



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: 10 September 2025

Appeal Ref: APP/X0415/W/25/3364792

Land to the Rear of 113 Gore Road, Burnham SL1 7DF

- 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 the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr H Gill against the decision of Buckinghamshire Council.
 - The application Ref is PL/25/0462/VRC.
 - The application sought planning permission for the erection of detached dwelling and new vehicular access without complying with a condition attached to planning permission Ref PL/23/3021/FA, dated 20 September 2024.
 - The condition in dispute is No 13 which states that: The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings: Drawing No.(s): P401 Rev. A received on 28 September 2023, P301 Rev. A received on 28 September 2023, P302 Rev. A received on 28 September 2023, P202 Rev. A received on 28 September 2023, P303 Rev. A received on 28 September 2023, P103 received on 28 September 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 dismissed.

Preliminary Matters

2. During my site visit, I observed that development had commenced on site. However, whilst the work has commenced on the construction of the proposed dwelling, walls are only partially built. The works undertaken have assisted my understanding of the effect of the proposed change to neighbour's living conditions.

Background and Main Issue

3. Planning permission was granted in 2024 for a detached dwelling and new vehicular access. The appellant proposes to amend the design of the building at the rear by raising the height of the eaves and introducing a shallower pitched, elongated catslide roof. Also, it is proposed to change the design of the projecting rear single storey kitchen diner from a flat roof with lantern roof light, to a gabled pitched roof.
4. The main issue is the effect of a revised dwelling design on the living conditions of neighbouring occupiers at 113 and 115 Gore Road, with particular regard to outlook.

Reasons

5. The appeal site is the lower end of the rear garden to 113 Gore Road (No 113) fronting Hamilton Gardens. The site has been severed from the rear garden to No 113 with a close boarded fence. The rear gardens of adjacent neighbours at 111 and 115 Gore Road (No 115) flank the side boundaries of the appeal site with the southeast corner of the site also adjoining the front corner of the adjacent property in Hamilton Gardens.
6. The division of the rear garden at No 113 has resulted in the appeal site being of an irregular shape with an uneven rear boundary. The approved dwelling would occupy most of the appeal site, close to the neighbouring side boundaries and would have a maximum separation to the rear boundary of No 113 of around 5m. The proposed pitched roof on the rear projection would increase the scale of the built form. This roof would be adjacent to the side boundary of the rear garden at No 115 and the rear boundary of No 113. The rear of No 113 would directly face the proposed gable roof.
7. As I observed on site, the walls of the rear single storey element have been constructed and at around 3m high, are already highly prominent from surrounding rear gardens. The proposed pitched roof would increase the massing of the building and add significant built form and bulk to the rear that would result in an overbearing development, as seen from neighbouring plots.
8. Occupiers of No 113, would experience this sizeable increase in built form as observed from both the windows of rear facing habitable rooms and whilst using the relatively small outdoor space. As the dwelling has limited space to its shared boundaries, this relationship would be unduly harmful and overly dominant to the detriment of the living conditions of the existing occupiers at No 113.
9. The shared boundary with No 115 comprises a hedge of around 3m in height. The proposed pitched roof would sit significantly above the hedge line. Due to the close proximity of the approved dwelling to the boundary with No 115 and despite the dwelling being located further away from main habitable room windows than at No 113, the significant increase in mass and bulk to the rear from the proposed pitched roof would be overbearing, dominant and unduly harmful to the detriment of the living conditions of the existing occupiers at No 115.
10. The proposed changes to the pitch of the cat slide roof and the eaves line, would change the profile of the roof slightly but would not add significant additional bulk or volume and bulk to the building. Whilst neighbouring residents may be able to see this part of the development, I am satisfied that this element of the proposal would not unduly harm the living conditions of the neighbouring residents particularly given the scale and design of the development as approved. No loss of privacy would occur to occupiers of neighbouring properties as no windows to the bathroom, stairwell, and bedroom 2 are proposed on the rear elevation.
11. Nevertheless, as set out above, the proposed pitched roof on the single storey rear projection would have a demonstrably harmful, dominant, and overbearing effect on the living conditions of occupiers of the neighbouring properties at 113 and 115 Gore Road. Accordingly, the proposal would conflict with Policies EP3 and H9 of the South Bucks District Local Plan (March 1999, Consolidated September 2007, and February 2011). These policies, amongst other things, provide an expectation

that development would be of high-quality design, be appropriate in scale and height, would respect local character and relate to its context.

Other Matters

12. The site lies within 5.6km of Burnham Beeches Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). As the dwelling results in a net gain and should this appeal result in the issuing of a new planning permission, harm would occur to the SAC and SSSI. However, to mitigate this identified harm, the Council have secured an appropriate financial contribution through a Unilateral Undertaking (UU) under planning permission PL/23/3021/FA. Whilst the UU is not before me, the Council advise that it includes a clause which allows for the permission to be amended via Section 73 of the Town and Country Planning Act 1990, without compromise to the UU. Whilst the proposal would not result in any additional harm to the SAC or SSSI and irrespective of the Council's findings here, as I am dismissing the appeal for other reasons, it is unnecessary for me to undertake an Appropriate Assessment as it would not affect the outcome of this appeal.
13. I acknowledge the appellant's need to make changes to the eaves height to address Building Regulation requirements. However, this has no bearing on the roof of the single storey element and makes no difference to my overall conclusion.

Conclusion

14. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed.

P Brennan

INSPECTOR