
Appeal Decision

Site visit made on 12 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Appeal Ref: APP/K0425/W/24/3357305

Hawthorns, Hammersley Lane, High Wycombe, Buckinghamshire HP10 8HG

- 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 Nicholas King New Homes Ltd against the decision of Buckinghamshire Council.
 - The application Ref is 24/06531/FUL.
 - The development proposed is demolition of existing dwelling and construction of 2 x detached and one pair of semi-detached 4-bed dwellings (4 in total) with carport and garaging, associated car parking, hard/soft landscaping and creation of a new access from Hammersley Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice, as this more fully describes the proposal.
3. One of the Council's reasons for refusal stated that insufficient information had been provided to demonstrate that the proposal would not have an adverse impact upon bats, or that a satisfactory gain in biodiversity could be achieved. During the appeal process, further evidence regarding these issues was submitted including bat surveys and a Biodiversity Statement and Biodiversity Gain Plan. The Council has confirmed that it is now satisfied that an appropriate mitigation strategy could be put in place for bat roosts identified within the buildings, and that the development would be able to deliver a net gain in biodiversity subject to satisfactory amendments and planning conditions. The Council has therefore withdrawn its objections in relation to these issues, and as such I do not address them in the reasoning below.

Main Issues

4. The main issues are the effect of the proposal on:
 - a priority habitat;
 - the character and appearance of the area;
 - the living conditions of the occupiers of Gomm Ridge with regard to light and outlook.

Reasons

Priority habitat

5. The appeal site is located adjacent to the Gomm Valley Site of Special Scientific Interest (SSSI), an area of scrub and chalk grassland, and the proposed development would be sited on chalk grassland, a priority habitat. The footprint of the proposed scheme would be larger than the footprint of the original dwelling, and this, coupled with the use of soakaways in the garden, would result in a small loss of chalk grassland.
6. The National Planning Policy Framework (the Framework) requires regard to be had to mitigation or compensation if significant harm to biodiversity from a development cannot be avoided. Mitigation for the loss of chalk grassland is proposed through the built form being sited as far as possible on the footprint of the existing buildings, and the existing chalk grassland retained within the private gardens. Compensation is proposed through the clearance of introduced shrub in a 15m buffer zone between the SSSI and the proposed gardens. The buffer zone would be managed as woodland and calcareous grassland.
7. However, there is no suitable mechanism or legal agreement before me to ensure that appropriate management or monitoring of the buffer could be achieved. The buffer would be accessed via the gardens of the proposed dwellings, and as such there is no clarity over arrangements to access the buffer, nor who would be responsible for its management. Whilst it has been indicated that the neighbouring development followed this approach, that scheme was determined under a different policy context. I have determined this case on its own merits, and in this instance, without a mechanism to ensure that appropriate access, monitoring and management of the buffer could be achieved, I cannot be certain that sufficient mitigation and compensation could be achieved for the loss of the priority habitat.
8. It is important to understand the ability of the proposal to provide sufficient mitigation and compensation for the loss of the priority habitat prior to determination. Therefore, a condition would not be appropriate in this instance.
9. It has not been demonstrated that sufficient mitigation and compensation could be achieved for the loss of a priority habitat. The proposal would therefore conflict with Policies DM13 and DM14 of the Delivery and Sites Allocation Plan (2013) (AP) and Policy DM34 of the Wycombe District Local Plan (2019) (LP) which together seek to ensure that development seeks to protect and enhance the natural environment and ensure that harm is avoided, minimised, mitigated and compensated.

Character and appearance

10. The appeal site is a large residential plot situated within a ribbon of predominantly two-storey residential properties. There is no strong prevailing vernacular in the immediate locality. Rather, there is a mix of house size and age with no distinct design, materials or style of dwelling in proximity. This architectural variety is a characteristic of the area. As such, whilst the proposed dwellings would have crown roofs, this feature would not disrupt a consistent style or uniform roofline and would not appear as incongruous or at odds with surrounding built form, despite the sloping topography enabling their visibility within the street scene.
11. The appeal site is a good size, and the proposed dwellings would have generous rear gardens with the spaces between the proposed buildings being similar to those of the neighbouring modern residential development. However, a detached car barn would be sited to the front of Plot 1, and Plot 4 would have a front extension linking to an attached garage to the front of the proposed dwelling. Whilst there are

a number of other forward projecting structures along Hammersley Lane, these are not in proximity to the appeal site. The neighbouring modern dwellings have a generally uniform front building line, and the single storey structures would therefore be somewhat untypical of the established urban grain. The presence of built form to the front of the site would lead to the proposed development appearing uncharacteristically cramped.

