
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 2017

Appeal Ref: APP/K0425/W/16/3155909

43 Swains Lane, Flackwell Heath, Buckinghamshire HP10 9BU

- 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 County Homes Chiltern Ltd against the decision of Wycombe District Council.
 - The application Ref 16/05891/FUL, dated 1 April 2016, was refused by notice dated 3 June 2016.
 - The development proposed is the demolition of existing attached workshop and erection of two detached bungalows to the rear of no.43 Swains Lane Flackwell Heath.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of future occupiers of plot 2 with particular regard to the quality of the private amenity area.

Reasons

Character and appearance

3. The appeal site is located on the north side of Swains Lane, close to its junction with Fennels Way. The area has a mixture of property heights, designs and styles with the majority of the area consisting of frontage development with gardens to the rear. However, there are some exceptions to this near to the site on the opposite side of Swains Lane and at Halls Corner. The appeal site currently consists of a detached bungalow with a single storey workshop to the side. To the east of the site is an area of dense woodland which from the evidence before me is protected by a Tree Preservation Order (TPO). There are also three trees at the rear of the site which are protected by a TPO.
 4. Whilst the properties on the north side of Swains Lane generally have a street frontage with long rear gardens the notable exception to this is No 41 which has 2 Fennels Way to its rear. However, No 2 is not accessed directly to Swains Lane, and has a frontage onto Fennels Way. Notwithstanding that, the relationship between these two properties already exhibits a cramped appearance when compared to the other built development in the area.
-

5. The proposal would involve the demolition of the workshop to allow for the construction of an access to serve two new bungalows at the rear, both of which have accommodation in the roofspace.
6. Whilst the kitchen area of plot one would front onto the parking areas and the access drive, its main entrance would be located further away. Furthermore, the whole property would be sited behind the existing dwelling in a backland style which is not the overriding characteristic of the area.
7. Plot two would be sited some distance from Swains Lane. However, there would be a direct line of sight along the access drive. Therefore, I consider that the general location of this building would be acceptable as it would have a direct street frontage, albeit set back from No 43 and Swains Lane.
8. As a result of the backland nature of plot 1, the development as a whole would form an incongruous feature in the area. It would also add to the cramped feeling of the No 2 and No 41.
9. In coming to that conclusion, I acknowledge that the proposed garden areas within the appeal development are of a size which would accommodate the needs of the occupants of both the existing and future residents, and that there is a variety of plot sizes in the area. However, the overall layout of the site fails to achieve a high standard of design which would not reinforce local distinctiveness.
10. My attention has also been drawn to Halls Corner which is a development of 6 detached dwellings accessed down a narrow driveway, and the tandem developments on the opposite side of Swains Lane. However, I am not aware of the full planning circumstances of these cases, or the planning policies in force when these developments were granted planning permission. Notwithstanding that, from the limited information before me, these dwellings appear to be located within much larger plots. Moreover, each case must be decided upon its own merits.
11. For the above reasons, I conclude that the development would give rise to significant harm to the character and appearance of the area contrary to Policies G3, G8 and Appendix 1 of the Wycombe District Local Plan 2004 (LP) and Policy CS19 of the Wycombe Development Framework Core Strategy 2008 (CS) which amongst other things seeks to protect the character and appearance of the area.

Living conditions

12. From the figures provided by the appellant, plot 2 has around 196 square metres of amenity space. This space would be situated to the rear and side of the dwelling.
13. The area to the rear of the dwelling would suffer from limited sunlight and daylight owing to the location of the built form and the three trees which are the subject of a TPO. However, to the side/rear of the proposed dwelling is a significant garden area which would allow a reasonable degree of sunlight and daylight to it despite the mature trees to the east in the woodland.
14. To my mind, whilst some areas of the garden would suffer from a lack of sunlight and daylight, this area to the side would provide a suitable amenity space for the future occupiers of the dwelling. I also note that the living room

and kitchen accommodation for plot 2 is also on the east side of the building which would indicate that the area to the side would be the primary garden area for the future occupants of the dwelling.

15. I acknowledge that there may be some pressure to undertake works to these trees. However I do not consider that this would be significantly different from the current position. In any case these trees are protected by TPOs and works would more than likely require permission from the Council. Whilst the presence of the trees may lead to increased maintenance regimes for the building and the garden area, this is not a reason to withhold planning permission.
16. For the above reasons I conclude that the development would provide suitable living conditions for the future occupants of plot 2. Consequently the proposal would accord with Policies G3, G8, G10, G11 and H19 of the LP and Policy CS19 of the CS which amongst other things seek to ensure that future occupants have suitable private amenity areas and that natural site features such as trees are retained.

Other matters

17. I have also had regard to the representations made in relation to highway safety matters, neighbour amenity, and the adjoining land.
18. In respect of highway safety, I note that no objections were raised by the Highway Authority or the Council. Given the small scale nature of the development and the improved access driveway, I have no reason to disagree.
19. The main neighbour amenity concern relates to plot one and its proximity and potential impact on privacy to the occupiers of the adjoining residential properties. In this respect I note that there are no habitable room windows on the side elevation facing 2 Fennels Way and that there is distance of around 8 metres to the proposed dwelling. Given the juxtaposition of the existing and proposed buildings, I consider that there would not be any significant loss of outlook.
20. I also acknowledge the status of the adjoining land as Green Belt and as an area of landscape importance. However, the development would not have any significant impact on the adjoining land or the purpose of its designations.

Planning balance

21. The Council have confirmed that they do not have a five year housing land supply. From the evidence before me, it is unclear what the current shortfall is, although it has been indicated to me that the Council have a supply of 3.8 years.
22. It follows that, in accordance with paragraph 49 of the National Planning Policy Framework (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 Policies G3 and G8 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.
23. 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 two dwellings is unlikely to have any significant effect in reducing the deficit.

24. I have found that the proposed development would give rise to significant harm to the character of the area. This factor weighs heavily against allowing the proposed development.
25. In considering the economic and social aspects of sustainable development I acknowledge that the proposal would bring some minor benefits to the area, including the continued viability of the town. It is common ground that the site is in a sustainable location. These matters are in favour of the proposed development. The lack of harm to the trees is a neutral matter.
26. To my mind, the factors identified as weighing against the proposed development significantly and demonstrably outweigh 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

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

Chris Forrett

INSPECTOR