

Appeal Decision

Site visit made on 15 May 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 23rd May 2017

Appeal Ref: APP/N0410/W/17/3166859

1 Oakside, Denham, Uxbridge UB9 4DY

- 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 Brendan Joy against the decision of South Bucks District Council.
 - The application Ref 16/01243/FUL, dated 1 July 2017, was refused by notice dated 26 August 2016.
 - The development proposed is for the demolition of existing bungalow, to be replaced with semi-detached chalet bungalows, 1x 2 bed and 1x 1 bed with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and erection of two semi-detached dwellinghouses with associated parking at 1 Oakside, Denham, Uxbridge UB9 4DY in accordance with the terms of the application, Ref 16/01243/FUL, dated 1 July 2017 subject to the following 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: 2122-PL-303; 2122/PL/301; 2122/CLD/301, and 2122/PL/302.
 - 3) No development shall take place until samples of all external facing materials 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages or outbuildings shall be constructed or erected on the site other than those expressly authorised by this permission.
 - 5) No windows shall be inserted at or above first floor level in the northern flank elevation of the dwellinghouses hereby permitted.
 - 6) No works or development shall take place until details of the proposed finished floor levels of the dwellinghouses and of finished ground levels in relation to the surrounding properties have been submitted to and approved in writing by the local planning authority. Thereafter the
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development shall be implemented and retained in accordance with these approved details.

- 7) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. 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.
- 8) The scheme for parking indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises a small bungalow and attached garage located generally within a residential area although alongside a commercial unit. There is a further commercial property on the opposite side of the road fronting Oxford Road, which is a min distributor road linking the A40/M40 and Uxbridge. The residential area off Oxford Road contains a wide variety of dwellings and appears to fall within those suburban streets that are described by the Council in its South Bucks District Council Townscape Character Study (Part 2, Revision A, July 2015) as having very little consistency in built form, landscape character and boundary treatments.
4. The proposal would see the demolition of the present bungalow and its replacement by a pair of semi-detached dwellings that would take on the appearance of a single dwelling when viewed from the road. The outcome would be the creation of one 2-bed dwelling with use of the loft space and one single storey 1-bed property. Three off-street parking spaces would be located in the form of a frontage parking area.
5. The Council's principal concern is that the proposal will result in the overdevelopment of the site, which would create an undesirable precedent for other similar development within Oakside. The Council considers that the existing streetscene is characterised by single storey dwellings situated within relatively restricted plots. In the view of the Council, the proposal would result in a quite different development form in terms of height, scale, bulk and massing that would be out of kilter with the prevailing character, whilst the proposed crown roof would be similarly incongruous.
6. As described in the officer report, the proposed dwellings would be sited further back from the road when compared to the neighbouring bungalow at No.3 with the footprint occupying 50% of the curtilage. From the roadside the roof of the proposed development would be stepped in order to improve the relationship between No's. 3 and 5 on the one side and the commercial unit on the south-western side. I find that the stepping up of the ridgeline would be an

appropriate urban design response in this location, whilst the crown roof would not be unduly prominent or apparent from most vantage points.

7. The rear gardens would provide a depth of some 5.6m and an overall area of approximately 37 sqm and 36 sqm, respectively. Whilst not particularly large, and smaller than the majority of gardens in the wider area, I note that most dwellings on this side of the street are of similar depth. Whilst the front of the dwelling would be used for parking, I do not consider that the development overall would amount to overdevelopment. Subject to appropriate soft landscaping, the parking area could be satisfactorily assimilated into the streetscene without detriment to the character and appearance of the local area.
8. The appellant provides drawings depicting a fall-back position that would enable a much larger footprint of built development to be constructed at the appeal site under permitted development. This is a material planning consideration in so far as the land-take is concerned but not necessarily in terms of the height and consequent massing. Nevertheless, I have attached moderate weight to this possibility and the comparative form of development that could take place.
9. I am cognizant of the Council's acceptance in its Core Strategy at Core Policy 8 that higher density development could be accepted in areas of the District that are accessible. I would accept that this is one such area that falls for consideration under this policy. Therefore for the above reasons and, having regard to the existing relatively densely developed area found here, I do not consider that the scheme as proposed would be out of character with the surrounding area.
10. I therefore conclude that the proposal would not have a significantly adverse effect on the character and appearance of the surrounding area and would consequently comply with policies H9, EP3 and EP4 of the South Bucks District Local Plan (March 1999) and Policy 8 of the Council's Core Strategy. These policies in combination seek to ensure that development will only be permitted where its scale, layout, siting, height, design and use are compatible with the character of the site itself, adjoining development and the locality more generally.

Conditions

11. The Council has suggested a number of conditions that it considers should be imposed in the event of this appeal being allowed. I have considered these against the advice contained in the Planning Practice Guidance. I have attached the standard condition regarding commencement and also one that specifies approved drawings to provide certainty.
12. I have combined the suggested conditions covering external materials to a single condition requiring prior approval and subsequent implementation of approved materials in the interests of protecting the character and appearance of the area. Similarly a combined condition covering the requirement to submit a planting scheme together with its implementation is necessary to protect the character and appearance of the area.
13. Given the evidence in terms of flood risk, there is a requirement to approve final levels on the site in the interests of protecting living conditions.

Conditions are necessary to withdraw permitted development rights for certain development categories and to prevent the introduction of windows in the northern flank, both conditions deemed necessary in the interests of protecting the living conditions of existing occupiers. A condition is necessary in the interests of highway safety and convenience for the provision of parking facilities prior to occupation.

Conclusion

14. For the above reason and having considered all other matters raised, I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR