
Appeal Decision

Site visit made on 10 July 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 13th August 2020

Appeal Ref: APP/J0405/W/20/3247139

54 Prebendal Avenue, Aylesbury HP21 8LQ

- 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 Irfan Mehrban against the decision of Aylesbury Vale District Council.
 - The application Ref 19/00002/APP, dated 2 January 2019, was refused by notice dated 2 October 2019.
 - The development proposed is erection of 3-bed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note the Vale of Aylesbury Local Plan, However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Prebendal Avenue forms a primary route that runs through the Southcourt estate of housing which is characterised by a mix of detached, semi-detached and terraced dwellings in a similar style and materials with generous spacing such that the street and area has a spacious unified character and appearance.
5. No 54 Prebendal Avenue (No 54) is part of a two-storey semi-detached dwelling that is sited in a prominent position opposite an open green space. The proposal would consist of a two-storey extension to the side of the building that would form a short terrace and significantly reduce the distance to No 52 Prebendal Avenue (No 52) such that the spacious character of the street scene would be adversely affected. While I note the spacing set out in the Southcourt Policy Technical Advice Note September 2005 (STAN), the space between the proposal and No 52 would be reduced significantly such that the distinct spacious character and appearance of the area would be harmfully diminished.
6. In addition, the rear garden of No 54 would be partitioned such that the rear gardens to both the existing dwelling and the proposed house would be significantly smaller than that of the surrounding properties. The resultant plot

sizes would be contrary to the spacious pattern of development that characterises Prebendal Avenue, thereby having a detrimental effect on the spacious character and appearance of the area.

7. I note that the proposal would be in line with the building line of adjacent houses and that the form, fenestration and ridge line would be in keeping with the existing dwellings. However, the lack of harm in this respect carries neutral weight and would not outweigh the harm identified above.
8. The proposal would result in hardstanding to the front of the site. However, since paved driveways are part of the street scene of Prebendal Avenue, this feature would not harm the character and appearance of the area. In addition, while the site is not identified as an important gap, given its prominent position in the street scene, this point has not altered my finding on this issue.
9. I acknowledge the properties identified by the appellant including those on Eaton Road and No 5 Paterson Road. In addition, I note the comments of the Inspector for the case at land adjacent 11 Grenville Road. However, these cases are generally in less prominent locations such that they are not directly comparable with this appeal. In any event, each case must be determined on its individual merits.
10. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policy GP35 of the Aylesbury Vale District Local Plan Written Statement Part 1 January 2004 (LP) which requires, among other things, that developments respect and complement the physical characteristics of the site and the surroundings. It would also conflict with the aims of STAN and Design Guide New Houses in Towns & Villages. In addition, the proposal would conflict with paragraph 127 of the National Planning Policy Framework (Framework).

Planning Balance

11. I note the evidence regarding the five-year housing land supply and the housing supply policies of the development plan.
12. The proposal would contribute to the local housing supply and future occupiers would be likely to contribute to the local community. However, while I note the evidence regarding the deliverability of the proposal, since the scheme is for one dwelling, these benefits would be limited. In addition, any economic benefits during the construction phase would be temporary.
13. Therefore, given the harm identified above, even if the provisions of paragraph 11(d) of the Framework were applied, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Conclusion

14. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR