



Appeal Decision

Site visit made on 04 March 2019

by J Slominski BA(Hons) MCD

an Inspector appointed by the Secretary of State

Decision date: 11th July 2019

Appeal Ref: APP/J0405/W/18/3217594

The Rothschilds Arms, 82 Weston Road, Aston Clinton, HP22 5EJ

- 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 Mrs Tracy Payne against the decision of Aylesbury Vale District Council.
 - The application Ref 17/04672/APP, dated 08 December 2017, was refused by notice dated 29 October 2018.
 - The development proposed is the Conversion and subdivision of the existing public house into two terraced dwellings and construction of three terraced two storey dwellings and associated parking on land on the opposite side of the road currently used as car parking and beer garden associated with Rothschild Arms Public House (PH).
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Decision

1. The appeal is allowed and planning permission is granted for the Conversion and subdivision of the existing public house into two terraced dwellings and construction of three terraced two storey dwellings and associated parking on land on the opposite side of the road currently used as car parking and beer garden associated with Rothschild Arms Public House (PH) at The Rothschilds Arms, 82 Weston Road, Aston Clinton, HP22 5EJ in accordance with the terms of the application, Ref 17/04672/APP, dated 08 December 2017 and the plans submitted with it, subject to the conditions listed in the Schedule below.

Application for costs

2. An application for costs was made by Mrs Tracy Payne against the decision of Aylesbury Vale District Council. That application is the subject of a separate Decision.

Main Issues

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

Reasons

4. Policies HDQ1 and HDQ2 of the Aston Clinton Neighbourhood Plan ("the Neighbourhood Plan") seek to ensure high quality design which reflects the vernacular and character of Aston Clinton, and is in keeping with its surroundings. Policy GP.35 of the Aylesbury Vale District Local Plan ("the Local Plan") echoes those policies, and requires new development to respect and

complement the physical characteristics, scale, appearance, and natural features of the site and surroundings.

5. Weston Road is a predominantly residential street of mixed character. On the northern side of the road the buildings are generally semi-detached or terraced, and close to the edge of the road. On the southern side there are detached and semi-detached houses with gaps between them, set back behind grass verges and front gardens.
6. The houses on the street are not of uniform design, but there are small groups of similarly designed buildings. These include the semi-detached houses with spacious front gardens on the southern side of Weston Road and the tightly grouped terraced houses on the northern side of the road. Those groups tend to end abruptly with marked differences in design, height, and site layout. As examples, the depth of front gardens changes dramatically on either side of Weston Court, no. 52A is a detached house with a different design and roof pitch to the semi-detached and terraced houses on either side; and there is particular contrast between the house types and layouts of the plots on either side of the road. The houses on the street have varied heights, mostly bungalows and two storey buildings, and the Rothschild Arms is partly three storeys high. As a result, the street's character is not uniform. There are however, small groups of similarly designed houses, and a relatively consistent palette of design features including brick or painted elevations, pitched roofs and porches. It is the prevalence of those consistent design features, rather than uniformity, which contribute most to the overall character.
7. The site is in two parts; on the northern part of the site, the alteration and conversion of The Rothschilds Arms (a public house) to two dwellings is proposed.
8. The southern part of the site is a surface car park situated between nos. 51 and 57 Weston Road. A detached house with a gable end roof and a pair of semi-detached houses under hipped roofs are proposed. Both parties agree that the façade design of each dwelling would be in keeping with the local vernacular, however the Council has identified that the proposed roof forms, building heights, and site layout would be discordant and harm local character.
9. The site is situated between houses of varied design with gaps between properties resulting in loosely aligned frontages. There is some consistency to the site layouts on the southern side of Weston Road, with the houses being set behind driveways and soft landscaping. The neighbouring houses at 47-51 Weston Road are laid out at a slight angle to the street, and nos.45 and 63 come noticeably forward of their neighbours. A number of properties also have front extensions or porches which result in stepped frontages. The overall effect is that the buildings are set back from the street with loosely aligned frontages, but without a strict building line.
10. The proposed houses would face the street, with plot 5 being set approximately 1.5m back from the front elevation of no.57 next door. The houses would be set in from their side boundaries, with a 5.7m gap between the proposed buildings. Their front elevations and roof ridges would be parallel to the street, similar to no.57, and they would be set back behind a soft landscaped boundary and a driveway with parking. The proposed brick elevations, materials and window designs would have some resonance with those at no.57

and although the houses would not be aligned with the front of no.57, their front elevations would face the street and would follow the loose alignment of frontages to the west. The combination of plot layout and building design would result in the houses being visually related to the houses to the west.

