



Appeal Decision

Site visit made on 12 March 2024

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/K0425/W/23/3331743

7 Totteridge Road, High Wycombe, Buckinghamshire HP13 6DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms N. Ekuase Oke-Biddle against the decision of Buckinghamshire Council.
 - The application Ref is 23/05576/FUL.
 - The development is the change of use of dwellinghouse (C3) to Care facility (C2), retention and use of ancillary outbuilding and erection of side extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was submitted by Ms N. Ekuase Oke-Biddle against Buckinghamshire Council. This is the subject of a separate decision.

Background and Procedural Matter

3. The appeal scheme represents the change of use of the main dwelling to a care facility, the retention of a side extension and the retention of an outbuilding. The Council have not raised any concerns regarding the first two elements of the development, and I have no reason to disagree.
4. The development has already been carried out, in accordance with the submitted plans.

Main Issues

5. The main issues relevant to this appeal are:
 - The effect of the development upon the character and appearance of the area; and
 - whether the outbuilding is an ancillary building and, if not, whether appropriate living conditions for the occupiers of the development have been provided.

Reasons

Character and appearance

6. The appeal site consists of a semi-detached building, with a garden area to the rear. The buildings on the northern side of Totteridge Road are typically large houses and blocks of flats. Notably, these buildings are spaced apart and have

pitched roofs. This means that residential buildings are constructed to traditional designs with the built-up area being punctuated by views of landscaping to the rear of buildings. Outbuildings are present at neighbouring properties, but these are relatively small and have either pitched or mono-pitched roofs.

7. The Council have cited Policies CP9 and DM35 of the Wycombe District Local Plan (2019) (the Local Plan) on their decision notice. Although these policies do not necessitate developments replicate the appearance of buildings elsewhere, these policies are clear that they require developments to achieve a high quality of design; and improve the character of the area and the way it functions.
8. The outbuilding has a large footprint, which means that the development has resulted in the loss of the gap between 7 Totteridge Road and the neighbouring house at No. 5. Therefore, the development obscures views of the landscaping to the rear of the site. In result, the development has an enclosing effect upon the area and the verdant character would be eroded.
9. Furthermore, the large footprint of the outbuilding and its flat roof conflicts with the surrounding outbuildings, which are generally smaller and all neighbouring buildings that have pitched or mono-pitched roofs. Due to its siting, the outbuilding would be viewed alongside the differently designed nearby buildings. Therefore, the contrasting design approach is readily apparent, and, in result, is incongruous.
10. The outbuilding is viewable from Totteridge Road. Furthermore, there is a public car park on the opposite side of the road, from which views are possible. Although there is a fence in front of the outbuilding, the topography of the area means that the outbuilding is visible. These factors mean that the enclosing effect of the development and the loss of views of landscaping to the rear of the site can be experienced, which results in significant harm.
11. Totteridge Road delineates the appeal site and its neighbours from the buildings on the southern side of the road. Therefore, the presence of alternatively designed buildings to the south of Totteridge Road does not lead me to different findings.
12. The Council and the appellant agree that the outbuilding could not be constructed under permitted development rights. Therefore, in the absence of any evidence to the contrary, I do not believe that the possibility of a fall-back position has been demonstrated. In result, I do not believe that permitted development rights overcome my previous findings.
13. I therefore conclude that the development has an adverse effect upon the character and appearance of the area. The development, in this regard, conflicts with the requirements of Policies CP9 and DM35 of the Local Plan.

Whether ancillary and living conditions

14. The outbuilding is described, in the appellant's Statement of Case, as having a bedroom; shower room; and kitchen and living area. Adjacent to the outbuilding is an area of recreation space that would have shared with the occupiers of the main building. Although a fence has been constructed at the site, there is a gap that allows for movement from the outbuilding to the sites outside space and then, directly, the main building.

15. In addition, it is described in the appellant's Statement of Case that although staff do not permanently live at the site, a bedroom is provided for staff inside the main building. Furthermore, members of staff are responsible for providing care for both the occupiers of the main building and the outbuilding. Therefore, for the preceding reasons, the main building operates in tandem with the outbuilding. In addition, the appellant's Statement of Case explains that the outbuilding does not feature separate utility supplies to the main building. The outbuilding is therefore ancillary to the main building. This could be secured through the imposition of a planning condition.
16. Given this ancillary nature, occupiers have access to the facilities in the outbuilding, the communal outdoor space; and the facilities in the main building, which include a kitchen, a living room and dining room. Therefore, owing to the accessible nature of these facilities and their relatively large size, occupiers of the outbuilding have sufficient facilities to provide appropriate living conditions.
17. In addition, the internals of the outbuilding are sufficiently proportioned so that occupiers would be able to place their required furniture in the building without impeding internal circulation.
18. I therefore conclude that the outbuilding would be ancillary to the main building and that occupiers of the development have appropriate living conditions. The development, in this regard, complies with the requirements of Policy DM35 of the Local Plan. Amongst other matters, this seeks to ensure that developments provide a level of privacy and amenity for future occupants appropriate to the proposed use.

Other Matters

19. I have given careful consideration to the development being used as a care home. Therefore, such a development advances equality of opportunity between all individuals owing to the availability of housing that responds to the differing needs of all members of the community. This is a matter to which I attribute weight in favour of the appeal.
20. However, the points in favour of the development must be considered against the significant adverse effect that development has upon the character and appearance of the area. In respect of the above, a refusal of planning permission is a proportionate, and necessary approach to the legitimate aim of ensuring developments do not have an adverse effect upon the character and appearance of this area, in line with the requirements of the adopted Local Plan. Furthermore, the protection of the public interest cannot be achieved by means that would have a lesser effect on the supply of care homes.
21. Therefore, whilst I acknowledge the benefits of the development, I conclude that this is not a matter that outweighs the harm that would be caused by the proposed development in respect of my conclusions in regard of the first main issue.
22. The development would not have an adverse effect upon the highway system. Whilst this is a matter of note, it is only one of all the matters that must be considered. It therefore does not outweigh my findings in respect of the first main issue.

Conclusion

23. Although the development provides appropriate living conditions for the occupiers of the outbuilding and that there would be no adverse effects arising from the change of use of the existing building and the extension; this is outweighed by the adverse effects upon the character and appearance of the area arising from the outbuilding. Therefore, the development would conflict with the requirements of the Development Plan, taken as a whole. There are no material considerations that indicate that the decision should be made other than in accordance with the Development Plan and therefore, the appeal should be dismissed.

Benjamin Clarke

INSPECTOR