
Appeal Decision

Site visit made on 18 November 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/J0405/W/19/3233830

Land off Ashendon Road, Westcott, Buckinghamshire HP18 0NX

- 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 T Giddins of GMS Properties against the decision of Aylesbury Vale District Council.
 - The application Ref 18/02830/APP, dated 10 August 2018, was refused by notice dated 7 June 2019.
 - The development proposed is erection of 3 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. During my visit, and following a prior written invitation from the neighbour, I was able to assess the proposal from the garden of 2 Lower Green.

Main Issues

3. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area;
 - b) whether the proposal would preserve the settings of Thatched Cottage and Westcott Farmhouse as Grade II listed buildings;
 - c) the effect on the living conditions of the occupiers of 2 Lower Green, with reference to outlook;
 - d) whether the development would contribute to flood risk; and
 - e) whether Westcott is an appropriate location for residential development on this scale, having regard to its accessibility to services and facilities.

Reasons

Character and appearance

4. The appeal site comprises a field to the rear of Nos 2 to 8 Lower Green. The land abuts the built-up part of the settlement but is nonetheless outside of it. The hedgerow defining the frontage onto Ashendon Road is relatively dense, but there are attractive views of open countryside above the hedging and through gaps in the vegetation towards rising land to the east.

5. The proposed development would comprise a row of three identical detached dwellings. The buildings would be 2-storey, albeit with lower eaves, with projecting wings to the front and rear. They would be noticeably taller and bulkier in comparison to the modest bungalows at Nos 2 to 8 Lower Green with their shallow hipped roofs. There is a mixture of dwelling designs in the area, including conventional houses within the village, but the appeal scheme would represent a harmful step up in scale at the sensitive interface between the settlement and the countryside. The development would create a hard edge to the built-up area, with the close spacing of the dwellings and hard surfaced driveways contributing to an urban character. The views towards countryside, which give a sense of departure from the village, would be lost.
6. Concerns have been raised regarding the effect of the proposal on an existing semi-mature ash tree which lies on the boundary between the site and 2 Lower Green. This tree is visible from the road and, whilst not necessarily worthy of a tree preservation order, it makes a positive contribution to the appearance of the area. No tree survey has been submitted and the root protection area has not been marked on a plan. Nevertheless, the proximity of the tree to the front corner of the northernmost plot would give me concern over the impact on the root system and future crown expansion as the tree matures.
7. The appellant argues that there would be little pressure to remove the tree, but I am unable to make a reliable judgement without a plan showing the relationship between the building and the tree, with the root protection area and crown accurately marked. Based on my observations on site, there is an unacceptable risk that the health of the tree would be prejudiced by the scheme. There would be conflict with Policies GP38, GP39 and GP40 of the Aylesbury Vale District Local Plan (2004) (AVDLP) insofar as they seek to retain existing natural features and trees of amenity value.
8. I conclude that the proposal would cause material harm to the character and appearance of the area. It would conflict with AVDLP Policy GP35 which seeks to ensure that the design of new development respects and complements, amongst other things, the physical characteristics of the site and the surroundings, the natural qualities and features of the area, and the effect on important public views. This policy is consistent with the requirement in the National Planning Policy Framework (the Framework) that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
9. The Council has referenced the Area of Attractive Landscape (AAL) in its refusal reason. This is relevant only inasmuch that the AAL forms an important part of the setting of the village and features in views from the site. There would be no harm to the designation itself and therefore no conflict with AVDLP Policy RA8 would arise.

Setting of listed buildings

10. Immediately to the north-east of the site lies Thatched Cottage¹. This listed building is set away from the edge of the built-up area, surrounded on three sides by agricultural fields. The building is tight within its plot, and its close relationship with the farming landscape is important to the setting of this designated heritage asset, contributing positively to the understanding of its

¹ The list entry shows the address to be 10 Lower Green, but I note that the building may be subdivided.

significance. As noted within the appellant's Heritage Statement, the undeveloped nature of the appeal site assists in accentuating the marginally outlying nature of the house within its rural setting.

11. The proposal would permanently inhibit views of the listed building along a 40 m stretch of Ashendon Road. Although the dwellings themselves would be some distance from the listed building, the character of the site would change from agricultural to residential. The appellant has offered to accept a condition removing permitted development rights for outbuildings, but this would not adequately mitigate the harm arising from the domestication of the land.
12. The Heritage Statement notes (paragraph 4.3.26) that continuing development along the east side of Ashendon Road that begins to encircle the Thatched House [sic] and draw it deeper into the fabric of the village, will have an increasingly detrimental effect on its rural and liminal setting. To my mind, this analysis is entirely correct, notwithstanding the later finding that the impact on the listed building would be neutral. In my opinion, the proposal would erode the rural setting of Thatched Cottage to the detriment of its heritage significance.
13. The appeal site is not a significant part of the setting to Westcott Farmhouse. This listed building is located roughly 50 m away on the opposite side of Ashendon Road, behind a courtyard and with curtilage listed barns fronting the road. In my view, the proposal would not have an appreciable impact on these heritage assets.
14. Accordingly, I conclude that the proposal would cause harm to the setting of Thatched Cottage. Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This carries considerable importance and weight in the planning balance.

