The Planning Inspectorate

Appeal Decision

Site visit made on 6 August 2019

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2019.

Appeal Ref: APP/N0410/W/19/3229240
6 Somerset Way, Iver SL0 9AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Chris Hill against the decision of South Bucks District Council.
- The application Ref PL/19/0519/OA, dated 14 February 2019, was refused by notice dated 23 April 2019.
- The development proposed is described as "outline planning application for a new 3 bed house in the rear garden of no. 6 Somerset Way along with amenity area, parking and vehicle turning area with access from Bathurst Close".

Decision

1. The appeal is allowed and outline planning permission is granted for a new 3 bed house in the rear garden of No 6 Somerset Way along with amenity area, parking and vehicle turning area with access from Bathurst Close at No 6 Somerset Way, Iver, SL0 9AF in accordance with the terms of the application, Ref PL/19/0519/OA, dated 14 February 2019 subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application was made in outline with details of access, appearance, layout and scale to be determined. I have determined the appeal on this basis and have taken any landscaping details shown on the plans as illustrative.

3. I am aware of appeal reference APP/N0410/W/19/3229235 for a similar outline proposal at a neighbouring property, No 8 Somerset Way. The proposed access for the new property at No 8 would be via No 6's rear garden area. However, I have determined this appeal based on its own merits.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Background

5. Outline permission (17/02296/OUT) has previously been granted for a new bungalow in the rear garden of No 6 Somerset Way along with amenity area, parking and vehicle turning area with access from Bathurst Close. The approved

scheme relates to a bungalow which would be smaller than the dwelling proposed in this appeal.

6. A similar scheme also has outline consent (18/00519/OUT) to the rear of No 8 Somerset Way and, as with this scheme, access to the proposed bungalow is via the rear garden of No 6.

7. The principle of development on this site has been agreed and as, in my view it is very likely that the scheme would be implemented, the extant permission provides a strong fallback position against which I must assess any additional harm which would arise from the scheme before me.

Character and appearance

8. No 6 Somerset Way, the appeal property, is a large, two-storey, detached dwelling set well back from the road on a residential street. Somerset Way is lined by mature trees and characterised by large dwellings, of varying styles, with reasonably sized front garden areas and an assortment of boundary treatments.

9. The appeal property has a large mature rear garden, split by a low fence, which backs onto Bathurst Close. Accessed via Bathurst Walk, Bathurst Close is a smaller residential street with a number of smaller scale, apparently single storey detached properties facing, but set back from, the road. Like Bathurst Close, Bathurst Walk also has a different character to Somerset Way with a block of flats, some larger properties, a rank of shops and some smaller properties in the vicinity.

10. The proposal is to subdivide the garden of No 6 to create two separate dwellings each with their own garden area. The new dwelling would be a three-bedroomed property accessed from, and fronting, Bathurst Close. Both the new plot and the remaining plot belonging to No 6 would be fairly large and consistent with those present in the area. The proposed dwelling would be set back from the road behind a front garden thus respecting the prevailing pattern of development.

11. The dwelling would be larger and taller than those on Bathurst Close and would also deviate from the typical design and roof form. Whilst notably different to the majority of those along Bathurst Close, other larger properties of varying designs are present along Somerset Way, Bathurst Walk and other surrounding streets. A number of these properties are visible from Bathurst Close. A larger property with a tiled front dormer is also present at 7 Bathurst Close. Consequently, due to the variety of property types and designs in the surrounding streets, the proposal would not appear visually jarring in the wider context.

12. The prominent location of the plot within Bathurst Close allows for a design which offers some visual interest and is not identical to nearby dwellings. Together with the proposed dwelling at No 8, a new focal point to the close would be introduced.

13. I conclude that the proposed development would sit well within its wider context and would not harm the character and appearance of the area. As such, it would conform with Core Policy 8 of the South Bucks Local Development Framework Core Strategy Development Plan Document, February 2011 and saved Policies EP3 and H9 of the South Bucks District Local Plan, March 1999. Amongst other things, these policies seek to ensure that development proposals are compatible with the character of the surrounding area in terms of density, layout, design,

height, scale, form and materials and would not adversely affect the character or amenities of nearby properties or the locality generally. They also require new development to be of a high design standard.

14. The principles set out within the South Bucks District Council Residential Design Guide Supplementary Planning Document, which seek to secure well designed residential development, would also be met.

15. The addition of a new dwelling which would contribute towards the housing supply in the area would be a benefit of the scheme and, as I have found no conflict with the up to date development plan, the National Planning Policy Framework also supports allowing this appeal.

Other Matters

16. The proposed dwelling would be situated a sufficient distance from neighbouring properties so as not to appear overbearing or lead to any material loss of light. Whilst several windows in the proposed dwelling would look onto neighbouring dwellings and gardens these windows would be obscure glazed and raised from the floor so as to prevent any undue loss of privacy. These details can be secured by a suitably worded condition.

17. The proposed dwelling would inevitably have an effect on noise levels in the area. However, any increase in noise would be limited due to the scale of the proposal and would not be above and beyond that which could reasonably be expected in any residential area. Additional noise and disturbance during construction would be for only a very limited period.

18. I note concerns around the access arrangements to the property, however, Bathurst Close is a reasonably wide road and would be capable of accepting the limited number of additional vehicular movements which would be generated by this development (and, indeed, those which would be generated by the proposal at No 8). I am satisfied that the off-street parking which would be provided as part of this scheme would be sufficient to prevent any undue harm to the living conditions of nearby residents or to matters of highway safety.

19. The Close would also seem to me to be able to accommodate the degree of temporary construction traffic associated with a small scale development such as this. Furthermore, the Highways Authority have not expressed any concerns and I have no detailed evidence before me to lead me to disagree with their views.

20. I acknowledge that neighbouring residents are apprehensive about potential damage to nearby properties as a result of construction works relating to the proposal. However, such matters would be covered by other legislation and, in any event, I have not been provided with any substantive evidence in this regard.

21. I have considered the fear expressed that, if the appeal were to be allowed, it would set an undesirable precedent which would make it difficult for the Council to resist similar development elsewhere. However, in my view the exact circumstances present in this instance, and at No 8, in respect of plot size and potential access arrangements to any new dwelling are unlikely to be repeated on a regular basis. In any event, each future application would be considered on its individual planning merits.

22. Questions around land ownership have been raised. However, an appellant does not have to own a site to seek planning permission and there is no objective evidence before me to indicate that ownership certificates have not been completed correctly. Potential issues around utility provision are outside of the scope of this planning appeal and, in any event, I have no reason to doubt that the proposal could be accommodated in this regard.

23. I note the concerns which have been expressed around drainage; however, I have not been provided with any reliable evidence which indicates that it would not be possible to secure appropriate drainage.

24. Whilst I have given them careful consideration, none of these matters are sufficient to dissuade me from the conclusions I have reached above.

Conditions

25. In the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions proposed by the Council. I have not imposed the standard time limit condition suggested by the Council as that relates to a full planning permission rather than an outline permission. I have, however, attached conditions relating to the submission of reserved matters and the time limits associated with this.

26. I have imposed a condition specifying the relevant plans as this provides certainty. As landscaping is a reserved matter the condition needs to exclude any details relating to this element of the scheme.

27. I have combined the Council's suggested conditions regarding the details of materials for the elevations and hard surfacing by including a single condition requiring the submission of details of the materials to be used for the external surfaces (including any hard surfacing) of the development to be submitted to and approved in writing by the Local Planning Authority. This condition has been imposed in order to ensure the development has a satisfactory appearance. It does not need to be a pre-commencement condition and therefore I have altered the wording accordingly.

28. In the interests of protecting the living conditions of neighbouring residents I have imposed a condition requiring obscure glazing and windows less than 1.7 metres above floor level to be non-opening in those elevations which would look onto other properties. For the same reason, I consider it is justified in this instance to impose a planning condition which removes permitted development rights to install new windows on those elevations

29. As landscaping is a reserved matter, it is not necessary to impose a planning condition which specifically requires such details to be submitted. The implementation and maintenance of any future scheme can also be secured at reserved matters stage.

Conclusion

30. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

L J O'Brien

INSPECTOR

Schedule of Conditions

1) Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to everything except landscaping details: 0158-PLA-300_A, 0158-PLA-301_A, 0158-PLA-302_A, 0158-PLA-303_A, 0158-PLA-304_A, 0158-PLA-305_A, 0158-PLA-306_A, 0158-PLA-307_A, 0158-PLA-70_A, 0158-PLA-71_A, 0158-PLA-72_A, 0158-PLA-73_A, 0158-PLA-74_A.

5) No construction above ground level shall take place until details of the materials to be used in the construction of the external surfaces (including any hard surfacing) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

6) The building hereby permitted shall not be occupied until the windows at first floor level and above in the flank elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the side elevations of the dwelling hereby permitted.