
Appeal Decision

Site visit made on 7 November 2016

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd December 2016

Appeal Ref: APP/K0425/W/16/3154352

**Mooring near Little Platt, Donkey Lane, Bourne End, Buckinghamshire
SL8 5RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs D Stevenson Bunney against the decision of Wycombe District Council.
 - The application Ref 15/05688/FUL, dated 3 March 2015, was refused by notice dated 29 February 2016.
 - The development proposed is erection of summerhouse, erection of a shed and installation of a jetty.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It was evident from my site visit that development had commenced. Boundary fencing had been erected around the parcels of land and a base for the shed had been constructed. There was also a summerhouse in place, albeit of a different siting, size and design to the one applied for and now before me as part of this appeal. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is formed by a roughly square parcel of land ('parcel A') that is part of the riverbank of the River Thames and a smaller rectangular area of land ('parcel B') that, on the evidence before me, was previously part of the residential curtilage of The Platt, a detached residential property that has been subdivided into two dwellings.
 5. The two parcels of land are separated by a footpath which runs in between the rear gardens of properties along Donkey Lane and the riverbank and there are a number of existing timber jetties that serve moorings further along the river. The footpath and rear gardens are predominantly enclosed by low railings and landscaping although to the side of The Platt the boundary treatment is a substantial timber fence on both sides of the footpath.
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6. Separating parcel A from the neighbouring mooring there is a timber fence which appears of to be of some age and the mooring serving The Platt also contains a timber summerhouse that also appears to have been in place for some time. Despite this, the combination of the open rear gardens of properties along Donkey lane, soft landscaping and lack of significant buildings or structures along the riverbank combines to provide a prevailing sense of openness and spaciousness that positively contributes to the character and appearance of the riverbank area.
7. Policy RT11 of the Wycombe District Local Plan 2004 ('LP') restricts new permanent moorings apart from to accommodate craft presently moored in the main river channel. In the sense that the proposal would appear to create a new permanent mooring and because I have no substantive evidence that the proposal is for craft currently moored in the main river channel, the proposal would conflict with Policy RT11. In my view, there is some tension however between this policy and the objectives of Policy RT13 of the LP which encourages public access to the river and permits recreational development of the riverside where it does not detract from the character and setting of the area, wildlife value or residential amenity.
8. Nevertheless, both parcels of land are small and are enclosed by fencing that is in keeping with the boundary treatment of The Platt, its associated mooring and the side boundary of Dancing Water. In my view, the very limited size of the parcels in combination with the presence of existing fencing and the use of a sympathetic boundary treatment does not result in a level of fragmentation that harms the character and appearance of this part of the riverbank.
9. However, the shed would extend above the height of the fence and it would be clearly conspicuous on the approach up and down the footpath in an area where the rear gardens are generally free from such structures. Furthermore, although the proposal before me would involve reductions to the siting and size of the summerhouse that is currently in place on parcel A, its height and size would still result in an unduly dominant and overly prominent structure. In combination with the shed there would be a clustering of built form and cumulative encroachment of conspicuous structures along this part of the riverbank. This would be at odds with the prevailing character and appearance of the area and would diminish the contribution that both parcels of land make to the openness and spaciousness of this part of the riverbank.
10. Given the open nature of the back gardens of properties on Donkey Lane and the lack of other similar development to the rear, there would be some limited harm on visual amenity, in the sense that the proposal would harm the open and spacious character and appearance of the area and that these impacts would be experienced by the occupiers of those properties.
11. For these reasons, the proposed shed and summerhouse would cause harm to the character and appearance of the area and would conflict with Policies RT11, RT13, G3 and G8 of the LP and Policies CS17 and CS19 of the Wycombe Development Framework Core Strategy 2008 ('CS'). Amongst other things, these permit development of the riverbank where it does not detract from the character of the setting, respects residential amenity and is of a high standard of design which is sympathetic to the design and appearance of their surroundings.

12. The jetty would be constructed from timber and would sit much lower than the height of the existing fencing. Although it would be a large rectangular shape it would extend a similar depth to jetties that exist further along this stretch of the embankment and would reflect their appearance. Overall, it would be of a modest scale and appropriate appearance that would not harm the character and appearance of the area and would not therefore conflict with the policies of the LP or CS, in this regard.

Other Matters

13. I accept that other structures may well exist along the riverbank, including a summerhouse on a neighbouring plot. However, the presence of the existing summerhouse does not outweigh or justify the harm that I have identified in this particular case. I am also mindful that the Council contend that some of the structures referred to are unauthorised and because I have not been provided with the full details I cannot therefore be certain that the circumstances are directly comparable to the appeal proposal before me. In any event each proposal must be determined on its own merits and such matters do not alter my view in relation to the main issue.

Conclusion

14. For the above reasons, although some aspects of the proposal would comply with the development plan, the shed and summerhouse would cause harm to the character and appearance of the area. In my view, that is the prevailing consideration and the proposal would conflict with the development plan, when read as a whole. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.