
Appeal Decision

Site visit made on 27 May 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/K0425/D/24/3357663

Pippins, Warrendene Road, Hughenden Valley, High Wycombe, Buckinghamshire HP14 4LY

- 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 J Lay against the decision of Buckinghamshire Council.
 - The application Ref is 24/07292/FUL.
 - The development proposed is extensions and alterations to create first floor living accommodation and construction of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the absence of a description of the proposed development on the application form, I have taken the description in the banner heading above from the appeal form and the decision notice.
3. The appeal site lies within the Green Belt. Policy DM43 of the Wycombe District Local Plan (2019) (LP) indicates that extensions to dwellings in the Green Belt will not be considered as inappropriate development within a built-up village or within a ribbon development that presents a substantially built-up frontage. The proposal would be within a ribbon of development within the settlement area of Hughenden Valley. There is no dispute between the parties that the proposal would not be considered as inappropriate development in the Green Belt. Based on the evidence before me, including my own observations, I find no reason to conclude otherwise.

Main Issues

4. The main issues are:
 - the effect of the development on protected species;
 - whether the proposal would harm the living conditions of the occupiers of Casa Nuestra with regards to privacy; and
 - the effect of the development on the character and appearance of the host property and the surrounding area, having particular regard to the location of the site within the Chilterns National Landscape.

Reasons

Protected species

5. The proposal would include major alterations to the roof of the appeal property, Pippins. The Council's ecologist raised concerns that there was the potential that bats, which are a protected species, may be within the building. Under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) I am required to consider whether any protected species would be affected by the proposed development and whether any measures would be effective in mitigating any harm.
6. No preliminary roost assessment has been submitted. This assessment and any subsequent necessary surveys cannot be secured by planning conditions, as this approach would not comply with guidance set out within the ODPM Circular 06/2005¹. Paragraph 99 of this circular explains that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure that ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. No such circumstances have been demonstrated in this case and it is therefore a reasonable expectation that the assessment be carried out prior to any grant of planning permission.
7. Without a preliminary roost assessment, I am unable to make an informed decision about the effect of the proposal on protected species, including assessing whether any mitigation measures would adequately safeguard or compensate for any harm caused to bats by the proposal.
8. I conclude that insufficient evidence has been provided to demonstrate that the proposal would not have an adverse effect on protected species. The proposal would therefore be in conflict with Policy DM34 of the LP which requires proposals to evidence a thorough understanding of context through the preparation of a proportionate assessment of existing biodiversity and ecological features. It would also conflict with Policy DM13 of the Adopted Delivery and Site Allocations Plan (2013) which states that proposals potentially affecting a protected species will be required to be accompanied by reports relevant to the impacts of the development on the species.

Living conditions

9. A degree of intervisibility between dwellings is not untypical in residential areas, and there would be shared overlooking between the appeal property and the next-door property, Barleyend, which has first floor living accommodation. However, due to the majority of properties on the row being single-storey, many rear gardens enjoy a high degree of privacy, including Casa Nuestra, the single storey dwelling situated next door to the appeal property.
10. The proposed roof lights would be located so that overlooking could not occur. The proposed first-floor master bedroom at the rear of Pippins would have glazed doors opening to a Juliet balcony which would directly overlook the rear garden of Pippins

¹ Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system

itself. However, whilst it would not be possible to sit on the balcony, and it would not extend along the full length of the rear of Pippins, it would afford views above boundary treatments into the rear garden of Casa Nuestra from an elevated vantage point, where none currently exists. The views into the garden of this property would be intrusive, and the perception of overlooking would be exacerbated by the size of the glazing and the presence of the balcony.

11. The proposal would therefore harm the living conditions of the occupants of Casa Nuestra with regard to privacy. It would conflict with Policies DM35 and DM36 of the LP which seek to ensure that developments preserve the amenities of neighbouring properties.

Character and appearance

12. The proposal would see the roof of Pippins raised to a small degree, and there would be two dormers incorporated at the front of the roof. The Chilterns Building Design Guidelines (2010) highlights that traditionally properties often used part of the attic with small dormer windows. Whilst the dormers would not be in strict accordance with guidance contained within the Householder Planning and Design Guide Supplementary Planning Document (2020) I do not consider that they appear as unreasonably large in comparison to the ground floor windows. Moreover, they would be set in slightly from the edges of the roof and sited below the ridgeline. This would ensure that despite the varying eaves heights the proposal would not appear as over dominant or distracting but would remain subservient and within keeping of the host property.
13. The proposed rear extension would not be visible within the street scene. It would incorporate panels of glazing at ground and first-floor level, but an element of glazing would serve to avoid a dominant expanse of brickwork and reduce the perceived mass of the property. The proposed extension would not lead to an overdevelopment of Pippins, which would sit well within its plot.
14. Although one of the next-door dwellings, Barleyend, is taller than Pippins, the majority of neighbouring dwellings are of a similar size and scale. This gives a pleasing and harmonious rhythm of development. Nevertheless, it is apparent that a number of dwellings have been altered and extended, and there are mixes in finishes and differences in roof styles which leads to the dwellings being read as individual properties, rather than as consistently uniform.
15. The front dormers would not appear as a wholly untypical feature in properties along Warrendene Road. Furthermore, due to Barleyend being taller than Pippins and having dormers to its front, and Casa Nuestra having a different style roof to Pippins, the proposal would not appear as incongruous in the local context.
16. Pippins is located in the Chilterns National Landscape (NL). Section 245 of the Levelling-up and Regeneration Act 2023 places a duty upon me to seek to further the statutory purpose of the NLs, which is to conserve and enhance the landscape beauty of the area. The key characteristics of the NL include chalk escarpments, woodlands, commons, tranquil valleys, ancient routes, chalk streams, attractive villages, flower-rich downland and prehistoric features.
17. Whilst the proposed extension would introduce further built form, the appeal site's contribution to the wider landscape is limited. There would be limited visibility of the proposal within the wider NL and the visual and landscape effects would therefore

be minimal and localised. Given the small-scale nature of the proposal and its location amongst surrounding residential buildings it would not undermine the landscape character or scenic qualities and beauty of the wider designation.

18. The proposal would therefore not harm the character and appearance of the host property and the surrounding area, having particular regard to the location of the site within the Chilterns NL. The proposal would not conflict with the general statutory duty or with Policies CP9, DM30, DM35 and DM36 of the LP which seek to ensure that development respects the character and appearance of the existing property and the surrounding area, and that development conserves and where possible enhances the NL's natural beauty.

Other Matters

19. The appellant has raised the possibility of my issuing a split decision, allowing one part of the scheme whilst dismissing another. However, I do not consider that a split decision would be clearly and easily defined with reference to the submitted drawings. Furthermore, I consider that the necessity to ensure that no harm would arise to protected species is fundamental to the whole scheme and therefore a split decision would not be appropriate on this occasion.
20. The appellants refer to the Council's handling of the case. However, this is a matter between the parties and is outside the remit of the appeal, and I have only had regard to the planning merits of the case.

Conclusion

21. The proposal would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
22. For the reasons given above the appeal is dismissed.

L C Hughes

INSPECTOR