



Appeal Decision

Site visit made on 24 February 2026

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 27 April 2026

Appeal Ref: APP/X0415/W/25/3375617

Land Rear of - 21 Chapman Lane, Flackwell Heath, Buckinghamshire HP10 9AZ

- 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 Steve Britnell of Revere Developments Ltd against the decision of Buckinghamshire Council.
 - The application Ref is 25/06361/FUL.
 - The development proposed is the erection of two detached three-bedroom bungalows at the land rear of 21 Chapman Lane, Flackwell Heath.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's statement of case refers to the appeal being submitted in response to the Council's failure to determine the application. However, as the Council did determine the application by issuance of a decision notice dated 20 October 2025, and the appeal was not made until 10 November 2025, the appeal is not a failure case. I have therefore determined the appeal on the basis that it is an appeal against the Council's decision to refuse the application.
3. The arboricultural report submitted with the application, states that there are no trees subject to a Tree Preservation Order (TPO) on the property. However, the officer's delegated report refers to a silver birch tree, within the rear garden of the host dwelling, being the subject of a TPO. Having examined the arboricultural report, I am satisfied that the tree identified for retention is the tree subject to the TPO, and that appropriate protection could be secured by condition, as outlined on the tree protection plan ref: TH/A3/4672C/TPP, were I minded to allow the appeal, to protect the tree that is subject to the TPO.

Main Issues

4. The main issues are the effect of the proposal on; i) the character and appearance of the area, and ii) the living conditions of occupiers of the host dwelling and neighbouring properties, with particular regard to privacy.

Reasons

Character and Appearance

5. The appeal site is situated to the rear of an existing one and a half storey detached property at number 21 Chapman Lane (No.21), in an area of land that is currently part of its rear garden.

6. The existing property at No.21 sits at an angle to and is set back some distance from the highway. It has a gravelled forecourt, which currently provides parking for several cars to its front. The property is traditional in form, being constructed from facing brickwork walls, under steeply pitched and gabled roofs, finished in dark brown plain tiles. The upper storey is substantially within the roof space, with flat roofed and tile hung dormer windows to its front and rear elevations. A flat roofed garage and extension is situated to the north side and rear of the property, together with a glazed conservatory, which overlooks the rear garden area.
7. To the north of No.21 are traditional, two-storey hip roofed semi-detached dwellings, number 19 Chapman Lane (No.19) being the neighbouring property, whilst to the south are detached one and a half storey or dormer bungalow dwellings, like that of the host dwelling, number 23 Chapman Lane (No.23) being the neighbouring dwelling. The properties form a coherent building line of frontage development along the highway, though with minor variation in angles.
8. Properties on the eastern side of this section of Chapman Lane, like the host dwelling, have long rear gardens which slope downhill towards their rear boundary fences or hedges, which separate them from the rear gardens of the properties which front on to the adjacent road, known as 'Greenlands'. These rear gardens are mostly undeveloped green spaces, though there are several small garden sheds, together with some larger single storey garden rooms, most constructed from timber and with either flat or shallow pitched roofs.
9. The character of development in the area is therefore that of residential dwellings fronting the highway, with private, green, rear garden spaces which predominantly remain undeveloped, backing onto the rear gardens of similar development on adjacent roads.
10. The proposal would introduce two, one and a half storey, three-bedroom dormer bungalows into the rear portion of the host dwelling's garden. Their walls would be facing brickwork, whilst their gabled pitched roofs would be finished in plain tiles.
11. The design and materials employed in the proposed dwellings would, of themselves, accord with the character of the dwellings within the area, were they to be positioned fronting the highway. However, due to their siting, to the rear of existing dwellings, within and alongside predominantly undeveloped garden areas, their scale, height and materials would appear incongruous within their setting, contrary to the pattern and grain of development and the character of the area.
12. Whilst the proposed dwellings would be set back some distance from the highway, at a lower relative ground level, they would still be visible from the public realm, through the gap between the host dwelling and No.23. The need to ensure the vehicular access from the highway is always clear, coupled to removal of much of the existing landscaping, to provide vehicular access past the gable and retained portion of the rear garden of the host dwelling, would result in the proposed dwellings being readily visible in views from the highway and public footpath, down the access lane. This would further expose the tandem, backland form of development, harming the character and appearance of the area.
13. For the above reasons, I find that the proposal would harm the character and appearance of the area. It would, therefore, conflict with Policies CP9 and DM35 of the Wycombe District Local Plan (2019) (the LP), which require, among other things, development to achieve a high quality of design which makes the best use of

land whilst respecting the distinctive character of the area, and which improves the character of the area and the way it functions.

Living Conditions

14. The proposed dwellings would have windows within their gables to provide light and ventilation to the two-bedrooms located at the upper level. These gable windows would face west towards the host dwelling, and east towards the rear gardens of properties on Greenlands. Whilst there would also be dormer windows on the northern roof slope of the proposed dwellings, these would serve the staircase area and so would be non-habitable. They are also noted as being obscure glazed, and so would ensure privacy to the adjacent No.19 from the Plot 1 dwelling.
15. Whilst the horizontal distance between the windows in the upper floor, west facing gables of the proposed dwellings and the new boundary fence of the host dwelling, would comply with the minimum garden length recommended in the Wycombe District Council - Residential Design Guide - Supplementary Planning Document (SPD), the SPD recognises that where one property is either a storey higher than, or is set at a raised ground level relative to the other, that this separation distance should be increased.
16. Owing to the proposed dwellings being situated at a ground level around 1.25 metres lower than the host dwelling, I find this is sufficient to alter the relationship between them. The distances between the rear elevation of the host dwelling and the front elevation of the proposed dwellings, at between 32 and 33 metres, is below the minimum recommended separation distance in the SPD of 35 metres. Further, the rising ground level from the proposed dwellings up to the host dwelling, would shorten the effective distance to the host dwelling's rear garden, when viewed from the upper floor windows of the proposed dwellings, exposing its garden to view, with consequent effects on privacy.
17. Similarly, the separation distances of views into the rear gardens of the adjacent properties at No.19 and No.23, taken at 45 degrees from the centre line of the proposed dwellings' upper floor west facing gable windows, would also be effectively shortened by this rising ground level, resulting in overlooking and privacy issues. Further, whilst there may currently be hedges which separate the appeal site from the neighbouring properties at No.19 and No.23, together with existing garden buildings in the rear garden of No.19, which may provide some limited element of privacy at close quarters, it is not certain that either of these could be relied upon to provide any long-term privacy protection, as either could be subject to reduction in height or removal, with consequent further effects of overlooking and impacts on privacy.
18. For the above reasons, I find that the proposal would harm the living conditions of occupiers of the host dwelling and neighbouring properties, with particular regard to privacy. It would, therefore, conflict with Policy DM35 of the LP, which requires development, among other things, to achieve a high quality of design and to provide a level of privacy and amenity for future occupants whilst preventing significant adverse impacts on the amenities of neighbouring land and property.

Other Matters

19. I acknowledge the comments with regard to the Council's handling of the proposal, particularly the time taken to issue a decision. However, I can confirm that I have determined the appeal on its planning merits.

Habitat Sites

20. The appeal site is located within the 5.6km zone of influence of the Burnham Beeches Special Area of Conservation (SAC). This is a designated Habitat Site, recognised for its National and International importance for nature conservation. It hosts protected priority habitats for Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer on acid soils. It is one of the richest habitats for dead-wood invertebrates in the UK and it also retains important epiphytic communities, including the moss *Zygodon forsteri*. The site also supports an extensive area of acid mire, supporting locally uncommon plants bog pimpernel, marsh St. John's wort and royal fern.
21. This protected Habitat Site is under significant pressure from an increasing number of people living nearby. As the population grows, urbanisation and increased visitor number effects from human pressures and damage caused by domestic pets have the potential to cause ongoing adverse effects on the protected habitats and species.
22. Had I been minded to allow the appeal, it would have been necessary for me to consult Natural England (NE), and to carry out an appropriate assessment to establish whether the proposal, on its own or in combination with other projects, would likely have significant environmental effects on the integrity of the Habitat site, and if any mitigation had been provided and appropriately secured.
23. However, the Council have confirmed that following recent agreement with NE, for schemes for fewer than 50 dwellings in the west area, financial contributions secured by a s106 agreement, outlined by the Council's Burnham Beeches SAC – SAMMS - Supplementary Planning Document (2020) are not required. Alternatively, satisfactory mitigation can be provided for windfall developments in the west area through the use of CIL to contribute to the delivery of the Little Marlow Lakes Country Park. However, this would be, at best, a neutral matter in the planning balance.

Planning Balance and Conclusion

24. The Council have a significant 5-year housing land supply (5YHLS) deficit at 1.98 years. Accordingly, paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged for decision making purposes. There are no assets as referenced in paragraph 11(d)(i) and footnote 7 of the Framework that would provide a strong reason for refusal. Therefore, the test set out in paragraph 11(d)(ii) applies, which states that 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, including the key policies cited.
25. I have found that the proposal would harm the character and appearance of the area and would harm the living conditions of present and future occupiers of the host dwelling, and that of surrounding properties, through the loss of privacy.

Consequently, I find it conflicts with the development plan when considered as a whole.

26. In terms of the benefits of the proposal, it would provide two small dwellings which would, given the severity of the Council's 5YHLS deficit, provide a small but important boost to the housing supply, from a windfall site. When completed, they would be energy efficient. Their construction would also provide employment and economic activity during the construction phase, and there would be some long-term economic benefits to businesses within the area from their future occupiers, as supported by policies within the Framework. However, as the proposal is for two small dwellings, these matters attract only moderate weight in favour of the development.
27. The Development Plan is more than five years old. However, the local plan was subject to a Regulation 10A Review in June 2025, which found that the most important policies within the plan for determining the application, with which the development conflicts, generally accord with those of the Framework. Therefore, the policy conflicts I have found attract full weight against the scheme in this case.
28. As set out above, collectively, the benefits attract moderate positive weight in the planning balance. On the other side of the balance, I have found that there would be notable permanent harm caused to the character and appearance of the area, and to the living conditions of present and future occupiers of the host property and those of neighbouring properties, through loss of privacy. Consequently, I consider that the adverse impacts of approval of the development at this location, would significantly and demonstrably outweigh the benefits.
29. Thus, I conclude that the appeal proposal would conflict with the development plan, when read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR