



Appeal Decision

Site visit made on 6 March 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 April 2025

Appeal Ref: APP/N0410/W/24/3352493

Highbank, Love Lane, Iver, Buckinghamshire SL0 9QT

- 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 Joginder Singh Rajal against the decision of Buckinghamshire Council.
 - The application Ref is PL/24/1332/FA.
 - The development proposed is described as demolish the existing garage. Construction of two storey extensions and alterations to create a new attached dwelling with associated amenity space, parking, cycle and refuse storage together with a two storey rear extension to the existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; (ii) the effect of the proposed development on the living conditions of the occupiers of The Pippins, with particular regard to outlook and light; (iii) the effect of the proposed development on protected species; (iv) the effect of the proposed parking arrangements on highway safety in Love Lane; and (v) whether the proposed development would be acceptable with regards to energy efficiency.

Reasons

Character and Appearance

3. The appeal site is located on a residential road which predominantly comprises semi-detached houses and detached bungalows. The gaps between buildings, in combination with the distance that they are set back from the road, gives the immediate area a relatively spacious feel. The site forms part of the Green Suburban Roads townscape as identified within the Chiltern and South Bucks Townscape Character Study 2017 (the TCS). The document notes that such areas are partly characterised by plots of a regular width and pattern.
4. The proposal would involve the construction of a side extension to the dwelling known as Highbank to create a new home. Highbank is attached to The Red House and the latter property appears to have been extended quite considerably. The result is that, when observed from Love Lane, the extent of the two dwellings in combination is already noticeably greater than other pairs of semi-detached houses in the vicinity.
5. In adding a third dwelling, and therefore creating a terrace, the stretch of built form would be quite considerable. This would be a fairly dominating feature and would

clearly appear highly incongruous within the street scene, while also eroding the relatively spacious character of the surroundings. The fact that there are terraced properties on Stonecroft Avenue, behind the appeal site, does not alter my assessment given that the proposed dwelling would primarily be viewed from Love Lane.

6. Therefore, while the design of the new dwelling would be acceptable when considered in isolation, the overall effect of the proposed development as a whole would be to harm the character and appearance of the area. As a result, it would conflict with Policies EP3 and H9 of the South Bucks District Local Plan, 1999 (the LP) and Policy IV3 of the Ivers Neighbourhood Plan 2021-2040 (the NP). Taken together, the relevant aspects of these policies seek to ensure that development is well designed and that it preserves character and appearance. It would also be in conflict with the relevant aspects of the National Design Guide and the TCS which have similar aims.

Living Conditions

7. The proposed dwelling would be located within very close proximity to the existing property known as The Pippins, a single storey home which contains windows on its flank, facing the appeal site. I acknowledge that the size of the gap between the dwellings would adhere to the requirements of LP Policy H11. However, this does not automatically mean that the proposal would not result in harm in relation to a loss of light to the occupiers of The Pippins. Indeed, the two storey height of the new dwelling, in combination with the proximity of the two buildings, would mean that the amount of daylight and sunlight reaching the flank windows of The Pippins would likely be reduced to some extent.
8. It is notable that the appellant has not provided a daylight and sunlight study to address this matter. Without such a document, I simply cannot be certain that this issue would not result in an unacceptable level of harm. The fact that the flank windows of The Pippins serve a bedroom and kitchen, rather than primary living space, does not alter this fact. Therefore, without the required certainty, I conclude that the proposal would conflict with LP Policies EP3, EP5 and H9 as well as Policy CP8 of the South Bucks Core Strategy 2011 (the CS). Taken together, the relevant aspects of these policies seek to ensure that new development is well designed and that it preserves living conditions for all.

Protected Species

9. In support of their application, the appellant produced a Preliminary Ecological Appraisal, Aval Consulting Group March 2024 (the PEA). The PEA concludes that, while no evidence of bats was found on site during the survey, a Preliminary Bat Roost Assessment (PBRA) should be prepared. This is due to the presence of Granted European Protected Species Applications for Bats within 2km of the site and the nature of the development which includes an element of demolition.
10. A PBRA has not been produced as yet. Without this document I do not have sufficient certainty to conclude that the proposal would not have an unacceptable impact upon a protected species. Such certainty is required prior to any scheme receiving consent and therefore I am not able to impose a condition requiring the preparation of a PBRA prior to construction.

11. I therefore find that the scheme could result in harm to a protected species, and as such, it would conflict with CS Policy CP9. In part this policy seeks to protect ecology and biodiversity.

Highway Safety

12. The proposed development would involve the construction of a three bedroom dwelling, while Highbank would be modified to have four bedrooms. The Buckinghamshire Countywide Parking Guidance, 2015 (the CPG) identifies that the appeal site is located within Zone B. Table 6 states that, in such areas, three bedroom houses should provide two off road parking spaces, while four bedroom houses should provide three.
13. The approved plans demonstrate that the two dwellings would only benefit from one parking space each and the appellant has not provided any substantive evidence to suggest why a departure from the required standards would be appropriate in this instance. An insufficient number of off road spaces is likely to increase parking pressures on Love Lane, which could easily result in safety concerns for pedestrians and other road users.
14. Driveways where vehicle users have to reverse in or out are very common, and as such, I do not have any concerns about the lack of turning space for vehicles on site. However, for the reasons given, the proposal would conflict with LP Policy TR7 which requires new developments to adhere to relevant parking standards which have since been superseded by those contained within the CPG.

Energy Efficiency

15. NP Policy IV14, which concerns PassivHaus standards, sets out that new developments should be zero carbon ready. Furthermore, the supporting text states that this issue should be addressed at the very initial stages of design.
16. The appellant has not provided any substantive evidence to indicate how the requirements of this policy have been met. In addition, it is quite possible that, in meeting these standards, the design of the proposed development would need to be changed. As such, a condition to address this matter would not be appropriate. With this in mind, I conclude that the proposal would conflict with NP Policy IV14.

Conclusion

17. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing and I have no evidence before me to suggest that this position is likely to improve in the short-term. As a result of the shortfall, policies related to the location and supply of housing are deemed to be out of date. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that 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 as a whole.
18. In this instance, the benefits of the proposal include the provision of a single new home that would assist in meeting need in the area, support for local facilities, and the creation of jobs during the construction phase. However, I only afford limited weight to these benefits overall given that they are relatively minor in nature.

19. I have concluded that there would be material harm to the character and appearance of the area and to the living conditions of neighbouring occupiers. There would also be harm in relation to insufficient parking and energy efficiency, as well as a lack of certainty about the effect of the scheme on protected species. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that addresses all of these matters in a satisfactory manner. In this instance, the total harm would be very significant and enduring.
20. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR