



Appeal Decision

Site visit made on 4th March 2024

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

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

Decision date: 8th April 2024

Appeal Ref: APP/K0425/D/23/3333403

Wyeside, Park Farm Road, High Wycombe, Buckinghamshire HP12 4AF

- 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 M Comran against the decision of Buckinghamshire Council.
 - The application Ref.23/06620/FUL dated 26 June 2023, was refused by notice dated 31 August 2023.
 - The development proposed is the "extension in depth of first floor rear balconies".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - the effect of the proposal on the living conditions of the occupants of Kingscote in respect of light and outlook and
 - the effect of the proposal on the setting of the West Wycombe Conservation Area 'CA' and the setting of the West Wycombe Registered Park and Garden 'RPG'.

Reasons

Living conditions of occupants of Kingscote

3. Wyeside is a detached property located on the south eastern side of Park Farm Road in High Wycombe. It is an end property next to the CA and RPG and the road slopes down towards the Park. The River Wye runs adjacent to the appeal site and there is a public right of way into the Park from the end of Park Farm Road, including a route which follows the south western side of the river past the appeal site.
4. Kingscote is a two storey detached house on the north eastern side of Wyeside. Both have adjacent rear sizeable gardens. The main rear elevation of Kingscote including a conservatory, stands behind the main rear building line of Wyeside and Wyeside's ground floor rear extension sits further into its rear garden than its main elevation.
5. Planning permission has been granted dated 17 March 2022 at Wyeside (Application ref:22/05071/VCDN which was a variation of plans application) '2022 planning permission' for development which, amongst other things,

includes three rear balconies at first floor level, all facing the rear garden. They are shown as having standard railings and separated by about 100mm. Each would be about 1500mm deep. Amongst other things, a condition required a 1.8m high privacy screen on the northern side of the first floor central rear balcony and on the first floor rear balcony closest to the shared boundary with Kingscote.

6. The proposed appeal scheme indicates that there would be a "1.8m high obscured glazed screen" on the north eastern side of the balcony adjacent to Kingscote. There would be 1100mm high glass railings around the remainder of the balconies. The depth of the balconies is proposed at about 3m, about twice as deep as currently permitted.
7. The balconies would sit on the roof of the ground floor rear extension and are shown on the proposed plan as being three in number but with no physical space in between. In the proposed elevation each room serving each balcony is shown as having both a double patio-style door and an additional window.
8. Whilst the upper structure would be a privacy screen the proposal would effectively present as a two storey development from Kingscote. The structure would be within about 0.85m of the common boundary with Kingscote.
9. The rear patio area of Kingscote closest to the house would be dominated by the proposal given the proposed height, depth and very close proximity. The proposal would be more harmful than what is already permitted owing to the balcony and screen being significantly deeper. It would be unduly overbearing and would loom above the rear patio at Kingscote reducing the enjoyment of the garden for the occupants and future occupants.
10. Notwithstanding that there is some vegetation on the common boundary, it would block more light from the rear patio than the currently permitted proposal. There would also be a loss of sunlight to this area because the proposed privacy screen would be located to the south western side of Kingscote's garden thereby cutting down sunlight as the sun tracked from east to west during the daytime.
11. I was able to confirm these conclusions on my site visit which included access to the rear patio and garden of Kingscote.
12. Consequently, I conclude on this issue that the proposed development would significantly harm the living conditions of the occupants of Kingscote by reason of loss of outlook and light. It would be contrary to policies DM35 of the Wycombe District Local Plan (adopted 2019) 'WDLP' and the Householder Planning and Design Guidance Supplementary Planning Document (adopted 2020).

Conservation Area and Registered Park and Garden

13. The West Wycombe RPG is a grade 1 registered park and garden and is a well-preserved eighteenth century landscape park and pleasure grounds around an eighteenth century Palladian villa. The heritage significance of the RPG and the CA includes their intact country park character, river setting, general openness and tranquillity. The appeal site would not be within either the CA or the RPG but would be within their immediate settings as its south western boundary directly adjoins both assets.

14. There would be scope for glimpsing domestic paraphernalia and people on the balconies from the designated assets with both the permitted scheme and the proposed scheme, but with the proposed scheme the balconies would be larger and therefore would provide the potential for increased views of paraphernalia and/or people over and above the 2022 planning permission. The result would be a worsening of adverse, intrusive and unsympathetic impacts on the setting of the designated assets which I consider would be sufficient to warrant a refusal of permission on conservation grounds.
15. Applying paragraph 208 of the NPPF (December 2023), there would be "less than substantial harm" to the significance of designated assets. This would constitute harm nevertheless. There would be no public benefits flowing from the extension of the balconies which would outweigh that harm.
16. On this issue, I conclude that the proposal would fail to preserve the setting of the CA or RPG and would be contrary to policies CP9 and DM31 of the WDLP.

Conclusion

17. Having taken into account all representations made for and against the proposal, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR