



Appeal Decision

Site visit made on 2 December 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/X0415/D/25/3372088

233 Berkhamstead Road, Chesham, Buckinghamshire HP5 3AP

- 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 Chris Hamilton against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/24/1616/FA.
 - The development proposed is described as: partial demolition of the first-floor extension with associated alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the development was undertaken in June 2024. I saw during my visit that the first-floor extension has been partially demolished in accordance with the submitted drawing 'SK1 Rev 3 – Proposed'. However, the rear elevation of the first-floor extension has not been completed and is covered in a tarpaulin sheet, where the proposed window would be located. The demolished section of the first-floor rear extension appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.
3. The description of development in the heading above has been amended from that used on the planning application form. In the interest of clarity, I have removed elements from the description that do not relate to development. The description used above accurately describes the development and accords with that used by the Council in its decision notice.
4. A previous appeal decision (APP/X0415/C/17/3186760) required the removal of the first-floor extension and restoration of the roof to its original alignment. This appeal proposal seeks permission for works, including partial demolition, of the first-floor extension which have predominantly already taken place.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the appeal property and the surrounding area; and
 - The effect of the proposal on the living conditions of the neighbouring resident at 231 Berkhamstead Road with regard to outlook and privacy.

Reasons

Character and appearance

6. The appeal site is a two storey, mid-terrace property within a group of three dwellings located on the A416 Berkhamstead Road. The appeal property has previously been extended in the form of a dormer window in the second-floor rear roof slope, a first-floor rear extension, and a single storey rear extension. The rear of the property is highly visible from the adjacent Alexander Street, due to the neighbouring property being a corner plot. The neighbouring property at number 231 Berkhamstead Road (number 231), has a cat-slide roof that sits adjacent to the appeal proposal, which appears to be original to the property. Due to the alterations to the rear at both the appeal property and number 235 Berkhamstead Road, both the terrace and the appeal property make a neutral contribution to the character and appearance of the area when viewed from Alexander Street.
7. The first-floor rear extension has been partially demolished and 'squared off' to attempt to address the requirements of an Enforcement Notice. However, the retained first-floor extension remains a dominant and overly prominent feature. Due to the extension's flat roof, the development is an unsympathetic feature that appears at odds with the host dwelling and the adjacent and original cat slide roof at number 231. The extension, despite being reduced in size, remains disproportionate with the appeal property particularly when viewed from Alexander Street. The extension is a prominent and poorly integrated feature on the rear of the appeal property that detracts from the character and appearance of the area.
8. Consequently, for the above reasons, the proposal results in an incongruous development that has a harmful effect on the character and appearance of the appeal property and the surrounding area. Accordingly, the development conflicts with Policy CS20 of the Core Strategy for Chiltern District November 2011 (CS) and Policies GC1, H13 and H15 of the Chiltern Local Plan September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 (CLP). These policies, amongst other things, seek development that exhibits high quality design which reflects the characteristics of the site, integrates effectively with its surroundings, reinforces local distinctiveness, complements the character of the area and is designed to respect the scale and proportions of the existing dwelling with a hipped or pitched roof at first floor.
9. The development also conflicts with the Council's Residential Extensions and Householder Development Supplementary Planning Document (2013) (SPD) and the National Planning Policy Framework (the Framework) which seeks to secure good design.

Living conditions

10. The first-floor extension projects from the rear of the appeal property and has been reduced in size as a result of the demolition works undertaken. However, when viewed from the rear garden of number 231 and despite the reduced depth, the first-floor extension continues to have an overbearing effect on the neighbouring property and rear garden. This overbearing effect of the extension results in harm to the living conditions of the occupiers of number 231 with regard to outlook.
11. With regards to privacy, a large bathroom window, which has yet to be installed, would be positioned in the east elevation of the first-floor extension. This would

directly overlook the rear garden of number 231 at relatively close quarters, resulting in both a real and perceived loss of privacy for those occupiers. However, this is unlikely to enable any significantly greater overlooking and loss of privacy to neighbours than previously existed. Also, I acknowledge that if permission were granted, a planning condition could be imposed to secure non-opening obscure glazing within the window.

12. The extension also comprises a small, opening, side facing bathroom window in the south elevation. This window overlooks the neighbouring property and garden at number 231 and is fitted with obscure glazing. Whilst the obscure glazing reduces the perceived overlooking, the window opens allowing a small level of overlooking and loss of privacy to occur, resulting in limited harm to the occupier of number 231. However, if permission were to be granted, the removal of this side facing window or a replacement that cannot be opened could be secured by a suitably worded planning condition.
13. I have found limited harm to the living conditions of the neighbouring resident at number 231 with respect to privacy and overlooking, which could be addressed through the use of planning conditions. However, planning conditions cannot overcome the harm I have found with regard to outlook as a result of the overbearing nature and scale of the first-floor extension.
14. Subsequently, the first-floor extension results in harm to the living conditions of the neighbouring occupier at 231 Berkhamstead Road with regard to outlook. As such, the extension conflicts with the requirements of Policies GC3, H13 and H14 of the CLP. These policies, amongst other things, seek development that protects the amenities enjoyed by the occupants of existing adjoining and neighbouring properties and requires extensions to be designed so that their size and siting in relation to adjoining properties does not result in an overbearing appearance for neighbours. The extension also conflicts with the SPD and the Framework which seek to secure a high standard of amenity for existing and future users.

Other Matters

15. The appellant has referred to numerous discussions that have been held with the Council regarding the development. The appellant asserts that the Council advised of a way forward along the lines of that now forming the basis of this appeal. However, no evidence is before me from the Council on this issue. As such, I afford limited weight to any discussions and advice that the Council may have provided. In any event, any advice provided would have been on an informal basis and would not prejudice any decision that the Council then chose to make.
16. The appellant also provides commentary on the Council's officer report. I acknowledge that the report appears to have several small inaccuracies and reports neighbouring objections regarding the unlawful use of the appeal property. However, the decision and my assessment of this proposal is reliant on the individual planning merits of the case having regard to the particular site circumstances to hand only. The use of the property alongside any ongoing discussions with the Council have had no material bearing on my consideration of the proposal which has been assessed on its own merits based on the specific evidence before me.

Conclusion

17. For the reasons given above the appeal should be dismissed.

P Brennan

INSPECTOR