12. The proposal would therefore harm the character and appearance of the area. This harm would be localised and limited, but nonetheless the proposal would not comply with Policies CP9 and DM35 of the LP which seek to ensure that development demonstrates attractive and high quality design and appropriate character in the scale, form, layout and detailed design of buildings, and the structures and spaces around them.

Living conditions

13. The proposed car barn, which would be situated to the front of Plot 1, would be close to the boundary with the neighbouring property, Gomm Ridge, and would be set forward from its front elevation. Gomm Ridge has a bay window to its front elevation, which serves a habitable room. There would be some change to the outlook from the side pane of the window which would face the proposed development. However, the main panes of the window would not directly face the proposed scheme, with the principal orientation of the window facing the front amenity and parking area of the property and landscaping along Hammersley Lane. There would therefore be alternative outlooks away from the appeal scheme. The outlook from the window's side pane which faces towards Gomm Ridge's other neighbouring dwelling would remain unchanged.
14. The proposed car barn would be single storey, with the hipped roof angled away from Gomm Ridge. Consequently, the proposed car barn would not be an over dominant feature when viewed from the bay window and would not appear as oppressive nor significantly harm the outlook of the residents of Gomm Ridge.
15. There are no technical reports before me with regard to light. However, the separation distance between the bay window at Gomm Ridge and the proposed car barn, along with the gap between the proposed new dwelling at Plot 1 and the car barn, would allow for light to reach the bay window. Due to the proposed siting of the structure and the principal orientation of the bay window, I am not persuaded that the proposed car barn would lead to a loss of light significant enough to result in unacceptable harm to the living conditions of the occupiers of Gomm Ridge.
16. The proposal would therefore not harm the living conditions of the occupiers of Gomm Ridge with regard to light and outlook. As such, it would accord with Policies CP9 and DM35 of the LP which seek to ensure that new development delivers a high quality sense of place and prevents significant adverse impacts on the amenities of neighbouring land and property.

Other Matters

17. Whilst the proposal would see an increase in the number of dwellings on the site, the layout and orientation of the proposed scheme and the separation distances between the proposed dwellings and neighbouring dwellings would ensure that the proposal would not harm the living conditions of neighbouring occupiers with regards to privacy.

Planning Balance

18. The proposal would contribute towards housing supply, providing family homes on a brownfield site in a sustainable location, in an area where there is currently a shortfall. Even though the proposal would provide just three additional dwellings, given the extent of the housing shortfall this benefit attracts moderate weight. Social, environmental and economic benefits associated with the build and occupation of the dwellings each attract small weight given the scale of the scheme. The lack of harm from other issues is a neutral factor.
19. The proposal would comply with Policies CP9 and DM35 of the LP with regard to living conditions, but not with regard to character and appearance. It would also conflict with Policies DM13 and DM14 of the AP and Policy DM34 of the LP with regard to the priority habitat. These policies are in general conformity with the aims of the Framework for development to be sympathetic to local character, and to protect, conserve and enhance protected habitats. I afford their conformity to the Framework significant weight. The proposal would therefore be contrary to the development plan as a whole.
20. The Council is currently unable to demonstrate a 5-year supply of housing, said to be 1.96 years. Paragraph 11d of the Framework is therefore engaged.
21. The proposal would align with the aim of the Framework to significantly boost the supply of housing, and which recognises that small-scale developments can make an important contribution to meeting the housing requirement. Due to the degree of housing shortfall the benefit to supply would be moderate. Economic, environmental and social benefits associated with the scheme align with those elements of the Framework. Due to the small scale of the scheme, I give these each small weight.
22. The scheme fails to accord with the Framework where it states that development should achieve well designed places, should enhance the natural environment, and ensure that significant harm to biodiversity resulting from development is mitigated and compensated for. I give this conflict substantial weight.
23. As a result, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development does not, therefore, apply.

Conclusion

24. The development 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.
25. As a result, the appeal should be dismissed.

L C Hughes

INSPECTOR