



Appeal Decision

Site visit made on 31 May 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2024

Appeal Ref: APP/N0410/W/23/3332954

74 Slough Road, Iver Heath, Buckinghamshire SL0 0DY

- 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 Mr & Mrs Ely against the decision of Buckinghamshire Council - South Area.
 - The application Ref is PL/23/2232/FA.
 - The development proposed is described as 'Demolition of existing two storey extension and conservatory for access. Construction of new two bedroomed detached bungalow in rear garden'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effects of the proposal on the character and appearance of the area and the existing property, (ii) whether the new house would achieve an appropriate standard for energy use, and (iii) effects on biodiversity.

Reasons

Character and Appearance

3. The southern side of Slough Road is characterised predominantly by generous sized properties set within long plots with gardens extending to the rear. The properties are set back from the road behind a grass verge, and vary in their design and appearance. By contrast, the access road which runs to the east of No.74 serves bungalows which have shallow pitched roofs and sit behind extensive areas of soft landscaping. Together these features give a more spacious and verdant character to that access road.
4. The proposed bungalow would extend to the eastern site boundary and its pitched roof would rise significantly above the height of the other bungalows surrounding the access. In combination these features would result in the proposed house appearing visually prominent and at odds with the established character of the bungalows and access to the east. The proximity to the eastern boundary would not allow for any meaningful soft landscaping to soften its harmful visual effects.
5. While there are more substantial bungalows nearby on Post Meadow, these are further from the appeal site and the proposal would not be seen in the immediate context of those properties. There are also other examples of back-land development in the surrounding area, including very close to the appeal

site, however in the absence of further details I cannot be certain that their circumstances and considerations were the same as the appeal scheme. There are also outbuildings in other nearby gardens, however these would appear to be of a small scale, and with different visual effects, to the proposed bungalow.

6. Turning to the proposed alterations to no.74 Slough Road, as above, the character of properties facing the southern side of Slough Road vary in their scale, design and appearance. They nonetheless include largely traditional housing types and roof forms. The proposal would see the side extension and traditional pitched roof shape of no.74 removed to facilitate the new access. The result would be a heavily asymmetric roof form with a substantial flank elevation, at odds with the traditional appearance of the existing property and others on this part of the road. This would be prominent in views from the street given its exposed location next to the gap created by the new and existing access to the east.
7. There are other half-hipped roofs in the surrounding area, however these appear as part of properties of differing character and design, and their circumstances are not directly comparable to those of the appeal site. Similarly, given the new side elevation would directly adjoin the new access road, its stark appearance could not reasonably be mitigated by soft landscaping.
8. Given the grass verge and soft landscaping which would separate the two access roads, the creation of two parallel access roads would not amount to visual harm. Soft landscaping and boundary treatments could also assist in softening the effects of the new car parking area and alterations to the existing front garden area to ensure they appear comfortable in this context.
9. For the reasons given the proposed bungalow and alterations to no.74 would cause harm to the character and appearance of the area. They would conflict with Policies EP3, EP4 and H9 of the LP¹ and Core Policy 8 of the CS² insofar as they require development to be compatible with the character of the site, adjoining development and the locality in general, and to incorporate appropriate soft landscaping. The proposed works to no.74 would also conflict with Policy H11 of the LP which requires proposals to alter existing dwellings to harmonise with the existing building.
10. There would also be conflict with the design objectives of the National Planning Policy Framework (the Framework) which requires developments to be sympathetic to local character including the surrounding built environment. There is not substantive evidence of conflict with the National Design Guide, however the proposal would nonetheless conflict with the development plan as set out.

Energy Standards

11. Policy IV14 of The Ivers Neighbourhood Plan 2022 (the NP) sets out very detailed requirements for energy performance. Its supporting text describes that it is intended to encourage and incentivise the use of the Passivhaus or equivalent standard of building design. There is not substantive evidence to lead to the conclusion that the policy has been superseded or is out of date. Neither is there evidence with the appeal to suggest how this policy has been

¹ The South Bucks District Local Plan 1999, consolidated 2007 and 2011

² The South Bucks Local Development Framework Core Strategy Development Plan Document 2011

addressed. I have considered whether this could be dealt with by condition, however, the NP describes that these matters require consideration at the very initial stages of design, and their consideration could give rise to the need for substantial changes to the design and arrangement of the development. As such it would not be reasonable to do so.

12. In the absence of evidence or reasoning to the contrary, the proposal would not deliver an appropriate energy standard and would conflict with Policy IV14 of the NP as well as the objectives of the National Design Guide 2019 insofar as it guides development to follow an energy hierarchy.

Biodiversity

13. Policy CP9 of the CS describes that, among other things, the Council will seek conservation, enhancement and net gain in local biodiversity resources within the Biodiversity Opportunity Areas (BOA), on other non-designated land, on rivers and their associated habitats, and as part of development proposals. While the Council describe the site as being in a biodiversity area, it is not clear whether this is a BOA for the purposes of the policy.
14. The proposal includes the removal of part of the roof of no.74. I observed that the existing roof is well maintained and there is no evidence before me to suggest that the site is necessarily suitable for bats. In the absence of any credible evidence that bats are present, or that the appeal site has characteristics that may be suitable for roosting bats, the proposal would be acceptable in this regard.
15. The remaining garden area comprises mown grass with surrounding shrubs. While this is likely to accommodate some biodiversity, similarly there is not evidence to suggest the presence of other protected species and it is likely that biodiversity enhancements could reasonably be secured by condition if the proposal were otherwise acceptable.
16. The proposal would be acceptable in terms of its effects on biodiversity, and would comply with the objectives of Policy CP9 of the CS as set out, and with the Framework insofar as it seeks to minimise impacts on, and provide net gains for, biodiversity.

Other Matters

17. The Council acknowledge that it cannot demonstrate a five year land supply for housing. As such, paragraph 11d) of the Framework is relevant to the appeal. The application of policies in the Framework which protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. As such planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The proposal would cause harm to the character and appearance of the area and it has not been demonstrated that it would achieve an acceptable energy standard. The result of these harms together would be significant and long lasting, and would cause conflict with the Framework.
19. In terms of benefits, the proposal would provide a new home and would contribute to the national objective to boost the supply of homes, as well as to

the local housing shortfall. There would also be economic benefits arising from the construction process and ongoing expenditure by future occupants. The effects of these benefits are, however, limited given the scale of the proposal.

20. The proposal would provide benefits to the appellants and their family, allowing them to reside close to relatives who could live in the main house, however this attracts limited weight when assessed against the policies of the Framework. Given the location and low level nature of the existing conservatory, its removal would not provide any significant benefit to the character of the area. This is similarly the case for the existing garden shed and concrete base, and their removal does not weigh in favour of the development.
21. Consequently, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development.

Conclusion

22. The proposal would conflict with the development plan as a whole and there are not other considerations of sufficient weight which outweigh this finding. The appeal is therefore dismissed.

C Shearing

INSPECTOR