



Appeal Decision

Site visit made on 10 November 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/K0425/W/25/3368408

69 Marlow Road, High Wycombe Buckinghamshire HP11 1TQ

- 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 Ms Yasmin Akhtar against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 24/07994/FUL.
The development proposed is construction of 1 x 6-bed detached dwelling, creation of 3 x parking spaces and associated works following demolition of existing dwelling (alternative scheme to pp 22/06895/FUL) (part retrospective).
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made against Buckinghamshire Council by Ms Yasmin Akhtar. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal includes a Daylight and Sunlight Assessment (DSA) which did not form part of the planning application. This document does not represent an amendment to the scheme, and the Council has had the opportunity to comment on it. On this basis, I do not consider that any party would be unfairly prejudiced. I therefore have had consideration to this document in determining this appeal.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 67 and 71 Marlow Road with regard to light levels and outlook.

Reasons

5. The site comprises 69 Marlow Road. Planning permission was granted¹ for the erection of a replacement dwelling. That permission was implemented, however the development as built did not accord with the approved plans. The proposal seeks to regularise this and shows a dwelling which projects an additional 3 metres to the ground and first floors beyond the consented development.
6. The DSA indicates that the development causes no undue loss of daylight or sunlight to neighbouring properties 67 and 71 Marlow Road. The Council confirm

¹ Application reference 22/06895/FUL

that it no longer has an objection on grounds of loss of light. Based on the evidence before me I see no reason to conclude otherwise.

7. At my site visit I saw the development as built from Nos 67 and 71. I observed that No 71 is stepped in from the site boundary and the nearest habitable room window is sited within the southern part of the rear elevation. Whilst the extension was visible from this opening, given its separation from this window, I observed that it did not compromise the outlook from this window. However, by virtue of the height and depth of the development and its limited separation to the northern site boundary, when viewed from the lounge window in the rear elevation of No 67, the development creates an imposing feature that appears overbearing. This would impede the occupiers' enjoyment of this room, making it less pleasant to use.
8. The proposal results in a harmful loss of outlook to 67 Marlow Road and thus results in harm to the living conditions of the occupiers of this property. Conflict therefore arises with those aims of policies CP9 and DM35 of the Wycombe District Local Plan (2019) which require that development prevents significant adverse impacts on the amenities of neighbouring land and property.

Other Matters

9. My attention is drawn to a development at 65 Marlow Road² which, it is stated, is larger than the appeal proposal. Based on the details before me, that development did not project at first floor level beyond the rear elevations of the neighbouring properties. Given this, there is no evidence that it has a comparable effect on the outlook from neighbouring properties. Whilst it is unfortunate that the delegated report for this application did not reference 2 letters of objection submitted in relation to the proposal, there is no indication that this would have altered the Council's decision.
10. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. In these circumstances, paragraph 11 d) of the National Planning Policy Framework (the Framework) indicates that the policies which are most important for determining the application should be deemed out-of-date and permission granted unless the adverse impacts would significantly and demonstrably outweigh the benefits. I have found that the proposal results in harm to the living conditions of the occupiers of a neighbouring property. Chapter 12 of the Framework sets out that decisions should ensure that developments create spaces with a high standard of amenity for existing users. In light of this, the harm arising from the proposal would significantly and demonstrably outweigh the limited benefits of the delivery of a replacement dwelling, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not constitute a sustainable form of development in terms of the Framework and does not benefit from the presumption in favour of sustainable development.

Conclusion

11. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

N Robinson INSPECTOR

² Application reference 21/07827/FUL