



Appeal Decision

Site visit made on 22 October 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 7 November 2024

Appeal Ref: APP/N0410/W/24/3341410

Top Cottage, Hollybush Hill, Stoke Poges SL2 4PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Amarjit Saini against the decision of Buckinghamshire Council (South Bucks Area).
- The application Ref is PL/23/3828/VRC.
- The application sought planning permission for part single, part two storey side and rear extension, demolition of garage and construction of garage with space above.
- without complying with conditions attached to planning permission Ref: PL/22/3520/FA dated 02/02/2023.
- The condition[s] in dispute are Nos 3 and 10 which state that:
Condition 3: No development shall take place until detailed large scale elevation and horizontal and vertical sections (drawn in situ to a minimum scale of 1:5) through the proposed new windows, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
Condition 10: The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:
Drawing No.(s): 2003-413 B received on 10 October 2022, 2003-412A received on 24 October 2022, 2003-417A received on 24 October 2022,
and in accordance with any other conditions imposed by this planning permission.
- The reasons given for the conditions are:
Condition 3: To safeguard the special architectural and historic character of the non-designated heritage asset. In accordance with paragraph 203 of the NPPF.
- Condition 10: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Amarjit Saini against Buckinghamshire Council (South Bucks Area) and this is the subject of a separate Decision.

Preliminary Matters

3. Planning permission was granted in February 2023, under the Council's ref: PL/22/3520/FA for a part single part two storey side and rear extension, demolition of garage and construction of garage with space above at the appeal property subject to conditions.
4. The proposal now the subject of this appeal seeks to make a number of amendments to the permitted design, including the relocation of a side window with obscure glazing; the extension of a side dormer window with the addition of a window with obscure glazing and the installation of an obscure glass rooflight.
5. The Council has advised that had it been in a position to determine the application, the application would have been refused with the reason for refusal stating that *the proposal will result in less than substantial harm identified through the proposed alterations to a Non Designated Heritage Asset and its collective impact on the neighbouring Non Designated Heritage Asset to which it also contributes. This harm is considered to outweigh any benefits of the proposal. The application therefore fails to meet the requirements of Core Policy 8 of the Council's Core Strategy (adopted February 2011) and Sections 2 and 16 of the National Planning Policy Framework.*
6. There are a number of other applications before the Council seeking variations to the approved plans in respect of other proposed amendments, but my consideration is solely in respect of the proposals before me.
7. At the time of my site visit, it was apparent that some of the works undertaken do not currently accord with either the plans as approved, or the plans as submitted. However, my consideration is necessarily on the basis of the proposed plans before me.
8. I have noted that Historic England did not consider that the appeal property and its immediate neighbour, Little Chesters, were suitable candidates for statutory listing, albeit acknowledging some degree of local significance. The Council in January 2023 identified the two properties as non-designated heritage assets. Both properties were built in 1933-34 in the Arts and Crafts tradition and retain some of their original features including their thatched roofs; these factors all contribute to the local significance of these non-designated heritage assets.

Main Issue

9. The main issue in this appeal is the effect of amending the approved plans on the character and appearance of the existing building, a non-designated heritage asset and on the setting of the adjoining building, Little Chesters, which is also a non-designated heritage asset.

Reasons

10. The appeal property is a detached dwelling on the north side of Hollybush Hill, accessed from a private drive that serves a small number of houses, with the appeal property being at the northern end, beyond Little Chesters. Both the appeal property and the neighbouring property, Little Chesters are included by the Council as non-designated heritage assets for their 'Arts and Crafts' style design of building.

11. The original cottage has a thatched roof and the extensions that have been permitted under the Council's ref: PL/22/3520/FA are mainly to the north and north-west of the building. The approved plans include for a modest dormer window in the north-west elevation of the extension. The proposal before me seeks to widen the dormer to add a further window. However, in widening the dormer window to accommodate the additional window, the dormer would become a much bulkier addition and more prominent feature on the roof slope. Its extended width would be over dominant in relation to the more modest openings which are characteristic of the original building and the extensions as permitted.
12. The proposals before me also include for moving a first-floor window in the north-west gable elevation further northwards. Taken in isolation, this change would be a very modest amendment in the siting of the window, but in combination with the proposed extension to the dormer, which would be very close, it would result in an overly cluttered appearance to this elevation, which would detract from the spacing of openings in the original dwelling and in the scheme as approved.
13. A rooflight is proposed in the new south east elevation. Although very small in scale, its siting on the roof pitch with its top aligned with the roof ridge would appear as a discordant feature and out of alignment with the rest of the openings in the original dwelling, and as approved to be extended.
14. I therefore find, particularly when taken all together, these proposed amendments would materially harm the character and appearance of the existing building and detract from the significance of this non-designated heritage asset.
15. No specific reasons have been given for seeking to reference Condition 3 of the original decision and it is not clear whether the appellant seeks to delete this condition or to vary it, and if he is seeking to vary it, the amendments being sought. However, I consider that the condition, as imposed, meets the tests set out under paragraph 56 the National Planning Policy Framework (Framework) and under the Planning Practice Guidance, in relation to ensuring that the details would be satisfactory and would safeguard the special architectural and historic character of the non-designated heritage asset. However, were no other matters of concern and permission were to be granted, it would be necessary to amend the timing of complying with this condition, to require the detailed drawings to be submitted and approved prior to the works being undertaken.
16. I therefore conclude that the proposed amendments to the approved scheme and variation of the condition listing the approved plans, as sought, would materially harm the character and appearance of the appeal property, and detract from the significance of this non-designated heritage asset. This would conflict with Core Policy 8 of the Council's Core Strategy and the Framework and in particular Sections 12 and 16, all of which amongst other matters seek a high standard of design which respects the significance of designated and non-designated heritage assets.
17. The Council has also raised as a concern the impact of the proposed amendments on the setting of the neighbouring non designated heritage asset. However, given the scale and siting of the proposed changes in relation to that neighbouring building, I do not consider that the setting of the adjacent

building would be materially affected. There would be no conflict with the development plan and Framework as referenced above in this regard. However, my finding in respect of the impact on the setting of the adjacent building does not outweigh the harm I have concluded to the character and appearance of the appeal property.

18. I have noted the reasons for seeking to introduce some natural light into the bathroom and en-suite shower rooms, which are non-habitable rooms. Furthermore, the proposed solutions to secure that objective would result in material harm to the character and appearance of the existing building. The appellant's objective in this regard does not therefore lead me to a different view. There are no other benefits of the proposal that would outweigh the harm I have found.

Other Considerations

19. Given that the submitted plans show that each of the windows would be obscure glazed, and the windows in the north-west elevation would also be non-openable, there would be no adverse impact on the amenities of neighbouring residents, with particular regard to overlooking and loss of privacy. However, this finding does not override my conclusion as set out above. The Council also raised no concerns in this regard.
20. I have taken into account the points raised by neighbouring residents, although some of these relate to non-planning matters and others to matters that are not pertinent to the proposals before me. My decision is based on the planning merits of the scheme proposals before me.

Conclusion

21. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR