
Appeal Decision

Site visit made on 9 December 2025

by **Laura Hudson BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 January 2026

Appeal Ref: APP/K0425/W/25/3373492

5 Kingswood Parade, Marlow Bottom Road, Marlow Bottom SL7 3NT

- 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 Gianluca Paletta against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 24/07878/FUL.
 - The development proposed is replacement of existing canopy with bio-climatic pergola.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of existing canopy with bio-climatic pergola at 5 Kingswood Parade, Marlow Bottom Road, Marlow Bottom SL7 3NT in accordance with the terms of the application, Ref 24/07878/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 01; 02; 03; 04.

Preliminary Matter

2. The address in the heading and paragraph 1 is taken from the planning application form, but I have added in the property number for clarity. The same number is referenced on the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

4. The site forms part of Kingswood Parade, a block of properties that turns the corner at the junction of Marlow Bottom Road and New Road. Commercial units are located at ground floor level. The building is simple in form and appearance, with gable roofs, facing brick, hanging tiles at first floor level and glazed frontages to ground floor premises. While the first floor and roof maintain a uniform appearance, incremental alterations to the glazing at ground floor have resulted in a more varied arrangement.
5. The wider street scene is mixed in character and comprises a range of buildings in residential and commercial uses. The building neighbouring Kingswood Parade

and occupying businesses at 42 and 44 Marlow Bottom Road is similarly set back from the pavement edge, with the forecourt area used for car parking.

6. Timber picket fencing and box planting line the boundary of the restaurant's forecourt. This area is used for outdoor dining and has a fixed position umbrella with predominantly clear curtains along its sides that are connected to support poles. The canopy is not physically attached to the building. At the time of my visit, it showed noticeable signs of age and weathering, consistent with the uncontested claim that it has been in situ since planning permission was granted for it in 2016. Together with the abovementioned boundary paraphernalia and nearby street furniture, these prominent features detract from the overall streetscape quality at this location.
7. The umbrella and side curtains are informal in their appearance, however the evidence before me suggests that they are not routinely dismantled and re-erected. Their continued presence results in a covered seating area that interrupts the otherwise open character of the parade forecourt.
8. The overall scale and form of the development would be comparable to the existing umbrella arrangement. Sitting detached from the restaurant, the pergola would not require the same foundational support as a conventional building. It would project forward to the same point as the existing structure and would sit slightly below the highest point of the canopy. The proposed structure would comprise metal posts and framework for a retractable aluminium retracting/tilting blade system and internal vertical awnings. It would include a timber deck base and a level threshold to the restaurant. Tempered glass either fixed or sliding on rails would provide walls to the structure.
9. Whilst the proposed materials would present a more robust appearance than the current canopy and its support framework, their finish would make a positive contribution to the quality of the public realm at this location. Furthermore, the increased transparency provided by the glass side panels will improve the current level of visual permeability and maintain views through the site, thereby supporting the open and active character of the parade's forecourt.
10. Overall, I am satisfied that the scheme would not appear more dominant or visually disruptive to the parade's façades. Additionally, it will not result in any discernible change to the perceived sense of permanence within the streetscape.
11. For the reasons outlined above, the proposal would not harm the character or appearance of the site or the surrounding area. Accordingly, it would comply with Policies CP1, CP9 and DM35 of the Wycombe District Local Plan, which, amongst other things, seek to ensure that development is high quality, contributes positively to creating better places for people, and takes opportunities to enhance the character, quality, and functionality of the area. I note that Policy DM20 is also referenced in the Council's reason for refusal, but the proposed scheme is not directly relevant to the categories of development it prescribes to be determined in accordance with the National Planning Policy Framework (Framework).

Other Matters

12. The site is within the Chilterns National Landscape. Paragraph 189 of the Framework states that great weight must be given to conserving and enhancing landscape and scenic beauty in National Landscapes. Additionally, all relevant

authorities are required to seek to further the purpose of protected landscapes in conserving and enhancing their natural beauty¹. The proposed replacement of a structure of comparable scale and situated within an established settlement would not result in harm at the landscape scale. The development would therefore have a neutral effect on the National Landscape and would not conflict with the Framework in this respect.

13. My attention has been drawn to a dismissed appeal at the site². Full details of the scheme have not been provided, but it is evident from the extracts of the decision letter provided by the Council that the proposal incorporated a glazed canopy attached to the building. Accordingly, the previous appeal scheme is not directly comparable to this proposal and does not alter my findings.
14. The appellant has specified that biodiversity net gain requirements do not apply because the development meets the de minimis exemption conditions. Whilst the site area is greater than 25 square metres, the development is solely on a sealed surface with no other habitats within the site boundary. The exemption is not disputed, and I have no reason to find otherwise.

Conditions

15. I have imposed the standard conditions setting out the time limit for implementing the planning permission and listing the approved drawings for the avoidance of doubt.
16. As the scheme involves the erection of a metal pergola in accordance with the approved drawings, it is not considered necessary to impose a condition relating to the proposed materials.

Conclusion

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

Laura Hudson

INSPECTOR

¹ Section 245 of the Levelling-up and Regeneration Act 2023.

² Planning application reference 20/05983/FUL (appeal reference not provided).