



Appeal Decision

Site visit made on 5 March 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Appeal Ref: APP/X0415/D/24/3351296

Deva Lodge, 8 Linden Drive, Farnham Royal, Buckinghamshire, SL2 3DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr A Thakur against the decision of Buckinghamshire Council.
 - The application reference is PL/24/1735/VRC.
 - The application sought planning permission variation of condition 4 (approved plans) of planning permission PL/23/0495/FA (New proposed roof for previously approved outbuilding ref PL/22/3304/SA) to allow changes to design and materials without complying with a condition attached to planning permission PL/23/0495/FA dated 14 April 2023.
 - The condition in dispute is condition 4 which states that the development to which this planning permission relates shall be undertaken solely in accordance with the following drawings: Drawing No.(s): D101A received on 11 April 2023, D102A received on 11 April 2023, D103 received on 11 April 2023, D104B received on 11 April 2023, SO1A received on 13 February 2023, S11 received on 13 February 2023, S12 received on 13 February 2023, and in accordance with any other conditions imposed by this planning permission.
 - The reason given for the condition is to ensure that the development is carried out in accordance with details considered by the Local Planning Authority.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of this application, and submission of this appeal, a revised National Planning Policy Framework 2024 was published on 12 December 2024. Given the refusal reason and the nature of the changes to the Framework I am satisfied that the changes do not materially impact upon the determination of the appeal in this case.

Main Issues

3. The main issues are the impact of the proposal upon the residential amenity of neighbouring properties.

Reasons

4. The appeal site is a detached residential property with a large garden located within a residential area. The proposal that is before me seeks to vary an existing permission for a new roof on an outbuilding which was, originally, certified via a Certificate of Lawfulness for the proposed erection of an outbuilding to the rear garden (PL/22/3304/SA). Application PL/23/0495/FA amended the certified outbuilding to a pitched roof, in place of a flat roof, as well as approving an overall

ridge height in the region of four metres. The proposal that is before me seeks to vary the plan condition on application PL/23/0495/FA to allow changes to design and materials – more specifically a variation to the roof to allow for, what the appellant states would be, a better internal ceiling height.

5. The proposal would result in the roof of the outbuilding previously approved being increased by in the region of a metre as demonstrated on drawing number C14 (project number 2021.016). Whilst the overall ridge height may result in an overall increase of in the region of a metre, I find that, from the plans before me, the bulk scale and massing of the proposed variation would be more significant than this headline figure. The overall mass and bulk of the proposal at roof level would be substantially increased and the spread of mass and bulk at the roof form would be significant, and in excess of a metre, when measured as a comparison to other parts of the previously approved roof form. Whilst I note that, overall, the increase would be in the region of a metre I find that the proposal as submitted would appear obtrusive and overbearing at in the region of five metres in height, adjacent to the boundary, when viewed from within neighbouring properties which would result in unacceptable detrimental impact to neighbouring residential amenity.
6. I acknowledge that the space is intended to comprise of an office/library whereby a full working day would be spent five times a week, however, I have no evidence before me to suggest that such an increase in internal ceiling height is reasonably necessary, for the outbuildings intended function, to outweigh the concern identified. The Council does not raise issue with the design of the structure itself, its architectural merits nor does the Council find that the proposal would be harmful to the character and appearance of the area. Based upon my site visit, and the evidence before me, I have no reason to conclude differently on these elements, however, this does not overcome the concern I have as to the overall height, bulk, scale, and massing at roof level compared to the existing permission which is in place for the outbuilding in question.
7. I note that the appellant states that it would be intended to retain the mature trees around the site as a key element in mitigating the visual impact of the outbuilding. Despite this, based upon my site visit, looking at the proposed footprint of the outbuilding and taking into account the cluster of trees which I stood within on site I am unconvinced, based upon the evidence before me, that the current level of tree cover could reasonably be retained for the lifetime of the development in order to mitigate views from neighbouring properties to the extent that the appellant contends. It would appear, from the plans before me, that the building would be constructed within the root protection zone of the trees in question, and I find that it would be inappropriate to rely upon such trees to screen or justify the proposals in the context of views available from neighbouring properties for the lifetime of the development.
8. The Local Plan may not outright prohibit structures of this nature; however, each case should be considered on its own merits based upon the facts of the case and the site characteristics in question. I do not find that the proposed use of charred black wooden cladding would be sufficient to overcome concern as to bulk, scale, and massing in the general context of views within the vicinity of the appeal site. Overall, I find that the proposed variation as a result of height, mass and bulk at roof level would appear as an obtrusive and dominant feature when viewed from neighbouring properties and I find it inappropriate to place such high reliance upon

screening as a result of existing trees. Whilst I acknowledge that the proposed building itself already benefits from planning permission and that it is the proposed roof alteration which is the main issue within this appeal, I have strong concern over the ability to retain trees insofar as their retention is being heavily relied upon to justify/screen any available views of the increased height, bulk and massing of the roof structure in question.

9. The proposal would be contrary to South Bucks District Local Plan (Adopted March 1999, Consolidated September 2007 and February 2011) Policy EP3 which only permits development where the scale of a proposed use should be compatible with and, not adversely affect, the amenities of neighbouring properties and Policy H13 which requires that the building would not adversely affect the amenities of nearby properties, for example through over dominance or obtrusiveness, as well as requiring compliance with LP Policy EP3. The proposal would also be contrary to the guidance set out within Appendix 8 which requires that buildings do not adversely affect residential amenity. The proposal would also be contrary to South Bucks District Core Strategy 2011 Policy CP8 which requires all new development to be of a high design standard and make a positive contribution to the character of the area and paragraph 135 of the Framework which requires proposals to ensure a high standard of amenity for existing and future users.

Other Matters

10. I note that the appellant outlines that there have been no objections made against the application in question by neighbouring properties or public that can be seen on the Council's website, however I can see within the delegated report concerns have been outlined as a result of an objection which also forms part of the Council's submission that is before me.
11. In relation to the concerns raised within that objection I have dealt with matters relating to the size and height of the proposed building within the context of the main issue above. In addition, I note that concern has been raised with regard to neighbouring trees and shrubs being damaged or killed due to excavations and building work in close proximity to the boundary. I have dealt with this within the main reasoning of this decision letter above but it should be noted that, primarily, this appeal is concerned with the proposed alterations to the roof structure and that in the event this appeal fails the appellant is still able to implement the existing permissions in place for a lower height outbuilding in this location.

Conclusion

12. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR