
Appeal Decision

Site visit made on 21 May 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2020

Appeal Ref: APP/K0425/W/20/3245829

Dendrons, St Johns Road, Hazlemere HP15 7QS

- 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 Robert Wallbank against the decision of Wycombe District Council.
 - The application Ref 19/06655/FUL, dated 26 June 2019, was refused by notice dated 28 August 2019.
 - The development proposed is the construction of a 1 x 4-bed dwellinghouse in part of grounds of the existing dwellinghouse, with associated parking and undercroft garage, landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The spelling of the appellant's surname differs on the application form and appeal form. However, documents and correspondence submitted in support of the appeal coincide with the spelling given on the appeal form, and I therefore used the name given on the appeal form in the banner heading above.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area.
 - The living conditions of the occupiers of neighbouring properties with particular regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal relates to part of the rear garden of the detached dwelling known as Dendrons. The proposed dwelling would be situated on the lower part of the existing garden, accessed via a new driveway which would connect to the existing driveway serving Dendrons. The appeal site lies in an area characterised by detached properties arranged in a loose knit manner, set in spacious plots. The street is shrouded in an abundance of trees and landscaping which contributes to the area's pleasant sylvan and spacious setting.

5. The appellant has provided me with many examples of irregular shaped 'infill' and 'backland' plots in the area which have been developed in the last 20 years. I do not dispute that the resultant plot's shape and rearward location would be commensurate with the local pattern of development in this regard. However, the proposed dwelling would diminish the size of Dendrons' rear garden and be positioned relatively close to existing boundary vegetation, and close to the boundary treatment in between the new property and Dendrons. As a result, the proposed dwelling and associated garden would lack the spaciousness of the properties immediately surrounding it. Therefore, the dwelling would appear cramped and constitute an incongruous arrangement in its plot, in the context of the more spacious layout of the plots nearby.
6. I recognise that the visual impact of the development from the street and other public vantage points would be limited, and the dwelling's contemporary style and the materials proposed would be in keeping with the varied style of houses in the area. Moreover, paragraph 127 of the National Planning Policy Framework (the Framework) encourages innovative designs and does not discourage an increase in densities where a development would make efficient use of the land. However, in determining whether a proposal would make efficient use of the land, the Framework also states that regard should be had to the desirability of maintaining an area's prevailing character and setting, including residential gardens¹.
7. In this regard, I find that the development would reduce the spaciousness of the existing rear garden, and the proposed dwelling would appear shoehorned into its plot, in a manner which would disrupt the prevailing pattern of development in the area, to the detriment of the area's character. The development would fail to make efficient use of the land.
8. Consequently, the proposal would harm the character and appearance of the area. It would be in conflict with Policies CP9 and DM35 of the Wycombe District Local Plan 2019 (Local Plan) and paragraphs 122, 127 and 130 of the Framework which require, amongst other matters, that development makes efficient use of the land whilst respecting the distinctive character of the area (including residential gardens) and improves the character of the area and the way it functions.

Living conditions

9. The Council's Residential Design Guidance Supplementary Planning Document 2017 (SPD) requires that facing windows are at least 25m apart, unless dwellings are arranged at an angle of more than 30 degrees relative to one another, in which case a reduced distance may be acceptable. Whilst the main habitable room windows proposed closest to Saffron House would be approximately 19m away², they would generally be orientated to face the rear garden of, and at an obtuse angle with, Saffron House, which would appear to be in excess of the 30 degrees highlighted in the guidance³, thus avoiding direct window to window views. Consequently, the angle and intervening distance in this case would be sufficient to ensure no unacceptable loss of privacy for occupiers of Saffron House or the proposed dwelling. Moreover, a combination of landscaping and fencing close to the boundary would ensure no

¹ Paragraph 122 d) of the National Planning Policy Framework 2019

² According to the appellant's plans and not disputed by the Council

³ In line with section 5.3 of SPD to ensure privacy is not unacceptable compromised

unacceptable overlooking of Saffron House's garden, and I see no reason why occupiers of the property would feel oppressed due to the proposed dwelling given the distance of the built form from the garden's boundary, and its position in line with the rearmost area of the garden.

10. In respect of No 9 Magnolia Drive, its garden area would be approximately 5m from the proposed dwelling at its closest point. Whilst I appreciate that the dwelling would include an array of windows facing the garden area, extensive landscaping exists on the common boundary with additional planting proposed which would mitigate opportunities for overlooking of the garden. This, combined with the angle of the proposed dwelling, means that it would not appear oppressive from the garden of No 9. Finally, the proposed dwelling would be obliquely angled and sufficiently distant and well screened by vegetation so as not to unduly affect the privacy of occupants within the property at No 9.
11. I conclude that the proposal would not harm the living conditions of the occupiers of nearby properties and would comply with Policies CP9 and DM35 of the Local Plan and the SPD which requires, amongst other things, that development is not excessively prominent and preserves the amenities of the area and that adequate levels of privacy and outlook are retained.

Other Matters

12. Trees within the appeal site are protected by a Tree Preservation Order (TPO). The Council have informed me that a recent application was approved to fell several trees within the appeal site, and that this required a replacement planting scheme as mitigation. However, no details concerning the trees which would be affected by the recent application or the tree replacement scheme have been provided, so I am unable to clarify the extent to which the proposal would have the potential to affect the replacement planting proposed.
13. The proposed dwelling would incorporate high energy efficiency and be designed to 'passive house' standards. Whilst this consideration carries some weight in favour of the appeal scheme, in connection with a single dwelling, the weight I attach is limited and insufficient to outweigh the harm I have identified.
14. The appeal scheme is an amended proposal submitted in response to a previously refused planning application⁴. Be that as it may, I have assessed the proposal on its planning merits and find unacceptable harm and conflict with the development plan for the reasons set out.

Conclusion

15. The development would not result in unacceptable harm to the living conditions of nearby occupiers. However, I find unacceptable harm to the character and appearance of the area and, therefore, the appeal should be dismissed.

Matthew Woodward

INSPECTOR

⁴ Planning application ref – 18/07436/FUL