The Planning Inspectorate

Appeal Decision

Site visit made on 6 December 2016

by B Bowker Mplan MRTPI

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

Decision date: 9 March 2017

Appeal Ref: APP/N0410/W/16/3157969
Land off Denham Way (formerly Verney House), Denham Way, Denham, Buckinghamshire UB9 5AX

- 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 Geo Construction Ltd against the decision of South Bucks District Council.
- The application Ref 15/02181/FUL, dated 12 November 2015, was refused by notice dated 10 March 2016.
- The development proposed is the redevelopment of site for four dwellings (1 detached dwellinghouse, 2 apartments with attached dwellinghouse) including landscaping and associated works.

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of site for four dwellings (1 detached dwellinghouse, 2 apartments with attached dwellinghouse) including landscaping and associated works, at Land off Denham Way (formerly Verney House), Denham Way, Denham, Buckinghamshire UB9 5AX, in accordance with the terms of the application Ref 15/02181/FUL, dated 12 November 2015, subject to the conditions in the attached schedule.

Preliminary matters

2. The description of development above is taken from the decision notice which more accurately reflects the proposed development.

3. The site is located within the Green Belt settlement of Denham. The appellant considers that the proposal comprises limited infilling which in the context National Planning Policy Framework (the Framework) paragraph 89 does not constitute inappropriate development. The Council raise no concern in this respect and consider that the development represents 'limited infilling in villages'. I also note that the reason for refusal relates solely to character and appearance.

4. Based on all I have seen and read, I have no reason to disagree with the parties' acceptance that the proposal would not constitute inappropriate development. Accordingly, my determination of the appeal focusses on the main issue below.

Main Issue

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

Reasons

6. The appeal site comprises an 'L' shaped overgrown area located at the end of the cul-de-sac Denham Way. Denham Way is a residential area comprising mainly hipped roof two storey semi-detached dwellings. Properties here are set back from the road frontage giving the area a relatively spacious character.

7. The front elevation of the proposed apartments and attached dwelling would continue the staggered pattern of properties to the north whilst the detached dwelling would be closely in line with the frontage of Stratford Lodge. In addition, whilst the detached dwelling would be within 1 metre of Stratford Lodge this would not be noticeable from the wider area. Taking into account the proposed layout and plot sizes, the spacious character of the surrounding area would remain.

8. The design of the buildings would be contemporary in comparison to existing dwellings along Denham Way and would include features such as balconies, a glazed link and front gables. Also, the two apartments and attached dwelling would be approximately 0.5 metre higher than Nos 48 and 46 Denham Way. However, given the site's end of cul-de-sac location and the siting of the proposed dwellings, these features would be seen mostly from within the site. In addition, the existing boundary hedgerow would screen views of the proposed bin store area. Moreover, the proposed partial hip roof design, layout and plot sizes would ensure that the proposal is in keeping with the overall spacious character of Denham Way.

9. Therefore I conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently, the proposal would meet the requirements of South Bucks District Local Plan saved Policies EP3 and H9, and Core Strategy Policy 8. Combined these policies require the scale, layout, siting and design of development to be compatible and make a positive contribution to the character of the site and surrounding area.

Other matters

10. Concerns are raised in relation to the proposal's effect on highway safety, including vehicular parking, works required to the highway, pedestrian safety and emergency vehicle access. However, based on the evidence before me, including comments from the Highway Authority, dismissing the appeal on these grounds would not be justified. Nor does the evidence provide a sufficient basis to dismiss the appeal on grounds of sewer capacity, water supply, drainage concerns or the proposed recycling and refuse facilities.

11. Concerns are raised regarding the proposal's effect on neighbouring living conditions with reference to privacy and noise and disturbance. However, I agree with the Council that the separation distances, residential character of the area and juxtaposition of proposed and existing dwellings would ensure no harmful effect to neighbouring living conditions.

12. I also note that the proposed obscured windows would not be the main window serving each respective bedroom. Consequently I am satisfied the use of obscure windows would not harm the living conditions of future occupants.

13. Concern is raised that the proposal would prevent neighbouring properties being extended. However, each application and appeal must be determined on its individual merits. Consequently dismissing the appeal on this basis would not be justified.

14. The issue of impact on property values has also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

15. Whilst I note concerns regarding the appellant's consultation process, this is not a matter for me to consider in determining the appeal. Finally, based on the evidence before me, the proposal would not have a harmful effect on wildlife, including badgers.

Conditions

16. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity and in order to comply with advice given in the Planning Practice Guidance.

17. I have imposed a condition specifying the relevant drawings as this provides certainty. Works proposed to the junction of Denham Way and Old Mill Road would be on land within the ownership of the Highway Authority. Consequently, this condition alongside conditions relating to construction methods and parking and turning areas are necessary for highway safety purposes and prior to the occupation of the dwellings.

18. Conditions requiring landscaping, roof, surface and wall materials to be approved prior to development commencing on site are necessary in the interests of the character and appearance of the surrounding area. I have not been provided with a full version of the suggested tree protection condition. Nonetheless, the landscape condition would also require approval of protection measures for any retained trees.

19. Conditions relating to windows in the north and south elevations and the porch roof are necessary to ensure privacy for neighbours.

20. A condition relating to bat boxes is necessary in the interests of biodiversity. However, as wild and nesting birds are protected by the Wildlife & Countryside Act, a condition setting out when vegetation clearance should be undertaken is unnecessary.

21. The Planning Practice Guidance sets out that a condition restricting permitted development rights should only be used in exceptional circumstances; there is nothing before me to indicate such circumstances exist.

Conclusion

22. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be allowed subject to the conditions in the attached schedule.

B Bowker

INSPECTOR

Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Ref 100 P2, Site Plan Ref 101 P3, Topographical Survey Ref SHden TOPO, Proposed House Floor Plans Ref 102 P3, Proposed House Elevations Ref 103 P3, Proposed Flats/Maisonette Floor Plans Ref 104 P2, Proposed Flats/Maisonette Elevations Ref 105 P2, Street Elevation/Section Ref 106 P3, Bicycle Store/ Bin Store Drawing Ref 108 P1.

3) No development shall take place until samples of all external facing materials to be used for the buildings hereby permitted have been submitted to and approved by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved sample details and retained as such thereafter.

4) No development shall take place until samples and/or a specification of all finishing materials to be used in any hard surfacing of the application site have been submitted to and approved by the Local Planning Authority in writing and such hardsurfacing shall be of permeable materials. The relevant works shall be carried out in accordance with the approved sample details and retained as such thereafter.

5) The dwellings hereby permitted shall not be occupied until the first floor windows at the north and south elevations have been fitted with obscured glazing. Only the top third of the obscured windows shall be capable of being opened and once installed the obscured windows shall be retained as such thereafter.

6) No further windows shall be inserted at or above first floor level in any of the elevations of the development hereby permitted.

7) The roof area above the porch of the detached dwellinghouse shall not be used as a balcony, roof garden, sitting out area or similar amenity area without the prior written consent of the Local Planning Authority.

8) The development hereby permitted shall not be occupied until the kerb build out at the junction of Denham Way and Old Mill Road, to include a pedestrian crossing with tactile paving and reflective bollards, has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details.

9) The dwellings hereby permitted shall not be occupied until the modified access has been designed and constructed in accordance with the approved detailed plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, Private/Commercial/Industrial Vehicular Access within Highway Limits" 2013 and retained as such thereafter.

10) The dwellings hereby permitted shall not be occupied until the garage and areas shown on the approved plans for the parking and turning of vehicles have been completed and surfaced. The garage, parking and turning areas shall be retained as such thereafter, kept free from obstruction and not be used for any purposes other than the parking and turning of vehicles.

11) The dwellings hereby permitted shall not be occupied until vehicular visibility of 43m from 2.4m back from the edge of the carriageway from both sides of the access onto Old Mill Road has been provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Thereafter, the approved visibility splay shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

12) No development shall take place, including any works of demolition, until measures to control deposit of mud and similar debris on the adjacent highway have been submitted to, and approved in writing by the Local Planning Authority. The approved measures shall be adhered to throughout the construction period for the development.

13) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

14) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

15) Prior to the occupation of the dwellings hereby permitted, details of biodiversity enhancements (bat boxes) shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be carried out fully in accordance with the agreed details and retained as such thereafter.