11. Plot 3 would be half a storey taller than no.51 to the east (which has 1.5 storeys), and it would be set back approximately 4.1m from the front elevation of no.51, resulting in a relatively abrupt relationship between buildings. There would however some common design features shared between plot 3 and no.51, including tiled hipped roofs, horizontal windows and brick elevations.
12. Given the use of common design features across the site and its neighbours, and that there are some already abrupt changes in building design, height, and front garden depth along the street, I find that the design, scale, positioning and layout of the buildings on the southern part of the site would not appear disjointed and would be in keeping with the street scene.
13. The application proposes to re-use the existing two crossovers into the southern part of the site, with soft landscaping and trees forming a front boundary treatment, and ten parking spaces within the curtilage of the houses. The parking spaces would be arranged in small clusters, with three in front of each of plots 3 and 5, and four between plots 4 and 5. The parking spaces directly in front of the houses would result in a similar appearance to the surrounding front driveways, and those between plots 4 and 5 would be discreetly located in the gap between the buildings and would not dominate the appearance of the site. The appearance of the nearby front gardens varies, with some having more hardstanding than others, and in that respect the proposed arrangement would be in keeping with its surroundings.
14. The presence of six perpendicular highway parking spaces (to be retained) on the southern side of the road is unusual, although that is an existing arrangement (previously agreed by the council in relation to planning consent 14/03662/APP) and is not a direct result of the proposed development.
15. The cumulative effect of the existing (on-street) and proposed parking spaces would result in an unusually large number of parking spaces in front of the new houses. There is no grass verge in front of the site, and the overall effect would be less verdant and more car-dominated than other parts of the street. However, the provision of a boundary hedge and trees would visually separate the proposed driveway from the highway parking spaces, enabling the proposed front garden and driveway area to have an appearance which is relatively consistent with its neighbours. Although the Council has raised concerns about how substantial and robust that landscaping would be, an appropriate landscaping condition would be sufficient to ensure that the landscaping would contribute positively to the development's appearance.
16. The design and site layout would reflect the local character and pattern of development; reinforce local distinctiveness; and reflect the vernacular of Aston Clinton.
17. The Council accepts that the impact of the proposal upon the wider landscape would not be demonstrably harmful to its visual setting. However the Council has identified harm to the immediate context, due to the design and relationship of the proposal to surrounding properties and landscape.

18. The southern part of the site currently forms an unusually wide gap between buildings, and the existing surface car park and outbuilding on the site do not contribute positively to local character. The gap between buildings does allow far reaching views through to the countryside beyond, although those views are framed by a mismatch of rear extensions, fence panels and outbuildings, therefore whilst the views are pleasant the overall contribution that the site's openness makes to local character is limited. The partial infilling of that gap with sensitively designed houses will reinforce the prevailing pattern of housing development along Weston Road, whilst maintaining some views of the countryside through a gap of about 5.7 metres between the two proposed buildings (and further gaps on either side of the dwellings).
19. I therefore find that the siting, layout and design of the proposed new dwellings and the proposed parking layouts would contribute to the established character and appearance of the street scene and would promote and reinforce the local distinctiveness and character of its location on Weston Road. The development would comply with policies HDQ1 and HDQ2 of the Neighbourhood Plan and Policy GP.35 of the Local Plan.

