



Appeal Decisions

Site visit made on 7 January 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal A Ref: APP/K0425/W/19/3237561 5 Plomer Hill, High Wycombe HP13 5JQ

- 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 Jo Podmore against the decision of Wycombe District Council.
 - The application Ref 18/08297/FUL, dated 18 December 2018, was refused by notice dated 29 March 2019.
 - The development proposed is Planning Application for two additional three bedroom houses located on an existing residential plot.
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Appeal B Ref: APP/K0425/W/19/3237558 5 Plomer Hill, High Wycombe HP13 5JQ

- 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 Jo Podmore against the decision of Wycombe District Council.
 - The application Ref 19/05042/FUL, dated 4 January 2019, was refused by notice dated 29 March 2019.
 - The development proposed is Planning Application for demolition of existing four bedroom house and construction of two additional four bedroom houses and apartment block with two no. two bedroom flats and two no. one bedroom flats.
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Appeal C Ref: APP/K0425/W/19/3237567 5 Plomer Hill, High Wycombe HP13 5JQ

- 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 Jo Podmore against the decision of Wycombe District Council.
 - The application Ref 18/08086/FUL, dated 15 November 2018, was refused by notice dated 29 March 2019.
 - The development proposed is Planning Application for demolition of existing four bedroom house and construction of three additional four bedroom houses.
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Decisions

1. Appeals A and B are dismissed.
2. Appeal C is allowed and planning permission is granted for the demolition of existing four bedroom house and construction of three additional four bedroom houses, at 5 Plomer Hill, High Wycombe HP13 5JQ, in accordance with the terms of the application, Ref: 18/08086/FUL, dated 15 November 2018, subject to the conditions in the attached schedule.

Procedural Matters

3. The appeals each propose different forms of development, however they relate to the same site and were refused by the Council for similar reasons. Consequently, whilst I have considered each proposal on its individual merits, to avoid unnecessary duplication, I have dealt with the three schemes together except where otherwise indicated.
4. Since refusing planning permission, the Council has adopted the Wycombe District Local Plan (August 2019) (LP). This plan supersedes the policies contained within the Wycombe District Local Plan to 2011 (As saved, extended and partially replaced) and the Wycombe Development Framework Core Strategy (2008). Notwithstanding this matter, the plan was adopted before the appeals were submitted and the Council made reference to the relevant emerging policies in their refusal reasons. Consequently, the appellant has already had the opportunity to comment on the implications of the newly adopted plan for the appeals. Accordingly, there has been no need to revert back to the parties on this point, and I have determined the appeals on the basis of the newly adopted plan.

Main Issues

5. The main issues that are common for the three appeals are:
 - i) the effect of the proposal on the character and appearance of the surrounding area; and
 - ii) the effect of the proposal on the living conditions of the occupants of neighbouring properties.
6. However, an additional main issue for Appeal B is whether the proposal would provide suitable living conditions for future occupants.

Reasons

Character and appearance

7. The appeal site consists of a generous parcel of land which is occupied by a detached dwelling prominently located in an elevated position, set back from the highway. It is one of three buildings located on the north west side of this section of Plomer Hill that front onto the road before the junction with Pheasants Drive, all of which are sited within comparable sized plots of land and which are set back from the road in a similar manner. Due to their set back from the road, the gaps between the buildings, and the views through these spaces, the buildings provide the immediate surroundings with a spacious and open character and appearance.
8. However, aside from these dwellings, the character and appearance of the broader surroundings is more varied. Opposite the site, there is a modern development which contains smaller terraced houses that front on to Plomer Hill, whereas Pheasants Drive hosts a number of distinct, flat roof houses. Beyond Pheasants Drive, the area is characterised by semi-detached dwellings with a more consistent uniformity, including a generous set back from the highway.
9. Despite the varied architecture and house types, a unifying characteristic of the area is the presence of mature trees and landscaping. In addition, the houses

in the area generally front onto the highway, creating strong frontage development with limited built form beyond the principal building lines.

10. Appeals A and B would provide three dwellings located to the rear of the site. As a consequence, they would introduce development beyond the established building line which fronts Plomer Hill. Due to the elevated nature of the site when viewed from street level, as well as the space between the existing buildings, views of the new dwellings would be readily achievable from the highway. Despite the varied grain in the broader locality, such views of backland development would be at odds with the openness of the surroundings. This would be harmful to the immediate character and appearance of the area.
11. Appeal B would also replace the existing dwelling with an apartment building which would be sited in a similar location. Whilst it would be a taller structure, its overall form and mass would not be considerably different. Consequently, due to its siting and overall bulk, I am satisfied that this aspect of the proposal would have a somewhat neutral effect on the character and appearance of the area.
12. In contrast to Appeals A and B, Appeal C would introduce a very different form of development. The proposal would not introduce any houses in a backland location and instead it would replace the existing dwelling with a terrace of three houses. The properties would be sited further into the site than the existing building and they would also be taller. However, due to the location of the proposed dwellings, the layout would preserve the openness to the front of the site which currently contributes to the character and appearance of the area. In addition, although taller, the increased set back from the road would ensure that the buildings are not overly dominant in height or scale when viewed within the broader street scene. This would help preserve views towards the important trees beyond the proposed dwellings.
13. Much of the space to the front of the houses would be used for car parking. Whilst this would be prominently sited to the front of the houses, ample space would also remain to introduce landscaping between the car parking and the highway. This would enable the frontage of the development to integrate with the open, verdant surroundings. Based on the evidence before me, I am satisfied that this matter could be secured by a suitably worded planning condition.
14. In addition, the land to the rear of the proposed dwellings would also remain open in a manner consistent with the existing arrangement. Therefore, whilst the form of development would be more intense than the existing dwelling, for the reasons identified above, the proposal would be sympathetic to the important attributes of the site. Moreover, the introduction of a short terrace of three houses would respond successfully to the new development opposite the site, and more generally to the varied context in the broader surroundings. In this respect, the proposal would not represent a cramped form of development, but instead, would be complementary to the mixed grain of the area.
15. Therefore, for the reasons identified above, I conclude that Appeals A and B would harm the character and appearance of the surrounding area. Consequently, they would fail to accord with Policy DM35 of the LP and advice contained within the Wycombe Residential Design Guide Supplementary Planning Document (2017) (SPD). Taken together, these require development

to be designed well, contribute positively to the area, and understand the functions, qualities and character of the natural and built context and demonstrate a positive response.

16. However, I also conclude that Appeal C would not harm the character and appearance of the surrounding area. Accordingly, it would comply with Policy DM35 of the LP as well as advice contained within the SPD.

Living conditions – neighbouring properties

17. The appeal site is bounded to the north by a series of houses which form part of Pheasants Drive, and to the south by No 3 Plomer Hill. The northern boundary of the appeal site consists of a dense belt of mature trees. This has the effect of providing a continuous tall boundary to the gardens of the houses in Pheasants Drive, thereby affording them significant levels of privacy from the appeal site. To the southern boundary there is a combination of mature landscaping and large trees which also has the effect of limiting views into the adjacent garden.
18. As identified above, Appeal A would introduce a pair of houses to the rear of the site. However, to facilitate this proposal, based on the evidence before me, many of the trees on the northern boundary would be removed. Tree removal of this nature would have the effect of reducing the enclosure of the adjacent gardens. Moreover, the introduction of houses in the backland location would introduce windows at an elevated level. Whilst these would not look directly towards any facing windows of the adjacent houses, they would gain oblique views into the adjacent gardens at close proximity. This would be to the detriment of existing privacy levels. Consequently, having regard to privacy, Appeal A would have a harmful effect on the living conditions of the occupants of the neighbouring properties in Pheasants Drive. Despite this, due to the enclosing effect of the existing trees and the equivalent siting of the proposed houses, I am not persuaded that the development would harm outlook.
19. In contrast to Appeal A, the evidence for Appeal B demonstrates that the majority of trees on the northern boundary would be retained. Consequently, the privacy that the trees afford would remain. Moreover, for the same reasons identified above, the proposal would not harm the outlook when viewed from Pheasants Drive. Consequently, I am satisfied that Appeal B would not harm the living conditions of the occupants of the neighbouring properties in Pheasants Drive.
20. In relation to Appeals A and B, the southern boundary would be less affected. The mature landscaping and trees would therefore restrict views from the proposed dwellings into the adjacent garden of No 3 Plomer Hill. Accordingly, I am satisfied that the living conditions of this property would not be materially affected by the proposals.
21. Appeal C would require the removal of a central section of trees to the northern boundary to facilitate the proposal. Accordingly, the side elevation of the proposed dwellings would replace the section where the trees are currently located. Due to the removal of the trees and the location of the proposed gable end, the outlook from the gardens of Pheasants Drive would change. However, due to the height and dense nature of the existing trees, the change would not be materially harmful. This is because in both scenarios, outlook would be restricted. Additionally, due to the retained trees to the front and rear of the

proposed dwellings, privacy levels that are currently experienced by the adjacent residents would not be compromised.

22. The depth of the houses proposed in Appeal C would extend beyond the rear elevation of No 3 Plomer Hill. However, No 3 is located away from the shared side boundary and has space around it as well as a generous rear garden. Due to this location, a gap would be retained between the existing and proposed buildings. Therefore, whilst the proposal would undoubtedly alter the outlook from No 3, I am satisfied that due to the space between the buildings, the proposal would not have an overbearing or oppressive effect when viewed from the neighbouring property.
23. Consequently, for the reasons identified above, I conclude that Appeal A would harm the living conditions of the occupants of neighbouring properties. Accordingly, it would fail to comply with Policy DM35 of the LP and advice contained within the SPD, which taken together, seek to prevent development from having significant adverse impacts on the amenities of neighbouring land and property.
24. However, Appeals B and C would not harm the living conditions of the occupants of the neighbouring properties. These appeals would therefore comply with the requirements of the above policies.

Living conditions – future occupants

25. To the front of the site, Appeal B would provide an apartment building containing 4 apartments. The living space for apartments 2 and 4 would be served by a single opening that would face west and projecting beyond these openings, there would be a two storey structure that would provide living accommodation for apartments 1 and 3. This projection would affect the level of daylight received by apartments 2 and 4 which could cause the potential for extra reliance on artificial light. However, the proposed openings would be wide, and floor to ceiling in height, and no compelling evidence has been provided by the Council to substantiate the level of impact. Consequently, based on the evidence before me, I am satisfied that the large openings would provide adequate daylight for the living accommodation.
26. The proposal would also provide a parking area for the apartments centrally within the site. However, despite the on-site provision, the spaces would be somewhat removed from the front entrance to the apartment building. Whilst this may act as a slight deterrent to their use, no compelling evidence has been provided to support concerns that potential resultant parking on the road would be harmful to highway safety. Moreover, I also have no evidence before me to confirm why such potential inconvenience would be demonstrably harmful for future occupants.
27. Consequently, for the reasons identified above, I conclude that Appeal B would provide suitable living conditions for future occupants. Accordingly, the proposal would comply with Policy DM35 of the LP and advice contained within the SPD. Taken together, these require development to provide a level of privacy and amenity for future occupants appropriate to the proposed use.

Other Matters

28. In relation to Appeals A and B, the accessibility credentials by virtue of the location of the site have been noted and this weighs in favour of the appeals.

In addition, the proposals would help to boost the supply of housing. However, due to the scale of the proposals, these benefits would only be limited in their nature. Consequently, I only attach limited weight to these matters in my assessment of the appeals.

29. Despite reservations in relation to flood risk, the Lead Local Flood Authority (LLFA) has raised no objection to the proposal subject to the imposition of suitably worded conditions. Based on the evidence before me, I have no compelling reason to disagree with the consultation response provided by the LLFA.
30. Appeal C would involve a minor relocation of the site access to enable suitable visibility to be provided. Based on this approach, the Highways Development Management Team raised no objection to the proposal subject to proposed conditions. Whilst I note the concerns from the Parish Council and neighbouring residents in relation to visibility, no substantive evidence has been presented that would counter the findings provided by the Council's consultee. Accordingly, I have no reason to dispute their findings.
31. Finally, planning is concerned with land use in the public interests. Consequently, the protection of private interests such as the impact on property value is not a material consideration in my assessment of the appeal. Matters in relation to covenants also cannot be taken into account in my decision-making and should be addressed outside of this appeal.

Conditions

32. In light of my findings in relation to Appeal C, in the interests of clarity and precision, conditions are necessary to specify the time limit for implementing the development and to specify the relevant drawing numbers. In addition, conditions 3, 4, and 5 are necessary to ensure a high-quality design that is sensitive to the surrounding context. Conditions 6, 7, 8, and 9 are necessary in the interests of highway safety.
33. Condition 10 is necessary to ensure that the development achieves suitable water efficiency standards and condition 11 is necessary to ensure a suitable drainage scheme is provided. Conditions 12 and 13 are also necessary to ensure that the development is acceptable from an ecological perspective and finally, condition 14 is necessary to ensure appropriate tree protection.
34. Where the conditions require work to be agreed prior to the commencement of development, the appellant has confirmed their acceptance in writing.
35. The Council also proposed the removal of permitted development rights for the erection of gates. However, based on the evidence before me, I am not satisfied that there is clear justification for this restriction as required by the National Planning Policy Framework. I have therefore not imposed this condition.

Conclusion

36. For the reasons identified above, Appeal A should be dismissed. In addition, whilst I have found Appeal B to be acceptable in relation to the effect on the living conditions for the occupants of neighbouring properties, as well as the living conditions provided for future occupants, the significant harm in relation

to the character and appearance of the surrounding area is a matter of overriding concern. Consequently, Appeal B should also be dismissed.

37. However, for the reasons identified above, Appeal C would represent an appropriate development for the site. Consequently, this appeal should be allowed and planning permission should be granted subject to the conditions set out below.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be built and retained in accordance with the details contained in the planning application hereby approved, plan numbers 4934 – 10A; 4934-17B; and 4934-18A.
3. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the local planning authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
4. No development shall take place before a fully detailed hard/soft landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details of:
 - surfacing materials;
 - means of enclosure;
 - soft landscaping (including schedules of plants, sizes and planting densities);
 - replacement treesThereafter, the development shall not be carried out other than in accordance with the approved details.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
6. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any purpose other than either parking or manoeuvring.
7. No other part of the development shall be occupied until the existing means of access has been altered in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2001. The works will also include boundary feature construction to ensure adequate access visibility splays.
8. No part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access, measured from the edge of the carriageway and a

point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearest channel level of the carriageway.

9. Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of banksman, on-site loading/unloading arrangements and parking of site operatives) shall be submitted and approved in writing by the Local planning Authority. Thereafter, the development shall be carried out in accordance with such approved management plans.
10. Informed by the Sustainability Statement and Energy Report dated 24th July 2014 the development, hereby permitted, shall be designed and constructed to meet a water efficiency standard:
 - ☐ equivalent to 'excellent' under the BREEAM rating with a maximum number of water credits for the commercial element, and,
 - ☐ of 105 litres per head per day for the residential element.
11. The development hereby approved shall store all additional runoff within the site and either reuse it or release it into the ground through infiltration. Where the additional runoff is not to be re-used or on-site infiltration methods are not proposed, details of how the risk of flooding elsewhere will not be increased shall be submitted to and approved by the local planning authority prior to any development taking place. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.
12. An ecological mitigation and enhancement strategy with accompanying plans, specifications and timing, which builds on the recommendations of paragraph 8 of Preliminary Ecological Appraisal, Bat Survey & Reptile Survey, must be submitted to and approved in writing by the LPA prior to commencement and it must subsequently be followed.
13. All external lighting must be designed in consultation with an ecologist to ensure that bats and other wildlife are not adversely impacted upon by lighting. Details and plans showing how this will be achieved must be submitted to and approved in writing by the LPA prior to occupation.
14. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP), an arboricultural method statement (AMS), and details of monitoring and site supervision by a suitably qualified tree specialist, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.