



Appeal Decision

Site visit made on 14 January 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/K0425/W/19/3234384

Windrush House, Blind Lane, Bourne End, Buckinghamshire SL8 5JZ

- 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 Redkite Community Housing against the decision of Wycombe District Council.
 - The application Ref 18/08331/FUL, dated 20 December 2018, was refused by notice dated 16 April 2019.
 - The development proposed is described as the 'refurbishment and extension of existing building to provide 21 apartments'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Wycombe District Local Plan (LP) was adopted in August 2019 and now forms part of the development plan and supersedes policies in the Wycombe Development Framework Adopted Core Strategy, July 2008 and saved policies of the Wycombe District Local Plan to 2011, January 2004. I consider that the most relevant policies in the recently adopted development plan have broadly similar objectives to those replaced, and as such, there have been no fundamental changes insofar as is relevant to the circumstances of this decision. Given the advanced stage of the LP at the time of the Council's determination, and that both parties and interested parties have had the opportunity to refer to the LP as part of the appeal, I am satisfied that no injustice will result from the change in policy circumstances.
3. The appellants have submitted a Flood Risk Assessment and Drainage Strategy and two revised plans referenced SK.90.001 Rev J Proposed site plan and SK.90.002 Rev D Proposed external layout as part of the appeal. The plans differ from the original plans in that the parking provided has been reconfigured and reduced to show 12 spaces overall, 6 accessed from Blind Lane and 6 from Roman Way. The continuation of the footways on Blind Lane and Roman Way, in an alignment broadly similar to their present routes, is also shown. Furthermore, the plans reflect that a tree has been removed from the site. As these matters affect relatively minor matters of detail, or in the case of drainage, provide additional information, I do not consider that they significantly change the nature of the development. On that basis, I am satisfied that no parties would be prejudiced by my determining the appeal in relation to the revised plans.

Main Issues

4. The main issues are the effect of the proposal on:

- The character and appearance of the area;
- The living conditions of nearby residents, with particular reference to privacy and outlook, and;
- Highway safety, with particular reference to pedestrian safety and the provision of parking, and;
- Drainage.

Reasons

Character and Appearance

5. The appeal site comprises a double depth plot such that it has a frontage onto both Blind Lane and Roman Way. The wider area predominantly comprises single and two storey dwellings that due to the degree of coherence of form, plot size, set back from the road, established planting and materials, results in a well ordered, spacious and verdant sub-urban character.
6. At present there is a large residential building on the site, which is somewhat at odds with the surrounding housing due to its height, bulk and footprint. This is formed from two, three storey main blocks, each with a road frontage, and a narrower perpendicular connecting two storey block. The massing of the structure gives it a prominence in the street scene, but the limited architectural detailing means that the building itself is unremarkable and rather bland.
7. Therefore, overall, it presently has a negative impact on the pleasant sub-urban character. However, the development does have some positive features which include the generally open aspect of both road facing elevations, which add to the spacious character of the surroundings. In addition, the prominence of the planting and grassed area to the frontage facing Blind Lane is a redeeming feature that considerably softens the visual impact of the building.
8. The proposal would retain the massing of the main three storey blocks but would widen the connecting two storey block. Upgrading the building fabric would allow for different external materials which, together with the introduction of balconies, would result in greater articulation of the main elevations of the building.
9. Notwithstanding this, I have concerns regarding the appearance of the most prominent parts of the development in the street scene. Six parking spaces and cycle parking in front of the building facing Blind Lane would mean the removal of most of the existing grassed area, leaving only a limited space for planting by comparison. In addition, there would be a 1.8m high close boarded fence enclosing garden land for Flat 1 which, together with the fencing of the refuse enclosure, would be unduly prominent and out of place as part of the front elevation. This would result in a concentration of vehicles, cycle parking and fencing, which for the most part would be unrelieved by planting in a particularly visible part of the site and thereby, would harmfully dominate and reduce the open and green aspect of the principal elevation.

