



Appeal Decision

Site visit made on 26 June 2025

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/N0410/W/25/3358738

Lynwood, 4 Clevehurst Close, Stoke Poges, Slough, Buckinghamshire SL2 4EP

- 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 Surinder Kumar Rajput against the decision of Buckinghamshire Council (South Area).
 - The application Ref is PL/24/0723/FA.
 - The development proposed is described as 'erection of a two and half storey building comprising nine apartments following demolition of the existing building, formation of additional access onto the highway, parking and landscaping including bin and cycle stores'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (Framework) was published after the Council refused the application, but the appellant and the Council have since been able to comment on it. I have not therefore sought further views on the matter.
3. In contrast, the Stoke Poges Neighbourhood Plan (NP) was made towards the end of the appeal process. Accordingly, the main parties were given an opportunity to comment on its implications for the appeal. In particular, the Council alleges conflict with NP policy SP5, which sets out energy use requirements for development. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that regard be given to the development plan and, as such, it is right that the policy is considered. I do this for the second main issue identified below.
4. The Council alleges that it was not in receipt of the appellant's Preliminary Ecological Appraisal and Roost Assessment (PEA) prior to the determination of the application. However, correspondence provided by the appellant suggests the opposite. In any case, the Council and interested parties could review it during the appeal process and, as such, I have taken it into consideration in making my decision. I have also accepted the appellant's Flood Risk and SuDS Assessment Statement (FRA) on a similar basis.
5. In response to a query I raised regarding the PEA, an associated Bat Emergence and Re-Entry Surveys (BERS) document was submitted. The timing of its submission means that the Council and interested parties have been unable to review it. I have taken it into account insofar as it reports the presence of a bat roost, but have not sought views about it, as this is not determinative to the outcome of the appeal. Species and habitats are thus considered following an assessment of the main issues.

6. The appellant has provided two unilateral undertakings dated 6 January 2025 and another dated 15 July 2025 to support the appeal. These seek to mitigate harm to the integrity of the Burnham Beeches Special Area of Conservation (SAC) that would purportedly otherwise be caused by the scheme. The Council has confirmed that its refusal reason pertaining to the SAC has been addressed by the latest undertaking. I also return to this after considering the main issues.

Main Issues

7. The main issues are:
- (i) the effect of the proposal on the character and appearance of the site and the surrounding area;
 - (ii) whether the proposal would adopt a satisfactory approach to energy use;
 - (iii) the effect of the proposal on the living conditions of the occupiers of 1 to 5 Butlers Court in respect of privacy of external amenity space;
 - (iv) whether the proposal would make satisfactory provision for biodiversity net gain (BNG); and
 - (v) whether the proposal would make satisfactory provision for drainage.

Reasons

Character and appearance

8. The site includes a detached dwelling, a separate garage and garden served by a single vehicular access. It faces and is near the entrance of the Clevehurst Close cul-de-sac with Gerrards Cross Road to its side. Dense trees and vegetation are along its boundaries. The close is largely defined by substantial, detached, two storey dwellings that extend across much of the width of their generously sized plots. This reconciles with the Stoke Poges Design Guidance and Codes (Design Code). It specifies that the site is in the Village Centre Character Area and sub-area CA1.2, which are reportedly characterised by low density typically two storey development and large individually designed detached houses in spacious gardens. The plot is wider than others in the close, which appears to reflect the depth of nearby properties along Gerrards Cross Road. Nevertheless, it is spacious and accords with the character and appearance of the cul-de-sac.
9. The proposed development would be oriented toward and accessed from the cul-de-sac and thus be viewed more in the context of the properties therein than those along Gerrards Cross Road. Accordingly, the proposal's effects on the character and appearance of the cul-de-sac are the primary consideration.
10. The apartment building would be substantial in scale and particularly width, with a dominant three storey front gable with roof dormers to its sides. The ends of the building would be sited away from the side boundaries and have been designed as additions that would be set back and down from the principal element. However, though the western one would provide some sense of transition to the adjacent property, it would be a prominent feature in its own right due to its size and large front roof slope. Moreover, despite the building's intended design, the consistent positions and small size of its fenestration would nevertheless make it appear as a purpose-built apartment block instead of a detached dwelling. This

would be reinforced by the parking area, which would be extensive and feature delineated bays with limited landscaping between them.

11. Though existing and proposed landscaping would provide some screening, the scale and jarring appearance of the scheme would be readily perceptible on entry to and exit from the cul-de-sac behind the vegetation and from the existing and proposed accesses. Nothing in the close would be comparable to the proposal and thus it would be incongruous. Additionally, the site's spaciousness would be eroded by the extent of built form and hardstanding across it.
12. I note that some development at second floor level is present in the vicinity, including at the sizeable Butlers Court to the rear of the site. However, the upper elements of the scheme would be particularly dominant given its scale and the prominent front gable. Moreover, Butlers Court faces and is accessed from Gerrards Cross Road such that its context is not analogous to that of the scheme. The proposed mix of brickwork, render, timber framing and the detailed window surrounds would provide visual interest, but not address the issues identified regarding the scale and design of the development.
13. It has been put forward that the proposal is governed by the quantum of development needed to make it viable. However, substantive financial evidence to corroborate this has not been provided. Furthermore, there is nothing compelling before me which indicates that this specific proposal would be the only means of bringing forward housing development at the site. Consequently, these matters do not justify the harm identified.
14. The proposal would harm the character and appearance of the site and the surrounding area considerably. It conflicts with policies EP3 and H9 of the South Bucks District Local Plan (LP) and Core Policy 8 of the Core Strategy (CS), which state that development should be compatible with its surroundings. It is also contrary to NP policy SP6. This says that proposals should have full regard to the Design Code, which specifies that development should be respectful in terms of scale, height, form and massing. There is also conflict with section 12 of the Framework, which states at paragraphs 135 and 139 that development should be sympathetic to local character and refused where it is not well designed, taking into account local design guidance. Further, it conflicts with part C1 of the National Design Guide, which supports schemes that respond positively to local context.

Energy

15. Policy SP5 of the NP sets out that development should be designed to minimize the amount of energy needed for heating and cooling through landform, layout, building orientation, massing and landscaping and thereby be 'zero carbon ready'. It specifies that consideration should be given to this at the outset of development, with the submission of a sustainability statement required to demonstrate how opportunities to reduce energy use have been maximised.
16. Given that the NP was made after the application and appeal were submitted, the scheme is not supported by the information required by the policy. Moreover, a condition could not be used to reserve the submission of that information to a later date as the development has already been designed. Conditions could be used to require the submission of energy reduction and efficiency measures, which would go some way toward supporting the NP's sustainability aims, but there would still be conflict with the policy.

17. I therefore conclude that the proposal would not adopt a satisfactory approach to energy use, in conflict with NP policy SP5. However, subject to conditions, the adverse impacts of this would be limited in practical terms.

Living conditions

18. The proposed building would have first floor windows and first and second floor rooflights facing Butlers Court. Based on the floor and section drawings, the rooflights serving bedrooms would be positioned such that many people would be tall enough to look directly out from them.
19. In particular, Unit 5's rooflights would enable views towards the neighbours' communal rear garden. However, each apartment at Butlers Court has its own private amenity space, which would be mostly unaffected by the scheme due to the positions and heights of those spaces. Additionally, while the occupiers of Butlers Court are reportedly a tightly knit community, fundamentally, the communal space is overlooked by the windows and private amenity spaces there.
20. In that context, the proposal would not harm the living conditions of the occupiers of 1 to 5 Butlers Court in respect of privacy of external amenity space. For the purposes of this main issue, there would not be conflict with LP policies EP3 and H9, which specify that development should not adversely affect the amenities of neighbouring properties.

Biodiversity net gain

21. The application was validated after 2 April 2024, when the provision of BNG became mandatory for non-major development¹. However, the appellant has submitted evidence indicating that the application was made prior to that date. There is nothing before me which suggests that the application was not validly made. On that basis there is no legal requirement to provide a prescribed level of BNG. Nevertheless, Core Policy 9 of the CS and paragraph 187 of the Framework seek the provision of at least some BNG.
22. The PEA indicates that the scheme would result in the loss of grassland and vegetated garden of limited ecological value, together with a small section of hedgerow where the new access would be created. While the extent of the proposed building's footprint and hardstanding would provide little space for habitat creation, there is sufficient scope for a condition to require BNG provision.
23. Accordingly, the proposal would make satisfactory provision for BNG in accordance with NP policy SP6, Core Policy 9 of the CS and paragraph 187 of the Framework, purposes of which are set out above.

Drainage

24. The FRA includes details of infiltration testing which show that drainage of surface water by infiltration is unfeasible for the development. Instead, discharge would be managed by an outfall to an existing sewer. The site's drainage arrangements are not known in detail and it is unclear if surface water is routed to a Thames Water sewer or the highway network. As such, the FRA states that confirmation would

¹ Regulation 3(1) of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and Schedule 7A of the Town and Country planning Act 1990

be sought from Thames Water or the Highway Authority following closed-circuit television surveying.

25. It is therefore unclear whether any infrastructure improvements to whichever network would be needed. However, there is sufficient prospect that the relevant statutory undertaker would give consent for any such work, particularly as there is space within the site, such as beneath the large parking area, to accommodate varying attenuation measures if necessary. Consequently, there is enough certainty that the approval of a drainage condition would be achievable.
26. Subject to such a condition, the proposal would make satisfactory provision for drainage. In this way, it accords with Core Policy 13 of the CS, which requires new development to incorporate sustainable drainage systems. It is also in accordance with NP policy SP6 insofar as code SF02 of the Design Code provides overarching principles for sustainable drainage. It is also consistent with paragraph 181 of the Framework, which specifies that development should not increase flood risk elsewhere.

Other Matters

27. The PEA and BERS indicate that subject to certain precautions being taken during construction, the impacts of the development on notable species and habitats would likely be limited to the loss of a common pipistrelle day roost. In addition, evidence suggests that the recreational activities of the scheme's occupiers may harm SAC's integrity in the absence of mitigation. Hence, if I were minded to grant permission, I would need to assess whether the development would be unlikely to be licensed by Natural England or adversely affect the integrity of the SAC. In doing so, the mitigation intended to be secured by the unilateral undertakings would need to be considered. However, even if a licence were granted and there would be no adverse effects on the SAC, these matters would constitute neutral considerations rather than benefits of the scheme.
28. The FRA reveals that the site is at low risk of pluvial, surface water and reservoir flooding. However, the FRA's infiltration testing, the flat topography and the presence of filled water filled ditches, ponds and water courses in the area suggest that there are shallow groundwater levels. Additionally, with reference to flood mapping, the Lead Local Flood Authority contend that there is a possibility of groundwater emerging at the surface locally. The Council has not raised express concerns regarding the site's location for housing in principle but, if I were minded to grant permission, I would also consider this matter in detail.
29. The Council can only demonstrate 0.89 years supply of deliverable housing sites. Having regard to this shortfall, the proposal would make a small but meaningful contribution to addressing the deficit in an established settlement. It would also represent a large proportion of windfall supply. Additionally, it is uncontested that it would repurpose previously developed land and use the site more efficiently. Further, the latest Strategic Housing Market Assessment and NP policy SP4 indicate a pressing need for smaller dwellings like those proposed. It is also not disputed that the development plan seeks to accommodate new housing in settlements and the local and Council areas are constrained by factors such as green belt. These matters provide support for the scheme. There would also be modest benefits from the construction process, the occupiers engaging with local amenities, BNG and wildlife enhancements as detailed in the PEA and BERS.

Planning Balance and Conclusion

30. The presumption in favour of sustainable development, as set out by paragraph 11(d) of the Framework, is applicable due to the Council's housing supply position. While I have carefully considered the housing factors identified above, given the limited size of the scheme and the net number of dwellings proposed, the sum of the scheme's benefits weighs moderately in its favour.
31. The proposal does not conflict with any of the Framework's policies that protect areas or assets of particular importance as specified by its footnote 7. Permission should therefore be granted unless 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, having particular regard to the factors raised in its paragraph 11(d)(ii) and associated footnote 9, including securing well-designed places and the contents of paragraphs 135 and 139 of the Framework that were referenced earlier.
32. Overall, the benefits of the scheme are significantly and demonstrably outweighed by the considerable adverse impact to the character and appearance of the site and the surrounding area. Consequently, the Framework does not indicate in favour of the development.
33. For the reasons given above, the proposal is contrary to the development plan taken as a whole. The material considerations identified neither outweigh that conflict nor indicate that a decision should be taken other than in accordance with the development plan.
34. The appeal is therefore dismissed.

Mark Philpott

INSPECTOR