



Appeal Decision

Site visit made on 17 February 2026

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Appeal Ref: APP/X0415/W/25/3375613

71 Terryfield Road, High Wycombe, Buckinghamshire HP13 7RY

- 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 Jim McCulloch against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is 25/05833/FUL.
 - The development proposed is the change of use from one dwelling to two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from one dwelling to two dwellings at 71 Terryfield Road, High Wycombe, Buckinghamshire HP13 7RY in accordance with the terms of the application, Ref 25/05833/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development above is taken from the application form; however, I have removed the superfluous words that are not acts of development.
3. The appellant's submissions confirm that the subdivision of the property has taken place, and it is currently occupied as 2 separate dwellings, comprising a three bedroom and a two bedroom unit. In addition, the appellant indicated that the proposal related solely to the change of use of the property from a single dwelling to two dwellings only, and that no building works were proposed. However, it has subsequently been confirmed that the extensions to the property that have taken place, do not correspond with the planning permissions for such work granted previously by the Council¹. Nor do they reflect the submitted plan, '*As Built – Plans, Elevations and Sections*' drawing number 1513 16, which I am taking as showing the development for which planning permission is sought in respect of this appeal.
4. Considering this and for the avoidance of doubt, I have therefore determined the appeal based on the proposed development as shown on the submitted 'as built plan'. Whether or not the development shown is materially different from what has been built on site, is a matter to be resolved between the parties outside of the appeal process.

¹ LPA Ref: 05/07401/FUL - Erection of part single, part two storey side/rear extension granted 19 December 2005 and LPA Ref: 21/05661/FUL - Householder application for construction of first floor rear extension granted 4 May 2021

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether the proposal would provide acceptable living conditions for future occupiers of the dwellings, with particular regard to sunlight, outlook and internal floorspace.

Reasons

Character and appearance

6. The appeal property, 71 Terryfield Road (No.71), is a semi-detached dwelling, located in an area which is predominantly residential in character. Despite various extensions and alterations, the semi-detached properties along this part of Terryfield Road are broadly similar in terms of their overall scale, appearance and plot widths. In addition, they are set back a comparable distance from the highway, with gardens and parking between the road and the front elevations of the dwellings. Taken together, these factors create a pleasant degree of consistency which contributes positively to the character and appearance of the area.
7. The appeal proposal seeks the sub-division of No.71 to create 2 separate dwellings. I appreciate that the 2 storey side extension to the property has been in place for a considerable period, and that the external appearance of the existing dwelling, specifically to the front elevation, would remain largely unchanged.
8. While the occupation of the side extension to No. 71 as annexe accommodation to the main dwelling would be unlikely to have a tangible effect on the overall appearance of the site or the street scene, the proposed subdivision of the property would result in 2 separate residential units, to be occupied independently. The resulting new 2 storey dwelling, house 2, would be significantly smaller in scale than others nearby, and the plot widths of both the existing dwelling and the new dwelling would be considerably narrower than others in this part of Terryfield Road. In addition, the proposed shared frontage, and the combined effects of domestic accoutrements to serve 2 properties, would be readily discernible to others in the locality, where it would be inconsistent with those nearby. Consequently, the proposed subdivision of No. 71 to form 2 separate dwellings would be incongruous within the existing layout of the surrounding development, to the detriment of the character and appearance of the area.
9. My attention is drawn by the appellant to other developments nearby which have narrower plots than the proposed development. However, while the properties within Tadros Court and others further along Terryfield Road may be so, they sit within a different context to the appeal site, where they have a different effect on the character and appearance of the area to the appeal scheme. These developments, along with the flatted development referred to, are not therefore directly comparable, and in any event each case must be considered on its own merits.
10. Moreover, even if No.71 has been used as two separate dwellings since 2018, as contended by the appellant, I must consider the proposal before me, for the subdivision of the property and potential effects of this.

11. In light of the foregoing considerations, the proposed development would harm the character and appearance of the area. In that regard it would conflict with the aims of Policies CP9 and DM35 of the Wycombe District Local Plan, adopted August 2019 (WDLP) in so far as they require development to be of a high quality design which contributes positively to and respects the distinctive character of the area and is appropriate in terms of scale, form and layout.

Living conditions

12. The ground floor kitchen/dining area to the rear elevation of house 1 would be served by patio doors. The 2 storey flank wall of house 2 would project some distance beyond the rear elevation of house 1, along the shared boundary between the properties, with the ground floor extending a short distance further. A previous Inspector² found that a similar proposal, by virtue of its height and scale, together with its position on the common boundary, would cause harm to the outlook of the residents at house 1, when viewed from its rear garden and rear facing windows and would unduly harm the sunlight levels received by the rear patio doors in house 1. It has not been shown that the appeal proposal, which appears to be greater in length at ground floor level, than the previous scheme, would be significantly different in terms of its effects upon the living conditions of the occupiers of house 1, so as to draw me to a different conclusion.
13. While such effects may have been deemed to be acceptable when considering the proposal as an extension to the existing dwelling, the assessment of the extension as part of the subdivision of the property requires different considerations, given the proposed occupation of house 2 as a separate dwelling.
14. The Council's second refusal reason also expresses concern regarding the living conditions of future occupiers of house 2, having regard to the internal floor area of the dwelling. While not cited in the refusal reason, the Council's submissions refer to Policy DM40 of the WDLP. Policy DM40 requires all new dwellings to meet up-to-date nationally described technical housing standards³ for minimum internal space requirements. The appellant's submissions indicate that the proposed internal floor area of house 2 would be 73.6sqm⁴. Consequently, in the absence of any compelling evidence to the contrary, house 2 would provide suitable living conditions for future occupiers in terms of the extent of accommodation provided.
15. As such, for the reasons set out, I conclude that, while the proposal would provide suitable living conditions for the occupiers of house 2 with regards to the provision of internal floorspace, it would fail to provide acceptable living conditions for future occupiers of house 1 with particular regard to sunlight and outlook to the rear patio window and garden of the property. As such, it would conflict with the aims of Policies CP9 and DM35 of the WDLP, which, among other things require new development to achieve a high quality of design which contributes positively to making places better for people and provide a level of amenity for future occupants appropriate to the proposed use and prevent significant adverse impacts on the amenities of neighbouring land and property.

² Appeal Ref: APP/K0425/W/23/3330134

³ Technical housing standards – nationally described space standard Published 27 March 2015

⁴ Dwg. no. 1513 16

Other Matters

16. The Council indicates that it cannot demonstrate an adequate supply of housing land, with the current supply being 1.96 years. This position differs from that when the previous appeal at the site was considered in 2024. In such circumstances paragraph 11 of the National Planning Policy Framework (the Framework) indicates that planning permission should be granted 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
17. The proposal would give rise to harm to the character and appearance of the area and would fail to provide suitable living conditions for the occupiers of house 1. It would therefore conflict with the development plan as a whole. However, by virtue of the scale of the development, the level of actual harm to the character and appearance of the area would nevertheless be localised and limited. Moreover, considering the orientation of the dwellings and difference in ground levels between house 1 and house 2, which would reduce the overall scale and height of the rear projection to house 2, when viewed from house 1, any effects in terms of the living conditions of the occupiers of house 1 would be similarly limited.
18. Set against this, the proposed development would support the aims of the Framework to boost the supply of homes in an area where there is a significant shortfall in the supply of housing. In addition, the site is in a location which is served by public transport and as well as economic benefits during construction, future occupiers would contribute to the local economy through increased use of local services and facilities. While any benefits in these regards would be modest by virtue of the scale of the scheme, the for a single dwelling, given the current deficit in housing land supply, the benefits attributed to additional housing supply nonetheless weigh heavily in favour of the scheme.
19. In this case, taken together, the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Accordingly, the development benefits from the presumption in favour of sustainable development as set out at paragraph 11 of the Framework. As Government policy, the Framework is a weighty material consideration and, in this case, indicates that a decision should be taken otherwise than in accordance with the development plan and permission should be granted.

Conditions

20. The application form is clear that work has commenced, as such the standard time condition for the implementation of the permission is not necessary. However, given the potential differences between the submitted plans and the development that has been carried out, and for the avoidance of doubt, I have imposed a plans condition, in the interests of certainty. A condition to prevent the insertion of further windows in the side elevations of dwelling 2 is necessary to safeguard the privacy of the occupiers of the adjoining properties.
21. Conditions are necessary to ensure that adequate facilities are available for access and parking, storage of refuse and cycle storage, in the interests of highway safety,

the character and appearance of the area, and to encourage sustainable modes of transport. To ensure the efficient use of resources, in accordance with Policy DM41 of the WDLP, a condition is necessary to restrict water usage in the development. As the property is already occupied as 2 separate residential units, the timeframe for the submission of such details is 3 months from the date of the permission.

22. I have not imposed the suggested electric vehicle charging point condition because this provision is a requirement of the Building Regulations, and it has not been shown that the condition is therefore necessary.
23. The Council's list of suggested conditions also includes a condition which would restrict permitted development rights for the proposed dwelling under Schedule 2, Part 1, Classes A to E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The Planning Practice Guidance is clear that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. I have not been presented with compelling reasons why permitted development rights should be withdrawn in this case. Accordingly, I do not consider that the condition is necessary in order to make the development acceptable in planning terms.

Conclusion

24. The proposed development would conflict with the development plan, taken as a whole, however, material considerations indicate that a decision should be made other than in accordance with it. Consequently, I conclude that the appeal should be allowed, subject to the conditions set out in the attached schedule.

E Worley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: Locatpn Plan Dwg. no. 1513 03, Site Plan dwg. no. 1513 04 and As Built – Plans, Elevations and Sections dwg. no. 1513 16.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the side elevations of dwelling 2.
- 3) Within 3 months of the date of the permission hereby granted the vehicle parking spaces shall be provided in accordance with drawing no. 1513 16. Thereafter those spaces shall be retained for the parking of vehicles only.

- 4) Within 3 months of the date of the permission hereby granted, the extension to the existing drop kerb and relocation of the lighting column No.8 hereby permitted shall be sited and laid out as shown on drawing no. 1513 16 and the access works constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013 and shall thereafter be retained as such for the lifetime of the development.
- 5) Notwithstanding the submitted details, within 3 months of the date of the permission hereby granted, details of the design and siting of cycling storage facilities, to include 2 cycling spaces for each of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full within one month following the approval and shall be permanently retained thereafter.
- 6) Notwithstanding the submitted details, within 3 months of the date of the permission hereby granted, details of the design and siting of bins/refuse storage facilities for dwelling 2 shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full within one month following the approval and shall be permanently retained thereafter.
- 7) Within 3 months of the date of the permission hereby granted, details shall be submitted to and approved in writing by the Local Planning Authority, including a timetable for the implementation of any necessary measures, to demonstrate that dwelling 2 would meet as a minimum the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010.

*******end of conditions*******