



Appeal Decision

Site visit made on 13 November 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/N0410/W/19/3230676

Land adjacent to 1 Hazelhurst Road, Burnham SL1 8ED

- 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 Nicholas Herbert (Herbert Developments) against the decision of South Bucks District Council.
 - The application Ref PL/19/0218/FA, dated 21 January 2019, was refused by notice dated 18 April 2019.
 - The development proposed is detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although not included in the description of development as set out on the application form, the proposal includes the demolition of the existing garage at 1 Hazelhurst Road (No 1). I have assessed the appeal on that basis.
3. I have received comments referring to an emerging Chiltern and South Bucks Local Plan. It would appear that this document is at an early stage in its preparation and so I afford its policies limited weight in my assessment.

Main Issue

4. The main issue is the effect on the character and appearance of the area.

Reasons

5. The appeal site forms part of the side garden to No 1. It is vacant of buildings apart from the flat roof garage attached to the house. Hedging and trees lie on the roadside boundaries but still allow views from Hazelhurst Road and Green Lane into the site. The immediate area is characterised by detached dwellings, set back from the road and interspersed with trees and hedges, helping to create a pleasant, verdant environment.
6. The proposed bungalow would be closer to Green Lane, taller and markedly larger in terms of footprint than the garage to be demolished. Consequently, the proposal would lead to a significant loss of openness of the site, despite the retention of garden space around the bungalow.
7. Moreover, the appeal site is on a prominent corner. The appeal plans show the retention and infilling of the roadside boundary hedge, although planting

cannot be relied upon to permanently screen the proposal. In any case, the bungalow would be seen from the road through the proposed access gap and through the existing access to No 1. Whilst it would be set back to follow the established building line, the bungalow and the subsequent reduction in openness would be apparent from the highway, to the visual detriment of the spacious qualities of the area.

8. Furthermore, the proposed bungalow would stand out amongst the prevalent 2 storey houses on Hazelhurst Road and adjacent part of Green Lane. The proposal would be markedly different in character and appearance to the single storey garages seen in the vicinity, which are clearly ancillary buildings to main dwellings. The referred to bungalows on The Fairways cannot be seen from Hazelhurst Road and therefore have limited influence on the character of the appeal site and its surroundings. Also, the context of the appeal proposal is different to The Fairways which is more suburban in character. The incongruity by reason of scale would not be addressed through the inclusion of features such as a pitched roof or by virtue of the appeal site being of comparable size to other nearby properties.
9. The site lies within the Open Plan Suburban character area as defined in the South Bucks Townscape Character Study Part 2 REVISION A 2008. This provides an understanding of the local townscape, but the individual typologies cover wide areas, within which there will be variations in the form of development. The proposal would not result in the loss of any open plan frontages or introduce new enclosing boundary treatments, but this fails to address or override the concerns with the scheme.
10. The site is not within any conservation area or a Residential Area of Special Character where particular protection or design restrictions apply. However, the local and national policy requirement to secure high quality design that is sympathetic to local character applies to all areas and development proposals.
11. The current proposal seeks to address concerns previously raised by an appeal Inspector regarding a proposed house on the appeal site¹. Amendments have overcome some of the previous Inspector's concerns, however it does not follow that the current proposal is acceptable. The appeal development would be less visible than the previously proposed house, but for the reasons set out above it would still erode the openness of the site. Also, the proposal's incompatibility by reason of being a bungalow was not an issue that had to be considered by the previous Inspector. As such, it would not be inconsistent with the previous decision to dismiss this current appeal.
12. The Council's concerns include the reduction in the plot width of No 1. However, the plot is wider than most along Hazelhurst Road and the proposal would not result in the frontage being uncharacteristically narrow. As such, I find that the sub-division element of the proposal causes no harm to the character of the area. However, a lack of concern in this respect fails to overcome or address the harm I have identified.
13. For the reasons outlined above, I conclude that the development would cause significant harm to the character and appearance of the area. Consequently, and in this regard, it would be contrary to policy CP8 of the South Bucks District Core Strategy (2011) and saved policies EP3 and H9 of the South Bucks

¹ Appeal ref. no. APP/N0410/W/18/3201353

District Local Plan (1999) and the National Planning Policy Framework (the Framework). These all aim, amongst other things, to ensure development proposals are of high quality design and avoid harm to the character and appearance of an area.

Other Matters

14. The Council accept that it cannot demonstrate a five year supply of housing. In such circumstances, paragraph 11 d) of the Framework states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme.
15. The appeal site is located in the built up area of Burnham, where there is reasonable access to supporting services. The appellant suggests the proposal would be acceptable in terms of highway safety, would not cause harm to the living conditions of neighbouring properties and would include sufficient private garden space to serve the bungalow. Also, there would be no unacceptable loss of trees and solar panels and rainwater harvesting facilities would be provided. However, an absence of harm in all these regards is a neutral factor rather than a benefit that weighs in support of the proposal.
16. The appellant claims that the scheme represents the more efficient use of previously developed land, which is not disputed by the Council. As such, the proposal would be supported by paragraphs 122 and 123 of the Framework. Also, it would help boost the supply of housing through development on a small size windfall site and so is promoted under the provisions of paragraphs 59 and 68 of the Framework. The proposal would generate employment during construction and residents would support the local economy. The bungalow is also designed to meet the needs of people with limited mobility and would add to the mix of housing in the area.
17. Whilst giving positive weight to the above factors, overall the benefits would be modest given that the proposal is for a single dwelling. I consider the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. As such, the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR