



Appeal Decision

Site visit made on 13 November 2025

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 25th November 2025

Appeal Ref: APP/K0425/W/25/3372467

2 Station Road, Marlow, Buckinghamshire SL7 1NB

- 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 Ashok Patel against the decision of Buckinghamshire Council.
 - The application Ref is 22/05579/FUL.
 - The development proposed is raising of roof including installation of roof lights to create 1 x 1 bedroom flat, double storey side and single storey front extension incorporating new shop front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) The effect of the proposal upon the living conditions of the occupants of the adjacent first floor flat, No. 2A Station Road, and
 - b) Whether the proposal would secure adequate living conditions for future occupants, with regard to the Nationally Described Space Standards.

Reasons

No. 2A Station Road

3. This is a small first floor flat at the rear of No. 105 High Street. Plans show that its living room opens onto a rear terrace with a pair of full height glazed doors. Although this room is also served by a dormer window, it is clear that the full height doors are an attractive feature of the room and do more than just provide access onto the terrace; the provision of a wide area of full height glazing provides a pleasant outlook, and connects the small flat to its outdoor space in a manner that is more than just utilitarian. It serves to improve the quality of the flat's small multipurpose living room. In the summer months, when the weather allows, it is likely that its doors are left open to make the space feel larger and allow the terrace to function as part of the living space.
4. Although the proposed additional height would be modest, it would be immediately alongside the terrace. It would significantly restrict outlook from the room. The open character of the terrace would be eroded to the extent that the space would feel hemmed in by the additional height of the neighbouring building.
5. Additionally, the rooflight to the side of the proposed living room would mean that occupants of the proposed flat would be able to look over the terrace and into the

existing flat at close range. This would have a significant adverse impact on their privacy.

6. It is suggested that the proposal would improve privacy for the adjacent terrace as it would reduce overlooking from the flats further to the northeast. These flats have numerous balconies that face towards the terrace, and some of these are at a higher level than the terrace. The additional height of the proposal would reduce the ability to view the terrace from the balconies; however, the distance is considerable and typical for a built-up area. It is a distance that is usually considered sufficient to provide an acceptable level of privacy. In contrast, and rather than providing a benefit, the direct level of overlooking that would occur from the proposed rooflight and the additional height would be unneighbourly. It would enclose the terrace and restrict outlook, resulting in an adverse impact on the living conditions of the occupants of the adjacent flat.
7. Owing to the orientation of the terrace, and as demonstrated by the submitted shadow analysis, the proposal would have a modest adverse impact on early morning light reaching the terrace and flat. In most cases this would not be significant, however the terrace is to the northeast of the flat and, as is also demonstrated by the shadow analysis, is often in shadow. Therefore, any reduction to direct sunlight reaching the terrace and rear doors of the living area would add to the adverse impact of the proposal.
8. No objections have been received from the occupier of the adjacent flat. This does not however indicate that a proposal should be accepted. The occupants may have been away when the consultation was carried out, and/or it could be occupied by tenants who may not have a long term interest in the property. Furthermore, it is for me to apply my own professional judgement to the proposal rather than taking a lack of objection to mean that it must be accepted.
9. In summary, the proposal would have a significant adverse impact upon the living conditions of the occupants of the adjacent first floor flat, No. 2A Station Road. It would be contrary to Policies CP9 and DM35 of the Wycombe District Local Plan 2019 (LP), which among other things seek to ensure that development proposals are well designed and contribute to making places better for people, and prevent significant adverse impacts on the amenity of neighbouring property.

Nationally Described Space Standards

10. Policy DM40 of the LP requires all new dwellings to meet the nationally described space standards (NDSS). The NDSS states that any area with a head room of less than 1.5 metres is not counted within the Gross Internal Area (GIA). Although the plans are not annotated with dimensions, they are drawn at a scale which allows the floor area to be measured. If I measure a floor height of 1.5 metres up to the underside of the eaves to allow for the roof structure and build up of insulation the plans show a width of approximately 4.6 metres where the head room would be 1.5 metres or greater. Without accounting for the width of studwork, the depth of the floor area between the front and back walls would be 9.9 metres. Thus, the flat would have a GIA of approximately 45.54 square metres.
11. This is below the GIA required by the NDSS for a one bedroom two bed space single storey dwelling but is above that required if the bed space is reduced to one. The appellant suggests that the flat would be for one person, however there is no mechanism before me to secure this, and this is not a matter that can be controlled

by a condition. Furthermore, the bedroom would be sufficiently sized and over the minimum size set out in the NDSS for a double or twin bedroom so to restrict the dwelling to single occupancy would be unreasonable.

12. Additionally, the NDSS specifies that 75% of the GIA should have a minimum floor to ceiling height of 2.3 metres. The plans show that for a width of 2.3 metres the GIA would have a head height of 2.3 metres. This equates to an area of approximately 22.77 square metres. Therefore, 50% of the GIA would achieve the necessary head height of 2.3 metres. This would be significantly below the NDSS requirement.
13. In other respects the dwelling would benefit from a good level of natural light and outlook in four directions with the potential to create a pleasant living environment, utilising a layout of well proportioned rooms. The additional floor area that would be below 1.5 metres in height would be considerable, and around the edge of all the rooms. It would thus add to a feeling of spaciousness, but at the outer edge of these rooms the space would be very limited and difficult to utilise, and its acceptability is illustrated by how badly the proposal performs when assessed against the NDSS. Furthermore, it would also result in a poor arrangement whereby the proposed living room would be directly overlooked by users of the adjacent terrace.
14. In summary, the proposal would not secure adequate living conditions for future occupants. It would be contrary to Policies CP9, DM35 and DM40 of the Wycombe District Local Plan 2019 (LP), which among other things seek to ensure that development proposals are well designed and contribute to making places better for people, provide an appropriate level of amenity for future occupants and meet the NDSS.

Other Matters and Planning Balance

15. The proposal would deliver a dwelling. In the context of the Government's objective to significantly boost the supply of homes this is a matter that weighs in favour of the proposal. There would also be a modest economic benefit from the construction work and as future occupants make use of existing services and facilities.
16. I have however found that the proposal would have a significant adverse impact upon the living conditions of the occupants of the adjoining flat, and would fail to secure adequate living conditions for its future occupants. The benefit of the provision of a new dwelling does not outweigh these important matters.
17. The Council is unable to demonstrate a five year supply of deliverable housing sites (5YHLS). Paragraph 11 d) of the National Planning Policy Framework (Framework) states that where the policies which are most important for determining the application are out-of-date (which footnote 8 clarifies includes for applications involving the provision of housing situations where the Council cannot demonstrate a 5YHLS) the presumption in favour of sustainable development should be applied; 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.
18. Paragraph 11 d) ii. of the Framework goes on to say that particular regard should be had to key policies for directing development to sustainable locations, making

effective use of land, securing well-designed places and providing affordable homes. The site is well located, to the extent that future occupiers would have easy access to a range of local services and facilities without the need to rely on a private car, and the proposal would make efficient use of an existing developed site. These are objectives that are set out in the Framework.

19. However, with regard to Paragraph 135 of the Framework, the proposal would fall well short of creating a place with a high standard of amenity for existing and future users and, with reference to Paragraph 139, it would therefore not be well designed. Its design deficiencies mean that it would result in the delivery of a substandard dwelling, which lessens its wider benefits and the contribution it makes to housing delivery. Consequently, 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. The proposal does not therefore benefit from the presumption in favour of sustainable development.
20. The site is within the Marlow Conservation Area (MCA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The Council found that the proposal would not harm the character or appearance of the MCA. I see no reason to take a contrary view.

Conclusion

21. The proposal would be contrary to the development plan and there are no material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

A Tucker

INSPECTOR