



---

# Appeal Decision

Site visit made on 1 August 2023

**by D Wilson BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 September 2023**

---

**Appeal Ref: APP/K0425/W/22/3311703**

**193 West Wycombe Road, High Wycombe, Bucks HP12 3AW**

- 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 Sheraton Dwellings Ltd against the decision of Buckinghamshire Council.
  - The application Ref 22/05564/FUL, dated 24 February 2022, was refused by notice dated 27 May 2022.
  - The development proposed is redevelopment of site to provide 8 x 2 bed 1 x 1 bed apartments, basement parking, bin & cycle stores and associated hard & soft landscaping works.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. On submission of the appeal scheme the appellant provided amended plans, a revised and updated SuDs and Drainage strategy and an updated ecological impact assessment<sup>1</sup>. These amended plans have revised the access layout, details visibility splays moved the position of the balcony on unit 2 to allow sufficient height for cars to access the parking area. The updated reports provide clarification on the proposal's drainage strategy and ecological impact assessment including a protected species survey.
3. These plans and reports were available when the appeal was submitted, and the Council have had the opportunity to consult and have provided their views. These additional documents have provided clarity rather than any significant changes to the proposed scheme. Accordingly, no one would be prejudiced were my decision to have had regard to these plans and reports. I have therefore done so.
4. In view of the above and based on some of the additional information submitted, the Council have confirmed that these have overcome their 3<sup>rd</sup> and 5<sup>th</sup> reasons for refusal which concern highway safety in relation to access and ecology in relation to bats. I have therefore not sought to explore these matters further.

---

<sup>1</sup> Evoke Transport Consultants Limited Plan - R-22-0066-HY-001 Revision A, Flood Risk Assessment and Drainage Strategy 193 West Wycombe Road, High Wycombe Final v2.0 11 October 2022 and Ecological Impact Assessment (Non-EIA) June 2022.

## **Main Issues**

5. The main issues are;

- the effect of the proposal on the character and appearance of the area,
- the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy, outlook, sunlight, noise, and disturbance,
- whether the proposal would result in flood risk to the site or elsewhere, and;
- whether the proposal would provide acceptable living conditions for future occupiers with particular regard to sunlight and outlook.

## **Reasons**

### *Character and appearance*

6. The appeal site is a large plot of land currently occupied by a large dwelling being used as a house in multiple occupation. The site is located off West Wycombe Road which is a main road and was highly trafficked during my visit. The wider area is generally residential where other houses, particularly on West Wycombe Road tend to occupy large plots with similar sized buildings.
7. Houses in the area are well spaced apart and tend to have front gardens or areas or parking which gives the area an open and spacious character and appearance. While it appears that some of the houses in the area have been re-developed the majority of houses maintain their traditional appearance.
8. The proposal seeks to demolish the existing building and erect a block of apartments. The design of the proposal is of a contemporary design and includes a flat roof and extensive glazing that would surround the building.
9. Flat roofs are not a common feature within the area, instead pitched roofs are common and as such, the proposal would stand out as an inharmonious feature in the street scene. The corner and elevated position of the proposal opens up further views from the side and rear which would worsen its prominence.
10. In regard to the glazing proposed this would be of varying sizes on the front elevation, with a mixture of small and large glazing, the rear elevation would be equally as varied with enclosed balconies and the side would have small windows. The other houses in the area have symmetrical windows which are either all the same size or the larger windows tend to be on the higher levels. Therefore, the proposal would not harmonise well with other houses in the area which would worsen the inharmonious nature of the proposal.
11. I therefore conclude that the proposal would harm the character and appearance of the area. It would be contrary to Policy DM35 of the Wycombe District Local Plan Adopted August 2019 (LP). Amongst other things this seeks to ensure development improves the character of the area and demonstrate attractive and high quality design, and appropriate character in the scale, form, layout and detailed design of buildings, and the structures and spaces around them.

*Living conditions of neighbouring occupiers*

12. The Council's Residential Design Guidance Supplementary Planning Document (SPD) provides guidance on the recommended separation distance between a window and facing building. This distance is recommended to be no less than the height of the building concerned. There is no dispute between the parties that the separation distance between the proposal and No 6 Desborough Park Road (No 6) falls short of this recommendation and is therefore contrary to the guidance within the SPD.
13. The proposal would result in a building that is significantly higher than the existing. The overall height, combined with the close separation distance between the proposal and No 6 would mean that future occupiers would be able to see into the garden of No 6 and therefore result in a loss of privacy for these occupiers.
14. The rear elevation of the proposal includes balconies which due to the proximity to No 6 would result in further loss of privacy for these occupiers. The size of the balconies would also allow future occupiers to sit out and enjoy the space, which would increase noise and general disturbance for the occupiers of No 6.
15. I note that opaque glazing is proposed for the balconies however this would only provide some privacy from a seated position and would not sufficiently mitigate any general noise and disturbance from their use.
16. The overall height and proximity would also result in a feature that would dominate the outlook from the garden of No 6. The Council suggest that the proposal would result in overshadowing, however due to the position of the building to the North of No 6, it is unlikely to result in any further loss of sunlight.
17. Notwithstanding my findings on loss of sunlight, I conclude that the proposal would harm the living conditions of neighbouring occupiers with particular regard to privacy, outlook, and noise and disturbance. It would therefore be contrary to Policy DM35 of the LP. Amongst other things this seeks to ensure development prevents significant adverse impacts on the amenities of neighbouring land and property.

*Flood risk*

18. The appeal site lies within Flood Zone 1, which is at the lowest risk of flooding. The Council has advised that the Environment Agency's Flood Map for Planning indicates that the site is at low risk from surface water flooding. However, the Council advise that the Infiltration Sustainable Drainage System (SuDS) Map provided by the British Geological Survey 2016, indicates that the water table is anticipated to be within 3m of the ground surface. This means that there is a high risk of groundwater flooding, and this may have implications on both surface and sub-surface assets.
19. The appellant has provided a SuDS report with their application which details drainage and trial pit testing that concluded that a rainwater harvesting tank would be suitable to contain surface water within the site. The Lead Local Flood Authority (LLFA) suggest that further information is needed and in view of this the appellant has provided an analysis of the drainage reference: Flood Risk Assessment and Drainage Strategy 193 West Wycombe Road, High Wycombe

Final v2.0 11 October 2022 which suggests that the LLFA's objections have been satisfied.

20. The Council have seen sight of this additional information during the appeal and sought the LLFA's views before submission of their statement of case. It is noted that the LLFA maintain their objection due to insufficient information regarding the proposed surface water drainage scheme. The LLFA's detailed comments raise several concerns which amongst other things, include the depths used for infiltration testing, depth of the proposed soakaway, ground levels, details of permeable paving and driveway, monitoring dates, location and maintenance details of the soakaway and rainwater harvesting system.
21. While the LLFA have recommended a condition, in my view, due to the concerns that the LLFA have raised with the SUDS reports it raises doubt that the proposed drainage strategy is either feasible or acceptable, especially as some of the concerns relate to testing methodology and data. It cannot therefore be established that the proposal would not lead to flood risk to the site or elsewhere and on this basis, it would not be appropriate to request a condition to secure this without having sufficient information to come to an initial view.
22. I have had regard to the sites elevated position, that the appeal site is currently predominantly hardstanding as well as the rooftop garden and soft landscaping proposed. However, these matters have not outweighed my findings.
23. I therefore conclude that it cannot be demonstrated that the proposal would not lead to flood risk to the site or elsewhere. It would be contrary to Policy DM39 of the LP. Amongst other things this seeks to reduce the risk of flooding.

*Whether acceptable living conditions are provided for future occupiers*

24. The proposal includes three apartments on the ground floor with unit 2 being a two-bedroom apartment that would be located to the rear. Both bedrooms would be served by windows that would be at an angle, facing towards Desborough Park Road.
25. While the proposal would be close to No 6 and contrary to guidance contained within the SPD, the angle of the windows would mean that future occupiers would not be directly facing No 6. Instead, future occupiers outlook would be towards Desborough Park Road which gradually slopes down as you face away from the site and its generally wide and open character would mean that future occupiers would have an open and mostly unobstructed outlook.
26. The windows would be southerly facing and as such future occupiers would be able to experience a good level of sunlight throughout the day, which due to the angle of the windows would be mostly unobstructed.
27. I therefore find that the proposal would provide adequate living conditions for future occupiers with particular regard to outlook and light. I therefore find no conflict with Policy DM35 of the LP. Amongst other things this seeks to ensure development provides an acceptable level of amenity for future occupants appropriate to the proposed use.

## Other Matters

28. I have had regard to the previous appeals<sup>2</sup> and I agree with the Inspectors findings that the general principles of a contemporary designed building would not be unacceptably jarring and that there is an evolving scale of built form close to the appeal site. However, the design of the proposal differs from the design of both appeals.
29. The 2013 application and subsequent appeals was for outline consent for a much larger scheme that included the appeal site and the neighbouring sites. This previous application proposed a flat roof but the effect of changing several buildings in this way would not have stood out as much as changing the one building that this appeal relates to. In any case, I noted from my site visit that the neighbouring site has been recently developed under a separate planning permission.
30. The 2020 application and subsequent appeal proposed a similar design; albeit the roof was pitched which would harmonise with the prevailing roof styles in the area and the windows proposed are generally symmetrical and follow the prevailing style in the area. This differs from the roof style and window design of the proposal in front of me.
31. I note that the Council have found the location for development to be suitable in principle and consider it now acceptable in relation to highway safety. The proposal would result in boosting housing supply and result in a biodiversity net gain. However, these matters do not outweigh the harm I have identified.

## Conclusion

32. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

*D Wilson*

INSPECTOR

---

<sup>2</sup> APP/K0425/A/13/2208726, APP/K0425/A/13/2210518 and APP/K0425/W/21/3284338