10. Similarly, although to a lesser extent, the vehicle parking spaces, cycle parking and 1.8m high close boarded fencing for Flat 7, would combine to diminish the open aspect of the elevation facing Roman Way and would limit the degree of planting that might realistically be achieved.
11. Taking these factors together, the proposal would adversely affect the character and appearance of the area and would run counter to the advice in the Residential Design Guidance Supplementary Planning Document, June 2017 (SPD). Section C1 indicates that development should improve or reinforce the existing positive character of the place it is part of. The document also contains guidance that seeks to promote active frontages, high quality soft landscaping and the avoidance of close board fencing as a boundary treatment in prominent locations.
12. I acknowledge that in general terms, the use of external materials could add interest to the building and that suitable finishes might be agreed by using a condition. Nevertheless, the SPD confirms that character is not just about the appearance of the building fabric itself but encompasses the wider area within which the developments sits¹. Moreover, in order to provide privacy and security for the intended occupants of Flats 1 and 7, the enclosure to the garden areas would need to be solid, even if it were not close board fencing. As such, a condition in relation to materials would not fully surmount the harm to the open aspect and degree of planting on the road frontages.
13. The appellants indicate that if permission is not granted, they will seek to refurbish the block as it currently exists². It follows that it is likely that improvements that would add interest to the building and improve the quality of the building fabric might be achieved without the harmful aspects to the character and appearance identified.
14. Reference is made to the predominance of parking to the front of buildings within dwellings nearby. Be that as it may, I observed that due to the smaller scale of nearby dwellings, the number of spaces was generally less concentrated, and set back behind boundary walls or hedgerows such that it had a less pronounced effect on the street scene than the proposed parking arrangement. Moreover, the grass verge adjacent to the footway along Blind Lane was largely intact, whereas it would be removed as part of the proposal³.
15. Accordingly, I find that the development would have a harmful effect on the character and appearance of the area. Therefore, it would be contrary to policy DM35 of the LP which requires development, amongst other matters, to improve the character of the area and the way it functions and includes consideration of how existing positive characteristics will be retained. It further stipulates that proposals should demonstrate attractive and high quality design, and appropriate character not just in the detailed design of buildings but also in relation to the structures and spaces around them.

Living Conditions of existing residents

16. Balconies are shown at first and second floor level for Flats 11 and 18 that would face south-east and which would allow space for the intended residents to sit outside. The proximity of these balconies to the side boundary of the site,

¹ Paragraph 02, Page 8 Residential Design Guidance Supplementary Planning Document, June 2017 (SPD).

² Paragraph 5.20 appellants' statement of case

³ Annotation on drawing SK.90.002 Rev D Proposed External Layout

when combined with their height would result in an unreasonable level of overlooking to the gardens of 34 Blind Lane and 9 Roman Way. Even if side screening and obscure glazed panels were to be utilised, this would not entirely prevent views of the rear garden areas where a greater degree of privacy would normally be expected. Moreover, the presence and activity of people using the balconies would result in a sense of encroachment for neighbouring residents using their rear gardens, which would diminish their enjoyment of their property. These factors combined would unacceptably harm the privacy and living conditions of the occupants of those properties.

17. In addition, the proposal would extend the width of the central two storey block bringing additional built form closer to the boundaries of 7 Roman Way and 32 Blind Lane. The upper terraced areas for Flats 12 and 13 would provide a sizeable space for the occupants to sit out or socialise, which due to their proximity, height and orientation would allow for intrusive views into the rear gardens of the adjacent dwellings. Taken together this would have a significant adverse impact on the living conditions of the existing neighbours due to the considerable reduction in privacy to their rear gardens, and the overbearing presence of the building both when using their gardens and in views from their rear facing windows. The LP defines a significant adverse effect to be where the proposal takes existing amenity to below that which would be expected for new development⁴.
18. Notwithstanding the reference to a glazed screen, the plans for the south west elevation⁵ indicate that this would not extend for the full length of the terraces. To do otherwise would have a tunnelling effect that would have knock-on effects for the living conditions of the future occupants of the flats. Accordingly, a glazed screen would not entirely overcome the harmful intrusion to neighbouring occupants when using their gardens arising from the immediate presence and activity associated with the terraced areas and would do little to address the overbearing presence of the structure overall.
19. Reference is made to the reduction in height of the two storey section and the existing relationship of windows serving habitable rooms that already allows for overlooking of neighbouring properties. I acknowledge that the proposal will reduce the overall number of windows facing nearby dwellings. Nevertheless, these factors would not address, nor outweigh, the significant adverse impacts outlined above.
20. I acknowledge the fallback position of the appellants, whereby the existing building could be refurbished which may not provide private gardens and balcony areas for the proposed residents. However, I have not been provided with alternative layouts to illustrate this which inhibits a meaningful comparison. Furthermore, notwithstanding the existing number of windows within the two storey block, given its relatively narrow width, this is likely to limit the layout options. On this basis, the information provided does not clearly show that a fallback position would result in greater harm to the living conditions of neighbours in comparison to the appeal proposal, and therefore, it is of limited weight in this regard.

⁴ Paragraph 6.178 Wycombe District Local Plan, August 2019

⁵ Drawing SK20.003 Rev A

21. I am referred to section B8 of the SPD. However, this gives guidance on building to building separation rather than in relation to the impact of balconies or terraces on adjacent gardens, and therefore is of limited weight.
22. Accordingly, I find that the appeal proposal would result in unacceptable harm to the living conditions of nearby residents as a result of overlooking and overbearing impact. Therefore, the proposal would be contrary to policy DM35 of the LP, that amongst other matters, seeks to prevent significant adverse impacts on the amenities of neighbouring land and property.

Highway Safety

23. The amended plans show that 12 parking spaces⁶ would be provided. The reconfigured arrangement allows for the continuation and retention of the pedestrian footway for both Blind Lane and Roman Way and as such, addresses the concerns raised by the Highway Authority that the original layout proposed a footway within private property that could not be considered to constitute a viable alternative to a public highway footway.
24. Policy DM33 of the LP requires development to provide for parking sufficient to meet the needs of future occupants and to ensure there is no significant adverse impact from overspill parking. This level is derived from the 2015 Buckinghamshire County Parking Guidance (PG). It follows that proposals should provide parking to address the impact arising from the development rather than be expected to address an existing or historical situation. As such, the established use and level of parking at the site is a relevant consideration when applying the standards.
25. The planning application form indicates that the existing building provides 17 residential units and 4 parking spaces. Therefore, an additional 4 flats would arise as a result of the proposal. The Highway Authority⁷ confirms that the appeal site falls within residential Zone B and the PG generates a parking requirement of an additional 7 spaces measuring a minimum of 2.8 x 5 metres. Notwithstanding the considerable number of representations from local residents that raise concerns that insufficient parking would be provided, I have not seen detailed evidence to substantiate that a more onerous requirement than the PG guidance should apply. The reconfigured parking layout in the amended plans provides for an additional 8 spaces and the Highway Authority indicate that they raise no objection, subject to conditions to the amended plans⁸.
26. Accordingly, the amended plans provide a reconfigured layout that would meet the parking and pedestrian safety requirements of policy DM33 of the LP and the PG and therefore, I do not find conflict with them.

Drainage

27. Drainage is already provided for the existing building, nevertheless the Flood Risk Assessment and Drainage Strategy sets out an approach to providing surface and foul water drainage for the development that addresses drainage implications that would arise as a result of the proposal. As such, it provides sufficient assurance that that adequate surface water drainage measures can

⁶ Drawing SK.90.002 Rev D Proposed External Layout

⁷ Consultation response dated 11.2.19 from Highway Development Management, Buckinghamshire County Council

⁸ Paragraphs 5.4.9 & 6.2, Written Statement on Highway Matters, Buckinghamshire County Council

be implemented on the site to accommodate the surface water run-off generated by the proposed development. This is reinforced by the comments of the Lead Local Flood Authority⁹ who do not object to the strategy subject to certain conditions. The strategy broadly aligns with the sustainable urban drainage objectives set out in policy DM39 of the LP and on that basis, I do not find a conflict with the development plan in this regard.

Planning balance and Conclusion

28. The proposal would provide for 21 apartments, adding 4 additional dwellings to the overall housing supply in an accessible location. It would improve the accommodation standards and building performance for future residents as well as provide for private amenity areas which is supported by SPD guidance. Furthermore, the appeal site is previously developed land as defined in the National Planning Policy Framework, general support for which is given in paragraph 117. However, the relatively modest nature of the proposal would limit the extent of benefits arising from the development. Therefore, overall, they attract moderate weight in favour of the proposal.
29. Moreover, the appellants are an established Affordable Housing Provider¹⁰ and therefore, the development may contribute towards the provision of affordable housing. However, as this would not be secured by the proposal, it cannot be guaranteed and as a result, I have attributed this limited weight in favour of the proposal.
30. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise¹¹. The benefits the proposal would bring do not outweigh the significant weight given to the conflict with the development plan policy to protect the character and appearance of the area and the living conditions of nearby residents. It follows that no compelling reasons have been shown to justify my determining the development other than in accordance with the adopted development plan.
31. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁹ Dated 25th November 2019

¹⁰ Paragraph 5.1 of the appellants' statement of case

¹¹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.