
Appeal Decision

Site visit made on 12 August 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/X0415/W/25/3361395

Former Waggon and Horses Public House, Copthall Lane, Chalfont St Peter, Buckinghamshire SL9 0BU

- 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. Ekrem Mamutaj on behalf of Sherrif Construction Ltd against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/24/2321/FA.
 - The development proposed is described as: Proposed 2 three bedroom detached houses with associated parking and bin storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference is made by the appellant to possible amendments including changing the proposed material to brick, and the glass to the window in the main bedroom of plot two being clear. However, an amended scheme has not been submitted as part of the appeal evidence and in any event, an appeal is not an appropriate process in which to attempt to evolve a proposal. As such, this decision is based on the proposed development before me.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, and
 - Whether the proposed development would provide satisfactory living conditions for future occupiers, with regard to outlook.

Reasons

Character and Appearance

4. The site's surroundings primarily comprise two storey residential development which include various modern and traditional dwellings constructed from a mix of render and red brick. The surrounding dwellings are of individual design, but each includes interest and variety with differing roof slopes, front gable features, deep window reveals and differing window styles, with mature gardens in generous plots.

5. The appeal site is a vacant corner plot of land located on an open and prominent road junction with the A413 where several roads intersect adjacent to the appeal site. The site is enclosed by temporary fencing and has numerous self-seeded trees and shrubs within it. The site follows the gradient of Copthall Lane and rises uphill from its junction with the A413 Gravel Hill and Rickmansworth Lane. Due to its vacant nature, the site makes a neutral contribution to the character and appearance of the area.
6. The appeal proposal comprises two, three-bedroom detached houses with associated vehicle parking. The dwellings would be two storeys in height with a white render finish, tiled roof and brick chimney to the side and would be consistent in design with each other. The differing features between the two dwellings include the proposed window sizes and the front porch area.
7. In terms of design, the proposed dwellings are of a simple form, absent of any detailed architectural features. A detailed assessment of local residential vernacular is not within the submitted evidence. Nonetheless, taking my own site observations into account, the design of the scheme would not complement its surroundings or possess features that would be of good design. The use of render in this visually prominent and elevated location would appear stark and out of character. The varied window depths and width form inconsistent sizes that would diminish the holistic design of the dwellings, making the elevations appear flat and unremarkable. Furthermore, the proposed chimneys would be discordant to the proposed design.
8. Taken together, the simple form, chimneys, render, and windows would equate to poorly designed dwellings that would fail to respect their local context in this highly prominent site. Consequently, the dwellings would be incongruous with their surroundings and would have a demonstrably harmful effect on the character and appearance of the surrounding area.
9. Accordingly, I find conflict with Policies GC1 and H3 of the Chiltern Local Plan 1997 (including alterations adopted May 2001 and consolidated in September 2007 and November 2011) (CLP) and Policy CS20 of the Core Strategy for Chiltern District 2011. These policies provide an expectation that development, amongst other things, would be of high-quality design that would respect local character and reflect those features which contribute to local distinctiveness. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which seeks development that achieves high quality design that contributes positively to local character with regard to its surroundings and context.

Living Conditions

10. To prevent overlooking of the adjacent properties and their gardens in Gravel Hill, the windows on the proposed rear elevations at first floor would be obscurely glazed. These windows primarily serve bathrooms and en-suites. However, for plot two, this also includes the only window to the main bedroom. Whilst obscure glazing is suitable for bathrooms, its use would not be appropriate for a habitable room such as the main bedroom, where users would expect a reasonable outlook as the space may serve multiple functions beyond just sleeping. As such, the main bedroom would suffer a poor outlook from this window to the detriment of the living conditions of future occupiers.

11. Accordingly, I find conflict with Policies GC1 and GC3 of the CLP. These policies provide an expectation that development, amongst other things, achieves good standards of amenity for future occupiers and protects the amenities of existing adjoining and neighbouring properties.

Planning Balance

12. The Council accepts that they can no longer demonstrate a deliverable five-year supply of housing land as required by paragraph 78 of the Framework. The Council have advised that they can only demonstrate a housing land supply position of 2.8 years. This is significantly below Government expectations, and it is therefore evident that there is a pressing need for housing when considering this shortfall.
13. In this circumstance, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. There is nothing to suggest 11(d) (i) is relevant to this case, hence the balance in 11(d) (ii) applies.
14. Socially, the scheme would make use of a previously developed site and provide a minor but useful contribution to the Council's housing land supply and thus would contribute to the Government's objective to significantly boost the supply of homes. I attach considerable weight to this benefit of the scheme in mind of the significant supply shortfall that exists.
15. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy and any potential Council tax that future occupiers might pay. Additional landscaping may also provide biodiversity enhancements. I attach limited weight to these benefits in consideration of the scale of development proposed and the modest size of the site in question.
16. However, even taking account of the current housing land supply position, the benefits of housing delivery are tempered by the fact that the provision of two units would only make a small difference to housing supply.
17. Furthermore, the proposed development would fail to satisfy the Framework's key policies at paragraphs 129, 135 and 139. These support development that is well-designed and makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting, and is sympathetic to local character and history, including the surrounding built environment and landscape setting.
18. Comments were sought from both parties regarding Biodiversity Net Gain (BNG). The appellant contends that less than 25sq.m of habitat would be affected and therefore would not be subject to BNG. As no evidence is before me regarding the existing or proposed ecology, landscaping, and trees, I am unable to conclude whether the site would be subject to the 10% BNG requirement. However, as I am

dismissing the appeal for other reasons, it is not necessary for me to conclude on this matter as it would not affect the outcome of this appeal. This therefore weighs neither for nor against the proposal in the planning balance.

19. I therefore find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

20. The proposal would conflict with the development plan and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

P Brennan

INSPECTOR