
Appeal Decision

Site visit made on 13 August 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 August 2020

Appeal Ref: APP/N0410/W/3246468

9-10 Oxford Road, Tatling End, Gerrard Cross SL9 7AZ

- 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 S McDonnell against the decision of South Bucks District Council (now Buckinghamshire Council).
 - The application Ref PL/18/3982/FA, dated 24 October 2018, was refused by notice dated 30 August 2019.
 - The development proposed is the demolition of existing office building and erection of three storey building comprising of six flats.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing office building and erection of three storey building comprising of six flats at 9-10 Oxford Road, Tatling End, Gerrard Cross SL9 7AZ in accordance with the terms of the application, Ref PL/18/3982/FA, dated 24 October 2018, subject to the conditions set out in the attached schedule.

Procedural Matter

2. Reason for refusal number 2 on the decision notice relates to the effect of the proposed development on wildlife habitats. The Council have considered the ecology survey submitted by the Appellant with this appeal and have indicated that their concerns have been overcome, subject to mitigation and enhancement measures being secured. On this basis the Council wishes to withdraw the objections set out in reason for refusal number 2.

Main Issue

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

Reasons

4. The appeal site currently includes 2 adjoining buildings of traditional, domestic appearance that are predominantly 2 storeys that have been in use as offices. The buildings, along with No 8 Oxford Road form a short terrace of properties that front onto the south side of the A40 Oxford Road, a busy trunk road that carries fast moving traffic.

5. The general character of the area is dominated by the road and the range of residential and commercial properties that are positioned along it, where built forms (on the south side in particular) exhibit little consistency either in scale or general appearance. To the rear of the appeal site there is a large single storey outbuilding, hardstanding, and a grassed area.
6. The Council indicate that they are content with the general scale and height of the 3 storey building proposed that would accommodate 6 flats. Similarly, no objection is raised to the position of the proposed building, fronting the A40 in a similar fashion to the existing buildings.
7. The proposed demolition of No 9-10 would result in No 8 having a gable ended roof form as it faces the site. This arrangement would contrast unfavourably with the part hipped roof form on the opposite side as it would give No 8 an unbalanced appearance. Whilst publicly visible to the front and visible from private space to the rear, the impact and extent of visibility would be limited to closer views and reduced significantly by the screening provided by the proposed building and the existing dwellings on the other side of No 8. This is due to the greater scale of these buildings and their locations in relation to No 8.
8. The visual impact of the roof of No 8 would also be less apparent due to the lack of consistency in the form and appearance of buildings in the immediate area. As such, whilst the resulting roof form of No 8 would not be ideal, I find that the factors above would reduce the impact to an acceptable degree.
9. The west elevation of the proposed building would be open to more extensive public views due to its position well forward of the neighbouring commercial building. As publicly observed from the west, the roof level of the proposed building would feature a number of elements, including a steep single pitch roof at a right angle, a shallower pitched roof, and a dormer that would be seen in side profile.
10. The Appellant draws my attention to the variety in roof form within the surrounding area, which I also observed when I visited the site. I do not see a significant difference between the roof form of the proposed development and other examples evident in the general pattern of the area's built fabric. I acknowledge that each proposal must be considered on its own merits, however the variety in built form evident informs the character of the area and is therefore a relevant consideration. Whilst including a number of elements and having a stepped frontage, the proposed design approach would add visual interest to what otherwise would be a quite stark western elevation.
11. As such, I do not find the roof form of the proposed development to be visually obtrusive in the way described by the Council. Nor do I agree that there is a particularly strong sense of rhythm or uniformity in the immediate locality that would be disrupted by the proposed development.
12. In relation to the provision of hard and soft landscaping, as existing the site includes an extensive parking area that is currently publicly visible from the street and the neighbouring commercial area. Whilst the proposal would increase the amount of hard surfacing, much of this would be screened from public view by the proposed building. The impact of the hard surfacing could be reduced further by agreeing a suitable treatment which could be the subject of a condition.

13. Whilst the proposal would result in the loss of much of the grassed area to the rear, this should be balanced against the potential to secure improvements to the landscaping on the more visible street frontage and the west sides. These matters can be secured by condition and, in this regard, would result in a satisfactory overall standard of soft landscaping resulting from the proposed development.
14. For the reasons outlined, the proposed development would not have a harmful effect on the character and appearance of the surrounding area. Consequently, I do not find conflict with Policies GB3, EP3, and H9 of the South Bucks District Local Plan (1999) or Policy CP8 of the South Bucks Core Strategy (2011) which taken together seeks to achieve development that is of a high standard of design and integrates effectively with the site and its surroundings, including in relation to hard and soft landscaping.
15. It is noted that these local policies are of some age and predate even the first National Planning Policy Framework (the Framework). Notwithstanding this, I find the policies to be generally consistent with the Framework, in particular national policy relating to achieving well designed places in Part 12.

Other Matters

16. The Appellant makes a number of points in relation to whether the Council can demonstrate 5 years supply of housing as required by the Framework. Given the conclusions reached above it is not necessary to consider this matter further. It is however noted that the proposed development would make a modest contribution to housing supply in the local area and support the Government's objective of significantly boosting the supply of homes as set out in the Framework.

Conditions

17. The Council requests that several conditions be imposed, which I will consider by reference to the numbering set out in the schedule attached to this decision. The three year period in which the planning permission may be implemented (1) is a statutory requirement. I also consider that it is necessary in the interests of clarity to specify the plans that are approved (2).
18. I have included conditions requiring the approval of materials to be used on the exterior of the building, hard surfacing, and boundary treatment (3), and landscaping (4 and 5) in the interests of ensuring a satisfactory standard of external appearance.
19. Condition (6) is necessary in the interests of managing the risks related to potentially contaminated land. Conditions (7), (8), and (9) are necessary in the interests of highway safety.
20. Condition (10) requires approval of a scheme of ecological enhancements and is related to the ecology survey that the Appellant submitted with the appeal discussed in para 2 of this decision and is necessary in the interests of ensuring that the proposal has an acceptable impact on local habitats.

Conclusion

21. For the above reasons the appeal is allowed and planning permission is granted subject to the conditions set out in the attached schedule.

D. R. McCreery

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1626-SP10, 1626-SP1 rev C, 1626/P10, 1626-P1 rev A, 1626-P2 rev B, G2318-T.
3. No development shall take place above ground level until a schedule of materials to be used in the elevations of the development hereby permitted and a specification of all finishing materials for any hard surfacing to be used and boundary treatments have been submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details.
4. Notwithstanding any indications illustrated on drawings already submitted, the development hereby permitted shall not be occupied until there has been submitted to and approved by the Local Planning Authority in writing a scheme of landscaping which shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, 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 gives written consent to any variation.
6. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
7. Prior to the occupation of the development the amended access to Oxford Road shall be constructed in accordance with the approved plans. The access shall be constructed in accordance with 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.

8. Prior to the occupation of the development minimum vehicular visibility splays of 43 metres from 2.4 metres back from the edge of the carriageway from both sides of the amended access onto Oxford Road shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.
9. Prior to occupation of the development space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.
10. Prior to the occupation of development, a scheme of mitigation measures and ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes. Details of lighting design shall be provided to ensure no light-sensitive wildlife are disturbed as a result of the proposals.