
Appeal Decision

Site visit made on 14 November 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 04 January 2016

Appeal Ref: APP/K0425/W/16/3154556

Land adjacent to Beechwood House, Bridgebank Close, Loudwater, High Wycombe, Buckinghamshire HP11 1JG

- 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 G Warrington & Ms O Bunkong against the decision of Wycombe District Council.
 - The application Ref 15/08294/FUL, dated 26 November 2015, was refused by notice dated 12 February 2016.
 - The development proposed is the erection of a detached chalet bungalow served by existing access off Bridge Bank Close, with the creation of additional parking bay to Beechwood House.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. An amended site layout plan was submitted with the appeal which removed the visitor parking spaces from the front of the property. Having regard to the 'Wheatcroft' principles, I consider that there would be no prejudice to any party by accepting this plan at the appeal stage.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and whether the development would prejudice the creation of a walking and cycling corridor along the former Bourne End to High Wycombe railway line.

Reasons

Character and appearance

4. The appeal site is located at the top of the embankment of the former railway line and is set significantly higher than the adjoining properties on Kingsmead Road. To the south of the site the land continues to rise and is an open field used for the grazing of horses with a hedgerow along the boundary. There is also a public footpath beyond this field. The area is semi-rural in character being at the edge of the linear built development along Kingsmead Road.
 5. The main part of the appeal site is higher than Beechwood House and the proposed dwelling would also be significantly higher both in terms of its finished floor level and its overall ridge height. Given the overall height of the
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- proposed dwelling, and with the differing land levels, it would be visible from Bridgebank Close, including where the existing public footpath ends on its eastern side, and also from Kingsmead Road beyond the existing properties. There would also be some, albeit more distant, views of the dwelling from the public footpath to the south-west.
6. As I observed at my site visit, the top of the former railway formation does not contain any trees and it appeared that the site had been cleared of vegetation. However, there were a number of trees on the embankment itself, which from the evidence before me are the subject of a Tree Preservation Order (TPO).
 7. Given the height of the proposed dwelling, it would stand out as an overly prominent feature in the skyline being higher than any other property in its vicinity. This impact is exacerbated by the open nature of the site with little screening, particularly from the south.
 8. Furthermore, the plans indicate that 4 trees on the embankment are also proposed to be removed. The removal of these trees would increase the impact of the development on the surrounding area, particularly from Kingsmead Road.
 9. Given that the site does not currently have much green coverage, the development would provide some opportunity to improve the local biodiversity of the site, through additional tree planting in the garden area. Such provision could be controlled through a suitably worded planning condition should the appeal be allowed. Therefore the development would accord with environmental and biodiversity aims of Policy DM11 of the adopted Delivery and Site Allocations Plan for Town Centres and Managing Development 2013 (ADSAP) and Policy CS17 of the Wycombe Development Framework Core Strategy 2008 (CS). Notwithstanding this biodiversity benefit, I do not consider that such planting would provide sufficient screening to mitigate the visual impact of the new dwelling.
 10. In addition to the above, the site is located adjacent to the Green Belt and a Local Landscape Area (LLA). The Council in their decision notice have referred to Policies GB2 and L2 of the Wycombe District Local Plan to 2011 (LP). However, neither of these policies are relevant to the consideration of this appeal as they concern development located within the Green Belt or the LLA.
 11. For the above reasons, I conclude that the dwelling would lead to unacceptable harm to the character and appearance of the area. The development would therefore be in conflict with the National Planning Policy Framework (the Framework), and Policy G3 of the LP and Policy CS19 of the CS which amongst other matters seek to protect the character and appearance of the area.

Walking and cycling corridor

12. Policy DM4 of the ADSAP seeks to protect the alignment of the former High Wycombe to Bourne End railway line for a walking and cycling corridor. The route has been safeguarded since 1976. It further indicates that planning permission will be refused for new development which would prejudice a 5 metre wide walking and cycling corridor.
13. The proposed access is along the existing driveway for Beechwood House, which is on the alignment of the former railway line and alongside Hill View. The width of the access driveway at this point is significantly less than 5 metres

as there is a wall between the access driveway and the buildings of Beechwood House and Hill View. The proposed dwelling would utilise the same access in front of Beechwood House, with a gap of around 6 metres between the proposed dwelling and the southern boundary of the site.

14. Whilst Policy DM4 seeks to prevent development which would prejudice a new walk/cycle route, it is clear that in order to achieve this along the driveway there would be a requirement to either a divert the route onto the adjoining undeveloped land, or there would be the need to demolish the existing walls and use the land within both Hill View and Beechwood House. The supporting text for the policy also recognises that the route would need to be diverted on some sections, which would include the existing driveway and possibly the main part of the appeal site as they are in private ownership. I also note that the appellant has stated that they have no intention to sell the land.
15. The appeal development would not physically block the future walk/cycle route but could extend the length of any such diversion. However, the removal of the parking spaces to the frontage would also allow an unobstructed route through the site should the walk/cycle route follow the line of the driveway through the site.
16. Taking all of these factors into account, whilst the development would not strictly accord with the provisions of Policy DM4, it would comply with the thrust of the aims of the policy. Consequently, I find that the development would not prejudice the future walk/cycle route. The proposal would not therefore conflict with the similar aims of Policy DM11 of the ADSAP, and Policies CS1, CS16, CS17 and CS20 of the CS which amongst other things seek to ensure that future transport infrastructure is safeguarded.

Other matters

17. I have also had regard to the living conditions of the future occupiers of the dwelling and the occupiers of adjoining properties.
18. In respect of the future occupiers of the development, should the walk/cycle way follow the line of the access driveway it would pass in proximity of the frontage to the dwelling and reduce the amount of garden space. Whilst this would be likely to reduce the quality of the living conditions of the future occupants of the dwelling, providing a suitable screen was provided to the garden area it would not result in an unacceptable development.
19. In relation to the amenity of the occupiers of the properties along Kingsmead Road, the proposed dwelling would be in the region of 30 metres away from the rear of the closest residential properties which is in accordance with the guidance outlined in Appendix 1 of the LP. This would ensure that there is not a unacceptable degree of overlooking or loss of privacy.
20. Whilst I acknowledge the elevated nature of the new dwelling would give rise to some loss of sunlight this would not be so significant to warrant the dismissal of this appeal.
21. Consequently, I consider that the development accords with Policy CS19 of the CS and Policies G3 and G8 of the LP in respect of the living conditions of the future occupiers of the dwelling and the existing occupiers of nearby dwellings.

22. I have also considered the development in relation to Policy G26 of the LP which relates to designing for safer communities. Whilst the dwelling would be in proximity to the future walk/cycle route, subject to a suitable boundary treatment this would accord with the overarching aims of Policy G26.
23. The Council have raised concerns, in their officer's report, in respect of Policies T2 and T5 of the LP which relate to access, parking provision and provision for cyclists. Whilst I note the comments in relation to the size of the garage, together with the parking space adjacent to the garage on the amended plan, I am satisfied that adequate parking provision is made for the development.
24. In relation to the provision for cyclists, the Council's concern appears to be linked to the proposed walk/cycle route and vehicles obstructing the route. However, the amended plan makes sufficient provision to avoid any such conflict should the route follow the line of the access driveway. Consequently, I consider that the development accords with the aims of Policies T2 and T5 of the LP.

Planning balance

25. The Council have confirmed that they do not have a five year housing land supply with the Council indicating a supply of 3.8 years. It follows that, in accordance with paragraph 49 of the Framework, the housing supply policies in the LP and CS are out of date. In dealing with this appeal, I have found conflict with the Framework and Policy G3 of the LP and Policy CS19 of the CS. However, these development plan policies do not seek to restrict new housing and are therefore considered to be up-to-date.
26. Notwithstanding that, housing applications should be considered in the context of the presumption in favour of sustainable development. Whilst the under-supply of housing is acknowledged, the provision of one dwelling is unlikely to have any significant effect in reducing the deficit.
27. I have found that the proposed development would harm the character and appearance of the area. This factor weighs heavily against allowing the proposed development. In considering the economic and social aspects of sustainable development I acknowledge that the proposal would bring some minor benefits to the area. These matters are in favour of the proposed development. The living conditions and highway matters are neutral factors in the overall balance.
28. To my mind, the factor identified as weighing against the proposed development significantly and demonstrably outweighs the minor factors in its favour. The proposed development cannot therefore be considered to be sustainable development. As such it would not accord with the sustainability aims of the Framework.

Conclusion

29. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR