



Appeal Decision

Site visit made on 2 July 2019

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2019

Appeal Ref: APP/N0410/W/19/3222276

Fawley, Grenfell Road, Beaconsfield HP9 2BP

- 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 & Mrs James and Victoria Sumner against the decision of South Bucks District Council.
 - The application Ref PL/18/2547/FA, dated 3 July 2018, was refused by notice dated 5 October 2018.
 - The development proposed is removal of existing dwelling to be replaced with a new proposed single dwelling detached house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Dr & Mrs James and Victoria Sumner against South Bucks District Council. This application is the subject of a separate Decision.

Procedural Matters

3. On the original planning application form and as used in the banner heading above, the applicants are stated as 'Mr & Mrs James and Victoria Sumner', but on the appeal form the appellants are 'Dr and Mrs James Sumner'. The appellants have confirmed the correct salutations are Dr and Mrs Sumner.
4. The description of the development in the original planning application form and used in the banner heading above refers to 'removal of existing dwelling to be replaced with a new proposed single dwelling detached house'. However, the Council's decision notice and the appellants appeal questionnaire more succinctly and appropriately describe the development as a replacement dwelling house, which is the basis upon which I have considered this appeal.
5. The appellants submitted a Statement of Common Ground (SoCG) as it was their expectation that the appeal would have been conducted under the Hearing procedure. The Council has not agreed to the SoCG. As this appeal is being determined under the Written Representations procedure and the Council has not agreed to the SoCG, whilst I have considered its contents, I have not treated its contents as common ground between the parties.

Main Issues

6. The main issues are:

- the effect of the proposed development upon the character and appearance of the area; and,
- the effect of the proposed development upon the setting of designated heritage assets.

Reasons

Character and appearance

7. The appeal site currently accommodates a red brick detached two-storey house with a hipped tiled roof, understood to have been constructed in the 1930's. It has five tall casement windows at ground floor level and five windows above, giving a broadly symmetrical appearance from the frontage, where it is set in mature landscaped grounds. Most of the nearby dwellings are either 'arts and crafts' style properties or more modern re-developments integrating some features of that style, such as warm bricks, hipped-gable tiled roofs, multi-paned windows, dormer windows and sizeable chimneys. Whilst the 'neo-Georgian' architectural style of the appeal site dwelling subtly sets it apart from many nearby properties, its design, form and materials means it sits well within the existing street scene.
8. The host dwelling sits between two larger dwellings but is still prominent within the street scene. It lies close to the corner of Grenfell Road and St. Michael's Green, facing across the open area of and along St. Michael's Green, and the Grade II listed St Michael and All Angels Church. Whilst the church is built of limestone, the associated parsonage and corner house are red brick buildings, with similar features to many nearby.
9. The proposed replacement dwelling would be of a very much more contemporary style. It would include the use of buff bricks and large single pane windows with bronze cladding on part of the wall elevations, and a modestly sized bronze pitched roof to the front and flat roof behind.
10. It is considered that by virtue of the combination of the shape, proportion and materials of the roof; the size, style and materials of the windows and their openings; and, the colour of the brick work, the proposed new dwelling would be out of keeping with the character and appearance of the area. The front elevation of the dwelling would appear bulky, stark and incongruous compared to other dwellings in the area. The large front elevation would lack relief, from built elements such as roof slopes, gables or bays, characteristic of many nearby dwellings. As a consequence, it would not respond positively to existing character, which would be exacerbated by the proposed height increase compared to the existing dwelling.
11. For the reasons set out above, the proposed development would be contrary to Policies EP3 and H9 of the South Bucks Local Plan (Adopted 1999, Consolidated September 2007 and February 2011) (the SBLP) and Policy CP8 of the South Bucks Core Strategy Development Plan Document (2011) (SBCS). These require (amongst other things) that development must be of a high standard of design, compatible with and make a positive contribution to the character of the area, including through appropriate form, design and materials that

harmonise with surrounding development. The proposed development would also be contrary to paragraph 127 of the National Planning Policy Framework (2019) (the Framework) as it would not be sympathetic to local character or history and would not maintain a strong sense of place.

12. The appellant has quoted many extracts from both the Framework and a South Bucks District Council Residential Design Guide Supplementary Planning Document (2008), being of the opinion that there is no policy requirement for the appeal scheme to mimic or replicate adjacent dwellings. The appellant also points to paragraph 131 of the Framework giving great weight to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. However, based on the information before me, I cannot conclude the proposed design is outstanding or particularly innovative, and furthermore, the development would not fit in with the overall form of its surroundings.

Heritage assets

13. The proposed dwelling would be approximately 50m from the Grade II listed Church of St Michael & All Angels, approximately 80m from the Grade II Listed St Michael's Parsonage and approximately 110m from the Grade II Listed St Michael's Corner. The proximity and visibility between the three Grade II listed buildings and the appeal site, is such that the proposed development would have some effect on their settings.
14. Special regard should be given to the desirability of preserving the setting of Listed Buildings as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 192 of the Framework requires account to be taken of new development making a positive contribution to local character. Paragraph 193 requires that when considering the impact upon the significance of a heritage asset great weight should be given to the asset's conservation. Harm to the significance of a designated heritage asset can also derive from development within its setting (paragraph 190). Where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal (paragraph 196).
15. I have noted the contents and conclusions of the appellants Heritage Appeal Statement. The significance of the church is principally because of its architectural value but also its legibility as an integral part of the planned estate of large detached houses in the early twentieth century. The interest of both St. Michaels Parsonage and St. Michaels Corner principally lie with the architectural qualities and value, but there is also historical value in the relationship and proximity to the church. Along with St. Michael's Green and Warwick Road, the Church of St Michael & All Angels, St Michael's Parsonage, St Michael's Corner are understood to have been laid out and substantially built between around 1914 and 1924. Many of the surrounding residential plots were part of the planned development that took place in subsequent years around those buildings.
16. The setting of the heritage assets contributes to their significance in various ways. Their form is most appreciable from Warwick Road, the open square of St Michael's Green and the open plot of the church. However, the original planned residential plots and buildings around the Church of St Michael & All Angels, St Michael's Parsonage, St Michael's Corner (including the appeal site)

contribute to their settings by way of their planned layout around the assets, open green areas, and proximity to the assets. The existing appeal site dwelling is an unassuming attractive building in the row of residential premises appearing as part of the historic planned layout, forming a back-drop a short distance from the heritage assets. Whilst notable, the contribution of the appeal site to the setting of the church and the other designated heritage assets is limited.

17. The proposed development would not sustain or enhance the experience of the asset within its setting. I am not convinced that the brickwork of the new dwelling would accentuate the church, when it is viewed with the various other materials and forms of the proposed dwelling. The combination of form and materials of the new dwelling would result in a stark incongruous appearance, which would compete with and draw attention away from the church, parsonage and corner house, particularly when approaching the junction of St Michael's Green from Warwick Road, but also at points on St Michael's Green. Therefore, for the reasons above the proposed development would result in harm to the significance of the heritage assets, but this harm would be modest and amount to less than substantial harm.
18. For the reasons set out above the proposed development is contrary to Policy CP8 of the SBCS which seeks to protect and enhance the historic environment including designated historic assets and their settings. I consider that the harm would be less than substantial harm to the three designated assets, so, as required by paragraph 196 of the Framework such harm needs to be weighed against any public benefits of the proposal.
19. There would be some public benefits to the proposal, for example small short-term economic benefits through the construction of the development, and possibly some environmental benefits through the provision of what is likely to be a more energy efficient building that could include some renewable energy generation. I'm not convinced that the proposed building could be considered to result in any discernible social benefits through fostering a well-designed built environment. Therefore, I consider that the harm to the setting of heritage assets which attracts great weight in accordance with paragraph 193 of the Framework, would significantly and demonstrably outweigh any public benefits of the proposed development.
20. The appellants reference applications approved within the curtilage of the church (e.g. a detached outbuilding and canopies, a planning and listed building consent to extend the church) implying these decisions attract significant weight and imply an acceptability to the current proposals. I have reached my conclusions acknowledging the presence of these developments within the grounds of the church. However, these developments have a functional and ancillary relationship with the church, appear of an understated modest appearance compared to the architectural qualities of the church, and are set towards the rear of the church. Therefore, the location, relationship, appearance and function of these buildings are different to the development being considered at this appeal.
21. The Council has included reference to Policy C6 (titled *Alterations and Extensions to Listed Buildings*) of the SBLP in its reason for refusal. I acknowledge that the fourth criterion refers to proposals not detracting from the setting of a listed building. However, having considered the title, content

and explanation of the policy, this policy is of less relevance in relation to the current proposals, as Policy C6 is relevant to 'alterations and extensions to listed buildings'.

Other Matters

22. The appellants have provided a considerable amount of detail relating to various properties approved in the Council area, that it is contended are material considerations worthy of significant weight. Furthermore, it is contended that refusal of their proposal represents inconsistency of decision making. I have noted the examples and viewed many on my site visit. However, I consider that none exhibited a considerable similarity in terms of the combination of site location, town and landscape context, topography, plot position, proposed design, surrounding character and setting of heritage assets. I also note that many of these decisions are not recent and some pre-date the first version of the National Planning Policy Framework (2012).
23. Therefore, the examples referenced by the appellant are not considered directly comparable to the appeal scheme before me. Whilst I have sympathy with the appellant's perception of inconsistency, it remains an important principle of decision making, that each application must be considered on its own merits.
24. The appellant advocates that the SBLP and SBCS are time expired and that the relevant policies must be considered in-light of the Framework with particular reference to paragraph 11, but furthermore, the appeal scheme meets the provisions of the development plan. Having considered the respective policies of the development plan (Policies EP3 and H9 of the SBLP and Policy CP8 of the SBCS) against the Framework they are consistent with the objectives of the Framework and are not expired. Therefore paragraph 11 of the Framework is not engaged. However, even if it was engaged footnote 6 to paragraph 11 indicates that policies of the Framework give a clear reason for refusing the development.
25. At paragraph 6.1 of its Statement of Case (SoC) the Council sets out planning policies which it considers are relevant to the appeal, including reference to the Chiltern and South Bucks Townscape Character Assessment (November 2017) (the CSBTCA). The CSBTCA appears to have been undertaken as part of the preparation of a new local plan. The early stage of that plan, the nature of the CSBTCA and its lack of adopted policy content, means it does not attract any discernible weight in reaching the decision on this proposal.
26. At the site visit I visited No. 3 Grenfell Road, due to concerns that had been raised in respect of privacy, loss of sunlight and overbearing impact. The flank wall closest to No 3 would extend approximately 3 metres beyond the ground floor rear elevation and there would be a further shorter recessed side wall of approximately 2 metres. It is considered that the distance, projection and mass of these elements would not have an unacceptable impact in respect of loss of sunlight or overbearing. However, had the appeal been allowed the first floor side window facing No 3 would have needed to be conditioned as fixed and obscure glazed. There is also a concern raised in respect of overlooking from the balcony/courtyard to George House, however, separation distances and orientation would be sufficient to ensure no harm would result in respect of overlooking or privacy if the appeal had been allowed.

27. Some representations have also raised the matter of and provided extracts of a land registry document suggesting a covenant which imposes requirements upon the 'general style of architecture' of the buildings that could be/have been built on the appeal site. Whilst I note its contents and prescriptions in respect of architectural style, the registry document is not the 'official copy', the enclosed plan does not appear to have a map base, and the continuing validity and interpretation of the covenant is unclear. Therefore, on the basis of the extracts provided the appeal could not be dismissed for this reason.
28. I am satisfied that (as set out in the Arboricultural Impact Assessment) subject to suitable measures that could be secured by planning condition, there would be no significant adverse effects from the proposed development in respect of important trees or their contribution to amenity.

Conclusions

29. The proposed development would be contrary to the development plan and the National Planning Policy Framework and there are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given above and noting the appellants' frustration with the Council's handling of the application, I conclude that the appeal should not succeed.

Dan Szymanski

INSPECTOR