



Appeal Decision

Site visit made on 10 March 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2020

Appeal Ref: APP/K0425/W/19/3243319

50 New Road, Tylers Green HP10 8DL

- 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 L Howes against the decision of Wycombe District Council.
 - The application Ref 19/06460/FUL, dated 13 June 2019, was refused by notice dated 30 July 2019.
 - The development proposed is the erection of 2 new detached dwellings following the demolition of an existing house and garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 new detached dwellings following the demolition of an existing garage and house at 50 New Road, Tylers Green HP10 8DL in accordance with the terms of the application, Ref 19/06460/FUL, dated 13 June 2019, subject to the following conditions on the attached schedule A.

Main Issues

2. The main issues are the effect of the proposal on (a) the character and appearance of the area and (b) the living conditions of the residents of the permitted replacement dwelling and neighbouring properties, having regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site comprises the bungalow at 50 New Road, and part of its garden, principally to the rear and side. The bungalow at No 50 is sited in a backland position and is served by a long private drive off New Road. There is planning permission for a dwelling to replace the bungalow within its front garden which would be located closer to New Road. A neighbouring dwelling, 48a New Road, is also in a backland position and lies alongside the drive. The appeal site backs onto the flanks of new dwellings at 11 and 12 The Dell, which are served by an access drive off The Dell. These neighbouring dwellings have vehicle parking and turning areas in front of them.
4. Along The Dell and Hillcroft Road, there is estate-like housing with dwellings set back from the road, with parking areas in front, and modest sized rear gardens. In contrast, the dwellings along New Road are older, more varied in form, siting and design, and set in more spacious plots. As a result, there is a varied residential character and appearance within the area.

5. The proposed dwellings, associated vehicle parking/turning areas and detached garaging, would back onto No 50's permitted replacement dwelling and plot. In particular, the flank of the southernmost of the two proposed dwellings, on plot B, would be adjacent to the plot at No 50 and the rear garden of No 48a. Due to topography, this dwelling would be positioned at a lower ground level than the replacement dwelling. There is a dispute as to how close this dwelling would be, at its closest point, in relation to the replacement dwelling. The Council and third parties have indicated the distance to be approximately 4.9m whereas the appellant has indicated it to be approximately 7m. Based on the plans before me, the lower figure would be the most accurate.
6. Along The Dell and Hillcroft Road, the general pattern of development is of dwellings with small side separation distances from one another; separation is mostly limited to that allowing pathways for rear access. As a result, the plot B dwelling relationship with the replacement dwelling would be acceptable even with a separation distance of 4.9m. This would be especially the case given that the appeal dwellings and the garage would effectively form an end of a cul-de-sac where the development would be in a less prominent position than that on The Dell frontage. The plot B dwelling would also be approximately 20m from the rear of the dwelling at 48a New Road. Even taking into account topography, such a relationship would not adversely affect character and appearance given the mixed character and appearance of the area, where many dwellings have rear gardens of less depth than this.
7. There is some dispute as to whether the submitted street scene plan shows the site levels of the site correctly, especially in comparison to the spot ground levels shown on the site plan. In this regard, the indicated levels would indicate a slope/drop from the garden area of the replacement dwelling and part of the adjacent garden of No 48a to the development site. Boundary fences/walls would require some retaining design elements due to this topography. Based on my site visit, this would not be unsightly given the lack of prominence of this part of the site and there would be no reason why a planning condition cannot be imposed to secure the implementation of satisfactory treatments.
8. For all these reasons, the development would achieve a high standard of design and layout that respects and reflects the local context. This would maintain and reinforce its distinctiveness and the particular character of the area, without harming its appearance as well. Accordingly, the proposal would comply with policies CP9 and DM35 of the Wycombe District Local plan (LP) (2019).

Living conditions

9. The plot B dwelling's front garden, parking area and garage would be faced by the elevated ground floor and first floor bedrooms of the replacement dwelling at 50 New Road. However, there would be the intervening garden of the replacement dwelling and the windows would immediately face low-height features, the single storey garaging and boundary fencing (with garden behind), which would be located at a lower level due to topography. As a result, the development would not result in a significant loss of outlook to the occupiers of the proposed replacement dwelling.
10. Due to topography, the front garden of the plot B dwelling would be faced by the ground floor bedroom window of the replacement dwelling. The window

would appear above the intervening boundary. However, plot B dwelling's front garden would not be a sensitive outdoor space given that it would be exposed to public view from people's comings and goings. Any view into the frontage windows of it from the ground floor and first floor bedrooms of the replacement dwelling would be oblique and thus would be limited. Therefore, the occupiers of the appeal dwellings would not experience any significant overlooking.

11. In relation to 48a New Road, the flank of the plot B dwelling would be approximately 1.5m from its garden at its closest point. By reason of topography, the common boundary treatments would require some earth retaining wall/fence but this would not affect the living conditions of neighbouring residents because this would be at the bottom of their garden, with land mainly sloping down to the two new dwellings.
12. With the proposed development, this neighbouring property would have two of its boundaries with adjacent new built development. However, the property has a deep garden and the most sensitive part of it, immediately behind their dwelling, would be distant from it. The neighbouring dwelling itself would be a considerable distance away from the plot B dwelling. The first floor window of the plot B dwelling could be obscure glazed. As to the cumulative impact, the permitted replacement dwelling for No 50 would be of chalet style with first floor accommodation within a roof which would be stepped back from the common boundary with No 48a. Accordingly, there would be no significant loss of outlook, including cumulatively, or privacy on the occupiers of this property.
13. At 12 Hillcroft Road, the dwelling has first floor windows serving bathroom and bedrooms. However, there would be a significant distance between the proposed dwellings and this property including its garden, arising from intervening frontage garden areas, access and parking areas of the development. As a result, there would be no significant overlooking of this neighbouring property.
14. For all these reasons, the living conditions of the occupiers of the new development, replacement dwelling and neighbouring dwellings would not be harmed. Accordingly, the proposal would comply with policy DM35 of the LP.

Other matters

15. There is an extant planning permission for a pair of semi-detached dwellings and a further alternative planning permission for the replacement dwelling. It has been drawn to my attention that these developments completed in part or full would result in greater spaciousness. Nevertheless, the proposal before me has been found to be acceptable on its individual planning merits for the reasons given above.
16. Three car parking spaces would be provided for each dwelling and access would be off the private drive connecting with The Dell. Access visibility onto this road would be acceptable for this scale of development in a residential area based on my site visit assessment. In raising no objection, the highway authority supports such a view. As a statutory consultee on highway matters, significant weight is placed upon their view. For these reasons, parking provision would be acceptable, and there would be no unacceptable impact on highway safety nor would the residual cumulative impacts on the road network be severe.

17. As with the previous planning permission on the site, the proposal would result in the removal of a Lime tree but the retention of an Oak tree. The Council's Arboricultural Officer has no objections to the proposal, and the Lime Tree is poorly located given its proximity to 12 The Dell. Consequently, there is no reason before me to depart from the officer's view, subject to the implementation of additional landscaping. There would be noise and air pollution associated with the construction of the dwelling, but this would be of short-term occurrence, being restricted to the duration of the construction works. For all these reasons, these considerations would not outweigh the acceptability of the proposal on an individual or cumulative basis.

Conditions

18. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended and shortened in the interests of clarity and precision taking into account the guidance.
19. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, a condition is necessary setting out the requirements for external materials, landscaping, tree protection and boundary treatments, taking into account topography. In the interests of highway safety, a parking condition is necessary. In accordance with policy, a condition specifying water efficiency standard is necessary. Finally, a condition is necessary requiring the obscure glazing of a side window in the interests of neighbour privacy.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Attached Schedule A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan (titled 50 New Road, Tylers Green, Bucks), 1187/20, 1187/21, 1187/22, 1187/23, WDC1 and WDC2.
- 3) No development above the damp proof course of the dwellings, hereby permitted, shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) The scheme for parking and manoeuvring indicated on the submitted 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 other purpose.
- 5) All planting, seeding or turfing comprised in the details of landscaping, contained within Arboricultural Impact Assessment and Method Statement (to BS:5837 2012), 18th June 2018 Ref TH 1691, shall be carried out in the first planting and seeding season following the first 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 development hereby approved shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement (to BS:5837 2012), 18th June 2018 Ref TH 1691, specifically section 9.0 Arboricultural Impact Assessment and Tree Protection Methods, section 11.0 Arboricultural Method Statement, section 12.0 Arboricultural Supervision, and appendices 4-10, including Tree Protection Plan TH/A3/1691/TPP dated 18th June 2018.
- 7) Prior to the first occupation of the dwellings hereby permitted, details of all boundary treatments, including any retaining walls, shall be submitted and approved in writing by the local planning authority. All boundary treatments shall be completed in accordance with the approved details.
- 8) The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
- 9) The dwelling on plot B hereby permitted shall not be occupied until the first floor window on the south east elevation has been fitted with obscured glazing. Once installed the obscured glazing shall be retained thereafter.