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# 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**

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**Appeal Ref: APP/J0405/W/19/3226315**

**9 Gibson Lane, Haddenham HP17 8AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr & Mrs Dot & Tom Meagher against the decision of Aylesbury Vale District Council.
  - The application Ref 18/02755/APP was dated 3 August 2018.
  - The development proposed is the 'demolition of existing car port and studio and construction of new 3-bedroom 2-storey dwelling house'.
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## Decision

1. The appeal is dismissed and planning permission is refused.

## Procedural Matter

2. The appeal is made on the basis that the Council failed to determine the application within the prescribed period of time. The Council has advised that had the application been determined, it would have been refused.

## Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the local area, including the Haddenham Conservation Area within which it sits.

## Reasons

4. The appeal site is located within the village of Haddenham. It comprises part of the residential curtilage of No. 9 Gibson Lane which includes a large garden area with an existing car port and studio which is attached to a barn. The proposal seeks to demolish the car port and studio and erect a dwelling within the site.
  5. The existing car port and studio is an attractive structure which sits comfortably alongside the barn and main dwelling. The largely open and verdant nature of the site which would accommodate the proposed dwelling and its associated curtilage is visible from the public domain and it makes a positive contribution to the overall character and appearance of the Haddenham Conservation Area (CA), within which it sits.
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6. The proposed dwelling would be a substantial structure; much deeper and wider than the buildings it would replace and it would extend much further southwards. As a result, the proposal would introduce significant additional bulk and mass to the site. The overall scale and width of the proposed dwelling would dominate the existing garden and it would harmfully reduce its largely open setting. Whilst the existing Wichert walls which enclose the entrance to the current garden would screen the lower section of the proposed dwelling, the structure would largely block views of the attractive mature trees to the rear. It would also intrude upon the largely open and verdant view of the existing site from Skittles Green, which makes a positive contribution to the overall character and appearance of the CA, as I have explained.
7. To my mind, this harm would be exacerbated by the fact that the contemporary design of the proposed dwelling, which includes a 'top heavy' mansard style roof with large rooflights, would be a stark contrast to the traditional design of the existing barn to be retained, the host dwelling and the other dwellings within this part of Gibson Lane. I am not persuaded that additional landscaping would mitigate the visual harm.
8. There is no dispute between the parties that the proposed dwelling would be sited a reasonable distance from No. 7 Gibson Lane, which is a Grade II Listed Building, so as not to harm its setting. Nevertheless, for the reasons outlined above, I consider that overall effect of the development proposed would harm the character and appearance of the local area and that of the CA within which it sits.
9. The harm to the heritage asset would be 'less than substantial' as directed by the Planning Practice Guidance, but I attach considerable importance and weight to the statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
10. The National Planning Policy Framework explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

*Other considerations, including public benefits*

11. The appellants refer to a previous planning permission for the demolition of the existing car port and erection of a two storey extension to the existing barn to form a garage with accommodation over (Ref. 07/00264/APP). However, as the Council has explained, the siting, design and scale of the previously approved development is materially different, and so too is its nature, therefore it is not directly comparable to the scheme before me. In any event, there is no suggestion that this historic planning permission remains capable of being implemented.
12. The appellants assert that the proposal would amount to the effective use of previously developed land. To my mind, although the proposal would be built partly on the footprint of existing buildings, a good proportion would be built on

garden land, which falls outside of the definition of previously developed land provided by Annex 2 of the National Planning Policy Framework (the Framework).

13. There is no dispute that the principle of residential development in this location is acceptable and the appellants assert that the proposal amounts to sustainable development. However, the Framework explains that good design is a key aspect of sustainable development. For the reasons outlined, the proposal does not amount to good design, therefore it cannot amount to sustainable development in the widest sense of the definition provided by the Framework.
14. In reaching my decision, I have considered the additional matters raised by nearby residents, including the effect of the proposal on their living conditions. However, I agree with the appellants and the Council that the proposed dwelling would be sited a reasonable distance from the nearest dwellings so as to ensure reasonable standards of residential amenity were maintained. Whilst concern has been expressed about damage to boundary walls during the construction phase, this amounts to a civil rather than a planning matter. From what I have seen and read, I am satisfied that the proposal would not cause harm to any nearby trees or protected species or have an adverse archaeological impact, subject to protective conditions and that the development would be served by adequate private parking and a safe access. Nevertheless, these are neutral factors in the overall planning balance.
15. I appreciate the appellants seek to build a true 'lifetime' home which would suit their current needs and be flexible enough to adapt to future needs if required. I also understand the proposed dwelling has been designed to maximise indirect light from above to create a lighter and more user-friendly space to benefit Mrs Meagher's partial-sightedness. Nevertheless, as the dwelling is likely to remain long after these factors cease to be a material consideration, I attach only limited weight to them in my deliberations. In addition, I recognise that the proposal would generate both short term economic benefits during and construction and longer term benefits as occupiers would be likely to use local services and it would also contribute to the supply of housing within the District. However the benefits in such terms from one additional dwelling would be limited and therefore so too is the weight that I attach to these factors.
16. Finally, I note the appellants have expressed frustration with regards to advice received at the pre-application stage along with the duration of the formal application process. Whilst this is regrettable, it is not a matter for me to consider.

### **Overall Conclusion**

17. I conclude that the proposal would harm the character and appearance of the local area and the CA within which it would sit. In such terms, it conflicts with saved policies GP35 and GP53 of the adopted Aylesbury Vale District Local Plan which promote good design that respects and complements its surroundings and seek to preserve heritage assets respectively. The arguments advanced by the appellants in favour of the proposal do not outweigh this harm and policy conflict therefore the appeal does not succeed.

*David Fitzsimon* INSPECTOR