

Appeal Decision

Site visit made on 18 May 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 16 June 2017

Appeal Ref: APP/J0405/W/17/3170426

Meadowbank, New Inn Lane, Gawcott, Buckingham MK18 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Elmtree Enterprises Ltd against Aylesbury Vale District Council.
 - The application Ref 16/03805/APP, is dated 17 October 2016.
 - The development proposed is demolition of existing bungalow and erection of 2No. one and a half storey height dwellings together with vehicular access, parking and turning and general amenity.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. From the evidence before me, I consider the main issues are the effect of the proposal on the character and appearance of the area including the setting of the Gawcott Conservation Area (GCA), and the effect on the living conditions of the occupiers of the neighbouring property with respect to their outlook.

Reasons

Character and appearance

3. The site is located on a bend in New Inn Lane, where it meets Cow Lane, and is directly opposite the GCA. Due to topography, the site sits above New Inn Lane and the GCA and consequently the existing bungalow appears prominently when seen from positions north along New Inn Lane. From positions east along New Inn Lane the site is substantially screened by a row of tall, leylandii trees. The open countryside to the rear contributes minimally to the setting of the site as it is not readily seen in the same context.
 4. The surrounding area contains a mix of house types, though generally they are modestly sized, on small plots and sited close together. Indeed the existing bungalow on site is a rare example of a detached house in a spacious plot.
 5. The proposed houses would appear taller than the existing bungalow, despite their floor levels being slightly lower than the existing dwelling's. From the road they would appear to substantially occupy the whole width of the site due to the minimal distances retained to the site boundaries and the narrow gap between the two units. Indeed due to the jagged shape of the houses, the gap between them would be hard to comprehend from outside the site. This, in
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combination with the single point of access, would result in the two buildings appearing as a large single block of development, cramped on the plot.

6. This mass of development would appear overbearing in the street scene due to the site's elevated position and the removal of the leylandii trees. Accordingly, it would contrast with the smaller houses in the vicinity, including those in the GCA, which relate well to their plots.
7. Consequently I consider the proposal would harm the character and appearance of the area and would therefore conflict with Policy GP.35 of the Aylesbury Vale District Local Plan (the 'Local Plan'), which relates to the design of development and requires proposals to respect and complement the site's surroundings. It would also harm the setting of the GCA so would not accord with Policy GP.53 of the Local Plan which relates to conservation areas and requires proposals to not cause harm to their setting. These policies are consistent with the National Planning Policy Framework (the 'Framework') which, in its core planning principles, states that development should take account of the character of the area and should conserve heritage assets.

Living conditions

8. The neighbouring bungalow at Westerly has two windows on its side elevation facing the appeal site. That closest to the site serves a utility room, and as I do not consider this to be a habitable room, any effect of the development on this window would have no material impact on the living conditions of the neighbours. There is also a kitchen window in this part of the bungalow, but that faces down the garden and would have a limited view of the proposal.
9. The other facing window serves the sitting room, which is also served by light received through a rear conservatory. The dwelling at Plot A would be visible from this window above the boundary fence, particularly as the proposal would necessitate the removal of a mature tree close to the boundary which currently significantly obscures the view.
10. However there would be a sizeable distance between the sitting room window and the flank elevation of the house at Plot A, and only part of the side elevation would be visible from this window. As such, despite the appeal site being slightly higher than Westerly at this point, I do not consider the development would significantly affect the outlook from this window. Indeed the removal of the tree on the boundary, may allow more light to enter this window. Moreover as the sitting room is also served by light received through a rear conservatory, even if the outlook were affected, I do not consider it would unacceptably harm the living conditions of the occupiers of this property. As such, the proposal would accord with Policy G.8 of the Local Plan which relates to the need to protect the amenity of neighbouring residents and which is consistent with the Framework which seeks good standards of amenity for all existing occupiers of buildings.

Planning balance and Conclusion

11. The development would not adversely affect the living conditions of the neighbouring occupiers. However this carries neutral weight and does not affect the harm the proposal would cause to the character and appearance of the area including the setting of the GCA, albeit the harm to the setting of the GCA is not substantial.

12. Weighed against this is the benefit of the provision of one additional dwelling. Whilst the Framework seeks to significantly boost the supply of housing, the proposal would have a minimal effect on the supply of housing and little benefit from a social and economic point of view.
13. As such, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed and planning permission refused.

Andrew Owen

INSPECTOR