



Appeal Decision

Site visit made on 11 March 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2019

Appeal Ref: APP/K0425/W/18/3219246

1 Newfield Gardens, Marlow, SL7 1JN

- 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 Shoukat Ali against the decision of Wycombe District Council.
 - The application Ref 18/06517/FUL, dated 7 June 2018, was refused by notice dated 22 November 2018.
 - The development proposed is the construction of 1 x 2 bed attached dwelling with parking facilities and alterations to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Wycombe District Council have submitted the New Wycombe Local Plan (New Local Plan) for examination and it remains unadopted; no evidence has been submitted regarding the consistency of the emerging policies with the Framework or levels of objections to them. Given this, limited weight is afforded to the emerging policies.

Main Issue(s)

3. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of neighbouring properties having regard to noise and disturbance.

Reasons

Character and appearance

4. Newfield Gardens is a residential area with dwellings of similar age and style, some of which have been extended in various ways. Properties are generally brick with some render scattered throughout. They tend to be semi-detached or short terraces of properties. The appeal site is located at the end of a cul-de-sac part of Newfield Gardens.
5. As seen from the road, the host dwelling is the end of terrace property with a symmetry to the terrace. The host dwelling forms a corner to the cul-de-sac with number 2 Newfield Gardens; although they are not linked they are in reasonably close proximity to each other as seen from the street.

6. The proposed development would result in a new dwelling being created via an extension to the existing property, located within the garden. The appeal development would match the height of the existing dwelling, incorporating hipped roofs to the side and front elevations. The proposals would create a staggered layout to the front elevation, and would wrap around part of the existing dwelling to incorporate a rear extension.
7. The insertion of the hipped gable and the large extension would result in a substantial addition to the host dwelling, created in particular by the front hipped gable dominating the existing front elevation, with the remainder of the extension set back and being visible behind it. The proposal would also require the adjustment of the existing front gable feature which is matched at the other end of the terrace. This bulk of built form would dominate the existing building and destroy its original character and appearance. The large extension proposed would be detrimental to the overall character of the original building's character, creating an unbalanced appearance.
8. I acknowledge that as seen from the street, views may be partially restricted due to the other surrounding buildings, however this does not alleviate my concerns about the significance of the proposed extension and the negative impact to the existing building and terrace.
9. The arrangement for the front door of the host dwelling would need to be altered and would result in a front elevation with no front door visible from the street. Most of the dwellings in the terrace and surrounding area have distinctive front porches with arched doorways, as well as some arched rear accesses. The legibility of the dwelling would be lost to a blank frontage without a front door or porchway.
10. I note the appellant's reference to other extensions to properties nearby, however these are set on different orientations or plot arrangements and so are not directly comparable to the appeal before me. Even so, it is the scale and dominance of the proposed development which leads me to conclude that the extensions are not acceptable.
11. The new dwelling and the parking area would take up a significant amount of space of the garden area of the host dwelling. The parking of cars in this location would not reflect typical patterns in the area, where parking tends to be to the front or side of properties. The existing dwelling would be altered to make access to the side and rear possible.
12. The proposed dwelling would also be shaped around the parking space number 4. I consider that the arrangements would be tight (although not impossible) and the layout and narrow entrance for vehicles indicates to me that the development is somewhat contrived and this adds to my concerns over the uncharacteristic nature of the development in the garden.
13. Although the addition of hardstanding within the rear garden is not objectionable in itself, its proposed use for parking and turning raises concern. I consider this use would fundamentally change the character of this part of the appeal site from garden space to access and parking.
14. Whilst I note that the existing gap between the host dwelling and neighbouring property (2 Newfield Gardens) would be closed, I do not consider that this alone is sufficient to cause harm to the character and appearance of the area.

