



Appeal Decision

Site visit made on 26 September 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2023

Appeal Ref: APP/K0425/W/23/3319972

50 Fernie Fields, High Wycombe, Buckinghamshire HP12 4SL

- 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 T Hine against the decision of Buckinghamshire Council.
 - The application Ref 22/08026/FUL, dated 9 November 2022, was refused by notice dated 25 January 2023.
 - The development proposed is erection of 1 x 5 bedroom dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area,
 - the living conditions of the occupiers of Conifers with particular regard to privacy, sunlight and outlook, and;
 - biodiversity and green infrastructure.

Reasons

Character and appearance

3. 50 Fernie Fields (No 50) is a detached L-shaped bungalow located in a large, irregular shaped plot. No 50 is located to the rear of Nos 44 to 48 Fernie Fields which are a row of terraced houses and the appeal site is accessed from a driveway to the side of No 48 Fernie Fields.
4. To the west of the appeal site, houses are mostly detached, single storey and set back from the road with front gardens and driveways. To the east of the appeal site, houses are mostly two storey, terraced and also maintain set back distances which are mostly open front gardens. The set back distances and front gardens, combined with the general well vegetated streets gives the area a spacious and leafy character and appearance.
5. The proposal seeks to erect a dwelling to the side of No 50, the size, shape and materials of which would be similar to the existing dwelling. However, the overall size of the proposal would mean that much of the plots width would be taken up by built form with very little space left between the proposal and No 50 as well as the site boundaries. The proposal, in particular the rear projection, would be most visible from the landscaped frontages of the houses on Ash Road, particularly between No's 16 and 18. The overall result would be

intrusive and cramped development that would erode the spacious character and appearance of the area.

6. I therefore conclude that the proposal would harm the character and appearance of the area. It would be contrary to policies CP9 and DM35 of the Wycombe District Local Plan Adopted August 2019 (LP). Amongst other things, these policies seek to ensure development takes the opportunities available for improving the character and quality of an area.
7. The proposal would also be contrary to guidance contained within the Councils Residential Design Guide.

Living conditions

8. Conifers is a detached bungalow located within a small plot and its side gable wall faces towards the rear of the appeal site. The small rear garden of Conifers also abuts the boundary of the appeal site.
9. The proposed L-shape of the dwelling would mean that the gabled rear projection would extend towards Conifers and be close to its side gable. This rear projection, due to its closeness and overall scale would be visible from the garden of Conifers and result in an overbearing feature that would be harmful to the outlook for the occupiers.
10. The proposal includes windows at the first floor that serve a bedroom and would be located on the gables rear projection that extends towards Conifers. While I note that the Council have no specific guidance on separation distances between a habitable window and flank elevation, the close distance would allow for some direct overlooking of the rear garden of Conifers. I therefore find that the proposal would result in unacceptable overlooking that would be harmful to the privacy of the occupiers of Conifers.
11. While there is currently no built form in the location of the proposed dwelling, the site is located behind a row of terraced houses. Therefore, sunlight will already be interrupted, which due to the height of the proposal would unlikely alter and therefore not result in an unacceptable loss of sunlight for the occupiers of Conifers.
12. Notwithstanding my findings on sunlight, I conclude that the proposal would unacceptably harm the living conditions of the occupiers of Conifers in relation to outlook and privacy. It would be contrary to policy DM35 of the LP which amongst other things, seeks to ensure development prevents significant adverse impacts on the amenities of neighbouring land and property.
13. The proposal would also be contrary to guidance contained within the Councils Residential Design Guide.

Biodiversity and green infrastructure

14. The Council, through policy DM34 of the LP, seeks to ensure that development makes provision and demonstrates that existing green infrastructure and biodiversity assets will be maximised; Opportunities to enhance existing and provide new green infrastructure and biodiversity assets will be maximised and development will deliver long lasting measurable net gains in biodiversity.
15. The Council's Biodiversity Net Gain - Supplementary Planning Document (SPD) also provides guidance which includes ensuring planning applicants follow the

national requirement to ensure their development would result in a biodiversity net gain and a Buckinghamshire process for achieving biodiversity should that net gain not be achievable on site.

16. No information has been provided with the application or appeal as to whether the proposal is capable of delivering the aims of this policy or guidance contained within the SPD.
17. I note the appellant's suggestion that conditions could be imposed to secure these details, however, there should be some information presented to show that these aims are capable of being delivered on site in order to form the basis of any such conditions.
18. Therefore, in the absence of these details I am not satisfied that the proposal would not have a detrimental effect on biodiversity and green infrastructure. It would therefore be contrary to policy DM34 of the LP.
19. The proposal would also be contrary to guidance contained within the Councils SPD.

Other Matters

20. I note the previous appeal decision¹ and while it relates to the same site, the proposal was for two semi-detached houses which differs from the proposal in this appeal that relates to one, detached house. I have therefore had limited regard to this appeal decision in reaching my conclusion.
21. I acknowledge that the proposal would have social and economic benefits however these do not outweigh the harm I have identified.

Conclusion

22. 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

¹ APP/K0425/W/21/3289852