Living conditions

15. The northernmost dwelling would be sited approximately 2 m from the boundary with 2 Lower Green. This bungalow has two windows facing onto its short rear garden and both serve habitable rooms. The outlook from this part of the garden, and from the affected rooms, would be dominated by the close proximity of built form above the boundary hedge. The new dwelling would be oppressive, and it would increase the sense of enclosure to the detriment of the enjoyment of their garden. Although the appellant argues that occupiers of the bungalow also have use of a side garden, this does not justify the harm.
16. I conclude that the proposal would conflict with AVDLP Policies GP8 and GP95. These policies seek to protect the amenities of existing occupiers, consistent with the provisions of paragraph 127(f) of the Framework.

Flood risk

17. The appeal site is located in Flood Zone 1 and is consequently at low risk of fluvial flooding. However, digital mapping from the Environment Agency shows parts of the site to be at high risk of surface water flooding. Photographs within the Archaeological Evaluation Assessment show significant volumes of standing surface water on the site. The land was in much the same condition at the time of my visit, which suggests that infiltration rates are poor. The application form

states that the development would be drained via soakaway, but the available evidence casts significant doubt over the effectiveness of such a solution.

18. No flood risk assessment or drainage strategy was submitted in support of this application and therefore the lead local flood authority was not consulted. The appellant points out that the dwellings themselves would be located on that part of the site with very low risk of flooding and requests that the matter be addressed by condition. However, it has not been satisfactorily demonstrated that the proposal would not increase the risk of flooding on site or elsewhere. For this reason, the scheme conflicts with paragraph 163 of the Framework.

Accessibility to services and facilities

19. The Council does not seek to rely upon the housing policies of the development plan as it concedes they are out-of-date. The emerging replacement local plan² is being examined, but until that process is complete the document carries limited weight. Nonetheless, some weight can be attached to the supporting evidence base. The Settlement Hierarchy Assessment (SHA)³ identifies Westcott as a 'smaller village' which contains 5 of the key services for the scoring criteria. This includes a primary school and recreation ground, both of which I saw to be well-connected to the appeal site by pavement. There is also a church, although I note this is defined in the SHA as a non-key service.
20. The settlement is unusually well served by employment as it lies adjacent to the Westcott Venture Park. The entrance to this strategic employment site lies at the northern end of the village, within easy cycle range of the proposed development. There is also a café and grocery shop at the gate house.
21. A bus stop is located directly outside the appeal site, but services are infrequent. There is a community bus, but even so the residents of Westcott are heavily reliant on the private car to access higher order settlements. The larger village of Waddesdon contains a wider range of services and facilities and this is approximately 3.5 km away.
22. The SHA defines smaller villages as being less sustainable due to their poor access to services and facilities. However, it anticipates that small scale development could be accommodated in such locations to help maintain existing communities. Although significant new housing development in Westcott would not be sustainable, a scheme of 3 dwellings would be proportionate to the size of the village and its position in the hierarchy. Moreover, it would be compatible with the recommendations of the SHA.
23. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities; where there are groups of smaller settlements, development in one village may support services in a village nearby. In my judgement, the proposal would help to maintain the existing community within the village, and it would provide some support for services in Waddesdon. I therefore conclude that Westcott is an appropriate location for residential development of the scale proposed.

² Vale of Aylesbury Local Plan (VALP) 2013-2033

³ Settlement Hierarchy Assessment to accompany Proposed Submission Plan September 2017

Other Matters

24. I note the contents of the appeal decision for Sloping Acre. I do not have full details of that case and have not had the benefit of a site visit, but each case is site specific and fact sensitive. I have determined the appeal on its own merits.

Planning Balance and Conclusion

25. Notwithstanding my finding on the final main issue, there would be material harm to the character and appearance of the area, the setting of Thatched Cottage and the living conditions of the occupiers of 2 Lower Green. Moreover, the scheme does not include adequate information regarding surface water drainage and tree impacts. The cumulative harm would be significant, and the scheme would be contrary to the social and environmental objectives of sustainable development.
26. The appellant has queried the Council's published housing supply position on the basis that its projected supply is heavily reliant upon proposed allocations within the draft emerging plan. It is further suggested that the overall housing requirement is likely to increase. I do not have sufficient evidence to make a definitive finding on the former, whilst the latter is not yet set in stone. Even in a scenario whereby the Council was unable to demonstrate a five year supply of deliverable housing sites, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh the modest social and economic benefits of delivering 3 new family homes. Furthermore, the public benefits of the scheme would not outweigh the harm to designated heritage assets and therefore the balance in paragraph 196 of the Framework tips against the proposal.
27. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR