



Appeal Decision

Site visit made on 25 April 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/J0405/W/19/3220155
14 High Street Winslow MK18 3HF

- 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 P. Mende against the decision of Aylesbury Vale District Council.
 - The application Ref 18/03577/APP, dated 28 September 2018, was refused by notice dated 20 December 2018.
 - The development proposed is the conversion of approved garage to starter single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development appearing on the application form refers to the conversion of a garage, previously approved and for which listed building consent was granted, the construction of which has yet to be completed.¹ In the interests of concision I have edited that description to remove references to the related permissions.
3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Listed Buildings Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The appellant refers to the consultation response on previous applications². I note the officer report for that approval describes the main issue as 'Impact on the special architectural and historic interest of the listed building'³. Although the report mentions both Section 66 and Section 72 of the Listed Buildings Act, I can find no consideration as to the effect of the change to residential use on the character of the Winslow Conservation Area (WCA). This is a matter I am obliged to consider according to the aforementioned duty.

Main Issues

4. Accordingly, the main issues are:

¹ visit it appears permission 16/00009/APP has been implemented by installation of below ground structures.

² approval reference 17/01712/ALB being Listed Building Consent (LBC) for the 'conversion of approved garage to starter single dwelling'

³ Which listed building is not made clear.

- whether the proposed conversion would preserve or enhance the character and appearance of the Winslow Conservation Area (WCA) with particular regard to the use of the building, and
- whether the proposed conversion would provide acceptable living conditions for occupiers of the proposed dwelling.

Reasons

Character and Appearance.

5. The appeal site is a small area of hardstanding within the WCA, fronting Greyhound Lane which serves the rear of properties on the east side of Winslow High Street, many of which are listed including the host property No.14 High Street (No.14). The WCA character statement indicates this part of the WCA between the Lower High Street and Greyhound Lane is characterised by long narrow 'burghage' plot forms, and a continuous built (High) street frontage.
6. Greyhound Lane lies at the edge of the historic core of the settlement. It features a mix of subsidiary buildings including residential conversions and individual new-build properties or similar insertions into the plots related to the High Street frontage buildings. Although there has been some modern back-plot development and plot amalgamation in more recent years, further dilution of this mediaeval development pattern would detract from the significance of the WCA.
7. The appeal site does not sit within a well-defined or enclosed plot as is the case elsewhere on the lane, but upon an existing open area of hardstanding which serves as an access to parking areas and private gardens, servicing several properties. These include No.14 and its neighbours together with Farthing Cottage to the south of the appeal site. A large protected tree is found at the rear of the hardstanding area.
8. Domestic garage use is characterised, particularly when separate from a host dwelling, by intermittent and sparse activity. Even a well-used garage will be dark with doors closed for most of the time and limited (if any) fenestration. Although many ancillary buildings associated with the listed frontage buildings have been lost to replacement or converted, the quiet use of storage and ancillary structures and therefore the secluded nature of Greyhound Lane would have been a feature of the historic character of the area that has been diluted by more recent development. As a garage (identified for 'storage use') the approved development would reinforce that hierarchy of active frontage development and lesser service buildings at the rear in accordance with that historic development pattern.
9. In contrast, the residential use proposed will inevitably have a different character and more intense use which will be signified by increased activity and the presence of domestic ephemera and other moveable property such as planters and patio furniture. Due to the uncontained nature of the site this will be plainly visible in the space around the building and in the treatment of fenestration with blinds or curtains thereby drawing attention to use as an independent dwelling.
10. The small size of the unit allows no internal provision for storage (other than a wardrobe) and has a very small kitchen. I consider this will increase the

likelihood of unsightly external clutter such as miscellaneous domestic items and storage 'pods' in addition to bins, and potentially bicycles for which no secure provision is made. These will compete for space within the tightly constrained but entirely unenclosed (and therefore insecure) external area identified, cumulatively causing harm to the character of the WCA. There would also be a degree of impact to the visual amenity of the area for neighbouring users.

11. Notwithstanding the form and appearance of the building is substantially that which has been approved, there is nothing before me to consider as to mitigation of the problems I have identified in the way of enclosing walls or screening. Even if such were feasible having regard to the shared access and identified parking requirement within the limited space available, I am not persuaded that the resultant development would preserve or enhance the character or appearance of the WCA or not conflict with Policy GP.35 of the AVDLP. The Council's Heritage Officer's response as to the refused proposal 17/01711/APP and listed building approval 17/01712/ALB, expresses concern that enclosure could harm the character and appearance of the WCA. To my mind given the impacts I have identified, lack of certainty in this regard weighs against the proposal to a significant degree.
12. The emerging Vale of Aylesbury Local Plan (VALP) is under public examination. The appellant has suggested this means that paragraph 11(d) of the National Planning Policy Framework (2019) (Framework) applies on the basis that the adopted Aylesbury Vale District Local Plan (2004) (AVDLP) is out-of-date. That is not a correct approach as paragraph 213 of the Framework explains.
13. In this case the development plan includes the Winslow Neighbourhood Development Plan (WNP) which was adopted in 2014 and can attract full weight. Weight can be given to policies of the adopted AVDLP according to their consistency with the Framework even if no weight can be given to policies of the emerging VALP. I attach significant weight to Policies GP8, GP35 and GP53 of the AVDLP due to their consistency with the objectives set out in the Framework at section 12, particularly paragraph 127, for well-designed places as a component of sustainable development and to support well-being, also in Section 16 'Conserving and enhancing the historic environment'.
14. Overall, I conclude the effects I have identified would signify a degree of intensification which I consider will, in turn, cause harm to the character and appearance of this part of the WCA and further dilute the historic pattern of development. Albeit of a minor nature due to the surrounding residential uses, this harm is nevertheless of importance. Having regard to paragraph 196 of the Framework, the degree of harm would be less than substantial which the resulting public benefit (of one additional dwelling) would not outweigh.
15. With respect to the development plan as my conclusions are that the use of the building as a dwelling would cause harm to the character and appearance of the WCA the proposal would, therefore, fail to accord with the requirements of Policy 5 of the WNP and policies GP8, GP35 and GP53 of the AVDLP. Amongst other things these seek to ensure housing development within the WCA preserves or enhances its character and appearance, respects the historic context and characteristics that led to the designation of the WCA and also prevent detrimental impact on the amenity of neighbouring users.

Living Conditions

16. The appellant disputes the relevance of nationally described space standards (the standards). Whilst there is no development plan requirement to meet with these standards, that does not preclude an assessment as to the adequacy of space for living. Along with access to daylight/sunlight these are important aspects of good design and well-being as the Framework makes clear.
17. The gross internal floor area (GIA) of the proposed dwelling would be approximately 28.6 square metres (sq.m.) around one quarter smaller than (what the standards describe as) the minimum for a single occupancy flat with a shower room. I note, however, the submitted plan suggests 2-person occupancy⁴ in which respect the proposed dwelling is more than 40% smaller than the standards. I am not persuaded that this degree of variation even for a single occupancy can be disregarded or reasonably described as 'minimally smaller than the ideal option' as the appellant suggests.
18. Unsuitability of the proposed unit for permanent occupation is manifest in the lack of internal storage space and the very limited kitchen space. In addition, the proposed dwelling would have neither porch nor lobby, and the constrained size of the plot will prevent extensions or ancillary structures which might relieve pressure on living space in the future.
19. A further concern is the restricted outlook. The main living room would have a very small window and a glazed door on the road-facing elevation, with a medium-sized window on the side elevation in the kitchen area. There being no planting, enclosures or walls suggested to create a degree of separation (or 'defensible space') from other users of the shared access, occupiers would at time be in the position of choosing between daylight and privacy. In addition, the identified outdoor amenity space would be adjacent to the parking/access and lacking a defensible perimeter, would neither be attractive to use nor secure.
20. I therefore conclude that the proposal, due to its small size, very restricted site area and outlook would not provide safe and healthy living conditions for occupiers. The proposal therefore conflicts with the principles of sustainable development set out in the Framework which, amongst other things, requires at paragraph 123, effective use of land whilst ensuring development will provide acceptable living conditions for the occupiers. Also in section 12, specifically at paragraph 127, that development should promote health and well-being, with a high standard of amenity for existing and future users including, if necessary, by reference to space standards.

Other Matters

21. Interested parties have suggested that the outward lean of the historic boundary wall adjacent to the appeal site intrudes upon the floor plan of the appeal building. My observations tend to confirm that the vertical alignment of the yet-to-be-built garage walls would interfere with the repaired historic wall. The Heritage Officer's response (previously referred to) refers to the harm that could arise in such circumstances but plainly, in the alternative, any inset of the garage walls would affect the size of the already small dwelling, albeit to a minor degree. This adds to my concerns on either count.

⁴ A double bed is shown

22. The appellant refers to the benefit of the proposal as low-cost market, 'starter' housing. Housing which is offered at a discounted market value would be a benefit but housing which reflects a low market value for other reasons such as small size or limited amenity value would not be a benefit. I have nothing before me that would give weight to this aspect of the proposal as a consideration.
23. I also note comments on the relevance of policies GP8 and GP35 of the AVDLP to the second refusal reason. It is not argued that the proposal accords with any policies in the emerging Vale of Aylesbury Local Plan. Even if it were argued that the AVDLP is silent or absent on issues of dwelling size or accommodation quality, my conclusions are such that the benefits of the proposal are limited and, in any event, significantly and demonstrably outweighed by the harms I have identified.

Conclusion

24. I have concluded that the proposed change of use of the permitted garage would cause harm to the character and appearance of the WCA. I have also concluded that the development would not provide a satisfactory living environment for occupiers. Although the proposal would provide a small economic benefit and a social benefit arises from an addition to housing supply, that is at the cost of environmental harm.
25. Whilst the development proposed is in a sustainable location and makes use of brownfield land, the benefit of an additional dwelling can attract little weight when the quality of that accommodation is, to my mind, not adequate in a number of important respects. Therefore, in consideration of the development plan as a whole and having regard to all matters raised, the appeal fails.

Andrew Boughton

INSPECTOR