



Appeal Decision

Site visit made on 16 December 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/N0410/W/19/3238243

To the Rear of Richings Park Library, 38 Bathurst Walk, Iver SL0 9BH

- 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 Jagdip Bhachu against the decision of South Bucks District Council.
 - The application Ref PL/19/2336/FA, dated 29 June 2019, was refused by notice dated 29 August 2019.
 - The development proposed is new detached dwelling at the rear of the site.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Reference has been made in the appeal submissions to an emerging Chiltern and South Bucks Local Plan. This document is at an early stage in its preparation and so I afford its policies limited weight in my assessment.

Main Issues

3. The main issues are (i) the effect on the character and appearance of the area, (ii) whether acceptable living conditions for the future occupiers of the proposed dwelling would be provided in terms of the amount of external space, the quality of internal space and noise effects, (iii) the effect on the living conditions of the occupiers of the flat at 38a Bathurst Walk (No 38a) in respect of outlook and overlooking, and (iv) whether the development would incorporate safe and inclusive access.

Reasons

Character and appearance

4. The site is on a service road to the rear of a parade of commercial units with flats above. Several outbuildings and extensions lie on the land to the rear of the parade, although the site of the proposed building is vacant. The front of the dwelling would be on the service road and would be 2 storeys high with a flat roof. The dwelling would also have a single storey flat roof rear element.
5. The proposal would be unusual in terms of its use and height compared to the other single storey, non-residential buildings that face the service road. Furthermore, it would be at odds with the predominant form of residential development in the area of pitched roof houses that face directly onto streets. The covered parking area on the front of the dwelling would also be an unusual

feature. Whilst not prominent, the dwelling would be seen from Wellesley Avenue and so would have a visual impact on the locality. For these reasons, the proposal would be markedly incongruous to, and incompatible with, the character and appearance of the area.

6. The appellant refers to the Council's decision to allow a similar dwelling on the adjoining site at 36 Bathurst Walk¹ (No 36). However, this proposal is different to the appeal scheme in that it involves alterations to an existing building that already has an effect on the character and appearance of the area. Also, the approved scheme has not commenced despite planning permission being in place for a number of years, raising doubt over whether the scheme would ever be implemented. As such, whilst having regard to the approved scheme's potential influence on the area, it is appropriate to assess the appeal development against the current situation. In addition, I am not bound to follow the Council's views in respect of the design of the proposal at No 36 in my consideration of this appeal scheme.
7. 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 policies EP3 and H9 of the South Bucks District Local Plan 1999 (LP) and the National Planning Policy Framework (the Framework). These aim, amongst other things, to ensure that development is of high quality design and avoids harm to the character and appearance of an area.

Living conditions of future occupiers

8. Whilst there is no LP policy that sets out specific requirements, LP policy H9 looks to ensure housing proposals include usable amenity space. Also, paragraph 5.7.6 of the Council's Residential Design Guide Supplementary Planning Document 2008 (SPG) states that all houses should have an enclosed private garden.
9. The proposal includes covered space for parking and bin storage to the front, but this would not be a private area. Nearby community facilities and public footpaths would not serve the functional requirements of a private garden. I note the approved scheme at No 36 and some nearby flats have no associated private outdoor space. Also, it is unlikely the proposed dwelling would be occupied by a family with children. Even so, the lack of any private garden area in the appeal scheme would be contrary to the aim set out at paragraph 127 f) of the Framework to provide a high standard of amenity for future occupiers.
10. Furthermore, the ground floor rooms of the proposed dwelling would be mainly served by roof lanterns rather than any vertical windows. In addition, the only first floor window would directly face towards the side elevation of a nearby house. The lack of any windows with direct and distant views would deprive future occupiers of the proposed dwelling of a reasonable outlook.
11. Noise from vehicles on the service road and from nearby businesses may have an affect on the living conditions of the occupiers of the proposed dwelling. However, the road carries little traffic and it would appear that local business uses are low-key. As no evidence has been submitted that shows existing nearby residences are unacceptably affected, there is no reason to find that the

¹ Council reference number 17/01229/FUL

proposed dwelling would be the subject of excessive noise and disturbance. However, acceptability in this regard fails to overcome or override my other concerns in respect of the living conditions of future occupiers.

12. Therefore, whilst acceptable in terms of noise effects, I conclude the living conditions for the future occupiers of the proposed dwelling would not be acceptable in terms of the amount of external space and the quality of internal space. Consequently, and in this regard, it would be contrary to LP policy H9, the SPG and the Framework that all aim, amongst other things, to ensure housing development provides a high standard of amenity for future occupiers.

Living conditions of occupiers of No 38a

13. The proposal would clearly affect the outlook from the rear windows of No 38a. However, long distance views would remain over the proposed dwelling so that the occupiers of No 38a would retain a reasonable outlook. Also, the rear element of the proposed dwelling would include no windows other than rooflights and roof lanterns. These would direct views skywards rather than towards No 38a, thereby avoiding significant and unacceptable overlooking.
14. For these reasons, I conclude that the proposal would not cause harm to the living conditions of the occupiers of No 38a in terms of outlook and overlooking. As such, and in this regard, it would accord with policy H9 of the LP and the Framework, which aim, amongst other things, to ensure a high standard of amenity for occupiers of existing properties.

Access

15. The access to the proposal would be via the service road rather from the public highway. However, the dwelling would be located close to Wellesley Avenue and its access would be visible from the street, even though the service road is unlit. Also, given the low speed and levels of traffic using the service road, it is unlikely the proposal would lead to unsafe pedestrian and vehicle conflict.
16. Consequently, I conclude that the development would incorporate safe and inclusive access and so, in this regard, it would accord with LP policy E6 and the Framework. These aim, amongst other things, to ensure places are safe, inclusive and accessible.

Conclusion

17. The proposal causes no harm to the living conditions of occupiers of No 36a and would have a safe and inclusive access. However, it would cause significant harm to the character and appearance of the area and would fail to provide a high standard of living conditions for future occupiers. The harm in these respects is the overriding consideration. The proposal would conflict with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.
18. For these reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR