



Appeal Decision

Site visit made on 22 October 2024 by E Street BSc (Hons)

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2024

Appeal Ref: APP/X0415/W/24/3345476

42 New Road, Little Kingshill, Buckinghamshire HP16 0EZ

- 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 Gaymond against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/24/0893/FA.
 - The development proposed is described as "demolition of existing house and construction of new, highly sustainable, chalet bungalow of similar massing and appearance on broadly the same footprint, with single storey rear extension."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. The appeal form uses the description on the decision notice. However, I am satisfied that the description on the application form, which I have used above, accurately describes the development to which the appeal relates. The Council do not object to the principle of the new dwelling. I have no reason to disagree. My recommendation thus focusses on the two-storey flat roof element to the rear and, specifically, its effect on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site is set within an existing residential road with bungalows of a similar form on the same side as the appeal site. The bungalows are characterised by their modest heights and low set eaves, some with dormers to the rear. The wider area includes two storey dwellings, buildings set back from the highway and mature planting which contribute to an open and pleasant feel to the area. Whilst extended, building designs tend to be conventional and typical of their type which adds a consistency to the locality. These elements contribute positively to the character and appearance of the area.
5. The stepped two-storey to single storey flat roof element would subsume the rear elevation of the new dwelling by virtue of its height, width and massing. It would appear unconventional and all but obliterate the form of what would otherwise be a pleasant modest bungalow that would sit squarely with others in the street. This would jar unacceptably against the positive aspects of the

area's consistency, despite the use of appropriate materials. Views of the rear element from neighbours' gardens would be of a bulky and imposing addition due to the large side elevations along with an awkward intersection of the eaves. The fact that this element would be to the rear of the building and partially screened from public views would not therefore be sufficient to make it acceptable.

6. There are some instances of flat roofs in the locality however these are much smaller in their overall scale and generally to the first-floor dormer. In addition, there are other flat roof dormers to the rear of surrounding buildings, including a sizable one close by. Two application references have been provided. However, little detail has been given on their current implementation status or the more detailed designs. Notwithstanding this, the larger scale dormers to neighbouring properties allow the rear elevations to still be seen due to the lack of a rear extension and their exposed eaves. In any case, the prevailing character appears to be the smaller scale dormers sitting comfortably in the roofscape with the larger examples being the exception rather than the norm.
7. Therefore, the proposal would cause unacceptable harm to the character and appearance of the area and thus conflict with Policies GC1, H3, LSQ1 of the Chiltern District Local Plan 1997 (including alterations 2001 and consolidated 2007 and 2011), Policies CS20 and CS22 of the Core Strategy for Chiltern District 2011, The National Design Guide and the National Planning Policy Framework 2023. Together, and amongst other things, these seek to ensure that development proposals are of a high-quality design and standard.

Other Matters

8. The proposal is to be built to passive house standards with an emphasis on carbon emission reduction. I would give this moderate weight. A version of a rear addition might be possible to build under the permitted development regime with lesser amounts of insulation. However, I have been provided with no evidence to show the appearance of the scheme on the existing building and thus what prospect there may be of it actually being built. I therefore can only ascribe this limited weight.
9. The appellants have supplied an additional representation from a neighbouring property in support of the appeal. The Council have raised that there would be no harm in respect to neighbouring living conditions. I have no reason to disagree. However, and taken together, any lack of harm would be neutral in any balance of considerations.
10. I understand that the house needs to be adapted for the appellants' medical need with a step free ground floor and level access to the front door along with provisions for a downstairs bathroom and bedroom. I have had due regard to the Public Sector Equality Duty set out under Section 149 of the Equality Act 2010. I am aware that disability is a protected characteristic thereunder. The evidence does not however suggest that the scheme is wholly reliant on the adaptations with specific regard to the two-storey flat roof element which is the source of the harm in this particular case.
11. The proposal is within the Chilterns National Landscape (formerly known as the Area of Outstanding Natural Beauty) however it has not been raised as a contentious matter and given the overall limited development scale, the siting of the proposal and surrounding residential dwellings, I agree with Council's

conclusion that the proposal would conserve the scenic beauty of the National Landscape.

Conclusion and Recommendation

12. The harm I have found to the character and appearance of the area and the associated development plan conflict are matters to which I ascribe substantial weight. This is not outweighed by the benefits in terms of eliminating discrimination against persons with the protected characteristics of disability. Dismissal of the appeal is thus a fair and proportionate approach in this particular case. I am also mindful of other material considerations advanced but, for the reasons I have set out above, these would not be worthy of such weight that they would indicate a decision other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR