



Appeal Decision

Site visit made on 8 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/X0415/D/25/3362336

32 St Leonards Road, Chesham Bois, Buckinghamshire, HP6 6DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Michael Fitzpatrick against the decision of Buckinghamshire Council.
 - The application reference is PL/24/3413/FA.
 - The development proposed is two storey side and rear extension and loft conversion with rear dormer windows. Garage conversion with door replaced by a window and door.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the proposal as I find it more appropriately describes the proposal that is before me.

Main Issues

3. The main issue is the impact of the proposals upon character and appearance of the host dwelling and the amenity of the surrounding area.

Reasons

4. The starting point for determination of applications is the Local Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. In this case, this includes the Core Strategy for Chiltern District 2011 (CS) and the Chiltern District Local Plan 1997 (including the adopted alterations 2001 and 2004, consolidated September 2007 and November 2011) (LP). Other material considerations include the Residential Extensions and Householder Development Supplementary Planning Document 2013 (SPD) and the National Planning Policy Framework 2024 (The Framework).
5. The appeal site is a residential dwelling which stands at the end of a cul-de-sac forming part of the wider St Leonards Road but with the cul-de-sac, visually, being limited to dwellings within the immediate vicinity of that section of the street scene. The proposal would reflect the floorplan of the host dwelling, to a large extent, but as can be seen from the plans it is intended that the extension to the rear would feature a flat roof which, due to the two-storey nature, would be above the existing eave height of the host dwelling.
6. LP Policy H15 outlines that the roof of a two storey or first floor extension should normally be hipped or pitched and integrated into the existing roof. A flat roofed two storey or first floor extension will not be permitted unless the extension is

surrounded by existing pitched roofs on the existing dwelling and is subordinate to the main roof of the existing dwelling and is not prominent in the street scene or locality. The SPD sets out guidance in relation to householder extensions and is also clear that flat roofs at two storey level are discouraged unless they are mainly surrounded by pitched roofs and would not be prominent.

7. At the time of my site visit I found that the proposal would not be prominent in the street scene or general locality within the public domain due to the siting and general layout of development around the appeal site. It would, however, be visible from neighbouring gardens on either side and whilst there may have been no objections from neighbouring properties -a lack of objection is a neutral consideration. Even if I found that the proposal would not harm the visual amenity of the surrounding area due to views from surrounding properties, I still find that the proposal would be inappropriate in the context of the character and appearance of the host dwelling itself. I find that the proposal would not be subordinate to the existing dwelling as a result of bulk, scale and massing, its height exceeding the existing eaves as well of the combination of the loft conversion with an extended dormer window as a result of the cumulative proposals.
8. Furthermore, in relation to the design, I find that the extensive glazing and general layout of the proposed fenestration would be entirely at odds with the character of the host dwelling and that the interaction of the proposed flat roof, above the existing eave height, fails to respect the character and appearance of the dwelling as appropriate. The cumulative proposals would fail to be subordinate to the host dwelling, entirely consuming the rear elevation, and failing to integrate appropriately with the existing character and appearance. There are no examples of extensions with similar design in the vicinity of the appeal site itself along this section (cul-de-sac) of St Leonards Road, and I do not find that the proposal before me would satisfactorily integrate with the existing by comparison.
9. I note examples provided within the appellant's statement, however, the existing flat roof as part of the loft conversion (A and B) are associated with a dormer window. In addition, the example photos provided for 52 St Leonards Road are, in the same manner, dormers as part of a loft conversion. I note examples provided at 97 and 99 St Leonards Road respectively and whilst some imagery is provided no further information is provided such as, for example, copies of the planning permissions to demonstrate the proposals in the context of the original host dwelling.
10. Despite this I note, from my site visit, that the properties in question are at the far end of St Leonards Road and not within the immediate locality of the appeal site in question. I also have no evidence as to when the decisions made, in relation to the two dwellings noted by the appellant, were dated in the context of current planning policy against which I must determine the proposals within this appeal. I note reference is also made to an extension at the neighbouring dwelling, 30 St Leonards Road, however I do not find that that extension is comparable to that which is before me regardless of whether the appeal proposal is of reduced depth.
11. The Council's SPD is clear that two storey rear extensions should avoid using a flat roof unless it will not be prominent and is a feature of the existing building. I note that there is a flat roof to the existing dormer, however, the proposal that is before me for the rear extension is separate and in addition to the dormer and, in principle, by contrast in relation to dormer windows the SPD advises that flat roofs may be appropriate on rear roof slopes which are not readily visible to the surrounding area

or in roof slopes which have a steeper pitch on the proviso that the dormer window is not excessively wide and does not project at too greater depth from the roof slope. I find that the presence of a flat roof, at the appeal site, in the context of a dormer window and as seen on other examples provided by the appellant is more acceptable in the context of the guidance set out within the SPD but that the guidance is separate and clearly discourages flat roofs in the context of two storey or first floor rear extensions as is proposed before me.

12. I note the appellant's reasoning for the proposal in terms of their future plans and potential requirements as well as comments relating to the Council's budget for care. I also note a general requirement for developers to design dwellings which are more accessible, however, the starting point for determination of this appeal is the Local Plan and I have considered the proposal against the relevant policies. No further information has been provided as to the Council's Adult Social Care Policy specifically; however, I do not find that such matters overcome or outweigh the issues which I have identified against the main issue above. I acknowledge that the extension may be of limited visibility from the road, however, character and appearance are separate matters and, as outlined, even if I had agreed that the proposal was acceptable in the context of the amenity of the surrounding area this is separate to the issues which I have identified with the character and appearance of the host dwelling itself which are sufficient in this case to warrant refusal
13. Overall I find that the proposal would be contrary to LP Policy GC1 which requires that extensions to existing buildings should be designed to respect the scale and proportion of the building, LP Policy H13 which requires that extensions do not adversely affect the vicinity of the extension and LP Policy H15 which requires that extensions should be designed to respect the scale and proportions of the existing dwelling as well as reflecting the former design details of the existing dwelling. Furthermore, LP Policy H15 is clear that the roof of a two-storey extension should normally be hipped or pitched and in this case, I do not find that a flat roofed two-storey extension can be justified against the matters listed in (iii) (A to C (inclusive)).
14. The proposal would also be contrary to CS Policy CS20 which requires new development to be of a high standard of design which reflects and respects the character of the surrounding area which is in turn consistent with the overarching objectives of the Framework which requires that planning decisions should ensure that developments function well and as well as being sympathetic to local character. Finally, the proposal would be contrary to the guidance set out within the SPD which confirms, as outlined above, that two storey rear extensions should avoid using a flat roof unless it is a feature on the existing building.

Other Matters

15. A location plan and site block plan have been submitted showing plans relating to 36 St Leonards Road, but no further explanation appears to have been provided as to the context of those plans or the appellant's reasoning for their inclusion within.
16. I note that the Parish Council's response stated that they were neutral and, regardless or not of whether parties have advised the appellant that an appeal should be made, this does not alter my consideration of the proposal which I have considered on its own merits against the relevant local plans taking into account material considerations as outlined.

17. I note comment is made as to an application for a Certificate of Lawfulness (CH/2018/0484/SA), however, this is not relevant to the proposal that is before me and whilst I note the appellant's comments in relation to a lack of engagement with the Council during the application process this is not within the scope of this appeal and, furthermore, the appeal is not accompanied by an application for costs.

Conclusion

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

Eleni Marshall

INSPECTOR