



Appeal Decision

Site visit made on 26 September 2023

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/K0425/C/23/3316302

36 Shelley Road, High Wycombe, Buckinghamshire HP11 2UW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mark Chatur against an enforcement notice issued by Buckinghamshire Council
- The notice was issued on 19 January 2023.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a two storey side extension.
- The requirements of the notice are
 1. Demolish the two storey side extension as shown circled by the black line on plan 1
 2. Remove all materials and debris resulting from complying with step 1 of this Notice from the Land.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) of the Town and Country Planning Act 1990 (the Act) as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a two storey extension at 36 Shelley Road, High Wycombe, Buckinghamshire HP11 2UW as shown on the plan attached to the notice.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the host dwelling and the area.

Planning Policy

3. The development plan includes the Wycombe District Local Plan Adopted August 2019 (the Local Plan). Policy DM35 of the Local Plan states that all development is required to improve the character of the area.
4. Policy DM36 of the Local Plan refers specifically to extensions and alterations to existing dwellings. It sets out criteria that development will be required to meet, including achieving high quality design, respecting the character and appearance of the existing property and the surrounding area, being subservient in scale and ancillary in function to the existing dwelling and preserving the amenities of neighbouring properties.
5. The Council has referred to the Council's Householder Planning and Design Guidance Supplementary Planning Guidance Adopted January 2020 (the SPD) supporting the Local Plan.

Reasons

6. The appeal site consists of a generous front parking area with the appeal property set back from the road with a rear garden. The appeal property is set down from the road due to a slope and is a two storey detached dwelling with an attached garage. The Council states that Shelley Road has “predominantly detached dwellings of various sizes and characteristics. Many had already had alterations and extensions.” Whilst some nearby dwellings retain a gap above a single garage to the front, there are also dwellings with extensions at second story level above the original garages.
7. Examples provided by the appellant of properties which have been extended and do not have a set down at ridge level include Nos 40,42, 45,33,35 and 39, all of which are located in close proximity to the appeal property. In terms of appearance, they have a mix of brick colours and render to the front which is replicated in other dwellings which have not been extended.
8. The development consists of a two storey side extension with a continuous roof line across the appeal dwelling which is located to the side of the property next to No 34. The Council’s reason for issuing the notice relates solely to the absence of a set down of the roof ridge of the development.
9. The appellant had previously submitted a planning application which included a two storey side extension which did show the roof of the two storey element as being in line with the original roof. However, the Council asked for amended plans to be submitted providing for a set down of 300mm for the roof ridge of the extension element. The reasons for that request are not agreed as the appellant refers to issues with plan measurements. However, amended plans were submitted and the Council granted planning permission¹ for construction of single storey front, part first floor/part two storey rear, side extensions and alterations of roof lights and internal and external alterations on the 3 March 2022.
10. Whilst the approved plans did show a reduced roof ridge level to the development that is not what has been built. The appellant refers to difficulties with his builder who had both original and amended plans and the appellant vacated the property whilst the work was done. The Council then issued the enforcement notice which alleges the erection of a two storey extension without planning permission.
11. The development blends in with the appeal property in terms of design and style. It appears to be of high quality design and its materials complement the materials of the original dwelling and has the mix of brick styles that is part of the character of the area. Whilst the development is not subservient to the extent of not providing a set down to the roof ridge, that does not automatically mean that the development is an obtrusive or discordant addition.
12. Whilst the SPD refers to retaining gaps and preventing a terracing effect, there is still a gap between the appeal property and No 34 which replicates the gaps between other extended properties. The absence of a set down ridge does not create a terracing effect or look out of place. The development is not

¹ 21/07369/FUL

subservient but nevertheless, does not in my view result in an obtrusive and discordant addition to the host dwelling or harm to the host dwelling.

13. The Council considers that harm to the appeal dwelling by definition results in harm to the character of the area. However, I have not found that the development does harm the appeal dwelling itself. The Council has not defined what it considers the character of the surrounding area to be in terms of house styles and types that leads to its conclusion that the development harms that character. Whilst it remains the case that each development has to be assessed on its own particular merits, the presence of other similarly extended properties is relevant to an assessment of the character of the area and is not addressed by the Council. The development is also not out of place in comparison to dwellings which retain a single storey gap above the garage due to the mix of dwelling styles in the vicinity of the appeal site.
14. Policy DM36 refers to compliance with a number of criteria although the Council refers only to design and character and appearance criteria in its statement. However, in this particular location, there is a conflict in seeking to achieve compliance with all of the criteria of Policy DM36 when the existing development does respect the character of the host dwelling and the surrounding area but is not subservient to the extent of not providing a set down at roof ridge level. The SPD which supports the Local Plan also refers to a number of other criteria as well as subservience which the Council has not raised as concerns as the lack of a set down at ridge level is the Council's only concern with the development.
15. The Council has indicated that no conditions are suggested in the event of the appeal being allowed. As the development already exists, I agree that no conditions are necessary.

Conclusion

16. For the reasons given, the development does not harm the character and appearance of the host dwelling or the character of the area. It is not contrary to Policy DM35 which refers to improving the character of the area. With regard to Policy DM36, the development does achieve a high quality of design, respects the character and appearance of the existing dwelling and the surrounding area and preserving the amenities of neighbouring properties.
17. Given the extent of compliance with Policy DM35 and the SPD and the development plan as a whole, I do consider that it is appropriate to grant planning permission. There is no conflict with Paragraph 130 of the National Planning Policy Framework (the Framework) which refers to development being sympathetic to local character. The development is also not in conflict with Paragraph 134 of the Framework as I do not find that the development is not well designed.
18. I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeal on ground (f) does not therefore fall to be considered.

E Griffin

INSPECTOR