
Appeal Decision

Site visit made on 27 August 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/K0425/D/19/3230724

5 Jeffries Court, Bourne End, SL8 5DY

- 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 Mrs Heather Byass against the decision of Wycombe District Council.
 - The application Ref 19/05273/FUL, dated 4 February 2019, was refused by notice dated 8 April 2019.
 - The development proposed is erection of a shed to front of property.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a shed to front of property, at 5 Jeffries Court, Bourne End, SL8 5DY, in accordance with the application, Ref 19/05273/FUL, dated 4 February 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: TQRQM19035101952708, TQRQM19029163415666, 7' x 14' Studio Pavilion Revision 001 and 7' x 14' Studio Pavilion Revision 002.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Since the issuing of the Council's Decision Notice, the Wycombe District Local Plan (August 2019) has been adopted. Three Policies in the draft version of this plan were referred to within the Council's decision (Policies DM31, DM35 and DM36) that are now adopted. Policies G3, H17 and HE6 of the Wycombe District Local Plan to 2011 (adopted January 2004) and Policies CS17 and CS19 of the Adopted Core Strategy Development Plan Document (July 2008) which were also referred to in the decision notice, are now superseded. The wording of Policies DM31, DM35 and DM36 insofar as they apply to this proposed development has not materially changed between the draft and adopted versions of the Local Plan. The appeal has been considered against the adopted Local Plan policies.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area, which is within the Hedsor Road and Riversdale Bourne End Conservation Area (CA).

Reasons for the Recommendation

5. Much of the CA contains attractive historic buildings. By contrast, Jeffries Court is a close containing modern brick one and two-storey houses. No. 5 Jeffries Court is at the end of a terrace of houses at the end of the close, the proposed shed would be located in the far corner of the large front garden. The front garden combines with those at the neighbouring houses in Jeffries Court to form a large verdant and open area which contributes positively to the CA.
6. The proposed shed would be located between an existing high evergreen hedge that would screen it from views from Jeffries Court and a fence that would screen it from views from Mill Meadow to the south. There would therefore be no significant views of the shed from beyond the appeal site. Indeed, even without the benefit of the screening from the hedge, the proposed shed would be discreetly located in the far corner of the garden.
7. It was noted during my site visit that there are no other buildings or structures located in the front gardens of this terrace of houses. However, given the modest size of the structure and its inconspicuous position, I do not consider that it would be a prominent or visually incongruous form of development that would detract from the openness of this area.
8. I therefore conclude that the proposed development would not have an unacceptable adverse impact on the character and appearance of the area and would preserve the character and appearance of the CA. It would not be contrary to Policy DM31, DM35 and DM36 of the Local Plan (August 2019) which seek to ensure, amongst other things, that development conserves and where possible enhances the historic environment and respects the character and appearance of the surrounding area.

Other Matters

9. I have considered the Council's argument that the grant of planning permission would set a precedent for similar applications being submitted by neighbouring properties. However, the siting of the development in the far corner of the front garden, with natural screening from an existing hedge is distinct to this site.

Conditions

10. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the National Planning Policy Framework and Planning Practice Guidance.
11. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have not included the suggested condition requiring the external materials to match the existing building because, as the proposal is for a shed that will be located at a distance from the existing building, it is not necessary for it to match the main house.

12. The Council have suggested a tree protection condition be imposed. However, the nearest tree (shown as T1 on the plans) is within the garden of Mill Meadow and is already separated from the site by the solid fencing on the common boundary. Further fencing to ensure the protection of this tree would therefore be unnecessary. Moreover, it is unlikely that the proposal, due to its lightweight nature, would necessitate ground excavation that would cause damage to its roots. I have no reason to consider that any other trees, further from the position of the shed, would be affected by the proposed development.

Conclusion and Recommendation

13. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR