



Appeal Decision

Site visit made on 1 August 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/N0410/W/25/3362550

Brow Cottage, 14 Hill Waye, Gerrards Cross, Buckinghamshire SL9 8BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mrs K Sidhu against the decision of Buckinghamshire Council.
 - The application Ref is PL/24/2834/VRC.
 - The application sought planning permission for demolition of existing dwelling and proposed 5 bedroom replacement dwelling at Brow Cottage, 14 Hill Waye, Gerrards Cross, Buckinghamshire SL9 8BJ without complying with condition 12 attached to planning permission Ref: PL/23/1868/FA.
 - The condition is dispute is condition 12, which states: The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings: Drawing No.(s): P105 received on 8 June 2023, P106 received on 8 June 2023, P201 received on 8 June 2023, P202 received on 8 June 2023, P203 received on 8 June 2023, P401 received on 8 June 2023, P402 received on 8 June 2023, P403 received on 8 June 2023, P404 received on 8 June 2023, P405 received on 8 June 2023, P202A received on 12 June 2023, P203A received on 12 June 2023, P101 received on 8 June 2023 and in accordance with any other conditions imposed by this planning permission.
 - The reason given for the condition is to ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and proposed 5 bedroom replacement dwelling at Brow Cottage, 14 Hill Waye, Gerrards Cross, Buckinghamshire SLP9 8BJ, in accordance with the terms of the application, Ref PL/24/2834/VRC, without compliance with condition 12 previously imposed on planning permission Ref: PL/23/1868/FA and subject to the conditions in the attached schedule.

Preliminary Matters

2. Planning permission was granted under Ref PL/23/1868/FA for the development described in the header above. The appeal proposal seeks to vary condition 12 of planning permission Ref PL/23/1868/FA to allow for changes to the positioning of the dwelling within the plot. As I observed on my site inspection works are underway at the site.
3. I understand that amended plans were submitted during the planning application regarding flank windows and use of first floor rear projection roof. For the avoidance of doubt, I have determined this appeal against the final set of plans the Council made their decision on.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is located on the western side of Hill Way, which is a private residential road. The replacement dwelling subject of this appeal is currently being constructed at the site. The character of the area comprises large, detached dwellings set within spacious plots. One of the most prominent characteristics of the area is the setting back of dwellings within the plots from the road and extensive dense and mature vegetation, which provides a verdant and spacious appearing setting for the large dwellings to assimilate within.
6. The site is located within a Residential Area of Exceptional Character (RAEC) as designated in the South Bucks District Local Plan adopted in 1999 (LP). Saved Policy H10 of the LP states that development that would have an adverse effect on the exceptional character in a RAEC will not be permitted. Policy H10 lists six criteria for development to follow including (f) that requires that the siting of any proposed dwelling, extension or ancillary building should be consistent with the spacing and layout of dwellings in the vicinity of the application site in the area of exceptional character.
7. Policy 5 of the emerging Gerrards Cross Neighbourhood Plan states that proposals must be proportionate to the layout and character of surrounding buildings. I have also considered the Chiltern and South Bucks Townscape Character Study 2017 (TCS), which identifies the site as being within a Green Suburban Road typology. The townscape characteristics for this typology include, amongst other aspects, gaps between houses being fairly consistent.
8. The replacement dwelling granted under planning permission Ref: PL/23/1868/FA proposed a dwelling that would have been positioned centrally within its plot with similar sized gaps to both neighbouring properties. The amended plans before me seek to alter this arrangement by siting the dwelling about 0.4 metres further back into the plot from the frontage. The dwelling under construction has also been positioned slightly more off centred within its plot and sited closer to its northern boundary compared to the previously approved layout.
9. The setting of the dwelling back by around 0.4 metres further than the previous approval does not appear as materially at odds with the prevailing building line to any perceptible degree when considering the minor existing variations in it that already exists along the road. I, therefore, find no harm arises to the exceptional character of the area from the minor change to the building line from what was approved previously.
10. In terms of gaps to boundaries, the northwestern elevation of the dwelling is now around 0.7m closer to its corresponding boundary. Consequently, the gap from the dwelling to the southeastern boundary has increased. However, even with this deviation from the previously approved plans, the gaps to boundaries are still considerably larger than the 1m minimum advised within the Council's Residential Design Guide Supplementary Planning Document (2008). Moreover, as I observed on my site inspection, not all dwellings in the vicinity of the site including along Hill Way sit centrally in their plots.

11. It is evident that there is variation as to where dwellings are sited as well as the corresponding gaps to boundaries. The variation that exists in siting and gaps that I observed in and around the appeal site is also consistent with the illustration provided in the TCS at Figure 4.4 of a typical Green Suburban Road. This demonstrates that gaps being fairly consistent in an area does not mean absolute uniformity. I also note from the information before me that the dwelling previously at the site did not sit centrally within its plot.
12. Therefore, whilst the positioning of the dwelling within the plot has changed from the previous approval, it does not result in a dwelling that is unacceptably out of character with, or would materially undermine, the RAEC. The gap that exists to the northern boundary at around 2.3m is also sufficiently large to ensure the height of its flank elevation does not appear as unduly dominant to the extent it would detract from the character of the area, harm the amenity of neighbours or would impact on boundary planting. Overall, the proposal would still retain sufficiently large gaps to boundaries that are consistent with and respect the general pattern of development and gaps to boundaries along Hill Waye and in the wider RAEC area.
13. In conclusion and for the reasons stated, I find that the development respects the character and pattern of development in the Residential Area of Exceptional Character and accords with Policy 8 of the South Bucks Core Strategy 2011, Saved Policies EP3, EP4, H9 and H10 of the LP and draft Policy 5 of the draft Gerrards Cross Neighbourhood Plan 2017-2040, which all seek to ensure development preserves the character of the area.

Other matters

14. In addition to the points discussed above, there is an objection concerning the altered siting could create more space for a garage to be built in the gap. Planning permission Ref: PL/23/1868/FA included a condition to restrict permitted development rights to retain control over such further development at the site. This needs to be carried forward in this decision to allow for any further development to be subject to a fresh planning application. This would ensure the Council can still consider the impact of future works on the character of the area, which amongst other features includes retaining sufficiently spacious gaps to adjacent properties.

Conditions

15. The Council has suggested a list of conditions, which I have considered having regard to paragraph 57 of the Framework and Planning Practice Guidance. Having reviewed, I consider they are all necessary for reasons of clarity over what has been approved and to ensure a high-quality development is completed at the site. This includes the updated schedule of materials that was submitted as part of the planning application and inclusion of a condition to ensure soil levels are made good and maintained to protect the health of trees on or adjacent to the site.

Conclusion

16. For the reasons given above and considering all matters raised, I conclude that the development accords with the development plan and the appeal is allowed.

N Perrins

INSPECTOR

Schedule of Conditions:

1. The materials to be used on the elevations of the proposed dwellings hereby permitted shall be as shown on the document titled 'Schedule of Materials' (received 18/01/25) other than the first floor flank windows which shall be as per Condition 2.
2. The windows shown above ground floor level in the flank elevations of the proposed dwelling hereby approved, shall not be glazed or reglazed other than with obscure glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window or roof light is installed.
3. No further windows shall be inserted at or above first floor level in the flank elevation(s) of the dwelling; hereby permitted.
4. Prior to the first occupation of the dwelling hereby approved the glazed panel serving the Juliet balcony shall be installed and retained thereafter. The roof area of the flat roofed single storey rear and side projections and projecting basement level of the dwelling hereby permitted shall not be used as a balcony, roof garden, sitting out area or similar amenity area without the grant of further specific permission from the Local Planning Authority.
5. Notwithstanding any indications illustrated on drawings already submitted, the proposed dwelling shall not be occupied until a scheme of landscaping which shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained has been submitted to and approved in writing by the Local Planning Authority. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. Prior to the occupation of the dwelling hereby approved, details shall be submitted to and approved by the local planning authority, to demonstrate how the soil levels adjoining the northern boundary will be retained to ensure the long term preservation of the adjoining trees. The approved details shall be carried out under the supervision of a retained arboricultural specialist prior to the occupation of the dwelling and retained in place thereafter.
8. Prior to the occupation of the proposed dwelling, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of native landscape planting and provision of artificial roost features, including bird and bat boxes.
9. Notwithstanding the provisions of Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellinghouse the subject of this permission, shall be carried out.
10. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings: P103A 16 Sep 2024, P104A 16 Sep 2024, P105A 16 Sep 2024, P202C 16 Sep 2024, P203E 16 Sep 2024, P401B 8 Nov 2024, P402 C 8 Nov 2024, and P101 8 Jun 2023.