The Planning Inspectorate

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/J0405/W/19/3226425
Land adjacent to Rose Cottage, Chapel Lane, Akeley MK18 5HU

- 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 Mackellow against the decision of Aylesbury Vale District Council.
- The application Ref 18/02797/APP, dated 8 August 2018, was refused by notice dated 6 December 2018.
- The development proposed is 'the erection of a 1 bed chalet bungalow'.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the local area, including the setting of the adjacent Conservation Area.

Reasons

3. The appeal relates to a rectangular parcel of land which abuts and runs parallel to the highway. A row of small terraced properties front the highway some distance along Chapel Lane to the south-west. However, the dwellings closest to the appeal site are noticeably larger and sit within generous plots. This arrangement gives the immediate locality a spacious feel and makes a positive contribution to the overall character and appearance of the Akeley Conservation Area (CA) which sits immediately to the south-west.

4. The appeal site is of modest size and currently accommodates a small wooden structure. The proposed dwelling would sit closer to the highway than the neighbouring dwellings and its garden would be much smaller. As a result, the dwelling would appear somewhat cramped and out of keeping with the established pattern of development within the immediate vicinity. Furthermore, the site is home to an abundance of mature vegetation including that which defines the front boundary. No technical information has been advanced to satisfy me that the dwelling could be built without unduly impacting upon at least some of the mature vegetation, as required by saved policy 39 of the adopted Aylesbury Vale District Local Plan (LP). Significant loss of mature vegetation would be regrettable and would harm the setting of the site.

5. In addition, although the dwelling could be finished in appropriate external materials, it would have an unusual roof arrangement. The 'Gablet' as referred to by the appellant, would comprise a hipped roof with a raised central section with small triangular gables to either end. This design approach would not sit comfortably alongside the more traditional and simple roof forms of the dwellings nearby.

6. In light of the above, I find that the proposal would harm the character and appearance of the local area. This harm would detract from the setting of the Akeley Conservation Area when viewed from the north-east.

7. 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.

8. 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

9. The appellant explains that the dwelling would be 'affordable' due to its limited size. Whilst I accept that it would contribute to the stock of smaller dwellings within the village and the District as a whole, the effect in such terms would be limited and as such, this factor does not outweigh the harm I have identified.

10. The appellant refers to other dwellings and developments within the local area. However, I do not know the precise planning circumstances behind the examples highlighted. In any event, I have considered the proposal before me on its individual merits, taking into account its specific context.

11. I am mindful that additional concerns have been raised by third parties including matters relating to highway safety, wildlife, flooding, archaeology and privacy. In assessing the proposal, the Council was satisfied that its impact in such terms would be acceptable, subject to conditions. Based on my site visit and the technical evidence I have read, I have no reason to disagree but these are neutral factors in the planning balance.

Overall Conclusion

12. The proposal would harm the character and appearance of the local area and the setting of the adjacent CA. In such terms, it conflicts with saved polices GP35, GP38, GP39. GP40 and GP53 of the LP which collectively promote high quality design that responds well to its surroundings and protects trees and heritage assets. The arguments advanced by the appellant do not outweigh this harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon INSPECTOR