



Appeal Decision

Site visit made on 20 August 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/J0405/W/19/3229936

Land off Crispin Street, Berryfields, Aylesbury HP18 0GN

- 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 outline planning permission.
 - The appeal is made by Neil Cottrell CALA Management Limited against Aylesbury Vale District Council.
 - The application Ref 18/01692/AOP, is dated 10 May 2018.
 - The development proposed is erection of five dwellings served from Crispin Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with access and layout submitted. The matters of scale, appearance and landscaping are reserved for later determination.
3. A signed copy of a unilateral undertaking was received. This states obligations from the appellant in terms of notification periods for commencement and occupation, paying a contribution towards sports and leisure facilities, and providing affordable housing. I will return to this later in my decision.
4. The emerging Aylesbury Vale Local Plan has been through examination hearings but there remain unresolved objections, in particular on housing. The Local Planning Authority (LPA) has suggested only limited weight can be given to the emerging policies and I concur with this assessment.

Main Issues

5. The main issues for the appeal are:
 - the effect of the development upon the character and appearance of the area
 - the impact of the development upon local infrastructure.

Reasons

The effect of the development upon the character and appearance of the area

6. The appeal site is a narrow strip of land on the west side of Crispin Street. It is dominated by a tall and expansive hedgerow that extends through the full

- length of the site. The hedge adjoins the carriageway at the northern tip of the appeal site and continues out into the rural countryside beyond. Scrub and naturally grown vegetation sit between the hedge and the highway. There is no public footpath on the eastern boundary of the appeal site, just a grass verge.
7. The land gently rises from south to north. Dwellings on the eastern side of Crispin Street are generally set back from the highway edge by modest front gardens. The junction of Crispin Street with Bramley Road consists of a flat and maintained expanse of grass, beyond any residential curtilage. These factors allow open views to the hedgerow, making it highly visible. Whilst there may not be any planning provisions to manage or retain the hedgerow, this does not take away from its importance to local landscape character.
 8. Although described as being overgrown the natural growth on the appeal site, combined with the hedgerow, make a positive contribution to the landscape character. The appeal site forms a green and pleasant entrance to the settlement and complements the spacious characteristics of the area.
 9. The proposal would place two storey dwellings in front of this hedgerow, disrupting the views to it. The gardens for the dwellings are likely to be defined by hard urban boundary treatments sufficient to provide privacy, thus further reducing views of the hedge. The potential for subdivision of the hedgerow through its inclusion within the proposed residential gardens could further impact on the prominence and contribution the hedge makes to the landscape. The development would therefore harmfully impact upon the character and appearance of the area through the degradation of this important landscape feature.
 10. I acknowledge that the appeal site abuts development on three sides. However, the proposals would not have front gardens and so the facades of the dwellings would be very tight to the highway. This is in stark contrast to the existing dwellings in Crispin Street, whose layout contributes to the spacious character of the area. Even at a lower density than the surroundings, the proposal would result in a harsh urban edge that is discordant with the prevailing pattern of development in the area.
 11. I conclude therefore that the development would have a harmful effect on the character and appearance of the area. This is contrary to policies GP35 and AY13 of the adopted Aylesbury Vale District Local Plan (the LP) that seek, amongst other things, well designed developments that respect their settings.

The impact of the development on local infrastructure

12. The Berryfields Major Development Area Framework Plan March 2008 (the MDA) contains plans showing a ring of public open space enclosing the new settlement on all sides. The appeal site clearly falls within the planned extent of the settlement, whether or not it forms a residual parcel of land. Under the terms of the MDA, contributions are required from the development.
13. The LPA note that once an appropriate legal agreement is in place, the development is capable of mitigating its impact upon local services and infrastructure.
14. The unilateral undertaking supplied by the appellant would secure the provisions as required by the LPA in terms of affordable housing and off-site sports and leisure contributions.

15. I therefore conclude that the proposal provides adequate contributions proportionate to the development. The proposal would not cause adverse impacts upon local infrastructure. The proposal complies with policies GP2, GP 86-88 and GP 94 of the LP that seek appropriate infrastructure to be provided by developments.

Other Matters

16. The appellant has presented an appeal decision wherein it was concluded that the LPA could not demonstrate a deliverable five-year housing land supply, thus engaging paragraph 11(d) of the National Planning Policy Framework (the Framework). The LPA has stated that the policies which are most important for determining this application are not out-of-date, thus the so-called 'tilted-balance' does not apply.
17. The Framework seeks to significantly boost the supply of housing. In this regard, any development over and above the MDA targets must be considered a benefit. The proposal supplies both market and affordable housing units, within a built-up area that is accessible to facilities and public transportation. These economic and social benefits are positive matters in favour of the development. However, I have concluded with respect to the main issues that there would be environmental harm.
18. Even if this were a case where the decision turned on whether or not the LPA could demonstrate a deliverable five-year supply of housing, the adverse effects would still significantly and demonstrably outweigh the above identified benefits.
19. My attention is drawn to the 2008 Design Code for the MDA in which the appeal site is partially implicated in proposals for a 'North Gate'. From my site visit, it would appear the layout of the roads and spaces are broadly as per intended. I note that the Design Code does not demarcate the appeal site for development in its own right or for delivery of the North Gate.
20. I acknowledge that the development would not cause harm to highway safety and that drainage would be managed via the proposal. The garden size for each dwelling appears useable and proportionate. These are however aspects one would expect from a development, so limited weight can be given to these matters.

Conclusion

21. In light of the above I dismiss the appeal.

David Wallis

INSPECTOR