be contrary to paragraph 126 of the Framework as well as the National Design Guide¹ which seek to ensure the creation of high quality, beautiful and sustainable buildings and places.

Highway safety

14. The proposal includes 3 parking spaces which is less than the 4 spaces that the Council's Parking Guidance² suggests. The Retreat is a narrow road with insufficient room for two cars to pass, with no room for parking on the road. The Retreat is accessed via Oakington Avenue which whilst it is a wide road, is subject to parking restrictions which prevent stopping between 11:00am and 12:00 noon. As such, on street parking is very limited in the area.
15. However, the Council's Parking Guidance allows for some flexibility depending on the circumstances. In this instance, while the number of bedrooms has resulted in a fairly high parking requirement, the proposed dwelling would be relatively modest for a 5 bedroomed property, which is likely to limit its appeal to very large families with a commensurate parking requirement.
16. Moreover, the property is fairly close to train stations and, bus stops and has access to an underground station which makes public transport a viable option. With these points in mind, notwithstanding the parking guidance, I am satisfied that the 3 spaces proposed would be adequate.
17. There is no space proposed within the site to manoeuvre and as such it is likely that users would need to reverse onto the highway. However, the Retreat is a relatively small road that only serves a small number of houses and from site observations, occupiers of other dwellings reverse onto the road and do not have turning spaces. As such, it is very unlikely that there would be any conflict with other road users and pedestrians in this regard.
18. For these reasons I conclude the proposal would not harm highway safety and find no conflict with the development plan policies drawn to my attention as a result of this issue.
19. The Council has referred to Policy GC3 of the LP within their decision notice. However, this seeks to ensure a good standard of amenity for future occupiers and existing neighbours. I note that the Council have found that the proposal would not harm the living the conditions of future and neighbouring occupiers and as such there would appear to be no conflict with this policy.

Protected species

20. The Council contends that the appellant should have provided a survey to address whether protected species, such as bats, would be affected by the development. ODPM Circular 06/2005 states that 'it is essential that the presence or otherwise of protected species, and the extent that they may be

¹ National Design Guide – Planning practise guidance for beautiful, enduring and successful places – Ministry of Housing, Communities and Local Government

² Buckinghamshire Country Council Transport, Economy and Environment – Buckinghamshire Countrywide Parking Guidance September 2015

affected by the proposed development, is established before the planning permission is granted'. However, the Circular also advises that surveys should only be required where there is a reasonable likelihood of protected species being present and affected by the development. In this instance, no information has been provided by the appellant or Council to suggest the presence of any protected species at the property.

21. Moreover, I am told that no biodiversity report was requested by the Council at validation or during the determination of the application and there does not appear to have been a response from the Council's ecology officer. I also note the appellant's comments that previous applications for the site, neighbouring properties and other developments that include alterations to the roof were not required to submit ecological surveys.
22. Under the circumstances, there is no evidence to suggest a reasonable likelihood that protected species are present at the site. It follows that a survey was not necessary. The proposal would therefore not conflict with policy CS24 of the CS which seeks to protect legally protected species. There would also be no conflict with paragraph 179 of the Framework which seeks to protect and enhance biodiversity.

Other Matters

23. The appellant has included plans and details of a scheme that could be constructed using permitted development rights. However, the scheme proposed is significantly different from the proposal in this appeal. Specifically, the scheme would result in significantly less internal space, due to the roof being smaller than the appeal scheme and it would therefore not appear to meet the appellants needs or be similar to the appeal being considered. I also note that the appellant considers the proposed design to be bulky and not in keeping with the existing property. The appellant has not indicated any clear intentions to implement this scheme should the appeal fail. For these reasons, I consider that there is not a greater than theoretical prospect that this fallback would be implemented and as such it does not lead me to a different conclusion.
24. I note that a similar permitted development scheme may be taking place at 11 Oakington Avenue however on the basis of not being provided with any background information and that I must consider each case on its own merits, this does not affect my view.
25. The appellant has referred to examples of gable roofs in the area. However, in respect of 3 The Retreat, whilst the proposal included the alteration of the roof from hipped to gable no change to ridge height was proposed. Therefore, the stepped and uniform roofline that is characteristic of the area is maintained which differs from the appeal proposal.
26. In respect of 53 and 83 Oakington Avenue the character and appearance of this road is different from the appeal site. Dwellings are larger 2-storey properties and gable roofs are a more common feature along this road.
27. In regard to 183 and 184 Amersham Way, again the character and appearance is different from the appeal site. In particular properties are large and occupy wide plots with gable roofs being a common feature.

28. I note that the proposal would make home working more efficient and be a more efficient use of the site in regards to providing increased habitable space however these matters do not outweigh the harm I have identified.

Conclusion

29. For the reasons set out above, while I have not found conflict with all the policies drawn to my attention, I conclude that there is conflict with the development plan as a whole. I also find conflict with the Framework. I therefore conclude that the appeal should be dismissed.

D Wilson

INSPECTOR