15. The appeal site is visible from Dedmere Court. The appeal site runs the length of the communal front garden and access area to these properties which sit perpendicular to the appeal site. Despite the size of the extension, the impact to the street as seen from Dedmere Court is not so significant as to raise concern on this ground alone. I have taken into account that number 2 is currently visible, beyond the appeal site, and the appeal proposal would appear to harmonise with that dwelling, albeit being located closer to Dedmere Court. The development would include planting to this boundary which would also help to soften the appearance. Notwithstanding my concerns about the overall scale of the proposed development, the impact to the character of Dedmere Court would be of a lesser degree.
16. The opportunity for landscaping to the front is limited. Given that the existing frontage (together with number 2) is already subject to a sizeable amount of hard landscaping for parking, this would not amount to a significant change as a result of the appeal proposal. The treatment of frontages to housing in Newfield Gardens which demonstrate similar hardstanding areas. Whilst regrettable, the omission of softening to the frontage is not a wholly sufficient reason for me to object on this ground alone. Notwithstanding my findings on this and the other matters above, these points collectively do not outweigh the harm already identified in respect of the effect of the proposed development on the character and appearance of the area.
17. Saved Policy G3 (General Design Policy) of the Wycombe District Local Plan (as saved and extended in September 2007; 'the Local Plan') expects high quality design of new developments including layout and consideration of the surroundings. This is supported by the adopted residential design guidance at Appendix 1 of the Local Plan.
18. The Core Strategy (July 2008) also seeks to ensure high quality design at Policy CS19 'Raising the Quality of Place-Shaping and Design'. This sets out six requirements which include, at part 1 *"high standards of design and layout to be achieved including the positive, attractive and safe public and private environment"*.
19. Policy CS19 of the Core Strategy follows the Local Plan policies, expecting that there should be high standards of design and layout through new development. For the reasons set out above, the proposed development would not represent high standards of design and layout.
20. Of the emerging policies, Policy CP9 and DM35 are the most relevant, expecting a distinctive high quality sense of place to be delivered through a number of mechanisms, including (among other things) high quality design; improving the character and quality of an area and respecting the distinctive character of an area; creating positive and attractive buildings and spaces and preventing significant adverse impacts on the amenities of neighbouring land and property.
21. The Framework expects at paragraph 122 that planning decisions should make efficient use of land whilst also taking into account the desirability of maintaining an area's prevailing character and setting, including residential gardens. Section 12 considers design and achieving well-designed places. This includes refusal of permission for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

22. I conclude that the scale, design and layout of the proposed development represents unacceptable development which causes significant harm to the character and appearance of the host dwelling and the local area. I therefore find that the development proposal is contrary to the requirements of both the Local Plan and Core Strategy policies as well as the Framework. I also find conflict with the emerging local plan policies, albeit only limited weight is given to the policies at the time of writing.

Living conditions

23. The proposal requires access to the rear garden for parking and turning and this will run alongside the neighbouring property at number 2. Given that access and turning is in close proximity to the sitting out area close to the rear of number 2, this could create additional noise from turning vehicles, running engines, opening and closing of car doors for example. Nonetheless, whilst I acknowledge that the use of part of the garden will be altered, I have taken into account the size of the proposed dwelling (2 bedrooms) and the extent of vehicular movement to and from the site which are likely to be modest.
24. Policy G8 (Detailed Design Guidance and Local Amenity) of the Local Plan seeks for development to protect the future amenity of residents and other occupants as well as those of surrounding land and buildings. This includes parking and manoeuvring of vehicles. Whilst this policy is detailed and rather more restrictive than the Framework, I consider that much of the policy is still relevant as assessed against the requirements of the Framework, which also expects a high standard of amenity for existing and future users. Emerging Policy DM35 also expects that development avoids significant adverse impacts on the amenities of neighbouring land and property.
25. I consider that the proposal would not cause significant and demonstrable harm to the living conditions of neighbouring properties by way of noise and disturbance and as such I find that the proposed development complies with the requirements of the Framework and Local Plan policy as well as emerging policy.

Other matters

26. I have no objections to the proposed materials and consider that they take into account the existing dwelling and character of the nearby dwellings.
27. I note that a previous application for a similar scheme has been refused. Whilst the Council refers to this scheme, I have not been provided with full details of that refused scheme. However, this does not prejudice my decision and I have reached my own conclusions based on the case before me.
28. There are concerns over land ownership and access to the appeal site, however this is a civil matter and so I make no further comment.

Conclusion

29. For the reasons as set out above and taking account of other matters raised, I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR