



Appeal Decision

Site visit made on 25 June 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/X0415/D/25/3363730
37 Hill Rise, Chalfont St Peter SL9 9BJ

- 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 Jonathan Battye against the decision of Buckinghamshire Council (Chiltern Area).
 - The application Ref is PL/25/0248/FA.
 - The development proposed is loft conversion including dormers to front and rear and new roof windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The Council has raised one reason for refusal, relating to the lack of evidence to address appropriately biodiversity issues, and if necessary, compensate biodiversity loss, with particular regard to roosting opportunities and habitat for bat species. The Council has raised no concerns with the proposed design of the loft conversion works including in terms of its effect on the character and appearance of the local area and the amenities of adjoining neighbours. From all the information before me and my site visit, I have no reason to take a different view.
3. Accordingly, the main issue in this appeal is the effect of the proposal on interests of ecological importance.

Reasons

4. The appeal property is a detached property on the south east side of Hill Rise and within a predominantly residential area within verdant surroundings. The proposal would undertake a loft conversion with the addition of dormers and roof windows to introduce habitable accommodation at this level. There would be extensive works undertaken to the existing roof.
5. No ecological information has been submitted at the application or the appeal stage. I have noted the Appellant's grounds of appeal that it was his understanding that such information was not required with a householder application and he was not asked for such information at any stage of the application process. However, whilst I have understood and noted the points raised by the Appellant, I am required to determine the appeal on its planning merits.

6. Guidance at paragraphs 98 and 99 of Circular 06/2005: *Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System* makes it clear that the presence of a protected species and the effect of the proposed development on such species is a material consideration in the assessment of a development proposal, and that the presence or otherwise of such species needs to be addressed prior to the grant of planning permission. The guidance is clear that the imposition of a condition on a planning permission to investigate the impact of the proposal on protected species is not an appropriate way forward and that the position needs to be addressed prior to the grant of planning permission.
7. Given the extent of works proposed to the roof of the existing house, the age of the property and the verdant surroundings, and taking the precautionary view, I consider that further information would be required to determine the potential presence or otherwise of protected species, and with particular regard to bat species, prior to the grant of any planning permission for the proposed works.
8. I am therefore unable to conclude that the proposal would be unlikely to have an impact on protected species within or near the site. There is clear conflict with Circular 06/2005 to conserve and enhance biological diversity. It would also conflict with Policy NC1 of the Chiltern Local Plan and Section 15 of the National Planning Policy Framework which set out similar objectives in this regard.
9. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR