



Appeal Decision

Site visit made on 10 July 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 02 August 2017

Appeal Ref: APP/K0425/W/17/3173341

Land to the rear of 1 Queens Road, Princes Risborough HP27 0JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr B Redrup & Mrs C Kunschke against the decision of Wycombe District Council.
 - The application Ref 16/08333/OUT, dated 8 December 2016, was refused by notice dated 10 March 2017.
 - The development proposed is described as seeking outline planning permission for the principle of three new family homes, along with associated hard and soft landscaping and the creation of an access running along the western boundary of No.1 Queens Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with all matters reserved. I have considered the appeal on the same basis and assessed the drawings as merely illustrative insofar as they refer to the reserved matters.
3. The appellant has submitted an amended drawing that did not form part of the planning application. It shows the access driveway widened to include a passing place and an alteration in the front garden of No 1. I have considered this under the principles established by the Courts in *Wheatcroft*¹. The Council has had the opportunity to comment on the proposed amendment. I am satisfied that it does not change the nature of the scheme to such a degree that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal with regard to it.
4. The Council has referred to its emerging Local Plan. While the consultation draft has been published, as the Plan has not yet been examined and is therefore subject to change, the weight I can accord it is limited.

Main Issues

5. The main issues are:

¹ *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL, 1982, P37]

- a) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- b) the effect on the openness of the Green Belt;
- c) the effect on the safety and convenience of those using the access driveway to the development and the safety of its junction at Queens Road;
- d) the effect on the living conditions of the occupiers of 1 Queens Road with particular regard to noise and disturbance, the utility of the back garden and parking convenience;
- e) the effect on protected trees proposed for retention; and,
- f) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

- 6. Policy GB2 of the Wycombe District Local Plan to 2011(LP) states that, save a list of exceptions which it sets out, development in the Green Belt will not be permitted, unless there are very special circumstances. It also requires development to retain the open character and rural amenities of the Green Belt. The proposal does not fall within any of the exceptions in the policy.
- 7. Policy CS9 of the Core Strategy 2008 (CS) says that the Green Belt will be protected from inappropriate development as defined in Government policy. The Government's policy, as set out in the Framework, indicates in paragraph 89, that the construction of new buildings should be considered as inappropriate development in the Green Belt, subject to a number of exceptions which the proposal does not fall within.
- 8. As the proposal involves the construction of new dwellings which would not fall within one of the exceptions, I conclude that it would represent inappropriate development within the Green Belt, which would place it in conflict with LP policy GB2 and CS policy CS9. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

- 9. The Framework confirms that openness is one of the essential characteristics of the Green Belt. Whilst scale and layout are reserved matters, the indicative site plan suggests a layout and the footprints of the houses. If openness is taken as the absence of buildings or development, then the proposal would reduce openness substantially by erecting three houses on a parcel of land which is largely free of buildings.
- 10. I have taken into account that the site is bound on two sides by the settlement boundary which contains housing. However, the openness of the site links both spatially and visually with the cemetery beyond the third side and the paddock and stable beside the fourth. The contiguity of openness between this site and the

remainder of the Green Belt is not undermined by the housing on two of the boundaries of the site. In this context, the development would undermine the essential character of openness of the Green Belt.

11. I conclude that the proposal would harm the openness of the Green Belt. It would conflict with LP policy GB2 and CS policy CS9 as well as section 9 of the Framework. Paragraph 88 of the Framework indicates that substantial weight should be given to any harm to the Green Belt.

Access driveway and its junction at Queens Road

12. The proposal would intensify the use of the driveway from around 6 vehicle movements per day to around 22. However, in the morning peak this would amount to only one car leaving every 41 minutes and one arriving every 102 minutes. In the evening peak, the corresponding movements would be one vehicle every 50 minutes coming home and one every 91 minutes leaving.
13. There are clear lines of sight along the driveway, the passing place is close to its mid-point, and the lengths of the driveway beyond the passing place are relatively short. In these circumstances, and given the estimated number of vehicle movements along the driveway, its width would not prejudice the safety or convenience of those using it.
14. The visibility to the right when emerging from the existing driveway is already partly obscured by the trunk of the Sycamore tree, the planting in the verge alongside the carriageway, and the lamp column and telegraph pole in the same verge. However, the access is close to the dead-end of Queens Road, where there is no apparent turning head and where vehicle speeds and the number of vehicles are correspondingly low.
15. While I appreciate that the number of vehicles may vary throughout the day, in the circumstances above, drivers emerging from the proposed driveway would be able to move out slightly from the access. This would significantly improve the sightline to and from the right, while moving away from the driveway. I am mindful of the shortcoming of the X-distance of the visibility splay of the driveway access. However, the Manual for Streets suggests that a distance of 2m may be considered in very-lightly trafficked and slow speed situations. This proposal falls within that ambit.
16. I have noted the Council's observation that the point from where the appellant has measured visibility is off the driveway. However, the difference between this and the alternative point in the driveway, at 2m, would not in the circumstances materially affect my conclusion on visibility.
17. Overall, in weighing the balance of risk against probability, and taking into account the factors above, as well as my own observations on site, I do not consider the proposal would result in an unacceptable or severe impact on highway safety. I conclude that the proposed development would not harm the safety or materially reduce the convenience of those using the access driveway. Nor would it harm the safety of those using Queens Road.
18. There would be no conflict with CS policy CS20 which expects development to provide satisfactory vehicular access so that the convenience and safety are not adversely affected. Nor would it result in any severe residual, cumulative impacts as described by paragraph 32 of the Framework.

