
Appeal Decision

Site visit made on 27 May 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH July 2020.

Appeal Ref: APP/N0410/W/19/3242567

2 Glaisyer Way, Iver Heath SL0 0RX

- 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 A Cuff against the decision of Buckinghamshire Council.
 - The application Ref PL/19/2372/FA, dated 8 July 2019, was refused by notice dated 12 September 2019.
 - The development proposed is a detached single storey dwelling with amenity and parking for one.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 1 April 2020 South Bucks District Council, along with other councils merged into a single Unitary Authority called Buckinghamshire Council. The authority's new name has been referred to in the banner heading.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal's internal rooms and external amenity space would provide adequate living conditions for future residents, with particular reference to outlook; and
 - the effect of the proposed parking and access arrangements on the safety of vehicular and pedestrian traffic on Glaisyer Way.

Reasons

Character and appearance

4. The appeal site comprises a narrow rectangular corner plot with a dual frontage facing Glaisyer Way and Warren Field. The site is partly enclosed by a brick wall along its roadside frontage, and currently forms part of the side amenity space of No 2 Glaisyer Way (No 2). A large single storey garage block straddles the site's rear boundary.
5. Glaisyer Way and Warren Field largely comprise two storey semi-detached and terrace dwellings laid out on a modern residential estate, where dwellings are of a

- uniform design and scale, while positioned within equally proportioned rectangular plots comprising rear gardens, frontage parking and landscaping. The consistency in terms of the estate's layout, design and scale has a positive effect on the surrounding area's character.
6. With its modest height, extensive front elevation and narrow depth, the proposed dwelling has a design and scale that is wholly inconsistent with the surrounding dwellings and would be an obtrusive form of development that would have a disharmonising effect on the more orderly surroundings.
 7. The proposed dwelling's front, rear and eastern side elevations would be sited in close proximity to the pavement, the rear elevation of the garage block and the driveway of No 2 respectively. Because of the proximity to these boundaries, the proposed dwelling would appear to be 'squeezed' into the plot. Although there would be undeveloped space to the west of the dwelling, this would comprise a modest and irregular shaped garden area. Furthermore, the proposed dwelling's front building line would be constructed approximately 0.5m of the highway boundary, in contrast to the surrounding dwellings which are set much further back from the road. In the context of the surrounding area the dwelling's constrained siting and positioning within its plot would be contrary to the more spacious and uniform pattern of development in the area, and would consequently appear as an irregular and obtrusive form of development that would be detrimental to the prevailing character of the estate.
 8. Although there are a small number of bungalows on Warren Field, these are taller and incorporate proportions that are more in keeping with the surrounding dwellings. Moreover, the bungalows further along Glaisyer Way have a design, layout and form that is sympathetic with elements of the adjacent dwellings in that part of the street.
 9. I acknowledge that the proposed dwelling is similar in scale to the garage block to its immediate rear, however this structure is considered inconsistent with the prevailing character and appearance of the area, and its presence does not justify the appeal proposal.
 10. Therefore, the proposal would harm the character and appearance of the area contrary to Policies H9 and EP3 of the South Bucks District Local Plan (adopted March 1999) (the Local Plan), and Policy CP8 of the South Bucks Core Strategy (adopted February 2011) (the Core Strategy). Amongst other considerations, these policies require proposals to respect the area's character and surroundings in terms of scale, design and layout. The proposal would also be contrary to the National Planning Policy Framework (the Framework) insofar as it requires development proposals to be sympathetic to local character.

Living conditions of future occupiers

11. The proposed dwelling's only bedroom would be served by two small rooflights, and whilst these would allow light to enter the room, they provide no views for future residents over the amenity space or the street. With no windows other than the rooflights there would be a poor level of outlook from the bedroom leading to an unpleasant living environment that would be unacceptable for future occupiers.
12. The appellant indicates that larger roof lights could be provided, however, the bedroom would still have a diminished outlook given that there would be no conventional window openings serving the room.
13. Notwithstanding my concern in relation to the outlook from the bedroom, the sitting room and kitchen are each served by two windows which would provide an

acceptable level of daylight to enter the space, whilst also providing a satisfactory level of outlook onto the garden area and the street.

14. The proposed amenity space is modest in area whilst having an awkward and tapering configuration given the presence of the garage block and the plot's close proximity to the junction with Glaisyer Way and Warren Field. Although I have not been presented with a local space standard, I consider that the proposed shape and dimensions of the amenity space are restricted and would limit its functionality. The area proposed would be enclosed by the rear and flank walls of the neighbouring garage block and the proposed 1.8m high boundary fence. Due to their height and proximity, these physical structures, would combine to create an oppressive boundary around the space, enclosing it unduly and harming the outlook of future users. Moreover, the likely presence of domestic paraphernalia such as outdoor seating and clothes drying facilities would crowd the space and further exacerbate the loss of outlook that would be experienced by future residents.
15. Reference has been drawn to other developments in the area that have comparable private amenity space. Although I have not been given details of their dimensions or the type of dwellings they relate to, I found that those I was able to observe had larger gardens both in terms of their length and width and would more than likely be commensurate to the space needs of the dwellings they related to. In any event, each proposal should be considered on its own merits, as I have done in this instance and that other developments do not lead me to a different conclusion in respect of amenity space.
16. Whilst parks and recreation grounds nearby could be used for amenity purposes, I do not consider that these address the reasonable space expectations future residents would have for an area of private outdoor space.
17. Consequently, the proposal's bedroom and external amenity space would provide unacceptable living conditions for future residents, in terms of the outlook from these areas. In this regard the proposal would be contrary to Policy H9 and EP3 of the Local Plan and Policy CP8 of the Core Strategy, where they require development proposals to have a high-quality design and not adversely affect amenities. The proposal would also be contrary to the Framework where it requires developments to be of a high standard of amenity for future users.

Highway safety

18. The submitted plans show the appeal site as having an access off Glaisyer Way to a single car parking space. This would comprise a car port construction that forms part of the proposed dwelling. The access would be located close to the junction with Warren Field.
19. The Council states that vehicular visibility falls well short of that required by Manual for Streets (MfS) in a 30mph speed limit area. It is also notable that the visibility to the right of the site access towards the junction between Glaisyer Way and Warren Field would be considerably limited by the flank wall of the proposed dwelling.
20. Despite the limited visibility to the right of the site access it would not be totally restricted as the proposed dwelling would be marginally set back from the pavement, while drivers could merge onto the pavement to obtain a satisfactory view of traffic approaching from the aforementioned junction. The residential nature of the area would likely result in on coming vehicles travelling at lower speeds than 30mph and with greater caution particularly as they negotiate the bend in the road where Warren Field links into Glaisyer Way. This was particularly

noticeable during my site visit. Furthermore, the Council's records indicate that there were no Personal Injury Accidents along Glaisyer Way in the 5-year period up to 2019, thus suggesting that there are currently no significant highway safety issues along this road. Therefore, even though the visibility to the right of the site access is restricted, I am satisfied that it would be acceptable given the particular circumstances of this case.

21. The visibility to the left of the new site access allows for reasonable views of on-coming traffic through the car port given the absence of neighbouring boundary structures and the alignment of the estate road. I note that pillars would support the car port, however, these are slim and would only partially restrict the visibility of drivers as they emerge from the space onto the highway. Although the Council considers that the visibility splay to the left of the access is below their required standard, vehicles approaching from this direction would have clear views of the proposed access such that they would be likely to safely anticipate vehicles emerging from the appeal site onto Glaisyer Way.
22. Therefore, notwithstanding the shortfall in the standard required by the Council, I do not consider that visibility at the appeal site's access would be significantly constrained or lead to an unacceptable impact on existing road safety conditions.
23. In terms of pedestrian visibility, although this would be partially restricted there would be sufficient views either side of the site access to alert emerging vehicles of oncoming pedestrians. Furthermore, it is likely that vehicles merging on to Glaisyer Way would be doing so with caution and at low speeds. This, in my view would increase the likelihood of pedestrians being alerted to emerging vehicles. Also, the sound from car engines would likely be audible and provide pedestrians with an indication that a vehicle is about to emerge from the access and cross the footway. I therefore do not consider that the safety of pedestrians would be materially harmed by the proposed access.
24. I note that the Council have raised concerns that there's insufficient turning area within the site to allow vehicles to enter and leave the site in a forward gear. However, I have not been directed to the relevant policy that makes this a requirement. Nevertheless, there would be scope for vehicles to reverse into the parking space off the highway therefore allowing cars to leave the appeal site in a forward gear. These access arrangements apply to many of the neighbouring dwellings in the street, and it is considered that this would also be acceptable in relation to the appeal site given the characteristics of the local road network and the prevailing road safety record.
25. Therefore, the proposed parking and access arrangements would have an acceptable effect on the safety of vehicular and pedestrian traffic on Glaisyer Way. Despite technical breaches in the visibility standards required by the Council, the specific circumstances of the appeal mean that the scheme would comply with the overall aims of Policy TR5, insofar as it requires development not to compromise the safe use of the road by others. It would also comply with the Buckinghamshire Local Transport Plan 4 (2016-2036) and the Buckinghamshire County Council Highways Development Management Guidance which amongst other things require developments to provide a safe and suitable access and to protect highway safety. Finally, the proposed development would also comply with the provisions of the Framework insofar as there would be no unacceptable impact on highway safety.

Other Matters

26. The proposed dwelling would be to house a family member who would provide the future care needs of the appellant residing at the adjacent No 2. Whilst I can

appreciate the personal benefits of locating the proposed dwelling at this site, I do not consider that these outweigh the harm I have identified.

27. The appellant considers that the proposal would facilitate the removal of the unsightly roadside wall enclosing the appeal site, while also partially screening the single storey garage block to the rear. However, these are insufficient reasons to allow the appeal and would not overcome the harm I have identified.

Planning Balance

28. The Council does not currently have a 5-year housing land supply (5YHLS). Paragraph 11 of the Framework states that where the development plan is out of date or the Council do not have a 5YHLS, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.
29. In the context of the development plan I have found that the proposed development would be contrary to Policies H9 and EP3 of the Local Plan and Policy CP8 of the Core Strategy. For this appeal, I have found these policies to be generally consistent with the relevant aims of the Framework and whilst they can act to restrict the supply of housing, I attach substantial weight to them. Although, I have found no harm to arise in terms of highway safety, the proposal would not accord with the development plan when considered as a whole.
30. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the dwelling. The proposed dwelling would make a modest contribution to the supply of housing and towards helping to address the Council's shortfall. However, the proposal would result in significant harm to the character and appearance of the area and the living conditions of future occupiers. As such it would be contrary to the aims of the Framework where it requires development to be sympathetic to local character and to provide a high standard of amenity for future users.
31. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not be a sustainable form of development, and the conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

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

R. E. Jones

INSPECTOR