

Appeal Decision

Site visit made on 17 June 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/K0425/W/19/3226163

Land adjacent Silvergate and The Dairy, Downley Common, Downley HP13 5YN

- 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 Maitland-Smith Holdings Ltd against the decision of Wycombe District Council.
 - The application Ref 18/06360/FUL, dated 23 May 2018, was refused by notice dated 13 December 2018.
 - The development proposed is the 'erection of a four bedroom dwelling following demolition of existing buildings'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on the character and appearance of the local area including the Chilterns Area of Outstanding Natural Beauty and the Downley Conservation Area, along with its effect on highway safety.

Reasons

Character and appearance

3. The appeal relates to a parcel of land which is located between a commercial garage and two dwellings. It sits along a private access track. An attractive open area of land known as Downley Common sits on the opposite side of the track. The openness of the northern side of the track makes a positive contribution to the character of the local area, which sits within the Chilterns Area of Outstanding Natural Beauty (AONB) and the Downley Conservation Area (CA).
 4. The Council accepts that the appeal site is located within an established residential area where the principle of residential development is acceptable. However, the Council asserts that the overall scale, mass, bulk and location of the proposed dwelling would harm the character and appearance of the local area.
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5. I disagree. The proposed dwelling is of an attractive, traditional design. It would replace a range of small buildings including a wooden garage, two garden sheds and a greenhouse and although much taller, it would sit comfortably alongside the adjacent dwellings immediately to the west known as Silvergate and Bramblings. A new vehicular access would be created to the site frontage, but the majority of mature landscaping to this boundary would be retained, as would much of the mature vegetation within the site, and further planting is proposed. The dwelling would be seen in the context of the adjacent buildings and as such, it would not unduly affect the open setting of Downley Common on the opposite side of the track.
6. For the above reasons, I find that the proposal would not harm the character and appearance of the local area. It would at least conserve the landscape and scenic beauty of the AONB and preserve the character and appearance of the CA. In such terms, I find no conflict with policies CS17 and CS19 of the adopted Wycombe Development Framework Core Strategy Development Plan Document (CS), saved policies G3, L1 and HE6 of the adopted Wycombe District Local Plan and policies DM30, DM31 and DM35 of the Council's emerging Local Plan (ELP).

Highway safety

7. The proposed dwelling would be accessed via a track; the majority of which is wide enough for only one vehicle to travel along. The proposal includes the widening of the first 10 metres of the track from the junction with Plomer Green Lane to 4.8 metres and the improvement of the existing passing place which is located roughly halfway between the appeal site and this junction. The two stretches of the track either side of the passing place have reasonable visibility. On this basis I am satisfied that the additional traffic likely to be generated by future occupiers of the proposed dwelling would not result in a material risk to the safety of users of the track. I am also satisfied that the vehicular access which would serve the proposed dwelling itself is of an acceptable standard.
8. Notwithstanding this, visibility at the junction with Plomer Green Lane in the southerly direction is very limited. According to the measurement provided by the Council, visibility is just over 8 metres, which is substandard for even a 30mph speed limit. As a result, vehicles turning right from the track on to Plomer Green Lane would have very restricted visibility of vehicles approaching this junction heading in the northerly direction. I appreciate that some 72 metres or so south of the junction, the speed limit reduces to 30mph and the Traffic Assessment submitted in support of the application shows an 85th percentile speed which is lower than the 60mph speed limit. Nevertheless, the speed limit at the junction is 60mph and at my visit, I noticed that some vehicles passed it at considerable speed.
9. The land on the southern corner of the junction with Plomer Green Lane is not within the control of the appellant company and no formal agreement is in place to enable its improvement. On this basis, it would not be possible to impose a condition to ensure the creation of an appropriate visibility spay in the southerly direction. I appreciate there have been no recorded accidents at this junction within the last 5 years and that the development would generate only a limited number of additional vehicle movements. Nevertheless, it cannot be disputed

that the proposal, as presented, would intensify the use of a substandard junction.

10. I am mindful that the National Planning Policy Framework explains development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case, I consider that the proposal would pose an unacceptable increase in the risk to the safety of highway users. In such terms, the proposal conflicts with policy CS20 of the CS and policy DM33 of the ELP.

Other considerations

11. In reaching my decision, I am mindful that additional concerns have been raised by third parties regarding the impact of the proposal on the living conditions of neighbours, along with concerns relating to drainage and wildlife. I am satisfied that the proposed house would be sited a sufficient distance from the nearest dwelling so as not to unduly impact on the living conditions of its occupiers, whilst issues relating to emissions from the proposed chimney are more appropriately dealt with by other legislation. I am mindful that the Council's technical consultees do not share concerns relating to wildlife and drainage and from what I have seen and read, I am satisfied that any associated issues could be satisfactorily addressed by the imposition of suitably worded planning conditions.
12. The appellant company refer to a number of developments along the lane and nearby, including extensions, a flat, a home office and a new vehicular access serving an existing property which was allowed following a successful appeal (Ref. APP/K0425/D/18/3193279). However, from what I have seen and read, none of the examples relate to the erection of a completely independent 4 bedroom dwelling. On this basis, they are not directly comparable to the scheme before me. I therefore attach only limited weight to them in my deliberations.

Overall Conclusions

13. I conclude that although the proposed dwelling would not harm the character and appearance of the local area including that of the AONB and the CA, it would have an unacceptable impact on highway safety contrary to the development plan policies outlined above. The arguments advanced by the appellant company do not outweigh the harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR