
Appeal Decision

Site visit made on 17 February 2025

by **N Praine BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/K0425/W/24/3347533

255 West Wycombe Road, High Wycombe, Buckinghamshire HP12 3AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Barar Homes against the decision of Buckinghamshire Council.
 - The application Ref is 23/06135/OUT.
 - The development proposed is described as the demolition of existing dwellings and construction of a single building containing 7 apartments, associated parking and bin/cycle stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with access, appearance, layout, and scale to be considered in full. Landscaping is identified as a reserved matter and as such where the proposed site plans show any information relating to landscaping, I have treated this as illustrative for the purposes of making my decision.
3. Following the submission of an updated Bat Survey Report, the Council confirmed that the fourth reason for the refusal of planning permission relating to the impact upon bats has been resolved, subject to appropriate conditions. I will return to this matter later.
4. The views of the main parties were sought following the publication of the revised National Planning Policy Framework ("the Framework") on 12 December 2024. The responses have been considered in this decision.

Main Issues

5. The main issues therefore are the effects of the proposed development upon:
 - The delivery of a net gain in biodiversity;
 - The living conditions of future residential occupants;
 - The living conditions of existing residential occupants with particular reference to outlook;
 - The character and appearance of the area; and
 - Suitable access.

Reasons

Biodiversity Net Gain

6. Policy DM34 of the Local Plan requires all development to protect and enhance biodiversity and green infrastructure features while maximising the opportunities available for canopy cover. The Council says that it aspires to achieve a minimum 10% biodiversity net gain on sites. The proposed development would result in the loss of habitats on site and the Council's Ecology Officer advises that the development would be likely to result in an overall net loss of biodiversity.
7. I accept that detailed landscaping is a reserved matter and the maximising of opportunities for tree cover and wider landscaping could be secured at that stage. However, it is still important to understand that measurable biodiversity net gains can realistically be achieved on site at this outline stage as a matter of principle. This is required to provide confidence that landscaping would be sufficient on its own to achieve biodiversity net gains. The appellant has provided little evidence in this regard.
8. I have carefully reviewed the other decisions provided by the appellant. The appellant has drawn some similarities between these schemes and the current proposal; however, biodiversity and habitats are complex and often very site specific. I do not know the situation on the ground at each of these other sites either before development took place or the exact gains after. I also do not know what considerations took place to show compliance with Policy DM34.
9. I cannot, therefore, be certain that these cases are identical to the current appeal. Each case turns on its own merits having regard to the individual specifics of each case. I have therefore considered this appeal based on the evidence before me. These other decisions, therefore, do not alter my overall findings.
10. The proposed development, as a result, fails to show that it could deliver a net gain in biodiversity. The proposal would therefore be contrary to the relevant provisions of Policy DM34 of the Wycombe District Local Plan 2019 ("the Local Plan"). This policy, amongst other things, seeks to achieve and maximise Green Infrastructure and enhancements to local biodiversity.

Living Conditions Future Occupiers

11. Policy DM40 of the Local Plan requires all new dwellings to meet the Technical Housing Standards – Nationally Described Space Standard ("the NDSS").
12. Flat 1 would be a 1-bedroom flat and the drawings show this to have a Gross Internal floor Area ("GIA") of 40sqm. The proposed bedroom serving this flat is shown with a single bed, however, there is no clear evidence before me to suggest that the bedroom could not accommodate a double or twin bed. Therefore, it should be assessed as a 1 bed 2 person flat under the NDSS. On that basis Flat 1 falls below the minimum NDSS GIA of 50sqm.
13. Flats 4 and 6 would each have two bedrooms. Paragraph 10(b) of the NDSS requires a dwelling with two bedspaces to have at least one double (or twin) bedroom. A double (or twin bedroom) is described in the NDSS as having a floor area of at least 11.5sqm. While a double bed is shown in some of these bedrooms, it has not been robustly shown, in evidence, that either room would meet the NDSS.

14. There is dispute between the main parties surrounding the proposed GIA of Flat 7. The Council calculates this as 40sqm and therefore under the NDSS, while the appellant says the NDSS would be met. The Council's concerns include the height standards as set out at paragraph 10(i) of the NDSS (minimum floor to ceiling height requirement of 2.3m for at least 75% of the GIA) and which areas under 1.5m in head height have been included in the GIA of the flat as storage (counted at 50%).
15. From the evidence before me, including the partly annotated plans, and other submissions in evidence, it is difficult to come to an exact finding on these points given the irregular layout of Flat 7. While head heights are shown on the floorplans, I have not been provided with cross sections to show the head heights, or clear evidence showing the calculations of the floor space in relation to the head heights, or how the overall final figures were arrived at while taking account of the criteria set in the NDSS. Therefore, tying all these factors together, it is still not clear whether the proposed floor area of Flat 7 would be NDSS compliant.
16. Concluding on the issue of the NDSS, from the evidence before me, I cannot be satisfied that the NDSS would be met for Flats 1, 4, 6 and 7. On this basis, it has not been clearly shown that the proposed development would provide internal spaces which would not be cramped or would meet minimum housing standards.
17. The importance of natural light in homes is widely understood, this includes the reduction in a reliance on electric lighting and the physical and mental health benefits that daylight and sunlight bring.
18. The patio and deck serving Flat 1 would be enclosed and the patio would have a balcony above. It is not clear as to how much light would enter this deck and patio. I have also considered the proposed windows serving this flat and given this flat's lower ground siting, in the absence of clear evidence demonstrating acceptable sunlight and daylight would enter this flat or its deck patio areas, I cannot be satisfied this would be acceptable.
19. Residential occupiers should also be able to enjoy good quality outlook to the external environment from habitable rooms. Flat 1 would be served by windows adjacent to the patio and deck area. The outlook from Flat 1 would be limited given the size and lower ground location of the deck areas and patio. This would generate a sense of enclosure, and such limited outlook would be inadequate for the day-to-day requirements of future occupiers. Consequently, the appellant has not clearly demonstrated that there would be an acceptable level of outlook achieved within Flat 1.
20. The proposed deck area and patio which serve Flat 1 would be located near to the road. The Council state that the road is within an Air Quality Management Area, and I fully appreciate the importance of considering air pollutants and the potential for health impacts. However, the Council has provided limited evidence in respect to the severity of the impacts of the air quality including any potential non-compliance with air quality objectives, or if the proposed development fails to comply with any Local Air Quality Action Plan. Given this lack of robust evidence it is difficult to come to a finding of harm on this issue.
21. Below ground development is well understood and commonplace in the construction industry. The Council has not robustly shown why the lower ground level of the proposal would suffer from unacceptable surface water flooding.

22. Flat 2 would be single aspect and I have considered the size of these rooms. Given their width, depth, size of the windows, and southward facing aspect, this would be an acceptable arrangement in respect to layout and associated ventilation for Flat 2. While the two balconies serving Flat 2 would be modest in size and are not designed as a garden or courtyard, they would be adjacent to a garden space which I will come to later in this decision.
23. Flat 3 is also single aspect and I have considered the size of the proposed living / dining / kitchen area. Given its width and depth, I am satisfied that ventilation would be acceptable, however, considering the size of the windows and northward facing aspect, it has not been clearly shown that acceptable daylight or sunlight would enter this room. It is also not clear from the drawings if appropriately sized private amenity space would be provided for this flat.
24. Flat 5 would also be single aspect and I have considered the size of rooms and the windows. Given their width and depth I am satisfied that ventilation would be acceptable and appropriate outlook to the external environment would be possible from the habitable rooms. However, given the size of the windows and northward facing aspect, it has not been clearly shown that acceptable daylight or sunlight would enter this flat.
25. Flat 7 would be served by eight roof lights and three windows. Most of these roof lights would also be located below 1.5m of the finished floor level with many of these shown starting at 0.9m above finished floor level. For these reasons acceptable light and outlook would be possible from this flat. Flat 7 would not, however, have its own private amenity space and this would also generate harm.
26. The balcony areas for Flats 4 and 6 also appear to fall below the size requirements set out within the Council's Residential Design Guidance Supplementary Planning Guidance 2017 ("the RDG").
27. I have carefully considered the other decisions provided by the appellant. However, it is difficult to understand what reasoning the Council used to approve these schemes and how they would be directly comparable to the scheme before me. These cases are not identical to the current appeal in respect to the living conditions of future occupants. Each case turns on its own detail having regard to the individual specifics of each case. As I have set out above, I have had regard to the proposed layout and details before me in coming to my findings, and these have been based on the individual merits of this appeal. These other decisions, therefore, do not alter my overall findings.
28. Two communal space areas would be provided. One would be to the rear adjacent to the building and the other to the very rear of the plot in a more secluded location. These spaces would be modest in size but would provide a reasonable degree of privacy and seclusion, particularly to the rear of the plot. They would also provide appropriate space for passive recreation such as sitting out, barbecues and visitors to the site.
29. While I have found some aspects in respect of the living conditions of future residential occupants to be acceptable, the absence of harm weighs neutrally. Overall, the proposed development would have an unacceptably harmful effect on the living conditions of future residential occupants for the detailed reasons set out above. The proposal would therefore be contrary to the relevant provisions of

Policies DM35 and DM40 of the Local Plan. These, amongst other things, address the need for high quality design for the living conditions of residential occupiers.

Living Conditions Existing Occupants

30. The proposed development would extend up to the shared boundary with 253 West Wycombe Road. During the appeal site visit I noted that the flank windows at No 253, which face onto the proposed development, are either secondary in nature or do not serve primary habitable rooms.
31. The proposed development would extend beyond the rear walls of No 253 and part of the flank elevation would be visible from the rear windows and balcony area of this neighbour. The appellant has shown a 45-degree horizontal line from the ground floor window and a 60-degree horizontal line from the first-floor window at No 253.
32. There is some conflict as these lines cross the roof just above the eaves rather than the walls. As such these conflicts would be at the outer limits of the proposed development. Nonetheless, the conflict generates some albeit limited harm, however, I was unable to find any further information in evidence regarding policy or guidance and the interpretation of these horizontal lines.
33. While these lines are a consideration, I visited No 253 and viewed the layout of this existing dwelling including the floor levels, height, and position of the existing rear windows at this neighbouring dwelling. Having regard to the proposed separation and design of the appeal scheme, including the proposed eaves and ridge height in combination with the hipped roof design, which pitches away from this neighbour, any overbearing impacts would be acceptable, when viewed from the windows of No 253.
34. The balcony at number 253 is narrow at the closest point to the proposed development and its wider, usable areas are sited away from the proposed development. Any impact upon outlook when viewed from this balcony would be acceptable for these reasons. A garage structure and turning area separate the dwelling at No 253 from its primary garden areas which are therefore located deeper into its plot. This would ensure that the resultant level of outlook from the garden, in respect of the proposed development, would not reach an unacceptable level.
35. Accordingly, the proposed development would not result in significant adverse impacts on the living conditions of existing residential occupants with particular reference to outlook. The proposal would comply with the relevant provisions of Policy DM35 of the Local Plan. These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Character and Appearance

36. The appeal site fronts onto the West Wycombe Road. The street scene comprises buildings which broadly face onto the road, however, there is some variation in the character and appearance of the area. When viewed from the road the existing buildings are experienced as a mix of two storey detached and semi-detached buildings, as well as three storey buildings and some with a further fourth storey of accommodation in the roof.

37. Materials and detailed design of buildings is also mixed adding interest to this streetscape. The existing roofscape follows this theme of diversity and hipped styled roofs sit next to half hip roofs. I also noted examples of side and front dormer windows in the street scene as well as hip and valley roofs, and cross gabled roofs above side bay window features.
38. The established themes such as orientation of buildings, gable features and brick materials mixed with contrasting features are important to the composition of this street scene. There is merit in a streetscape that draws from its established characteristics. However, West Wycombe Road is also defined by its elements of variation which feature along this road as outlined above. These variations in design features, while nodding to established themes are an important component of the distinctive character of this area.
39. The proposed development would front the road and has been designed to read as a two-storey building with accommodation in the roof space when experienced from the road. Its eaves and ridge heights are shown on drawing 04A to broadly respect and respond to the existing eaves and ridge heights of the nearby buildings along this side of the road.
40. A side dormer window is proposed. During my site visit I noted side dormer windows on other properties as well as side gable features within the existing mixed roofscape. The proposed dormer window nods to this existing vernacular and would be modest in width. It would also be set back approximately midway within the depth of the roof. These reasons would, in combination, create and acceptable visual impact when perceived from the street.
41. A crown roof is also proposed and while this would not be identical to the adjacent buildings, I note there are crown roofs elsewhere on West Wycombe Road which sit sympathetically within this varied roofscape. The front element of the pitched roof would not be squat in scale, it sits behind two road facing gables and pitches up from the eaves providing an appropriate wall to roof ratio. While the highest elements of the roof would be flat, this flat section would be modest in size. For all these reasons the crown roof design would have limited visual impact when viewed from the street scene.
42. The width of the proposed building would be greater than the existing appeal building and its immediate neighbours. However, the proposed development would be experienced with the wider and more diverse street scene of West Wycombe Road. Building widths vary as one travels along this road and the proposed development takes its design cues from some of the wider nearby buildings. For these reasons, the width of the proposed development would sympathetically integrate within the existing urban grain.
43. Drawing 02A shows that the closest elements of the proposed building would also respect the building line with 259 West Wycombe Road, however, one of the gables would extend beyond the frontage of No 259. For the same reasons, the proposed development would be also sited forward of 253 West Wycombe Road and the Council suggest this would be approximately 1.75m.
44. While this would breach the established building line within the immediate context and would generate a degree of harm, I note that there is some variation to the building line within the wider streetscape. This in combination with the proposed development's setback from the pavement and its separation from Nos 253 and

259 would reduce the harm to an acceptable level when experienced within the wider varied streetscape.

45. The space around buildings is also an important feature within the street scene. I agree with the previous Inspector¹ that these gaps and the glimpsed views between buildings of treetops and greenery beyond reinforce the spacious, leafy and distinctive character of this part of the street scene. I also appreciate the building would be deeper than the current building and it would also extend closer to the boundary with No 253.
46. However, while there would be some reduction in space between the appeal site and No 253, there would remain a gap between the buildings as shown on drawing 04A. This gap, albeit reduced and in the context of a deeper building with a side dormer window, would still allow for glimpsed views between the buildings and beyond. In addition, when viewed within the wider streetscape this gap would blend appropriately and not unduly create a loss of spaciousness to this side of the appeal building.
47. The reduction in space between the appeal building and No 259 would be much more limited when compared to the existing spacing and for the same reasons as set out above, glimpsed views between the buildings would be retained. Accordingly, the proposed development would maintain the established sense of spaciousness.
48. While landscaping is a reserved matter, the drawings show that an appropriate amount of hard and soft landscaping could be incorporated to the frontage which would accord with the character and appearance of landscaping within the existing wider streetscape. Views to the rear would be limited from public vantage points and parking to the rear of buildings is an existing feature along some parts of West Wycombe Road. While I consider the amount of communal amenity space elsewhere in this decision, the landscaping is acceptable in regard to the character and appearance of the area.
49. Tying all these considerations together as part of my overall conclusion on this main issue; the scale, width and form of the proposed development would integrate sympathetically into the street scene. It would, as a result, not be dominant or disproportionate, and accordingly its effect on the character and appearance of the area would be acceptable. The proposed development complies with the relevant provisions of Policies CP9 and DM35 of the Local Plan. These, amongst other things, look to promote high quality design which responds to local distinctiveness and legibility of place.

Suitable Access

50. Policy DM41 of the Local Plan requires all new dwellings to achieve the standards in Building Regulations Approved Document M4(2) ("the BR document"). The Council state that all dwellings are required to have step free approach route and a level access to the front door.
51. I have not been provided with the BR document in evidence and the Council has not confirmed which sections of it apply to this proposed development. This therefore makes it difficult to interpret any conflict with the BR document. Therefore,

¹ Appeal against Buckinghamshire Council Ref 20/06950/OUT

the evidence from the Council in this respect does not clearly show how the proposed development would directly conflict with the BR document.

52. However, even if step free access is required to all flats, all flats apart from Flat 7 are shown to be served by a lift. I fully appreciate the importance of suitable access for all; however, I am aware of other options such as platform and chair stairlifts. However, the appellant has not provided evidence to show these options would be viable. This generates some harm.
53. However as indicated above the Council has not robustly shown in evidence that step free access is a policy or legislative requirement for the proposed development. Therefore, based on the evidence before me and the reasoning as set out above, I cannot be certain that the proposed development would fail to provide suitable access.
54. The evidence therefore does not show that the proposed development would fail to comply with the relevant provisions of Policy DM41 of the Local Plan. This policy, amongst other things, addresses the need for appropriate access to buildings.

Planning Balance

55. I have found the proposal would conflict with policies that look to provide appropriate living conditions for future residential occupants and enhancements for local biodiversity. These impacts, in combination, would be considerable and long lasting. The adverse impact of the conflict between the proposal and these policies therefore carries substantial weight in this appeal.
56. However, the Council cannot currently demonstrate a five-year supply of deliverable housing sites. In these circumstances, the approach to decision-making set out at Paragraph 11d) of the Framework applies.
57. Set against the harm that I have found, there would be benefits associated with the development. It would support the Framework's objective of significantly boosting the supply of homes and at five units (net) would make a modest contribution towards addressing the current shortfall in housing land supply.
58. In addition, it would utilise a small previously developed brown field site with access to public transport and would incorporate sustainable drainage systems. Given its size, the proposed development could be built out quickly and would be an efficient use of land. There would also be economic, social, and environmental benefits. However, the scale of the development means that these benefits when considered in the round would be moderate in weight.
59. Consequently, when assessed against the policies in the Framework, taken as a whole, the benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts. The advice at paragraph 11d) does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan.
60. I appreciate the Council found no other harm other than that which is set out in its decision. However, the absence of harm in these aspects has limited bearing on my overall findings.

Other Matters

61. This appeal was supported by an updated Bat Survey Report with further surveys. The Council has confirmed that sufficient surveying has taken place, in line with best practice guidelines and the updated Bat Survey Report confirms a lack of emergence activity and likely absence of bats roosting in the existing appeal building or the tree which would be felled. I have no reason to disagree with the Council's findings on this matter and subject to conditions, the impact on bats is now considered to be acceptable. However, the absence of harm in this regard does not alter my overall findings as part of this appeal decision.

Conclusion

62. The proposal would conflict with the development plan when taken as a whole and for this reason the appeal should be dismissed. There are also no other material considerations of sufficient weight to indicate a decision should be made contrary to this conclusion.

N Praine

INSPECTOR