



Appeal Decision

Site visit made on 11 July 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 1 August 2017

Appeal Ref: APP/J0405/W/17/3167291

Land adjacent to The Baulk, Ivinghoe LU7 9EG

- 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 & Mrs Robert Corn against the decision of Aylesbury Vale District Council.
 - The application Ref 16/01889/APP, dated 22 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is construction of new dwelling and garage on existing garden area; associated parking area with proposed parking spaces for 4 and 5 The Baulk.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area including the setting of the Ivinghoe Conservation Area (ICA), and the effect on highway safety.

Reasons

Character and appearance

3. The site comprises heavily wooded undeveloped land. There are domestic gardens to either side, an unmade road to the front and a field to the rear. Although there is a chicken run and some associated small buildings in one of the adjoining gardens and a small subterranean reservoir in part of the site, a rural and verdant character prevails.
4. Access to the site is by The Baulk which is a steep, single track lane which provides vehicular access to three dwellings, the rear of some of the houses on Wellcroft and to the garden of The Old Manor. The Baulk is hardsurfaced from Wellcroft up to the dwelling at 5 The Baulk where an access road runs downhill to the rear of the houses on Wellcroft. The character of this part of The Baulk is that of an urban, residential area. The contrast between this and the character of the appeal site, and its immediate surroundings, provides a distinct edge to Ivinghoe.
5. The proposed house would be set in amongst the trees on the site. Although the appellant states there is no intention to remove any trees, it was clear to

me from my site visit that many small trees would need to be removed to facilitate the dwelling and garage, and a large tree in the western corner of the site would most likely need to be removed to facilitate the vehicular access. Nonetheless, even with some trees removed, the proposed dwelling would still be seen in a verdant and rural context, isolated from the other nearby houses. Although I note the timber finish would lend the dwelling a rural appearance, the proposal would represent an urbanising development conflicting with its immediate surroundings.

6. Furthermore, the undeveloped and largely unmanaged nature of the site contrasts with the more urban and formalised ICA. This contrast provides the setting of this part of the ICA, contributing to its significance. The development would visually weaken this contrast and therefore detract from the ICA's setting.
7. Consequently, the proposal would harm the character and appearance of the area and would fail to preserve the setting of the ICA. Accordingly the development would fail to accord with saved Policy GP.35 of the Aylesbury Vale District Local Plan (the 'Local Plan') which states that development should respect and complement the characteristics of the site and its surroundings, and would not accord with Policy GP.53 of the Local Plan which advises development will not be permitted if it would cause harm to the setting of conservation areas. These policies are consistent with the core planning principles in the National Planning Policy Framework (the 'Framework') which include for development to take account of the character of the area, and that heritage assets should be conserved in a manner appropriate to their significance.
8. I have considered the other examples quoted by the appellant, particularly that adjacent to the church in Ivinghoe. However these do not appear to be as detached from the built up area of the settlement as the proposed dwelling would.

Highway safety

9. The Baulk, where it intersects with Wellcroft, has substandard visibility as a result of the retaining wall to the left, wooden sleeper wall to the right, and the vegetation within the front gardens of the properties to either side. Furthermore, at the time of my site visit, there was prolific on street parking making satisfactory visibility from The Baulk even harder to achieve.
10. I recognise that a number of properties already take their vehicular access from The Baulk, and I accept that the appellant can already access their land from The Baulk. However, I do not expect existing movements to and from the site are as regular or as frequent as would be the case were the proposal built. Moreover, by providing car parking for Nos 4 and 5, the additional traffic generated by the proposal as a whole would not just be that resulting from the occupation of the proposed house. Therefore I consider there would be a marked increase in traffic using this junction.
11. Due to the poor visibility from The Baulk onto Wellcroft, and the increase in traffic using The Baulk it is likely that development would result in an increased risk to the safety of highway users in proximity of this junction.

12. The provision of a white line either side of this junction to discourage parking would need to be agreed with the Highway Authority and, as it appears this has not been done, I can give little credence to this suggestion. Also though I recognise Manual for Streets encourages a flexible approach on many issues, I can find no mitigating circumstances to demonstrate why such an approach would be appropriate here.
13. I have carefully considered the other examples provided by the appellant of comparable accesses, including where volumes of traffic are greater than that on Wellcroft. However, this should not justify a development which would result in an increase in the use of a junction with poor visibility. Accordingly the development would fail to accord with the advice in paragraph 35 of the Framework which states that development should provide safe and secure layouts which minimises conflicts between traffic.

Planning balance and conclusion

14. I accept the Framework seeks to significantly boost the supply of housing. However the provision of one dwelling would have minimal effect on the supply of housing and this benefit would be significantly and demonstrably outweighed by the failure of the development to preserve the character and appearance of the area, including the setting of the ICA, and to maintain highway safety.
15. Also, although I recognise there is some local support for the scheme, including the suggestion that it would improve security for a neighbouring landowner, this support does not outweigh the harm I have found and identified above.
16. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR