
Appeal Decision

Site visit made on 20 February 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 21st March 2017

Appeal Ref: APP/J0405/W/16/3162610

Windmill Lodge, High Street, Ivinghoe, Buckinghamshire LU7 9EP

- 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 and Mrs Charles and Susan Gallagher against the decision of Aylesbury Vale District Council.
 - The application Ref 16/02576/APP, dated 11 July 2016, was refused by notice dated 12 September 2016.
 - The development proposed is demolition of existing garage. Construction of a 2 bedroom chalet bungalow and detached single garage and additional parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are (i) the effect of the proposal on the character and appearance of the surrounding area and (ii) whether it would preserve the setting of the adjacent listed building and preserve or enhance the character or appearance of the Ivinghoe Conservation Area.

Reasons

Character and appearance of the surrounding area

3. Ivinghoe is a small, historic village situated just north of the Chiltern Hills. Windmill Lodge and the similar Newland Lodge to its west form a matching pair of mid-20th century, medium-sized houses which front onto the High Street. A tighter grain of older frontage development continues east, closer to the road.
 4. Windmill Lodge and Newland Lodge sit tight up to a private unmade access, Groomsby Drive, which runs south between them. This serves detached, pitched roofed double garages for each of these dwellings, located towards the rear parts of their respective back gardens. Groomsby Drive continues south over a stream and provides access for three large, spacious modern homes. These modern dwellings form part of a secondary length of later, lower density housing, separate from the traditional development fronting the High Street and fringing the farmland south of the village.
 5. The detached double garage to Westmill Lodge fronts onto Groomsby Drive and sits within a pleasant verdant area, alongside the stream. It is proposed to
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- replace this double garage with the larger footprint of a modestly-scaled chalet bungalow, with a detached single garage alongside to serve Windmill Lodge.
6. The chalet bungalow would have two parking spaces to the front but otherwise little space on any side other than a small garden to its south, adjacent to the stream. It would therefore be a cramped and incongruous form of backland development, out of character with the more spacious housing to the south, which would detract harmfully from a verdant area of undeveloped land provided by the mature, long back gardens to the properties fronting the High Street.
 7. There is another dwelling, on the opposite side of Groomsby Drive to the appeal site and served by a separate access from the north, but that appears to be a long-established house, in a good-sized plot, and would not lend any material support to this proposal. Neither would the presence of the existing two double garages, and other ancillary domestic buildings in this area, as a new dwelling, coupled with its associated paraphernalia, would create a significantly greater impact.
 8. Whilst the proposed chalet bungalow would be quite small, well-screened by the surrounding vegetation and involve no significant loss to this and visible only from the surrounding houses, this would not alter the harm caused to the character and appearance of the area, and neither would the offer made to accept a split decision refusing only the single garage.
 9. Whilst the design of the chalet bungalow would be intrinsically inoffensive it would, for the reasons explained, be out of character with the physical characteristics of this site and its surroundings and quite clearly contrary to the aims of saved Policy GP35 of the Aylesbury Vale District Local Plan of 2004 (AVDLP). Despite the age of the plan, this policy remains consistent with the general aims of the National Planning Policy Framework (the Framework), and notably the core principles that decision-taking should always seek to secure high quality design, that takes account of the different roles and character of different areas. As a consequence Policy GP35 can be afforded substantial weight in this decision.

The setting of the adjacent listed building and the character or appearance of the Ivinghoe Conservation Area.

10. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, in deciding this appeal, special regard and attention be taken of the desirability of preserving the setting of a listed building and of preserving or enhancing the character or appearance a conservation area.
11. The closest listed building is 25 High Street, as a pair with No 23. The proposed dwelling would abut the side of the rear part to the long back garden to No 25, which forms a part of its undeveloped setting and which would be harmed as a consequence. The appeal site is within the Ivinghoe Conservation Area, the boundary of which includes the older development along the High Street to the north and also the open areas to the rear that leads to the stream and the modern housing to the south.
12. The significance of this part of the conservation area is the compact historical form of development along the High Street and the open land to its rear which

falls gently south towards the stream where, on its other bank, there is the contrasting form of more spacious modern development. The isolated backland dwelling proposed would be alien to this built form and harm the character of the conservation area.

13. The harm found from this single dwelling to the setting of the adjacent listed building and the character and appearance of the Ivinghoe Conservation Area is considered to be less than substantial. However, considerable importance and weight must be still given to any harm found in deciding this appeal.
14. Paragraph 134 of the Framework requires that where a development leads to less than substantial harm to the significance of a designated heritage asset, in this case the setting of the adjacent listed building and the character or appearance of the conservation area, this should be weighed against the public benefits. These would mainly be the contribution made to the supply of housing and this would be quite minimal and fail to outweigh the harm found. Therefore this proposal would be contrary to the aims of the Framework and the harm caused to the character and appearance of the conservation area would mean that it would conflict with AVDLP Policy GP53.

Planning balance and conclusion

15. The Council's policies are out-of-date in respect of housing supply which requires that the presumption in favour of sustainable development set out in paragraph 14 of the Framework be applied. This would mean granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
17. The chalet bungalow would provide positive social benefits in contributing to the supply of housing, in a location within walking distance of village services which it would help to support. There would be economic benefits through the construction and servicing of the development. However, the benefits of a single dwelling would be small and significantly and demonstrably outweighed by the adverse impacts found. Consequently the proposal would not gain support from the Framework through the presumption in favour of sustainable development and, having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR