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## Appeal Decision

Site visit made on 11 December 2017

**by Chris Forrett BSc(Hons) DipTP MRTPI**

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

**Decision date: 22<sup>nd</sup> January 2018**

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**Appeal Ref: APP/J0405/W/17/3180873**

**Land adj Windmill Hill Barns, Moat Lane, Aston Abbots, Buckinghamshire HP22 4NF**

- 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 Ian Towle against the decision of Aylesbury Vale District Council.
  - The application Ref 17/01798/APP, dated 24 April 2017, was refused by notice dated 7 July 2017.
  - The development proposed is the erection of two detached dwelling houses and open garages utilising existing access track.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dwelling houses and open garages utilising existing access track at land adj Windmill Hill Barns, Moat Lane, Aston Abbots, Buckinghamshire HP22 4NF in accordance with the terms of the application, Ref 17/01798/APP, dated 24 April 2017, subject to the conditions set out in the schedule to this decision letter.

### Application for costs

2. An application for costs was made by Mr Ian Towle against Aylesbury Vale District Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

4. The appeal site is located around 200 metres from the village of Aston Abbots on the south side of Moat Lane. The site is located in a rural area where there is a small group of detached and semi-detached residential properties. The site currently has a single storey timber clad building located broadly in its centre. The site is also located within an Area of Attractive Landscape (AAL).
5. There are two extant planning permissions for residential development of the site, one for a single dwelling<sup>1</sup> and one for a pair of semi-detached dwellings<sup>2</sup>. Considering the above, there is no objection in principle for the development of

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<sup>1</sup> APP/J0405/W/16/3151750

<sup>2</sup> 17/00459/APP

the site for two residential dwellings. These permissions are significant material planning considerations in the determination of this appeal.

6. From the evidence before me the current appeal proposal would result in dwellings which would be taller than the previous developments, have a increased front to back distance, and would have a slightly larger coverage of the overall site.
7. The Councils principle concern is that the dwellings would appear as bulky structures of urban character with no other similar designs of pairs of houses in the vicinity of the site. It is also claimed that they would be out of keeping with the low key and generally spaced out dwellings in the area.
8. Whilst the proposed dwellings would be larger than the previously approved developments, they would still be located within a spacious setting. The inclusion of a 3 metre gap between the proposed dwellings assists in maintaining the spacious setting, and in the main accounts for the increase in width of the property frontage to Moat Lane when compared to the previous permission for two dwellings.
9. Given the spacious setting the overall size of the appeal dwellings would not have any significant increase in impact to the surrounding area, including the landscape character of the AAL, over and above the extant permission.
10. Turning to the design aspects to the proposed dwellings, it is noted that there are similarities between the appeal development and the extant permission for two dwellings, particularly in respect of the front elevation. To my mind, the minor design changes do not have any adverse impact on the quality of the development or on the character and appearance of the wider area.
11. In respect of the rear elevation the inclusion of two gable walls represents the biggest design change. The twin gable design would help to break up the massing of the buildings and would be broadly consistent with the aims of the 'New buildings in the Countryside' Supplementary Planning Guidance which the Council has referred me to.
12. The proposed dwellings would also have a front to rear distance which would be greater than the previous permissions. Whilst this would invariably contribute to an increase in massing and bulk, in this case, it would not result in an overall design which would be harmful to the area.
13. I acknowledge that there is not a pair of similar designed detached properties in the vicinity of the site, but this in itself is not a reason to withhold planning permission for an otherwise acceptable development.
14. For the above reasons, the proposed development would not harm the character and appearance of the area or the landscape character of the AAL and would accord with Policies RA8 and GP35 of the Aylesbury Vale District Local Plan (2004) which amongst other things seeks to ensure that development respects and compliments the character and appearance of the area.

#### *Other matters*

15. I have also had regard to the other matters raised in the representations including matters such as drainage and increased light pollution. However, the

development would not give rise to any significant harm over and above the extant permission for two dwellings.

### **Conditions**

16. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
17. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. Conditions relating to the submission of details for external materials and landscaping are necessary in the interests of the character and appearance of the area.
18. In the interests of highway safety, the existing access should be upgraded and the parking, garaging and manoeuvring areas should be provided prior to the first occupation of the dwellings. In respect of visibility splays, I note that no splays are included on the application drawings, and as such splays are necessary, I have amended the suggested condition to ensure that suitable splays are agreed by the local planning authority.

### **Conclusion**

19. For the reasons given above I conclude that the appeal should be allowed.

*Chris Forrett*

INSPECTOR

### **SCHEDULE OF 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 – MLAA.LP 2500, MLAA.SP500, MLAA.PLAN1 and MLAA.PLAN2
3. Prior to the construction of any of the external surfaces of the buildings, details of the proposed materials shall be submitted to, and approved in writing by, the local planning authority. The development shall only be carried out in accordance with the approved details.
4. Prior to the first occupation of either dwelling full details of both hard and soft landscape works shall be submitted to, and approved in writing by, the local planning authority. For soft landscape works, these details shall include new trees and boundary hedges to be planted showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The approved details shall be carried out within the first planting season following the first occupation of the

development, or the completion of the development, whichever is the sooner.

5. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the local planning authority.
6. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the first occupation of the dwelling it relates to and that area shall not thereafter be used for any other purpose.
7. Prior to the first occupation of either dwelling the existing access shall be upgraded in accordance with the approved details and in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013.
8. Prior to the first occupation of either dwelling details of visibility splays to the access point shall be submitted to, and approved in writing by, the local planning authority. The approved visibility splays shall be provided, with nothing within the splays exceeding 0.6 metres in height above the nearside channel level of the carriageway, prior to the first occupation of either dwelling and the splays shall be kept free of any obstruction for the life of the development.