



Appeal Decision

Site visit made on 20 January 2026

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 February 2026

Appeal Ref: APP/N0410/D/25/3369875

Rotherfield, Gerrards Cross Road, Stoke Poges, Slough SL2 4EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Jag Bahia against the decision of Buckinghamshire Council.
 - The application Ref PL/24/1930/VRC, dated 24 June 2024, was refused by notice dated 17 June 2025.
 - The application sought planning permission for a part two storey/part single storey rear extension, first floor side extension, attached double garage to front, hip to gable front roof extension, gable to hip side roof alteration, 3 rear dormers and 2 front skylights and changes to windows without complying with a condition attached to planning permission Ref PL/22/0492/FA, dated 4 November 2022.
 - The condition in dispute is No 8 which states that: This permission relates to the details shown on the approved plans as listed below:
Drawing No.(s): 07 - EXISTING ELEVATIONS received on 10 February 2022, AMENDED REV 03 - 08 - PROPOSED FRONT & REAR ELEVATIONS received on 17 October 2022, AMENDED REV 03 - 09 - PROPOSED SIDE ELEVATIONS received on 17 October 2022, 02 - EXISTING FLOOR PLANS received on 10 February 2022, AMENDED REV 02 - 03 - PROPOSED GROUND FLOOR received on 17 October 2022, AMENDED REV 02 - 04 - PROPOSED FIRST FLOOR received on 17 October 2022, AMENDED REV 03 - 05 - PROPOSED LOFT FLOOR received on 17 October 2022, AMENDED REV 01 - 01 - LOCATION AND BLOCK PLAN received on 21 March 2022, 10 - EXISTING AND PROPOSED SECTION received on 10 February 2022, AMENDED REV 03 - 06 - PROPOSED ROOF PLAN received on 17 October 2022, PROPOSED STREET SCENE received on 30 March 2022, and in accordance with any other conditions imposed by this planning permission.
 - The reason given for the condition is: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.
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Decision

1. The appeal is allowed and planning permission is granted for a variation of condition 8 (approved plans) of planning permission PL/22/0492/FA (Part two storey/part single storey rear extension, first floor side extension, attached double garage to front, hip to gable front roof extension, gable to hip side roof alteration, 3 rear dormers and 2 front skylights and changes to windows) at Rotherfield, Gerrards Cross Road, Slough SL2 4EJ in accordance with the terms of the application, Ref PL/24/1930/VRC and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: C01 Rev B, C02 Rev B, C03 Rev C, C04 Rev C, C05 Rev C, C06 Rev B and C07 Rev B.
 - 2) Within 6 months of the date of this decision, details of biodiversity features of one swift box, one bee brick/insect box and hedgehog pathways in boundary

fences shall have been submitted to, and approved in writing by the Local Planning Authority. The approved biodiversity features shall be installed and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Preliminary Matters

2. The application subject to the appeal is made under Section 73A of the Town and Country Planning Act 1990 for minor material amendments. It seeks a revised design for extensions and an attached double garage, which was approved in November 2022 ('the consented scheme').
3. This type of application is possible a condition was imposed on the original permission specifying the approved plans. The appeal therefore seeks the amendment of the condition in order to specify plans which depict the accurate location of the development relative to surrounding properties and reflect the amended design of the development that has been built ('the amended scheme').
4. During my site visit, and at the prior written invitation of the neighbour, I was able to make an assessment from the rear garden of Clevehurst Lodge.
5. Since the Council's decision, the Stoke Poges Neighbourhood Plan 2020 – 2042 (NP) has been made¹. The NP policies referred to in the Council's decision now form part of the development plan. I have determined the appeal on this basis and I have provided the main parties an opportunity to comment on the implications of this change.

Main Issues

6. The Council has not raised any objections to the fenestration other than the large 'unrelieved modern window' within the front central gable projection. Based on the evidence before me, and my observations at the site visit, I have no reason to take a different view. I therefore consider the main issues to be the effects of the central modern window and the alterations to the height and siting of the development on:
 - the character and appearance of the area and the non-designated heritage asset, known as Clevehurst Lodge; and
 - the outdoor living conditions of the occupiers of Clevehurst Lodge.

