
Appeal Decision

Site visit made on 18 July 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20th September 2019

Appeal Ref: APP/K0425/W/19/3227141

9 Finnamore Wood Camp, Frieth Road, Marlow SL7 2HU

- 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 Roger Cantell against the decision of Wycombe District Council.
 - The application Ref 18/07276/FUL, dated 28 August 2018, was refused by notice dated 24 October 2018.
 - The appeal proposal is described as an extension and conversion of an existing double garage to create a 2 bed bungalow set within its own site boundary.
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Decision

1. The appeal is allowed and planning permission is granted for extension and conversion of an existing double garage to create a 2 bed bungalow set within its own site boundary at 9 Finnamore Wood Camp, Frieth Road, Marlow SL7 2HU in accordance with the terms of the application, Ref 18/07276/FUL, dated 28 August 2018, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the submission of the appeal, the Wycombe District Local Plan has been adopted (August 2019), and as such I have had regard to it in making my decision.
3. The National Planning Policy Framework (the Framework) was updated in February 2019. I have had regard to it in the determination of this appeal.

Main Issues

4. The main issues are:
 - The effect of the appeal proposals on the character and appearance of the area in relation to the open Countryside beyond the Green Belt and the Chilterns Area of Outstanding Natural Beauty;
 - The effect of the appeal proposals on the Ancient Semi Natural Woodland, and
 - The effect of the appeal proposals on surface water drainage.

Reasons

Character and Appearance

5. Fিন্নamore Wood Camp is a small development of predominantly single storey dwellings, surrounded by dense woodland. The appeal site comprises a double garage and part of the rear garden serving No9 which is a detached dwelling. The site falls within 'countryside beyond the green belt', as defined by policy DM44 (Development in the Countryside outside of the Green Belt) of the Wycombe District Local Plan (2019) (LP) which seeks to limit development, subject to several exceptions. This includes the conversion of existing buildings and the redevelopment of previously developed land, subject to it being aligned to established local character.
6. The established character of Fিন্নamore Wood Camp is generally one of single storey bungalows arranged in a rough crescent shape. Overall the area has a suburban but secluded feel and the development is well-contained within its woodland setting.
7. The appeal site falls into the Chilterns Area of Outstanding Natural Beauty (AONB) which, in this location, has a 'sylvan' character associated with its woodland surroundings.
8. The proposal would result in the conversion of the existing double garage, side extension and an overall sub-division of the garden of No9. There would be an area of parking to the front serving both dwellings. The side extension would be single storey and modest in scale, allowing for the creation of a bathroom and a lobby area to serve the dwelling.
9. The garage is situated at the end of the garden serving No9 and fronts into a side road that leads back to the main Frieth Road. The proposed dwelling would address the side road with new windows and a door to the side. Whilst this would change the appearance of the garage, I do not consider this would be harmful to the established character of the existing settlement.
10. The Council consider that the extension would 'give rise to urban sprawl'. I do not agree. In my view, because of the very limited scale of the proposed development, the appearance of the proposed bungalow would not give rise to additional built form of a sufficient scale to have a material impact on the character of the wider area where it would relate to the character of the AONB or the countryside outside of the Green Belt.
11. I appreciate that new domestic activity resulting from the conversion of the garage would have some impact, for instance there would be some additional light spill into the area. However, I consider an appropriately worded planning condition could address concerns in relation to this.
12. Having regard to the limited scale of the proposals, I do not consider the proposal would undermine the established character and appearance of the AONB, given the limited scale of the development and consider it to be in accordance with paragraph 172 of the Framework. For the same reason, I do not find conflict with policy DM44 of the LP in relation to the impact on the character and appearance of the Countryside beyond the Green Belt.

Ancient Semi Natural Woodland (ASNW)

13. To the side of the garage is a small area of garden space, which would be subject to the additional extension described earlier. This area is bounded by a close-boarded fence. Beyond this is a 'buffer' of grassed land that follows some of the rear of the gardens adjacent to the appeal site. Beyond this is an

area designated as ASNW, and which is protected by LP policy DM34 (Delivering Green Infrastructure and Biodiversity in Development). This seeks development which compensates for any impact on designated and non-designated green infrastructure assets, as appropriate. The ASNW is also protected by paragraph 175 of the Framework.

14. The Council cite the Natural England standing advice, which describes a minimum 'set back' distance from ancient woodland of 15m. The Council's concerns relate to a change in or increase to, activity within the 15m ANSW buffer that they consider would be associated with the development. The appellant disputes that the development would fall within this buffer. Neither party has provided me with a conclusive measurement.
15. I have therefore had regard to the fact that the garage to be converted already exists, as well as the limited size of the proposed extension. I also note that the Council do not consider the proposed extension to be harmful to the Root Protection Areas of the trees closest to the site. The proposed development would be contained within the existing garden boundary, where various gardening activities could occur, without the requirement for formal planning permission.
16. Having regard to these factors, together with the presence of an existing clear buffer between the garden fence and the ANSW, I therefore consider the proposal to be in accordance with policy DM34, subject to the condition included in the attached schedule, which seeks to secure biodiversity gain as part of the proposal.

Surface Water Drainage

17. The Council consider that the proposal lacks sufficient information in order to be able to determine whether surface water drainage can be adequately managed within the site. However, given the limited scale of the proposals, I consider the condition (5) proposed by the Council would adequately address this.
18. I therefore consider the proposals to be in accordance with LP policy DM39 (Managing Flood Risk and Sustainable Drainage Systems) which requires all development to incorporate Sustainable Drainage Systems (SuDS) and for brownfield sites that surface water run-off is reduced as close as reasonably practicable to greenfield run-off rates.

Other Matters

19. I note the Council's intention to make a Tree Preservation Order within land adjacent to the appeal site, but this had not been made at the time of the determination of this appeal. Further, I also note that the Council state (in their letter in relation to conditions dated 12 September 2019) that because the proposal would not result in the loss of any significant trees, a condition in relation to the protection of trees would not be necessary. This therefore does not change my overall conclusions.

Conditions

20. I have applied a standard condition in relation to timescales (1) and approved plans (2) together with a condition covering materials (3), in the interests of certainty and in order to protect the character and appearance of the area.

21. I have applied Condition 4 securing the boundary treatment prior to occupation in order to protect the living conditions of existing and future occupiers.
22. I have applied Conditions 5 and 6, which relate to surface water drainage (where condition 5 is exceptionally as a pre-commencement condition for the purposes of certainty) in order to satisfy the requirements of LP policy DM39.
23. Finally, I have applied Condition 7, exceptionally as a pre-commencement condition in order to secure necessary biodiversity gain and minimise the impact on the ASNW, for the purposes of certainty and in accordance with LP policy DM34.

Conclusions

24. Having regard to all matters raised, and subject to the attached schedule of conditions, I conclude that this appeal is allowed.

Sian Griffiths

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be built and retained in accordance with the details contained in the planning application hereby approved and plan numbers WDC1, WDC2, WDC3 and WDC4 unless the Local Planning Authority otherwise first agrees in writing.
- 3) The materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.
- 4) The two bedroom dwelling shall not be occupied until the garden areas shown on the approved plans to serve that dwelling have been provided and made available for use as such by the residents of the dwelling, and a 2 metre high close boarded fence has been erected along the boundary between the garden areas for the new and retained dwellings. The garden areas and fencing shall thereafter be so retained.
- 5) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Demonstrate that water quality, ecological and amenity benefits have been considered
 - Existing and proposed discharge rates and volumes
 - Infiltration in accordance with BRE365 or the principles of Building Regulation 2010 Part H2
 - Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the hierarchy listed in the informative below.
 - Construction details of all SuDS and drainage components
 - Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), together with storage volumes of all SuDS component(s)
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
 - Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
 - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction

- 6) Prior to the first occupation of the development, a demonstration (such as as-built drawings and/or photographic evidence) of the as-built surface water drainage scheme carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.
- 7) A scheme which secures substantial ecological enhancement on site (i.e. through incorporation of bat and bird boxes and also landscaping which includes suitable native plant species) and which mitigates for negative ecological impacts (such as external lighting), and which includes a timetable for implementing the measures contained in the scheme, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The approved measures shall be implemented in accordance with the approved timetable and shall thereafter be maintained, any amendments must first be agreed in writing by the LPA.

End of Schedule