
Appeal Decision

Site visit made on 18 November 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 December 2025

Appeal Ref: APP/K0425/W/25/3369330

20 Mentmore Road, High Wycombe, Buckinghamshire HP12 4LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Red Kite Housing against the decision of Buckinghamshire Council.
 - The application Ref is 25/05646/OUT.
 - The development proposed is erection of 1 No dwelling and new vehicular access and parking area for existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. The proposed site layout, floor and elevation plans show a detached 2-storey dwelling. I have taken these plans into account for indicative purposes only.
3. Reference has been made to Policy HAZNP1 of the Hazlemere Neighbourhood Plan (HNP) in the first reason for refusal given in the Council's Decision Notice. Both parties agree that this was in error, and the appeal site is not located within the HNP area.
4. The appellant claims that the third and fourth reasons for refusal given in the Decision Notice were added in error and that the Council has indicated that these would not be pursued should an appeal be made. The Council's case is silent on this claim. I have had regard to the parties' submissions in establishing the main issues, which I set out below.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed parking arrangement on highway safety;
 - whether the proposal would make adequate provision for Biodiversity Net Gain (BNG); and
 - the effect of the proposed development on protected species.

Reasons

Character and appearance

6. The main element of the appeal site is a rectangular-shaped parcel of land, which I understand originally formed part of the rear garden of 20 Mentmore Road and is now a stand-alone plot. The other element of the appeal site is a smaller parcel of land located between the side elevation of No. 20 and Highwood Crescent.
7. Properties in the area are broadly positioned within plots that are much deeper than they are wide, though corner plots are generally wider and larger overall. Private gardens are to the rear and are, in the main, generous in size. These gardens back onto each other and collectively provide a significant open verdant space to the rear of the properties and are particularly noticeable where gardens run alongside a road. These factors make a positive contribution to a strong degree of harmony that influences the overall open and spacious character and appearance of this suburban location.
8. The new plot would have a noticeably shallower depth and wider width than the prevailing plots in the area. Although matters of layout, appearance and scale would be addressed as part of the reserved matters applications, it is logical that the proposed house would need to be positioned in the general area shown on the indicative layout plan to respond to the established building line on Highwood Crescent. Nevertheless, due to the limited depth of the site, the new dwelling would be positioned in very close proximity to the shared boundary with 18 Mentmore Road and the private garden would be located to the side rather than to the rear. This would be noticeable from Highwood Crescent as well as from neighbouring properties. Consequently, it would appear cramped within the site and would sit at odds with the prevailing pattern of development in the area, including the more spacious plots of surrounding residential properties.
9. For the above reasons, the proposed development would have an unacceptable effect on the character and appearance of the area. This would conflict with Policies CP9 and DM35 of the Wycombe District Local Plan (August 2019) (WDLP) and the Council's Residential Design Guidance (June 2017). Collectively, these seek, amongst other things, development to be of a high quality of design that provides a positive response to its context and improve or reinforce the positive existing character.
10. The relevant reason for refusal on the Decision Notice refers to WDLP Policy DM34, which seeks to achieve and maximise green infrastructure and enhancements to local biodiversity. Therefore, this policy is not directly related to this main issue.

Highway safety

11. The appeal site currently has a footway crossing off Highwood Crescent that serves an area of hardstanding and a dilapidated garage. This access would be altered to provide off street parking for the proposed dwelling. A new footway crossing off Highwood Crescent would also be created to the side elevation of No. 20 to provide off-street parking to the occupiers of the existing property. An undisputed approximate distance of 14.5m between this new access and Highwood Crescent's junction with Mentmore Road is short of the 15m minimum

distance indicated by the Council as required by its junction/access spacing guidelines.

12. There are a number of existing footway crossings on Highwood Crescent and Highwood Avenue within a similar distance, or closer, to a junction than the appeal scheme. Some of these appeared to have been in situ for a considerable period of time whilst others appeared to be more recent alterations.
13. From my observations on site, including the low speeds and light traffic volume on Highwood Crescent, I am not persuaded that the identified shortfall of the guidelines would interfere with the free flow of traffic and be detrimental to highway safety. Therefore, the proposed parking arrangement would have an acceptable effect on highway safety, according with WDL Policy DM33 and the Council's Buckinghamshire's Local Transport Plan 4 (March 2016-2036) and Highways Development Management Guidance (July 2018). They include ensuring that new developments provide safe and suitable access, mitigating any material adverse impacts on traffic conditions, and minimise the impact of vehicle accesses onto the public highway.

BNG

14. Schedule 7A of the Act sets out a statutory framework for BNG and, with some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC). This requires that at least a 10% increase in biodiversity value is met. It follows that the proposal is subject to the general BGC, as set out in the Act.
15. The Planning Practice Guidance (PPG) states that it would generally be inappropriate for decision makers, when determining a planning application for a development subject to BNG, to refuse an application on the grounds that the BNG objective will not be met. However, the PPG continues that decision makers may need to consider more broadly whether the BNG condition is capable of being successfully discharged, with matters for consideration including the appropriate balance expected between on-site gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy.
16. The appeal scheme indicates that there would be a 12% increase in biodiversity value off-site on other land owned by the appellant. It is noted that the Council has concern regarding the submitted biodiversity metric and that it does not reflect the pre-degradation habitat value as it is alleged that trees and scrub have been removed from the site. I am mindful that there are provisions within Schedule 7A of the Act for the calculations of the pre-development biodiversity value of onsite habitat when loss or impact to habitats, or degradation, has occurred prior to the submission of a planning application and Biodiversity Gain Plan (BGP). This is to discourage the deliberate degradation of existing onsite habitats to reduce the pre-development biodiversity value.
17. Either way, the pre-development value and metric are required at the BGP stage where further information can be requested, if necessary, representing a regulatory mechanism that would prevent development if the information were not correct. I see no statutory or policy requirement for the decision maker to carry out such an assessment at the planning application stage. Moreover, there is no compelling evidence before me that the 10% increase in biodiversity value off-site

could not be delivered. This would be a statutory requirement for later consideration should permission be granted.

18. To conclude, sufficient information has been provided at this stage that the proposal would make adequate provision for BNG. There is no conflict with Policy DM14 of the Adopted Delivery and Site Allocations Plan (July 2013) (ADSAP) and WDLP Policy DM34, which include a requirement for all development proposals to be designed to maximise biodiversity.
19. The relevant reason for refusal on the Decision Notice refers to ADSAP Policy DM13 that relates to conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance. Therefore, this policy is not directly related to this main issue.

Protected species

20. The Conservation of Habitats and Species Regulations 2017 (as amended) imposes a duty on me to consider whether European Protected Species would be affected by the development and whether associated mitigation measures would be effective.
21. The Council's ecological advisor has raised no issue with the findings of the appellant's Ecological Impact Assessment (EclA), which identified, amongst other things, that the building to be demolished was of negligible suitability for roosting bats, with no notable potential roosting features. Had I been minded to allow the appeal, biodiversity enhancements including bat and bird boxes could have been dealt with via a condition.
22. Although the Council has raised concern over the lack of a Preliminary Ecology Appraisal, an EclA is a comprehensive ecological survey and there is no convincing evidence before me that there is a reasonable likelihood of bats being present and affected by the development.
23. For these reasons, the proposed development would have an acceptable effect on protected species. It would comply with ADSAP Policies DM13 and DM14 and WDLP Policy DM34, which together require all development to protect and enhance biodiversity, including protected species.

Planning Balance

24. I give significant weight to the conflict with WDLP Policies CP9 and DM35, which are consistent with the National Planning Policy Framework (the Framework) in ensuring that development is sympathetic to local character. I find that there is conflict with the development plan as a whole.
25. The Council has indicated that it has a deliverable housing supply of 1.96 years. Consequently, paragraph 11 d) of the Framework is applicable. Paragraph 11 d) ii) identifies that planning permission should be granted unless any adverse impact 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 certain key policies including securing well-designed places.
26. The proposed development would make a positive contribution in the delivery of a single dwelling, that would represent the efficient use of land within an established residential area with access to services and facilities. There would also be

associated social and economic benefits during the period of construction and once the dwelling is occupied, as well as the delivery of BNG.

27. The limited scale of the development means that I afford the provision of a new dwelling within the context of the current shortfall, along with the other benefits listed above, moderate weight in favour of the appeal scheme.
28. It is asserted that the appeal site is not subject to any Tree Preservation Orders or within a Conservation Area, and that the new dwelling would achieve acceptable living conditions and introduce new landscaping. A lack of harm in these respects are neutral considerations that weigh neither for nor against the proposal.
29. On the other side of the balance, there would be an unacceptable effect on the character and appearance of the area, which would be contrary to paragraph 135 of the Framework. Given the long-lasting effect on the character and appearance of the area, I attribute significant weight to this conflict.
30. Therefore, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework does not apply.

Conclusion

31. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

P Barton

INSPECTOR