Living conditions of the occupiers of 1 Queens Road

19. Whilst the access driveway to the development would run alongside No 1, there are no openings to rooms on the flank beside the driveway. The ground floor openings at the rear appear to serve a kitchen and a lobby. This suggests that the direct impact from the driveway would be limited. There may be some noise received into the upper floor bedrooms and into the back garden. However, given the frequency of vehicle movements and the hours at which their peak would occur, the use of the driveway would not materially harm the living conditions of the occupiers of No 1.
20. The passing place alongside the driveway would reduce the width of the back garden of No 1. However, the reduced space would not be unusable and the area of the garden unaffected by the reduction would be substantial and sufficient to meet the day to day needs of the occupiers.
21. The development would displace the parking presently in the drive to No 1 into the street. However, at the time of my site visit, which was on a weekday morning, I did not see any restrictions on parking on the highway in this part of Queens Road and Long Hide, and the occupancy of the street parking was significantly less than 50% of the spaces available. I appreciate that demand is likely to be higher at the end of the working day and at weekends. However, the amount of space available does not indicate a high degree of parking stress or overload in the locality. The displaced parking would not therefore result in a material shortage of off-street parking, or unsustainable pressure on the existing on-street parking in the area.
22. That the occupiers of No 1 would have to park in the street would be no different to the other houses in the same terrace where occupiers park on the street. There may also be less surveillance of a car parked in the street than one parked in a drive. However, these factors would not materially inconvenience the occupiers of No 1 or harm their living conditions.
23. I conclude on this issue that the proposed development would not have an adverse impact on the living conditions of the occupiers of 1 Queens Road with particular regard to noise and disturbance, the utility of the back garden and parking convenience. There would be no conflict with LP policy G8 and CS policy CS19 which seek high standards of design and layout and which safeguard the future amenity of residents in respect of traffic noise and disturbance as well as the parking and manoeuvring of vehicles.

Protected trees proposed for retention

24. The existing driveway is already largely covered by outbuildings and concrete slabs. The proposed driveway in the same location would be unlikely to prejudice the health of the stand of protected trees on the side boundary. Whilst layout is a reserved matter, with conditions to secure the sensitive routing of services and effective tree protection during construction I can identify no threat to their health from the proposal.
25. The swept path diagrams show that vehicles using the driveway could avoid collision with the trunk of the protected Sycamore tree in the front garden of No 1. The driveway appears to have been installed a considerable time ago and is already in use. I saw no evidence of collision with the tree. I have addressed the issue of visibility above and do not consider that there would be pressure to remove the tree on visibility grounds. The Council would therefore be in a strong position to resist any pressure to fell the Sycamore.

26. The proposal would not have an unacceptable impact on the health of the trees proposed for retention. There would therefore be no conflict in this respect with LP policies G3 and G11, and CS policy CS19, which require development to enhance landscape and to have regard to existing trees and not to put at risk their retention.

Very special circumstances

27. The Framework advises that inappropriate development in the Green Belt should not be approved, except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
28. I appreciate that the site is bordered on two sides by housing outside the Green Belt. However, the openness and green character of the site is contiguous with and reinforces the openness of the stable and paddock area and the cemetery on the other sides of the site within the Green Belt. The site's contribution to the Green Belt and the purposes it serves is not therefore undermined.
29. At most I give limited weight to the material considerations cited in support of the proposals. These include the site's location close to facilities and services; its lack of isolation from other dwellings; the economic benefit resulting from the construction work and future occupants' spending in the local economy; the additional housing it would provide in an area of under supply; the different tenures and sizes of the houses; the distance of the site from public paths in the Green Belt and its screening from the countryside.
30. The lack of harm in relation to living conditions, protected trees, highway safety, and the Chilterns Area of Outstanding Natural Beauty are neutral factors. Against this, I have found that there would be harm from inappropriate development in the Green Belt and harm to its openness, to which I attach substantial weight.
31. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. This means that policies relating to the supply of housing should not be considered up-to-date, and the proposal should be considered in the context of the presumption in favour of sustainable development. However, footnote 9 of paragraph 14 of the Framework indicates that development in this context should be restricted. As a result, the application of paragraph 14 does not indicate that permission should be granted, and because of the environmental harm identified, the proposal would not be sustainable development.
32. Drawing all these factors together, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist.

Conclusion

33. For the above reasons, and taking into account all other matters raised, the appeal is dismissed.

Patrick Whelan

INSPECTOR