The Planning Inspectorate

Appeal Decision

Site visit made on 7 August 2019

by M Chalk BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/J0405/W/19/3229404
Swindon House, Lower Road, Stoke Mandeville HP22 5XA

- 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 Michael Donnachie against Aylesbury Vale District Council.
- The application Ref 18/02118/APP, is dated 15 June 2018.
- The development proposed is demolition of existing outbuildings and erection of two detached dwellings and associated parking and landscaping.

Decision

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

Application for costs

2. An application for costs was made by the appellant against Aylesbury Vale District Council. This application is the subject of a separate Decision.

Procedural Matter

3. A proposed landscape scheme was submitted with the appeal that was not part of the submissions to the Council. The scheme is shown on drawing 10076 Revision A. The Council and interested parties have had the opportunity to review the additional drawing, and I consider that it does not propose any fundamental alterations to the proposed development. I therefore have included the proposed landscaping scheme in my consideration of the appeal.

Main Issues

4. The main issues are:

   - whether the scale of development would be appropriate in this location
   - the effect of the development on the adjacent public right of way

Reasons

Scale of development

5. The site comprises a stables and associated paddock on the edge of the village of Stoke Mandeville. Access from Lower Road is via a long driveway shared with the neighbouring property, Buckden House. Development along this side of Lower Road is broadly linear in nature, although Buckden House and the neighbouring Swindon House are set back from the road, with the stables lying still further away from the road.

6. The site and its immediate surroundings are characterised by the transition from the domestic character associated with the dwellings towards the more rural character of the countryside beyond. Outside of the appeal site there are banks of mature trees so that the outlook from the site is not of open countryside, but there is an unquestionable rural character to the land. The stables are the built structures that project furthest from the road, although a fenced tennis court to the rear of Swindon House lies partway along one boundary.

7. The proposed development comprises 2 detached five bedroom houses, each of two storeys in height with integral garages. The houses would be broadly L-shaped, with their longest elevations oriented towards the north and south boundaries of the site.

8. The current stables on site are two storeys tall at their highest point, but most of the buildings are a single storey in height. The proposed houses would appear cramped on the site due to their height, siting and footprint. The houses would be separated, but their facing walls would be two storeys tall with gabled roofs above. The combination of height and mass would override the limited degree of separation, and the houses would present almost as a single continuous structure. The orientation of the houses, with two-storey forward projections, would create an undue sense of enclosure within the site, which at present is relatively open. While the impact could be softened to some extent by landscaping to the front and rear, the houses would lie so close to the site boundaries that landscaping to the sides and between the houses could not satisfactorily mitigate their impact.

9. Planning permission was granted in 2017 for a single house on this site (Council ref 16/04610/APP). I have been provided with the approved plans for this development and this approved scheme is a consideration in determining this appeal. The approved single house on this site would occupy a larger footprint than either of the individual houses proposed. However, as a single building that house would occupy less area in the site overall, and consequentially provide additional space for landscaping to soften its impact. In any case, the appeal development must be judged on its own merits, which is what I have done.

10. The appeal site presently lies at the edge of the village, and the existing stables use is one commonly found in rural locations. This gives the site a transitional character between the domestic properties along Lower Road and the countryside beyond.

11. That character would be lost with the scale of proposed development. The dense nature would result in the domestication of the site beyond the boundaries of any existing residential property in the area. Although the principle of the residential development on this site has been established by the extant permission, the proposed development would result in harm to the character of the site and surrounding area by its greater density and scale of development.

12. I therefore find that the proposal would result in a scale of development that leads to a cramped form of development that would fail to respect and complement the physical characteristics of the site. Accordingly the scale of development would not be appropriate in this location. It would be contrary to policy GP35 of the Aylesbury Vale District Local Plan (January 2004) which

amongst other things seeks to ensure that development respects and complements the physical characteristics of the site and the surroundings and the natural qualities and features of the area. The policy is consistent with the criteria of the National Planning Policy Framework insofar as it seeks to achieve well-designed and sustainable development.

Impact on the public right of way

13. The proposed house on plot 2 would lie adjacent to the public right of way that crosses the site. The house would be much taller than the existing buildings on site, and would not be set significantly further away from the footpath.

14. The right of way is already overshadowed for part of its way through the appeal site by the mature trees along the site boundary. The proposed development would reduce the extent of built footprint along the footpath, but increase the overall height of the built form on the site.

15. While the impact would be focused on a short section of the footpath, as set out above this is a transitional point between the residential and rural areas, and the mass of the proposed house in particular and the development in general would be a prominent feature along the footpath, detracting from the openness and sense of space to be found on this side of the right of way.

16. The closest part of the approved house would also be close to the right of way. However, the layout of the approved house is such that only a relatively small section of the house would be sited next to the right of way. In the appeal proposal the longest elevation of the house on Plot 2 would face onto the right of way, and in fact would be closer than any part of the approved house. The proposed landscaping scheme shows an evergreen hedge planted along the boundary between Plot 2 and the right of way. However, I do not find that this would be sufficient to mitigate the height and mass of the house, as seen from the right of way.

17. I therefore find that the proposed development would be harmful to the amenity and public enjoyment of the public right of way, contrary to the requirements of policy GP84 of the Aylesbury Vale District Local Plan (January 2004). The policy is consistent with the requirements of the National Planning Policy Framework insofar as it requires that planning decisions should protect and enhance public rights of way.

Other matters

18. The appellant has stated that the development would provide additional housing towards the Council's housing targets. However, based on the evidence before me the Council has identified more than 5 years' supply of housing land. I have therefore afforded this limited weight in considering this appeal.

19. The appellant has also stated that the appeal site is in a sustainable location, that the development would provide economic and social benefits, would provide biodiversity improvements, would result in reduced traffic movements from the existing use at maximum occupancy, improved surface water drainage, a reduction in the built footprint on site and landscaping improvements.

20. I do not find that the overall benefits of the development put forward would overcome the identified harm.

Conclusion

21. Having regard to all matters, I dismiss the appeal and planning permission is refused.

M Chalk

INSPECTOR