Other Matters

20. A number of concerns have been raised by interested parties, including the loss of a public house, neighbour amenity, highway safety, ecology, and whether new housing is needed.
21. The local plan identifies a need for new housing, which the development would contribute to.
22. An objection was raised by the Local Lead Flood Authority based on the lack of Sustainable Urban Drainage Systems proposed; I agree with the Council that this matter could be addressed by a planning condition.
23. The highways authority has raised no highway safety concern and I have no reason to do so.
24. Similarly, the Council's ecology consultee has raised no concerns, and in the absence of evidence of potential impacts, I have no reason to believe that there would be unacceptable ecology impacts.
25. I also agree that the proposed change of use from a public house to residential units is adequately justified by the submitted viability appraisal.
26. I have taken into account the above matters, and the further details raised within the consultation responses, but they do not affect my findings on the main issue.

Conclusion and Conditions

27. I have found that the proposed development would comply with the development plan policies, and would therefore also comply with paragraph 11 of the Framework which requires development proposals that accord with an up-to-date development plan to be approved.
28. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed subject to the recommended conditions.

29. I have imposed most of the conditions suggested by the Council, albeit reworded to ensure that they comply with the relevant tests set out in the Framework. I have applied slightly separate requirements to the development on the northern side of the site, to that on the southern part of the site, because the development on the northern side is small in scale and mostly (although not wholly) limited to internal works with limited impacts, and the works on southern side are more comprehensive including the digging of foundations which have greater implications, including for trees, laying of services and drainage, and construction impacts. There is no reason why approval of details relating to the southern part of the site should delay the commencement of works on the northern part of the site.
30. I have imposed standard conditions relating to the commencement of development and compliance with the approved plans, in the interests of clarity and good practice.
31. I have imposed conditions regarding materials and slab heights in the interests of good design.
32. I have imposed conditions requiring details of biodiversity measures, tree protection and landscaping, in order to ensure that the proposal contributes positively to its landscape. The suggested condition regarding tree protection is amended because the necessary details were supplied within the planning application, so compliance with the submitted details is required instead.
33. I have imposed conditions requiring the Council's approval of surface water and foul drainage, in order to reduce the risk of flooding and to promote sustainable drainage.
34. I have removed permitted development rights solely regarding the enlargement of the dwellings or the insertion of additional windows, and I have also imposed a condition requiring side elevation windows to be obscured glazed, both to limit harm to neighbour amenity.
35. I have imposed a condition requiring a Construction Management plan, but limited to the southern side of the site only due to the limited nature of the works taking place on the northern side of the site (which will not result in significant excavation and construction works).
36. I have not imposed the Council's suggested conditions regarding highway works and access onto Weston Road as they are not relevant, because the works referred to within those conditions are no longer proposed.

Jan Slominski

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location and Block Plans (PLC Plan No. 17.2401.110_P1)

Topographical Survey (Encompass Surveys Drawing Ref: ENC/131117-6AA2-1),

Existing Floor Plans (Encompass Surveys Drawing Ref: ENC/131117-6AA2-2)

Existing Elevations (Encompass Surveys Drawing Ref: ENC/131117-6AA2-3)

Amended Proposed Site Layout (PLC Plan No. 17.2401.100_P6)

Proposed Floor Plans – Plots 1 & 2 (PLC Plan No. 17.2401.101_P1)

Proposed Elevations – Plot 1 & 2 (PLC Plan No. 17.2401.105_P1)

Proposed Floor and Roof Plan – Plot 3 & 4 (PLC Plan No. 17.2401.102_P1)

Proposed Elevations – Plot 3 & 4 (PLC Plan No. 17.2401.103_P1)

Proposed Elevations, Floor & Roof Plan – Plot 5 (PLC Plan No. 17.2401.104_P1)

Proposed Street Scene/Context (PLC Plan No. 17.2401.106_P1)

Proposed Bike/Bin Store (PLC Plan No. 17.2401.107_P1)

Planning, Design and Access Statement (WYG Doc Ref: HC17017 dated December 2017)

Arboricultural Implications Assessment & Method Statement (EcoUrban, Report Ref: 17983 – AIA dated 7th December 2017)

Drainage Strategy and Flood Risk Statement (OPUS, dated 22/2/18),
supplemental letter from OPUS dated 8/4/18

3. The materials to be used for the external surfaces of the building hereby approved shall match those indicated on the approved plans and shall be retained as such thereafter.
4. No construction of the dwellings on the southern part of the site (including plots 3, 4 and 5) shall take place until details of the proposed slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority, with reference to fixed datum point. The buildings shall thereafter be constructed to the approved slab levels.
5. Prior to the first occupation of plots 1 and 2, details of how the plots 1 and 2 would achieve net gains for biodiversity shall be submitted to and approved in writing by the Local Planning Authority.

The approved measures shall be carried out prior to the first occupation of plots 1 and/or 2 of the hereby approved development.

6. Prior to the commencement of development above damp proof course level of plots 3, 4 and 5, details of how the plots 3, 4 and 5 would achieve net gains for biodiversity shall be submitted to and approved in writing by the Local Planning Authority.

The approved measures shall be carried out prior to the first occupation of plots 3, 4 and/or 5 of the hereby approved development.

7. Prior to the first occupation of plots 1 and/or 2, full details of all proposed tree planting and landscaping on the northern part of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall follow guidelines and standards set out in BS8545:2014 and should include:
- i. planting and maintenance specifications, including cross-section drawings;
 - ii. confirmation of location, species and sizes, nursery stock type, supplier and defect period; and
 - iii. a planting design statement, setting out the objectives and justification for the scheme.

The approved details shall be completed prior to the end of the first planting season following the first occupation of the plots 1 and/or 2. 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 by the Local Planning Authority.

8. Prior to the first occupation of plots 3, 4 and/or 5, full details of all proposed tree planting and landscaping on the southern part of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall follow guidelines and standards set out in BS8545:2014 and should include:
- i. planting and maintenance specifications, including cross-section drawings;
 - ii. confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - iii. a planting design statement, setting out the objectives and justification for the scheme; and
 - iv. measures to ensure the full establishment of the front landscaped boundary, including planting medium and protection from vehicles.

The approved details shall be completed prior to the end of the first planting season following the first occupation of plots 3, 4 and/or 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 by the Local Planning Authority.

9. The tree protection measures specified in the Arboricultural Implications Assessment & Method Statement (EcoUrban, Report Ref: 17983 – AIA dated 7th December 2017) shall be complied with during all stages of construction.

No development shall take place on the southern part of the site (Plots 3, 4 and 5) until details of the proposed means of disposal of foul water infrastructure have been submitted to and approved in writing by the Local Planning

Authority. The approved measures shall be carried out prior to the first occupation of plots 3, 4 and/or 5 of the hereby approved development.

10. Development shall not begin on the southern part of the site (Plots 3, 4 and 5) until a sustainable urban drainage scheme for the site has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be carried out prior to the first occupation of plots 3, 4 and/or 5 of the hereby approved development, and maintained thereafter.

11. Plots 1 and/or 2 shall not be occupied until a sustainable urban drainage scheme for the site has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be carried out prior to the first occupation of plots 1 and/or 2 of the hereby approved development, and maintained thereafter.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling, including dormer windows and no further insertion of windows, shall be carried out within the curtilage of any dwelling the subject of this permission, other than those expressly authorised by this permission.

13. The first floor level windows in the flank elevations of the buildings hereby permitted on the southern part of the site (Plots 3, 4 and 5) shall not be glazed or re-glazed other than with obscured glass and they shall be fixed shut up to a minimum height of 1.7m above finished floor level and shall thereafter be retained as such.

14. No development shall begin on the southern part of the site (Plots 3, 4 and 5) until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority, including provision to accommodate the following during the construction period:

- i. site operatives', visitors' and construction vehicles;
- ii. loading and off-loading;
- iii. parking and turning within the site;
- iv. pre and post-condition surveys of the existing highway network and details of works to remedy defects; and
- v. site hoarding.

The development shall thereafter take place in accordance with the approved details.