



Appeal Decision

Site visit made on 2 July 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/N0410/W/19/3221519

The Other House, The Avenue, Farnham Common SL2 3JT

- 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 Mav Sandhu against South Bucks District Council.
- The application Ref PL/18/2726/FA is dated 17 July 2017.
- The development proposed is the erection of six flatted properties incorporating landscaping, above and lower ground parking, and associated vehicular access.

Decision

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

Procedural Matters

2. The Council failed to give notice of its decision within the prescribed period. However, subsequent to the lodging of the appeal, the Council's planning committee indicated that it would have refused the planning application for the reasons as set out within the associated committee report and minutes. The appellant has had the opportunity to comment on the Council's evidence during the appeal. I have therefore based my identification of the main issues on the Council's evidence without prejudice to any party.
3. In its evidence, the Council made reference to potential affordable housing provision within an alternative proposal for 10 residential units. However, this would constitute a fundamentally different scheme, with significant changes in the scope of my assessment. Having regard to the Wheatcroft¹ principles and my duty to consider this appeal on its own individual merits², I have therefore not taken this matter into account in my assessment of the appeal proposal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide adequate living conditions for future occupants, with reference to function, safety and space;
 - The effect of the proposed development on the living conditions of the occupants of 'Homewood' with reference to outlook and privacy; and,
 - Whether the proposed development should provide affordable housing.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another [1980]

² Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004

Reasons

Character and appearance

5. The Other House is a detached dwelling located within the suburban gated community at The Avenue, within the settlement of Farnham Common. A number of mature trees within its grounds have Tree Preservation Orders. Although there are some examples of plot severance and infill development in the area, the street scene maintains a low-density arrangement, defined by its collection of single, family sized, dwellings in a variety of styles set individually within landscaped plots. Notwithstanding its disproportionately large garden, The Other House conforms to this character. Properties are accessed via a network of private roads. The loose surfacing of the carriageways, and the absence of street furniture and on-street parking are characteristic of the area.
6. Last year the Council granted permission for the replacement of The Other House³, and the appeal proposal seeks to broadly maintain the approved architectural approach. In doing so, the scheme would respect building proportions and separation distances across the area, utilise limited areas of hardstanding, and ensure the retention of the important green and ecological features within the site⁴. These would be positive elements of the scheme.
7. However, the proposal also includes an underground parking garage accessed via an opening at the south east corner of the building. Although I acknowledge that the site is generally well screened, the south east corner of the building would be visible to the public realm through the relocated site entrance. As such, the subterranean opening and associated ramp would be observed as a large and utilitarian feature inconsistent with the scale of development in the vicinity. It would also have an incongruous relationship with the large chimney stack that would have the appearance of being suspended directly above it.
8. The proposal would also have a far greater residential density. The quantum of on-site parking spaces would fall below that minimally required by the development plan. Although I acknowledge that the aim of the shortfall seeks to reduce the scheme's carbon footprint, as there would be street parking nearby, I am not persuaded that the restricted provision would lead to less car ownership. As such, it is likely that the scheme would cause a visibly higher concentration of car parking off-site. Given that there would also be significant refuse storage requirements and a greater degree of other typical domestic activity, I find that the housing density would harmfully divert from the established character of the street scene.
9. Taking all factors into account in regard to this issue, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with the design aims of Policies EP3 and H9 of the South Bucks District Local Plan (DLP) (adopted 1999), Core Policy 8 of the South Bucks Core Strategy (adopted 2011) (CS) and the National Planning Policy Framework (the Framework). Given that Policy TR7 of the DLP allows street parking in the immediate area to be apportioned to the scheme's overall provision, I find no conflict with this policy.

³ Ref 18/00250/FUL

⁴ Characteristics identified within the South Bucks Townscape Character Study

Living conditions of future occupants

10. Amongst other things, Paragraph 127 of the Framework requires proposals to be well-designed through the provision of layouts that will function well, aiding the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users.
11. The parking garage has no direct internal link to the above flats, and users would be required to walk back up the access ramp to reach surface level and enter their properties. The layout plan shows that the ramp would have a narrow and tight curve which would be severally sloped to drop vehicles below the east elevation of the building. These constraints would inhibit visibility and prevent functional shared use of the space. There would be no obvious place for safe refuge for pedestrians when conflict would occur, and this may likely involve people with small children and/or the elderly. As such, I find that the access arrangement would be poorly designed and would not function well, creating unacceptably poor living conditions for future occupants.
12. The evidence before me does not identify private outside space for the flats. Although there is a communal area to the rear of the property, it is unclear how this would be used, particularly as units 2 and 3 have access directly from bedrooms on to this space. However, given the size of the rear garden, I am satisfied that it could be appropriately subdivided to ensure adequate usable private space to serve each property, and that appropriate boundary treatments to achieve this could be secured by condition.
13. As such, although each property would have a satisfactory standard of outdoor amenity space, the proposed access arrangement would fail to provide residents with safe or functional access to their homes. I therefore conclude on this issue that the proposed development would not provide adequate living conditions for future occupants, with reference to function, safety and space. It would conflict with the amenity aims of Policy EP3 of the DLP, the Framework, and the guidance within the South Bucks Residential Design Guide SPD (adopted 2018) (DGSPD).

Living conditions of the occupants of Homewood

14. The detached dwelling Homewood lies immediately to the west of the site. The proposal incorporates a single storey projection which wraps around the west elevation and rear of the building. Its 3.5m high parapet would sit in close proximity to the shared boundary and the north east corner of Homewood. However, given its slight set back from this boundary, its modest extension beyond the rear elevation of Homewood, and Homewood's otherwise generous garden and outlook, I do not consider that this feature would unacceptably impinge on the outlook or light of Homewood's occupants.
15. Flat 4 would be at first floor level, and a bedroom would contain two windows within the flank wall of the building, providing a degree of overlooking towards Homewood and its grounds. However, the degree of overlooking from this single room would be modest given the context, where a degree of limited overlooking from first floor windows into neighbouring gardens is prevalent.
16. I therefore conclude on this issue that the proposed development would have an acceptable effect on the living conditions of the occupants of 'Homewood' with reference to outlook and privacy. It would comply with Policies EP3 and

EP5 of the DLP, the Framework and the DGSPD insofar as they relate to the amenity of neighbouring residents.

Affordable Housing

17. In the event I was minded to allow the appeal, the Council sought a contribution towards affordable housing pursuant to Core Policy 3 of the CS and the South Bucks District Council Affordable Housing Supplementary Planning Document (SPD) (adopted 2013). These set thresholds with regard to the quantum of development (5 units) and the size of a site (0.16 hectare) to trigger an obligation. Although the size of the site appears to be disputed by the main parties, Core Policy 3 requires for only one of these thresholds to be met. Therefore, as the scheme provides more than 5 units and includes no such obligation, it would conflict with Core Policy 3.
18. However, Core Policy 3 predates the latest version of the Framework which is clear, at Paragraph 63, that affordable housing should not be sought for development that is not major development, other than in designated rural areas. The appeal site is not within such an area.
19. Although the Framework also states its objective of creating mixed and balanced communities, this is within the context of an identified affordable housing need, and no substantive, up-to-date evidence of a current need in this location is before me. Given the circumstances, I find that the greater weight attaches to national policy regarding this matter, and the absence of affordable housing should not be a reason for dismissing the appeal.

Other Matters

20. I have also had regard to representations about biodiversity, trees, drainage access, parking, highway safety, the construction phase and the accuracy of the plans but these matters have not altered my findings against the main issues.

Planning Balance and Conclusion

21. The government is seeking to significantly boost the supply of housing and the scheme would contribute to housing supply by increasing the density of an existing site in a developed location with good access to services and transport options. However, given the scale of development I consider that this would be a modest benefit. I have found that the proposal would harm the character and appearance of the area and would fail to provide adequate living conditions for future occupiers. These shortcomings significantly outweigh the benefits of providing additional housing in the manner proposed. That the scheme would not prejudice highway safety and the absence of harm to the living conditions of neighbouring residents are neutral factors in my assessment.
22. Taking all matters raised into account, I find that the proposal would conflict with the development plan when read as a whole. There are no other matters, including the Framework, that outweigh the conflict. I therefore find that the appeal should be dismissed.

Matthew Jones

INSPECTOR