



Appeal Decision

Site visit made on 21 November 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 1st December 2017

Appeal Ref: APP/N0410/W/17/3179711

Land adjoining 35A Tockley Road, Burnham, Bucks, SL1 7DQ.

- 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 RAP Buildings and Developments against the decision of South Bucks District Council.
 - The application Ref. 17/00271/FUL, dated 6 February 2017, was refused by notice dated 16 June 2017.
 - The development proposed is the erection of a pair of one-bedroom semi-detached bungalows with amenity space and construction of parking spaces.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would result in the unacceptable loss of an outdoor amenity area.
3. Local residents also raise objection on grounds associated with the harm to children's safety and loss of privacy and security. I will consider these as other matters.

Reasons

Policy context

4. The development plan includes the South Bucks District Local Plan (SBDLP) adopted in 1999 and the South Bucks Core Strategy (SBCS) adopted in February 2011. Both of the documents predate the National Planning Policy Framework (the Framework) but their provisions may carry some weight depending on the degree of consistency with the Framework.

Background

5. The appeal site comprises an area of land which is located adjacent to No.35A Tockley Road which is situated in the corner a courtyard of terraced and semi-detached properties grouped on three sides of a 'square' around a shared parking area and a small area of paving around a grassed space. There is a narrow strip of land, which the submitted plans show is within the appellant's ownership, adjacent to No.21 and No.35A appears to gain pedestrian access via the front garden of No.35. The planning history of the site shows that a certificate of lawfulness was issued in 2016 in respect of the outbuilding now referred to as No.35A as an independent dwellinghouse.

6. It is proposed to erect a pair of one bedroom bungalows on the appeal site and gain pedestrian access to this via a path between No's 33 and 35 Tockley Road. It is also proposed to remove part of the central paving and grassed area to provide three parking spaces two of which are shown as part of this appeal proposal.
7. There is also a current appeal ref. APP/N0410/W/17/3179717 in respect of a similar proposal for a single one bedroom bungalow on land to the rear of 19 Tockley Road with similar pedestrian access and separated parking provision.

Loss of outdoor amenity area

8. The sole reason for the refusal of planning permission relates to the loss of an outdoor amenity area. The appellant's agent says that the land in question is in private ownership and that anyone using it without consent is trespassing. In any event the appellant says that the redesign and reuse of most of the space for a parking area would be an improvement of the area and the houses fronting the square each have their own front garden. The proposal is to make better use of the small area of retained space with soft landscaping, new planting and seating.
9. Although the space is said to be privately owned, it appeared to me at the site visit that the space protected from the parking area by bollards is an integral part of the design and layout of this development. While the existing properties have private front gardens, the amenity area of grass and paving provides a visual and physical relief to the mostly enclosed space of the 'square' which is a relatively high density housing environment. Even though the grassed and paved area is relatively featureless, the space provides a safe haven from the adjoining parking and manoeuvring space. Further, there are no physical barriers or explicit notices which restrict the use of the space by adults and children and it is clear from the representations made by local people at application stage that they regard it as a positive local amenity and that children have played there over many years.
10. I recognise that the proposal involves the enhancement of the smaller area of retained green space, however, the loss of the majority of the open area to car parking and manoeuvring space would seriously erode the visual quality of the courtyard space within the housing environment even though it may not be freely available for public use.
11. Overall I find that this proposed change to the layout of the estate would not accord with the design principles set out in Policies EP3 and H9 of SBDLP which indicate that development proposals should not have an adverse effect on the character of the area. These policies are broadly consistent with the provisions of the Framework which has a core principle of securing a high quality design in development and a good standard of amenity for all occupiers of land and buildings. The policies should therefore be afforded significant weight.

Other matters

12. Some local residents raise concern about the prospect of development, both on its own and with the other scheme, giving rise to issues of loss of privacy and lack of security related to the new pedestrian access. To my mind the existing layout of the properties in this corner of Tockley Road has been designed to ensure that the front of the houses and the pedestrian access to them is

overlooked by each other and this is likely to create a feeling of security while the rear private space of the properties is not overlooked. However, the proposal on its own, and with others, would result in a residential layout with a tortuous pedestrian path in a secluded space to a number of properties. I am not satisfied that this layout would result in a safe and secure pedestrian access and a residential environment with a reasonable level of privacy for the occupiers of the existing dwellings. This adds to my concern about the proposal.

Planning Balance

13. Bringing together my conclusions on the main issues and other matters, I have found that the development proposed would involve the creation of an additional parking and manoeuvring space which would result in the loss of a car-free area of grass and paving which is integral to the original design and layout of this housing environment. This harm renders the proposal not to accord with the policies in the development plan that I have mentioned. I also have concerns about the tortuous nature of the pedestrian way to the site not providing a safe and secure residential environment for existing and new residents.
14. These aspects constitute adverse impacts but they have to be balanced with the benefits of the proposal. The government seeks to significantly boost the supply of housing and the proposal would make a small contribution towards this. I also recognise that the proposal would make efficient use of land already developed and the Council did not consider that there were any other planning concerns with the proposal.
15. However I find that these benefits do not outweigh the harm to the housing environment that would arise with the proposal and the conflict with the development plan and I conclude that there are no other factors which establish that planning permission should be granted for the proposed scheme.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR