
Appeal Decision

Site visit made on 9 June 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal Ref: APP/K0425/W/20/3244679

Land off Jacobs Meadow, Princes Risborough HP27 0EH

- 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 I Leek of Millbrook Homes Ltd against the decision of Buckinghamshire Council - Wycombe Area.
 - The application Ref 19/06089/FUL, dated 23 April 2019, was refused by notice dated 16 September 2019.
 - The development proposed is the erection of a detached single storey dwelling with parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Wycombe District Council, along with four other Councils, merged into a single Unitary Authority called Buckinghamshire Council on 1 April 2020. The name of the new local planning authority is Buckinghamshire Council – Wycombe Area.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the setting of the grade II listed buildings 1, 3 and 4 Queens Square;
 - whether the proposal would preserve or enhance the character or appearance of Princes Risborough Conservation Area;
 - whether the proposal would provide suitable living conditions for future occupiers; and
 - whether the proposal would have an acceptable effect on surface water flooding.

Reasons

4. The site is a plot of vacant land located at the end of Jacobs Meadow, behind the rear gardens of 1, 3 and 4 Queens Square. There is a further vacant plot of land directly bordering the site, and beyond that a car workshop business premises. There are a number of residential properties surrounding the site, of varying ages, layouts and architectural styles. It is proposed to erect a 2-

bedroom bungalow, with associated landscaping, boundary fencing, and new vehicular access and access gate from Jacobs Meadow.

Listed buildings

5. The existing site provides a relatively open setting to the rear of the listed buildings. However, there are several examples of existing development nearby in the setting of the listed buildings, including a fairly large workshop and the 2-storey house of 1 Jacobs Meadow. No definitive evidence has been provided, but it is likely that the buildings would likely originally have been set in long and narrow burgage plots associated with each building. However, the appeal site has already cut across the rear boundary of all three properties and amalgamated any previous burgage plots.
6. The significance of the listed buildings derives partly from their intrinsic architectural quality and partly from their setting to the rear. However, the significance of the setting to the rear has been diminished by the amalgamation of the burgage plots, and the intrusion of built form to the immediate surroundings.
7. The proposed dwelling would introduce a permanent, built feature into this setting and would also cut across the rear boundary of all three listed properties. However, the proposed layout would respond to the shape of the existing site, and the proposed building would be of modest scale and only 1-storey high, limiting its physical effect on the setting of the buildings. In the context of the already diminished significance of the setting to the rear, this would be acceptable.
8. Therefore, the setting of the listed buildings would be preserved by the proposal, and it complies with the relevant parts of Policies CP11 and DM31 of the Wycombe District Local Plan 2019 (the LP). Amongst other things, these policies seek to conserve and enhance the historic environment and the setting of listed buildings.

Conservation area

9. The site lies in the Princes Risborough Conservation Area. Of significance to this part of the conservation area is the medieval plan and the retention, at least in part, of some of the medieval burgage plots. The Princes Risborough Conservation Area Character Survey 1998 states that where burgage plots survive, they should be safeguarded. However, as established above, in this instance the burgage plots have already been lost, and the layout of the proposal is acceptable.
10. The proposed building would be of modern design, which is an appropriate design approach in the context of the very mixed surrounding architecture and built form. As it would be 1-storey it would be relatively unimposing on the street scene, befitting its siting on a small plot to the rear of the High Street and closely surrounded by existing buildings. The proposed timber boundary fencing is very similar to the existing timber fencing and reflects the timber fencing to 1 Jacobs Meadow immediately adjoining the site to the east. The sliding gate would be a relatively imposing feature, but it would be set at the end of Jacobs Meadow, at a focal point at the end of the road, and would be acceptable in this context. The detailed design of the building and the boundary features would therefore be acceptable.

11. There are two Ash trees on an adjacent site, both the subject of Tree Preservation Order Ref 27/2013. Both trees are of a substantial size and contribute positively to the character and appearance of the area. The evidence before me is that there would only be an incursion into the Root Protection Area of one of the Ash trees, and then only of around 2%. The detail of the landscaping and no-dig techniques for construction could be controlled by condition to ensure the protection of the trees.
12. The trees are large with fairly extensive canopies, but the largest tree is set to the northwest of the building and garden, away from the sun path, and would be nearest to windows to bathrooms, mitigating the effect it would have on blocking sunlight. The other Ash tree is smaller and set further away from the appeal site. I am not persuaded that either tree would so extensively overshadow the garden or dwelling so as to place pressure on future occupants to prune the trees.
13. Consequently, the proposal would preserve the character or appearance of the Princes Risborough Conservation Area. The proposal therefore complies with the relevant parts of Policies CP11, DM31 and DM35 of the LP. Amongst other things, these policies seek to conserve and enhance the historic environment and to create attractive buildings and spaces.

Living conditions

14. A 1.5m high timber fence is proposed to the entire boundary of the site, save for an even taller entrance gate. The fence would be sited very close to the majority of the proposed windows to the property. All but one of the windows to the main living/kitchen/dining area and the only window to the 2nd bedroom would face out directly onto the fence. Due to the height and proximity of the fence, it would create an unacceptable sense of enclosure for future occupants from the affected windows. The relatively open aspect to the south, although providing some relief, would not adequately mitigate the overall effect on the proposed property, because only two of the proposed windows face in this direction and even this aspect is compromised by looking directly out onto the driveway, with a large Cypress tree beyond.
15. The site is surrounded by residential properties but the proposed fence and/or distance would prevent harmful levels of overlooking from these properties to the proposed dwelling. However, the proposed garden would be overlooked at a close distance by 10 – 18 Jasmine Crescent. The useable area of the garden would be the area most heavily overlooked, beyond the protection of the proposed boundary fence. The Cypress tree would provide some additional protection, but only from certain angles, and not from all of the windows overlooking the garden. Therefore, the overlooking of the proposed garden would be unacceptably harmful to the privacy of the future occupiers of the proposal.
16. The overlooking between 14 and 16 Jasmine Crescent is not the same because the overlooking is at a more oblique angle. The overlooking between the rear of properties fronting the High Street and the amenity area serving 1 Jacobs Meadow is not the same as the distance is greater and the amenity area is largely used for off-road parking. These do not therefore provide precedent in the area.

17. The proposal would not therefore provide suitable living conditions for the future occupiers of the development, due to sense of enclosure to the dwelling, and overlooking and loss of privacy of the garden. The proposal therefore fails to comply with the relevant parts of Policy DM35 of the LP which, amongst other things, requires development to provide a level of privacy and amenity for future occupants appropriate to the proposed use. It also fails to comply with the relevant parts of Paragraph 127 of the Framework which, amongst other things, requires developments to have a high standard of amenity for future users.

Surface water flooding

18. The appellant has submitted a Flood Risk Assessment and Drainage Strategy dated May 2019, a revised strategy dated July 2019, a Technical Note dated November 2019, and a Rebuttal Statement dated April 2020. Despite this, the Local Lead Flooding Authority (LLFA) have maintained an objection to the proposal, in relation both to the existing surface water flood risk and to the principle of the proposed surface water drainage scheme.
19. The site is shown in the Flood Map for Surface Water (FMSW) as being at risk from surface water flooding. However, the appellant has conducted a site specific and detailed assessment of the surrounding area and the effect on surface water flows. This is a bespoke assessment that is more detailed than the FMSW that has been relied upon by the LLFA. Based on the presence of existing buildings, not boundary walls or fences, disrupting water flow the appellant has concluded that the site would not actually be at risk from surface water flooding. This conclusion follows a detailed site specific assessment and I am persuaded that the appeal site is not at undue risk of surface water flooding. Because of this, the size and operation of the proposed void space underneath the building is not relevant.
20. However, the proposal would introduce built form which may affect surface water drainage on the site, and therefore surface water flooding either on the site or off-site. In relation to this, it is proposed to use permeable materials on the driveway, and a shallow gravity surface water drainage system discharging into a vegetated swale and a rain garden.
21. The swale and rain garden would need to be 27.5 sq m in size. On the assumption that the site is not already flooded by surface water, the type and size of the drainage system and its capacity is not a matter under dispute. There remains dispute between the parties on the gap, or 'freeboard' between the proposed drainage system and the ground water level. However, even using the LLFA's calculations, the freeboard is only 150mm short of the required depth. This level of detail could be controlled by condition, if the proposal were otherwise acceptable.
22. However, the proposed strategy would result in the majority of the useable proposed garden area away from the driveway and the Cypress tree being set aside for the drainage system. It is therefore likely that future occupants of the site would seek to reduce the size or at least the intrusion of the drainage features into the fairly limited garden space. The retention of the drainage features could be a requirement by condition. However, this would lead to tension with the likely desire of the occupants to have a functional garden and would be a difficult condition to enforce on a private property. I therefore have

significant concerns that the proposed drainage systems would not be maintained by the occupants of the proposed dwelling.

23. Overall, the appeal site is not at undue risk of surface water flooding as existing. However, due to the likelihood that the proposed drainage systems would not be maintained by the future occupants, it has not been demonstrated that the proposal would not increase the risk of surface water flooding on the site or the surrounding area. The proposal therefore fails to comply with the relevant parts of Policy DM39 of the LP which, amongst other things requires that developments reduce the causes and impacts of flooding both on and off-site. It also fails to comply with Paragraph 163 of the Framework which, amongst other things, requires that proposals ensure that flood risk is not increased.

Planning Balance and Conclusion

24. Weighing in favour of the proposal is the provision of a new dwelling, which would add to the Council's housing stock and provide transitory economic benefits from construction of the proposal and longer term economic benefits to local services when occupied. However, these benefits are limited because only one dwelling is proposed.
25. The setting of the listed buildings would be preserved, and the proposal would also not harm the character and appearance of the area, and would preserve the character or appearance of the Princes Risborough Conservation Area. However, the works would not enhance the character or appearance of the area, and this factor weighs neutrally in the planning balance.
26. Weighing against the proposal is the harm to the living conditions of the future occupiers due to the sense of enclosure to the dwelling, and overlooking and loss of privacy of the garden, and also the significant concerns regarding the maintenance of the drainage systems and therefore the mitigation of surface water flooding. These factors outweigh the limited benefits of the proposal.
27. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR