



Appeal Decision

Site visit made on 4 December 2017

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 11th January 2018

Appeal Ref: APP/K0425/W/17/3179887
35 The Green, Wooburn Green HP10 0EU

- 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 C Baker against the decision of Wycombe District Council.
 - The application Ref 16/07355/FUL, dated 23 August 2016, was refused by notice dated 17 February 2017.
 - The development proposed is demolition of the existing dwelling and the erection of a terrace of three two-storey cottages and a separate building comprising four one-bedroom apartments together with parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and the erection of a terrace of three two-storey cottages and a separate building comprising four one-bedroom apartments together with parking and amenity space at 35 The Green, Wooburn Green HP10 0EU, in accordance with the terms of application Ref 16/07355/FUL, dated 23 August 2016, and in accordance with the 8 conditions in the attached Schedule.

Procedural Matter

2. During the course of the planning application amended drawings were submitted which the Council considered and based its decision on. The appellant has requested that I consider revised drawings that were not before the Council when it determined the planning application. These drawings show a revision to the roof designs. I have considered the revised drawings under the principles established by the Courts in *Wheatcroft*¹. To consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the plans considered by the Council.

Main Issue

3. The Council has indicated that the demolition of the existing dwelling would not result in harm to the character or appearance of the conservation area. I have no reason to disagree. The main issue in this case is therefore whether or not the residential development upon the site would preserve or enhance the character or appearance of the Wooburn Green Conservation Area, having particular regard to the scheme's effect on views of the hillside and wooded slopes to the west of the conservation area.

¹ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

Reasons

4. The terrace of cottages would be located on the northern section of the site, fronting onto Bakers Orchard, a residential cul-de-sac. They would be 2 storeys in height with a pitched roof. The apartment building would be located on the southern section of the site and would front onto Bakers Orchard also. The building would follow similar design principles to the cottages, and would be of a similar height. Car parking for the new properties would be provided to the front of them.
5. The Wooburn Green Conservation Area was designated in 1971 and reviewed and amended in 1986 and 1992. Wooburn Green dates from Saxon times when a settlement was established on the valley bottom, with a meeting place on The Green. The architectural quality and appearance of the built form clustered around The Green is attractive and harmonious, with views to the hillsides around the settlement being an important characteristic of the conservation area and its context, as recognised in the 1995 Character Study (CS) of the conservation area. Views into the conservation area from roads leading out of the village are also recognised in the CS.
6. The conservation area runs along the western boundary of the appeal site. Beyond the conservation area boundary is Bakers Orchard, a small development of 2 storey dwellings, which are located on higher ground than the appeal site.
7. Policy HE6 of the Wycombe District Local Plan to 2011 (WDLP) requires development proposals to preserve or enhance the special character or appearance of conservation areas. It also states that proposals will be assessed against the conservation area character survey for that area.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 131 of the National Planning Policy Framework (the Framework) sets out matters which should be taken into account when determining planning applications, including sustaining and enhancing the significance of heritage assets (which includes conservation areas) and the desirability of new development making a positive contribution to local character and distinctiveness.
9. The appeal property and its garden are not prominent in the conservation area, as a result of them being set back from the road behind existing residential development fronting The Green. Views of the partially wooded hillside can be seen beyond the appeal site from the highway within the vicinity of the war memorial, along with the roofscape of the host property and the dwellings in Bakers Orchard.
10. The new cottages would be constructed in the area where the existing dwelling is sited. Whilst they would be taller in height than the existing dwelling, they would be lower than adjoining development in Bakers Orchard. From The Green and the area around the war memorial they would be viewed in the context of dwellings in Bakers Orchard. Their siting and design would not affect views of the hillside surrounding the village, or adversely affect views into the conservation area.

11. The apartment building would be constructed in the side garden of No 35. This area is located to the rear of No 34 The Green and is largely screened from The Green. A new building on this area as proposed would be visible from The Green and would, as a result of its height, reduce views of the hillside beyond when viewed from it. The impact on such views would not however be significant given the height of the resultant building and its overall scale. Part of the hillside and trees on the ridgeline would still be likely to be visible following the development, from the war memorial gardens and adjoining highway, and from closer views. In terms of the wider impact on the conservation area, this reduction in views would be localised and limited.
12. Although there is a tall fence and hedge along the boundary of the appeal site with Bakers Orchard, views of the wooded hillside to the east of the village across the conservation area are obtained from this road. There is a high probability that the new apartment building would reduce these views and the present sense of openness that exists between Bakers Orchard and the conservation area. However, whilst noting that such views are valued by local residents, the reduction in view as a result of the proposal would be small and would affect a relatively small part of Bakers Orchard. The views of the conservation area and surrounding countryside from elsewhere in Bakers Orchard would not be affected by the proposal. The level of harm that would occur as a result would be limited.
13. Taking the above matters into account, I find that the proposal would result in a reduction in views out of the conservation area, and into it. The proposal would not therefore preserve or enhance the special character or appearance of the conservation area. It follows that there would be conflict with the aims of WDLP Policy HE6.
14. However, given my findings, I consider that the effect upon such views, and accordingly the harm that would be caused to the significance of the conservation area, would not be significant. Less than substantial harm would be caused and in accordance with paragraph 134 of the Framework this harm needs to be weighed against any public benefits of the proposal.
15. There is no dispute between the main parties that the Council cannot demonstrate a five year supply of deliverable housing sites. The proposal would result in a net increase of 6 dwellings in the central area of this village, in close proximity to a range of services and facilities. This would make a contribution to addressing the Council's shortfall of deliverable housing sites in a sustainable location. The new buildings display a high standard of design which respond to local character and would provide a range of dwelling types and sizes. These matters carry significant weight in my consideration of the proposal. They amount to public benefits in support of the proposal.
16. In light of my findings, I conclude that the public benefits of the proposal significantly outweigh the harm that would be caused to the character and appearance of the Wooburn Conservation Area and the significance of this heritage asset.

Other Matters

Setting of Nearby Listed Buildings and Non Designated Heritage Assets

17. No 36 The Green is a grade II listed building and No 34 is a non-designated heritage asset. These buildings are heritage assets to which Section 12 of the Framework relates.
18. In terms of No 36, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 132 of the Framework advises that great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
19. Paragraph 135 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining planning applications. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
20. The appeal proposal would adjoin the rear gardens of both Nos 34 and 36. The development would be visible from the rear of these properties and their gardens. In terms of No 36, I find that the visual impact of the scheme from the rear of this property would be limited because of the partial screening that the garage to this property would afford.
21. In terms of the juxtaposition of the proposal to these heritage assets, I am satisfied that there would be sufficient distance to ensure that the scheme would not have an adverse effect upon their setting. The domestic scale of the scheme would not be overbearing on their character.
22. I therefore find that the significance of the listed building and non-designated heritage asset would not be diminished as a result of the scheme. I note that the Council found similarly in this regard.

Highway safety/Access for Emergency Vehicles

23. Concern has been expressed about the suitability of Bakers Orchard to accommodate vehicles associated with the development and whether or not emergency vehicles would be able to access this road as a result.
24. The proposal indicates that 2 car parking spaces would be provided for each of the cottages and 1 space for each of the apartments. The Highway Authority raised no concern about the level of parking proposed or the suitability of the access to serve the scheme. Whilst noting the presence of parked cars in the road on my site visit, I am not convinced that the proposal would generate a number of vehicle movements or vehicles parked in the highway that would result in harm to highway safety or would prevent emergency vehicles using the road.

Character and Appearance

25. Representations have been made that the proposal would result in an overdevelopment of the site. This was not however included by the Council as a reason for refusing the planning application. Each of the dwellings would have outdoor private amenity space and there would be space between the buildings and their boundaries. The design of the scheme at 2 storeys would reflect the prevailing character of the area. Given my findings in respect of the main issue, and having regard to these matters, I am satisfied that the proposal would not result in harm to the character and appearance of the area.
26. I note the submissions made that trees have been removed on the site. The Council's report indicates that this matter is being investigated. Accordingly I have not considered this concern further.

Living Conditions of Nearby Occupiers

27. It has been put to me that the scheme would result in harm to the living conditions of nearby occupiers, in terms of loss of privacy and outlook. This matter was considered in some detail in the Council's report with specific mention being made to Nos 34 and 36 The Green, including reference to recent extensions and planning permissions, Berriedale and Nos 9-13 Bakers Orchard.
28. I am satisfied that the relationship of the 3 cottages to the gardens and windows of nearby properties would not result in harm to outlook or privacy. New landscaping, which could be secured by planning condition, is proposed which would reduce the perception of overlooking from the new first floor windows, including to the windows in the ground and first floor extensions at No 36.
29. The apartment building would bring built development upon the site closer to No 34 and Berriedale than at present. This building would have balconies at first floor level on the rear elevation, which could be used by the intended future occupiers as an outdoor space, including for dining and entertaining. This would bring residential activity at an elevated level in close proximity to the rear boundary of No 34 and the side elevation of Berriedale.
30. Whilst the use of these balconies could result a reduction in privacy to the occupiers of No 34 and Berriedale, they have been designed with a high level privacy screen on the side cheeks and outward facing edge. This would be likely to prevent people using these areas from looking into the rear garden areas of these properties, the side window of Berriedale and the rear windows of No 34. The Council considered that the use of such a screen would not result in 'any significant actual or perceived loss of privacy'. I have no reason to disagree. Planting along the boundaries of the site would also assist in reducing the perception of overlooking from these balconies.
31. I am satisfied that the design and juxtaposition of the apartment building to No 34, Berriedale and nearby properties in Bakers Orchard would ensure that the scheme would not be overbearing or harmful to outlook from these properties.
32. In light of the above, I consider that the proposal would not result in harm to the living conditions of nearby occupiers.

Living Conditions of the Intended Future Occupiers

33. Each of the cottages would have a rear garden and the apartments would have access to outdoor space. The Council considered that the external and internal spaces proposed were acceptable. I have no substantive evidence before me to reach a contrary view on this matter.
34. The bin store and cycle storage area would be located close to the front and side elevation of flat 1 and flat 3. Given the frequency of use of these areas I agree with the Council that this aspect of the scheme would be unlikely to cause disturbance or be harmful to the intended future occupiers of the new apartments.

Effect on Biodiversity

35. Concern has been expressed that the proposal would have an adverse effect upon biodiversity upon the site and the locality, including bats and birds. The Wildlife Checklist submitted with the application does not suggest that the site has any significant intrinsic wildlife value. The Council was satisfied that the proposal would not result in harm to biodiversity and on the basis of the evidence before me, I have no reason to disagree with this finding.

Conditions

36. The Council has provided me with a list of conditions that it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the guidance on conditions in the Framework and Planning Practice Guidance (PPG), and have amended some of the wording to reflect this advice.
37. A condition is necessary to ensure that the development is carried out in accordance with the approved drawings. To ensure a satisfactory form of development which respects the character and appearance of the area, a condition is necessary controlling external materials and surfacing of the development. In the interests of highway safety, a condition is necessary requiring car parking and vehicular accesses to be provided.
38. In the interests of the character and appearance of the area and living conditions, conditions relating to landscaping upon the site are necessary. A condition requiring privacy screens to be provided and retained on the balconies is necessary to protect the privacy of nearby occupiers. In the interests of sustainability, a condition is necessary.

Conclusion

39. For the above reasons, and having regard to all other matters raised, I conclude that the public benefits of the scheme significantly outweigh the limited harm that would be caused to the significance of the conservation area. There are no material considerations in this case which significantly and demonstrably outweigh the benefits of the scheme. The appeal is therefore allowed.

R C Kirby

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg.Nos PA.01B; PA.02B; PA.03B; PA.05; PA.06; PA.07B and BS.01.
- 3) Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development and external surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any construction works on the external finishes of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
- 4) A fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is first occupied. This shall include, replacement tree planting and details of boundary treatment and landscaping to the front of the site.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority first gives written consent to any variation.
- 6) No development shall take place until details of the standards to which the access and parking areas serving the development are to be constructed have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the access and car parking areas have been constructed in accordance with the approved details.
- 7) The privacy screens on the balconies of the flats shall be installed prior to the flats being occupied and thereafter retained as approved.
- 8) The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.