
Appeal Decision

Site visit made on 14 March 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 23rd March 2017

Appeal Ref: APP/N0410/W/16/3161921

199 The Parkway, Iver Heath, S. Bucks, SL0 0RQ

- 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 K Suman against the decision of South Bucks District Council.
 - The application Ref 16/01371/FUL, dated 2 August 2016, was refused by notice dated 27 September 2016.
 - The development proposed is detached dwelling. Car port and associated access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of Nos 199 & 200 The Parkway (Nos 199 & 200) with particular regard to noise and disturbance;
 - highway safety.

Reasons

Character and appearance

3. No 199 The Parkway (No 199) is a two storey semi-detached dwelling in a residential area characterised by mainly two storey semi-detached dwellings. The properties in the area are set in long and narrow plots with space between the buildings which are set a similar distance back from the road. This spacing and positioning provides a strong road frontage which together with garden planting and woodland nearby gives the area a relatively spacious, formal and verdant character and appearance.
4. I have considered the Lawful Development Certificates¹. I have also noted the development approved within the gardens of No 201 The Parkway and No 87 Thornbury Road. However, whilst No 199 occupies a longer and wider plot than the majority of the dwellings on The Parkway, the appeal proposal would involve the erection of a new independent dwelling and the creation of two plots which would be much smaller than others nearby.

¹ Council reference 14/02072/CLOPED & 15/01244/CLOED

5. The space between the buildings would afford glimpses of the proposed dwelling within the street scene. Even though timber clad and with a green roof the proposed dwelling would appear as a new dwelling set behind the appeal property with limited road frontage. For these reasons the proposed development would erode the spacious character of the area and would be inharmonious with the formal layout of development in the surrounding area.
6. Thus, consistent with the Inspectors findings in the March 2016 decision², overall I find that the proposed development would be harmful to the character and appearance of the area and would conflict with saved Policies H9 and EP3 of the South Bucks District Local Plan (1999) (LP), Core Policy 8 of the South Bucks Local Development Framework Core Strategy Development Plan Document (2011) (CS) and the National Planning Policy Framework (the Framework) which, taken together, aim to ensure good design and that new development contributes to the character of an area. For the same reasons the proposal would be harmful to an Area of Special Character as identified within the South Bucks Townscape Character Study.

Living conditions

7. The proposed dwelling would be positioned deep into the relatively long rear garden of No 199 with space for parking provided in front of it. An access drive would run between Nos 199 & 200 parallel to the shared boundary.
8. The proposed development would result in vehicles coming and going along the length of the driveway and manoeuvring at the end of the driveway to park or turn around. Irrespective of the proposed driveway surfacing material and the provision of acoustic fencing and hedging, vehicles travelling along the relatively long driveway and manoeuvring in front of the proposed dwelling would result in significant noise and disturbance to the occupants of Nos 199 & 200, particularly when using their private outdoor space.
9. In reaching these conclusions I acknowledge that a garage, driveway and turning area could be constructed in the same location as the proposed dwelling, driveway and turning area. However, a new independent dwelling and curtilage with its only designated space for parking in front of the dwelling would in my view result in more vehicles travelling the length of the driveway than would be the case with any ancillary development as alternative parking towards the front of No 199 would be available.
10. Thus, irrespective of the occupants of the proposed dwelling which could not be controlled, I find that the proposed development would be harmful to the living conditions of the occupants of Nos 199 & 200 with particular regard to the noise and disturbance generated by vehicle movements. The proposed development would therefore conflict with saved Policies H9, EP3 and EP9 of the LP and the Framework which, taken together, aim to ensure new development does not harm the living conditions of nearby residents.

Highway Safety

11. The proposed dwelling would have two off-street car parking spaces. Furthermore, the proposal includes hardsurfacing the front garden of No 199 to provide two-off street car parking spaces to serve No 199.

² Appeal Reference APP/N0410/W/15/3138868

12. Saved Policy TR7 of the LP requires that new development provides space for parking in accordance with its standards. The proposed dwelling would meet the required standard.
13. If No 199 was a five bedroom property, in accordance with the Councils standards it would be required to have three off-street parking spaces. However, on-street parking in the area is unrestricted and there is no substantive evidence before me to suggest that the shortfall could not be met on-street or that any increase in demand for on-street parking in the area would result in any risk to highway safety in the area.
14. That said, I find no harm to highway safety in the area as a result of insufficient parking provision. Thus, in this regard the proposal would accord with the aims of saved Policy TR7 of the LP and the Framework, which taken together seek to ensure new development is appropriately served by off-street parking to ensure it does not compromise highway safety.

Other Matters

15. I have attached little weight to the Council's concerns with regard to the proposed development setting a precedent for other similar forms of development in the area as each case should be considered on its merits.
16. The Council have also raised concerns that the appeal site is within a location which has a high water table and thus is susceptible to groundwater flooding. However, the appellants Outline Flood risk Assessment and Surface Water Disposal Strategy sets out a range of measures which would be incorporated into the proposed development to mitigate flood risk. Such measures could form the subject of appropriate planning conditions and as the appeal site is within Flood Zone 1 as identified on the Environment Agencies Flood Zone Maps I am satisfied that had I been minded to allow the appeal a technical solution could be found, such that the proposed development would not increase the risk of flooding in the area. However, as I am dismissing the appeal for other reasons I have not considered this matter any further.
17. I also acknowledge the benefits of providing an additional home in an area where there is a high demand for housing. I have also noted the proposed development is intended to provide accommodation for the appellant's elderly relatives; would incorporate sustainable construction methods and would be energy efficient. However, these matters or any others raised do not outweigh my earlier findings.

Conclusion

18. For the reasons set out above and with regard to all other matters raised, I conclude that on balance the proposed development would not accord with the development plan and therefore the appeal should be dismissed.

L Fleming

INSPECTOR