Reasons

Character and appearance

7. Rotherfield is a large, detached house in a row of residential development along Gerards Cross Road. The dwellings along the road have some consistencies in that they are mostly large and detached, mostly within large gardens. However, there are variances in the spacing and style of the dwellings. Consequently, the road does not have a uniform appearance.
8. To the north is the neighbouring dwelling Clevehurst Lodge. Unlike the appeal property it is positioned close to the road. This property is identified as a non-designated heritage asset (NDHA) on Buckinghamshire Council's Local Heritage List and as a Local Heritage Building in the NP. The latter, describes the property

¹ Approved by Referendum on 26 June 2025 and Made by Buckinghamshire Council on 14 August 2025.

as a late 19th century entrance house. I saw on my visit that the property includes a modern addition of a single storey side extension incorporating a garage and accommodation in the roof to the south, adjacent to the appeal property.

9. Policy SP7 of the NP requires I make a balanced judgement regarding the significance of the heritage asset and the scale of any harm or loss from the development. Insofar as relevant to the appeal development, in my view the special interest and significance of Clevehurst Lodge lies in its original form and its brick boundary wall and entrance gateway which is topped with large pyramid coping stones.
10. With the exception of its glazing bars the central modern window to the front elevation is very similar in shape and size to the consented scheme. Whilst it is a large contemporary feature, it mirrors the shape of the gable end and is in keeping with the scale of the property. In addition, due to the variety of housing styles in the locality, it is not necessary for the window to replicate the fenestration of traditional properties in the area. In any event the existing mature vegetation to the front of the property ensures that it is not a dominant feature in the street scene. In respect of the window's impact on the NDHA, from Gerrards Cross Road, it is not visible in the same view of Clevehurst Lodge. For these reasons the window is not harmful to the character and appearance of the host dwelling and the surrounding area and does not affect the setting or significance of Clevehurst Lodge.
11. As a result of the incorrect location of the house on the original plans, the north elevation and the garage element are closer to Clevehurst Lodge than previously represented. Nevertheless, on my site visit I was able to see that a set back of at least a metre from the property's boundary remains. Whilst the garage element is closer to Clevehurst Lodge, it is not adjacent to the original part of the NDHA which provides its special interest. In addition, its single storey appearance is consistent with Clevehurst Lodge's later single storey side extension, the appeal development's garage eaves matching its eaves height.
12. Accordingly, I conclude that the central modern window and the alterations to the height and siting of the development are in keeping with the character and appearance of the area and the NDHA in accordance with Policy EP3 of the South Bucks District Local Plan (SBLP) and Policies SP6, SP7, LB03 and LB04 of the NP. These policies require the development to be compatible in terms of scale, layout, siting, height and design, with the character of the site itself and the locality, supporting modern design, provided it is respectful and sympathetic to its surroundings.

Outdoor living conditions

13. With mature trees and vegetation to its boundaries, including a number of trees along the shared boundary with the appeal property, the rear garden of Clevehurst Lodge is a pleasant verdant area in which its occupiers are likely to spend a reasonable amount of their outdoor leisure time.
14. Compared to the consented scheme, the development is closer to the shared boundary, but there is minimal difference (approximately 175mm) in the overall ridge height and a small increase to the parapet height. Consequently, these changes do not result in the development having an overbearing impact on the outdoor living conditions of the occupiers of Clevehurst Lodge.

15. For these reasons and given the reasonable size of the rear garden, its light-coloured rendered finish and existing tree screening, I am satisfied that the development is not harmful to the outdoor living conditions of the occupiers of Clevehurst Lodge. As such it complies with Policy EP3 of the SBLP. This policy requires development to be compatible with the adjoining development in terms of its scale, siting, height and design.

Other Matters

16. Whilst I acknowledge that the Parish Council consider that the drafting errors of the siting of the property are such that a full application should have been made, based on the evidence before me I have no reason to disagree with the Council's decision to treat the application as an application for minor material amendments under Section 73A of the Town and Country Planning Act.

Conditions

17. I shall impose a condition specifying the approved plans however as the extensions and double garage have already been constructed the standard commencement condition and matching materials condition on the original permission are no longer necessary.
18. I note from the Committee Report that the ecological enhancements are still outstanding, therefore I shall restate the biodiversity condition from the original planning permission, albeit given the development has already taken place I shall impose a 6-month time limit for the approval of the details.
19. There is no longer a first floor window in the south elevation. There are however roof lights in the north and south elevations at a slightly lower level. Whilst the case officer suggests a condition should be imposed to ensure that they are fitted with obscure glazing and high-level openings to prevent overlooking, this is unnecessary due to the height of the rooflights, the separation distance from neighbouring dwellings and intervening boundary vegetation. Whilst I note that a condition previously restricted permitted development rights in respect of further windows and openings. I shall not impose it, as it does not pass the test of reasonableness or necessity.

Conclusion

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

SE Hughes

INSPECTOR