



Appeal Decision

Site visit made on 18 July 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

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

Decision date: 15th August 2017

Appeal Ref: APP/J0405/W/17/3173643
2A Vicarage Road, Whaddon MK17 0LU

- 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 Angus Lawson against the decision of Aylesbury Vale District Council.
 - The application Ref 16/04423/APP, dated 25 November 2016, was refused by notice dated 3 February 2017.
 - The development proposed is erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - the effect on the character and appearance of the area
 - living conditions, with specific regard to future occupiers and no. 2A Vicarage Road.

Reasons

3. The appeal site previously formed part of the garden to No. 2 Vicarage Road and is mainly laid to grass with a small area of tarmac. The site lies adjacent to the Whaddon Conservation Area¹ (the 'conservation area'), which wraps around a range of historic buildings, large green spaces and the highway, whilst omitting many modern buildings and small infil gaps & spaces that nonetheless contribute to its overall character (such as the appeal site).
4. Vehicular access to the proposed dwelling would be via Vicarage Road to the east, which is a narrow lane without any pedestrian footway. Most of the buildings along this lane are set back from the road, apart from nos. 4 to 14, which are positioned directly adjacent to it and provide a hard edge (and which are identified as 'local note buildings' in the conservation area appraisal document²). Despite being mainly enclosed by an 'important' hedgerow³ to its north and north-east boundary, the appeal site has an open appearance similar to that on the eastern corner of Vicarage Road/Stock Lane, where no. 14 Stock Lane is set well back from the road and enclosed by a hedgerow. This gives the Stock Lane/Vicarage Road junction a generally open character, protecting the important views identified in the

¹ Whaddon Conservation Area - designated by the Council 28 February 2007.

² Whaddon Conservation Area appraisal document (2007)

³ Identified as important in the conservation area appraisal document

conservation area appraisal document down Vicarage Road and towards the Selbie Memorial Congregational Chapel ('the chapel'), which as a consequence accentuate this building's prominence in the village and conservation area.

5. The chapel is identified as a 'local note building' and 'key historic building' in the conservation area appraisal. Between this building and the appeal site lies a large detached garage for no. 2A Vicarage Road (the 'garage') and an electricity substation (the 'substation'). The garage is clearly visible in the streetscene and partly obscures the chapel building in views from the east. Both it and the substation, by reason of their design and proximity to the chapel, are harmful to its setting and the character of the conservation area.
6. In accordance with the National Planning Policy Framework (NPPF), the conservation area constitutes a designated heritage asset and the chapel a non-designated heritage asset and so in accordance with paragraph 131 I have taken account of the desirability of sustaining and enhancing their significance.

The effect of the development on the character and appearance of the area

7. The proposed dwelling has been positioned to screen the garage from public view when approaching from the east. Although I understand the appellant's rationale for doing this, I do not agree that there would be any net benefit in doing so as it would merely replace one building that obscures the chapel with an even more prominent one, albeit of a better design. This is because the new dwelling would be even closer to the road and larger in scale. Furthermore, the garage would in any case continue to be seen from a number of vantage points on Stock Lane and Vicarage Road. The cumulative impact of both buildings would cause additional harm to the setting of the chapel, albeit less than substantial, by further diminishing its prominence and eroding its open setting, which make a strong contribution to the character of the conservation area.
8. Although there is a variation of housing design, age and styles in the vicinity of the appeal site, the introduction of a single storey dwelling would look out of place in the streetscene as this part of the conservation area is characterised by 2-storey dwellings. The proposed render finish of the dwelling (with brick detailing) would not be appropriate as it would only make the new dwelling appear even more prominent when set against the backdrop of the brick chapel. Although I accept that this could be dealt with by condition, this would not address the dwelling's overall design and scale being at odds with the conservation area.
9. The proposed dwelling would also appear as if it has been squeezed onto the site, with little space between it and the highway and the garage at no. 2A. In doing so, it would reduce the openness of this corner plot, which mirrors that on the eastern corner and helps to reinforce the prominence of this junction.
10. Accordingly in this respect, having taken account of the statutory duty⁴ to have special regard to the desirability of preserving or enhancing conservation areas, I conclude that the proposed development would be harmful to the setting of the conservation area, the character of the village and the setting of an important historic building and thereby conflict with policies GP35 and GP 53 of the Aylesbury Vale District Local Plan (January 2004) (the 'Local Plan') which seek to ensure that new development respects the character of areas, historic settings, important public views and preserves or enhances conservation areas.

⁴ S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Living conditions

11. Although the proposed dwelling is single storey, it would nonetheless be of a much greater height than a typical garden fence and extend out well beyond the east facing elevation of no. 2A Vicarage Road. When combined with no. 2 doing the same, this would result in a visually oppressive tunnel effect, which would be harmful to the outlook of no. 2A, particularly from its east facing windows (some of which are attached to main habitable rooms i.e. a living room and bedroom) and north-facing conservatory.
12. Neighbours have raised concerns that there would not be sufficient space between the new dwelling, the new parking spaces and east facing elevation of no. 2A for the latter to retain sufficient privacy or suffer undue noise & disturbance. However, subject to appropriate boundary treatment (which could be dealt with by condition), I have concluded that the proposal would not cause sufficient harm to justify dismissal. I am also satisfied that the amount of garden space would be sufficient for a dwelling of this scale and that due to the single storey nature of the proposal and the distance between it and no. 2A, that it would not result in a significant loss of light to the latter.
13. I therefore conclude that the proposal would provide acceptable living conditions for future occupiers and not harm the living conditions of occupiers of 2A Vicarage Road as a result of loss of light, loss of privacy or noise & disturbance. However, it would be harmful to the living conditions of 2A Vicarage Road by reason of its oppressive visual impact. As a consequence, it would not comply with Policy GP8 of the Local Plan, which seeks to protect the amenities of nearby residents against new development proposals.

Other matters

14. The appellant has emphasized their attempts to address concerns relating to the previous scheme by reducing the proposed dwelling in scale and height. However, I must consider the appeal scheme on its own merits.
15. The appellant and Parish Council has drawn my attention to a number of other buildings/planning decisions in the village that they feel help to justify the appeal being allowed or dismissed. However, none of these are directly comparable to current proposal in terms of position, scale, design or character. I am also not aware of the particular circumstances where planning permission was granted for these (where applicable) and in any event, I must consider the appeal scheme on its own merits. The existence of these other developments does not therefore justify the harm I have identified or dismissal of the appeal.
16. The appellant states that if the Council took the view that this site and its open character was of such importance to the conservation area, then it should not have removed it from the designation, but identified it as an important green space (as per other sites in the conservation area). Whilst I understand the rationale behind this point, I can only consider the scheme before me.
17. Concerns have been raised by some residents that past decisions should not establish a precedent for the proposal. Although I have considered the scheme on its own merits, I agree with the appellant that the presence of the garage is material to the appeal and this has therefore formed part of my assessment. Concerns have also been raised by some residents that the proposal would establish an undesirable precedent if allowed. However, I have no evidence of directly comparable sites and have therefore considered the scheme on its own merits.

18. The appellant states that if the site formed part of the garden to no. 2A, it would have benefited from permitted development rights to erect a building of similar size. However, the site no longer benefits from any such rights and hence this is not material to my assessment.
19. Although the Council has not raised any technical objections in respect of highway and pedestrian safety, nearby residents and the Parish Council have raised a number of concerns in respect of these matters. However, I am satisfied that the provision of one additional dwelling would not materially increase traffic to a dangerous level and that adequate visibility could be achieved from the access point. On a separate unrelated issue, I am also satisfied that other neighbour and Parish Council concerns relating to contaminated land could be dealt with by condition.

Planning balance

20. In accordance with para 134 of the NPPF I have considered the public benefits of the proposal against the less-than-substantial harm it has generated to a designated heritage asset (the conservation area). Although the Council states that it has a 5.8 years housing land supply, the appellant says this is untested. However, even if it had been demonstrated that the Council did not have a 5-year housing land supply, I have concluded that the modest benefit of one additional dwelling would not outweigh the harm identified to the conservation area and character of the village. The appellant has referred to the benefits of reusing previously developed land and a wider choice of accommodation (particularly for older people), but I have concluded that these modest benefits would also not outweigh the harm identified.
21. For the reasons identified above in paras 7 to 10, I also conclude that the benefits of the proposal would not outweigh the harm to the setting of the chapel (a non-designated heritage asset). Consequently, there is conflict with paragraph 135 of the NPPF, which requires a balanced judgement to be made in such cases.
22. Furthermore, even if the development plan policies were considered out of date by reason of the lack of a 5 year housing land supply, the presumption in favour of sustainable development would not apply for the reasons outlined above in respect of harm to a designated heritage asset (para 14, 4th bullet point and footnote 9 of the NPPF).

Conclusion

23. I have found that the appeal proposal would provide acceptable living conditions for future occupiers. This does not, however, outweigh the harm that I have found to the character and appearance of the conservation area, the wider village, the setting of a non-designated heritage asset and the living conditions of the occupiers of no. 2A Vicarage Road. The imposition of conditions would not overcome this. In view of this and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Fallon

INSPECTOR