

Appeal Decision

Site visit made on 21 February 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/J0405/W/16/3162366

Land opposite 77a Aylesbury Road, Wendover, Buckinghamshire HP22 6JJ

- 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 M Goodson against the decision of Aylesbury Vale District Council.
 - The application Ref 15/03072/APP, dated 22 July 2015, was refused by notice dated 19 July 2016.
 - The development proposed is erection of a detached two-storey dwelling with garage facilities, parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties with respect to outlook, privacy, noise and disturbance;
 - The effect of the proposal on highway safety.

Reasons

Character and appearance

3. The proposal comprises the provision of a detached dwelling on a parcel of land behind Nos 63 to 73 Aylesbury Road and to the rear of three houses in Mill Mead. The appeal site includes a vehicular access from Aylesbury Road which also currently serves Nos 75, 77, 77a and 79 Aylesbury Road. A footpath which connects Mill Mead with Aylesbury Road crosses through the appeal site and separates the vehicular access from the part of the site which would be built upon.
 4. The site's context is dominated by the Grade II listed building at No 79 which is a former windmill and stands prominently above all other nearby development. Additionally the backland nature of the mill and the other dwellings at Nos 75, 77 and 77a, set behind buildings fronting Aylesbury Road and Chiltern Road, is a strong characteristic of the immediate vicinity and which creates the impression of an enclave of houses separate from the frontage development on
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these roads. Other than the converted mill, these backland houses are small and on modest plots.

5. The proposal would be a large, generally square, two-storey house with a greater footprint than all of the other surrounding dwellings. The plot would measure larger than many others locally. However, due to the irregular shape of the plot and the minimal gaps that the dwelling would maintain to its west boundary and to the east boundary with Nos 69 and 67 Aylesbury Road, the dwelling would appear cramped. Similarly the garage would fill the part of the plot on which it would sit, which would add to the constricted nature of the whole proposal. In addition to appearing cramped, the dwelling would also appear overdominant and oppressive when viewed from the footpath due to its position at the very front of the site.
6. I recognise that the gaps between the house and the side boundaries would not be incompatible with others nearby. But because of the large scale of the building, these gaps would not prevent the dwelling from appearing constricted.
7. As such although I do not consider its backland position would contrast with the pattern of development in the immediate area, the development would dominate its plot, appearing cramped and contrived as a result of its large scale, bulk, proximity to the footpath and the irregular shape of the plot. Consequently for these reasons, it would contrast with the character and appearance of the area and therefore would not accord with Policy GP35 of the Aylesbury Vale District Local Plan (the 'Local Plan') which requires new development to respect and compliment the characteristics of its surroundings.

Living conditions - outlook and privacy

8. The rear of the dwelling at No 33 Mill Mead would directly face the side elevation of the proposed dwelling and it would appear prominently when viewed from this property. Indeed the distance between the development and the windows on the rear elevation of No 33 would be below the minimum distance advised in the Council's Design Guide. Due to its scale, height and position directly behind No 33, the proposal would harm the outlook from this property.
9. The effect on No 35 would be less harmful as the development would not be directly behind the whole of this adjacent house and there are some trees which, though may need to be pruned to facilitate the development, would provide a degree of screening.
10. There are windows at first, second and third floor in the mill and these would directly face the front elevation of the proposal. I consider that the close proximity of the mill to the dwelling, and the number of windows on the mill that face the site, would mean that there would be potential for overlooking into the mill such that a lack of privacy for its occupiers would result. Though the mill is encompassed by other development I do not consider it is currently overlooked to the same degree as would result from the proposal. Moreover views of the mill from the footpath are largely of its outdoor space not the rooms within. Therefore the proposal would materially increase the potential for overlooking into the mill.

11. In summary, the development would compromise the outlook from No 33 Mill Mead and would result in a loss of privacy for occupiers of the mill. Therefore the living conditions of the occupiers of these properties would be unacceptably harmed. Accordingly the development would conflict with Policy GP8 of the Local Plan which aims to ensure the amenity of neighbouring residents is not unreasonably harmed.

Living conditions – noise and disturbance

12. The development would increase the amount of vehicular traffic using the existing access. This would result in an increase in the noise and disturbance experienced by the occupiers of the other properties facing this driveway, and in this respect I concur with the views of the Inspector into the previous appeal for this site¹.
13. I also note the concerns of the occupiers of No 69 Aylesbury Road that the proposed garage and vehicle manoeuvring area would introduce the potential for noise in close proximity of their house and garden which may cause them disturbance. I agree with these concerns and consider it would adversely affect the living conditions of the occupiers of this property. As such, the proposal would fail to accord with Policy GP8 of the Local Plan.

Highway safety

14. As noted above the proposed access already serves a number of properties. In that context I do not consider the number of additional traffic movements would be likely to result in a material increase in incidences where vehicles may have to reverse onto Aylesbury Road. Furthermore I do not consider the servicing of the proposed dwelling by large vehicles would be any different to the scenario which must already occur when the other properties facing the access are serviced.
15. However, from the evidence provided to me it appears that the footpath is heavily used, particularly by commuters and children, and indeed during my short site visit I saw several pedestrians using it. I accept the speed of vehicles going to and from the site would be very low and sufficient visibility for vehicles exiting the proposed parking area could be secured by condition. Nonetheless, although no accidents have been reported here, I consider the existing pedestrian environment is sensitive because vehicles and users of the footpath are effectively sharing the same space. As such the increase in vehicular traffic using the access, albeit small, is likely to result in the safety of pedestrians or cyclists using the footpath being compromised and therefore the risk to the safety of all highway users would be increased.
16. Paragraph 35 of the National Planning Policy Framework (the 'Framework') advises that development should minimise conflicts between pedestrians, cyclists and traffic and should give priority to pedestrian and cycle movements. For the reasons given, I do not consider the development would accord with this. Furthermore although paragraph 32 of the Framework advises development should only be prevented where the impacts of development are severe, this paragraph applies only to developments that generate a significant amount of traffic, which is clearly not the case in this appeal.

¹ T/APP/J0405/A/88/99775/P4

17. The proposal would also fail to comply with the general aims of the Buckinghamshire Local Transport Plan which includes making sure new developments provide safe and suitable access.

Other Matters

18. The setting of the Grade II listed mill is largely derived from the close knit pattern of its surrounding development, with the undeveloped parcel of land on which the proposed dwelling would be located adding little. The close proximity of the proposed house to the mill would reflect the existing pattern of development. As such the setting of this listed building would be preserved. Nonetheless my conclusion on this matter does not outweigh the harm I have found in respect of the other issues as set out above.
19. I note the comments by the Highways Authority regarding the right of access over the footpath, however that is a private matter between the landowners and is not a matter for my consideration.

Conclusion

20. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR