
Appeal Decision

Site visit made on 21 January 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/J0405/W/19/3240109

67 Walton Road, Aylesbury, HP21 7SN

- 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 Simon Dennis (BAL Property Ltd) against the decision of Aylesbury Vale District Council.
 - The application Ref 18/02402/APP, dated 29 June 2018, was refused by notice dated 13 June 2019.
 - The development proposed is demolition of existing 3no. dwelling houses and the construction of new residential development comprising 2no. semi-detached dwelling houses, and 2no. detached dwelling houses, external landscaping works and alterations to the highway access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In its evidence the Council has referred to policies within the emerging Vale of Aylesbury District Local Plan. Whilst this plan has completed Examination in Public, I understand that further modifications are necessary. The Council has not provided copies of the policies or detailed information on the extent and content of any unresolved objections to the plan. Given such, I have relied upon the policies within the Aylesbury Vale District Local Plan, 2004 (LP) in coming to my decision.

Main Issues

3. The main issues are the impact of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of existing and potential future occupants.

Reasons

Character and appearance

4. The site comprises 3 attached dwellings which are in close proximity to the front and side boundary. There is a single width vehicular driveway located between the existing buildings and adjacent site which leads to a rear parking area. Beyond this is a shared outdoor area which occupies a significant proportion of the site and includes mature trees.

5. The site is within a residential area though there are some commercial and community uses in the vicinity, particularly to the southern side of Walton Road. Whilst there is some variation in the style and layout of development, the surrounding area has a soft landscaped character with dwellings predominately set in well-proportioned plots.
6. The appeal site is reflective of this established pattern of development with the mature trees and landscaping to the rear of the site making a positive contribution to the spacious and open character of the site and surrounding area.
7. The appeal scheme proposes demolition of the existing buildings on the site and erection of 4 large family dwellings that would be positioned along an access road in a linear arrangement. The dwellings, with the exception of Plot 1, would have their access and frontage on to the proposed driveway which would run perpendicular to Walton Road and the dwellings would have the feel of being within a back-land position.
8. The proposed plots are notably smaller than others in the vicinity and the proposed dwellings would be in close proximity to all of their site boundaries. The dwellings themselves are also substantial family properties and there would be little relief between the built form. The layout would appear cramped, lacking the spaciousness that is an integral part of the predominant, established pattern of development in the vicinity.
9. Whilst some outdoor space is provided this is minimal, and a large proportion of the site would be utilised for parking and turning areas. This layout, back land siting, size and design of the proposed dwellings would result in a development that would be at odds with the prevailing pattern of development in the surrounding area. The scheme would result in the removal of existing trees on the site and there would be limited space for any meaningful replacement planting. The proposals would therefore result in harm to the open character and appearance of the site and surrounding area.
10. The appellant has referred to the adjacent site, Landon Court, and stated that the appeal scheme is consistent with this immediate context and modest in comparison. Landon Court however appears to be a well-established apartment scheme with a significant area of landscaping within a central courtyard area. The appeal scheme would not be reflective of this style or layout of development. My attention has also been drawn to a development on William Harding Close. I saw on my site visit that this development also appears to offer a different type of accommodation to that proposed at the appeal site. It has a road frontage and is adjoined to the north by a large area of open space.
11. There are distinct differences between both sites and the appeal site, and I do not consider them to be directly comparable to the appeal site or scheme nor reflective of the predominant pattern of development in the surrounding area. Furthermore, I do not know the full circumstances of those schemes, and in any event each case must be considered on its own merits.
12. The proposal would therefore not accord with LP Policies GP35, GP38, GP39 and GP40, which seek to ensure that the design of new development respects and complements the physical characteristics of the site and surrounding area and incorporates new and replacement landscaping. For the same reasons the

proposal would also not accord with Section 12 of the National Planning Policy Framework (the Framework) which requires high quality design.

Living conditions

13. The proposal would significantly extend the spread of built development across the site and the proposed dwellings would be in very close proximity to the garden boundaries of properties on Redwood Drive. Although there would be some separation between the existing and proposed dwellings, there would be little relief between the proposed built form.
14. The proposed dwellings would be substantial, and due to their layout, design and proximity to the site boundary they would be imposing and dominant features when viewed from the existing properties on Redwood Drive, in particular their outdoor garden areas. It is acknowledged that the first-floor windows facing the boundary with Redwood Drive would be obscure glazed, and due to the proposed boundary fencing, ground floor windows are unlikely to result in any direct overlooking to the existing properties.
15. However, considering the proximity of the proposed dwellings and the limited depth of their outdoor garden areas there would be a general perception of loss of privacy and feeling of being hemmed in, which would have a harmful effect on the living conditions of existing occupants.
16. The proposal would result in greater separation between development and the site boundary with No 8 Redwood Drive. Whilst this may improve the existing relationship, particularly considering there would be no first-floor windows in the development overlooking No 8, there would still be substantial built form adjacent to the side boundary that would be clearly visible in outward views from the rear of No 8. Furthermore, the proposal would extend development beyond the front elevation of No 8, where none currently exists within the appeal site. Therefore, overall, any benefit to the occupants of No 8 would be limited and would not outweigh the harmful effects I have identified above.
17. For the reasons above the development would significantly harm the living conditions of occupiers of neighbouring properties as it would be overbearing and result in a general loss of privacy due to its proximity to the site boundaries. The development would therefore conflict with LP Policy GP8 which seeks to protect the amenity of nearby residents.
18. The dwelling proposed to Plot 4 would closely adjoin an existing property on Highbridge Road. On my site visit it was not possible to view this property due to the overgrown nature of the appeal site. Nonetheless from the details before me it is clear that due to the close proximity of the proposed dwelling to the boundary there would likely be increased overlooking to the outdoor garden area of the adjacent property. However, without viewing the site from the adjacent property I am not able to conclude on this and as I am dismissing the appeal on other matters, I have not pursued this further. In any event, even if there was an absence of harm to the living conditions of this adjacent property this would have a neutral effect and would not, therefore, weigh in favour of the appeal.
19. With regards to future potential occupiers the proximity of the dwellings to each other and the site boundaries would result in a number of the main

habitable rooms, particularly at ground floor, experiencing a poor outlook, often directly onto the boundary fence.

20. The proposed areas of outdoor amenity space for the dwellings are limited, and due to their size and layout, the outdoor areas and proposed dwellings in general, would have a constrained and hemmed in character. This would be further exacerbated by the overlooking of the proposed dwellings from existing adjacent development on Redwood Drive and Landon Court.
21. The appellant has stated that there is open space within easy walking distance of the site at Vale Park. This area of open space however is physically detached from the site. It would not provide the same direct benefits to the day-to-day living environment that would be expected for the proposed dwellings, even in a town centre location. On this basis I consider that the restricted nature of the private amenity spaces would result in unacceptable harm to the living conditions of future occupants.
22. In addition to the harm I have found in relation to existing occupants, for the reasons outlined above I also conclude that the development would fail to achieve a high quality and standard of amenity for future occupiers, as required by Paragraph 127 f) of the Framework.

Planning Balance

23. The Framework emphasises the need to support the efficient use of land and significantly boost the supply of housing. The proposal would overall provide 1 additional dwelling and therefore could only have a limited benefit in relation to boosting the supply of housing.
24. The appellant states that the existing properties do not meet the needs of the existing residents though I have no detailed information to evidence this. In addition, I have found that whilst family sized dwellings are proposed, due to the proposed design and layout of the scheme the dwellings would not provide a sufficient level of amenity for future occupants.
25. Although I recognise the important contribution small sites can make to meeting the housing requirements of an area, the harm I have identified means that adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits, when assessed against the Development Plan or the Framework as a whole.
26. That the proposed dwellings would be located close to local services, achieve high quality design and utilise appropriate materials would have a neutral effect and these matters do not, therefore, weigh in favour of the appeal.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR