



Appeal Decision

Site visit made on 1 September 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2020

Appeal Ref: APP/J0405/W/20/3254226

Graceland, The Barracks, Hillesden MK18 4DD

- 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 I Sisson against the decision of Buckinghamshire Council - Aylesbury Area.
 - The application Ref 19/02821/APP, dated 29 July 2019, was refused by notice dated 27 February 2020.
 - The development proposed is demolition of existing dwelling and garage and construction of new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and garage and construction of new dwelling at Graceland, The Barracks, Hillesden MK18 4DD in accordance with the terms of the application, Ref 19/02821/APP, dated 29 July 2019, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The appeal property is referred to as Graceland and Gracelands in the various documents provided to me. On my visit I saw a sign naming the house Graceland so I have used this in the header and decision above.
3. During the course of the appeal, the council who originally determined the planning application merged with a number of other local planning authorities into Buckinghamshire Council. The details in this decision reflect this change.
4. The emerging Vale of Aylesbury Local Plan (eVALP) has been the subject of examination and main modifications to the submission version of the plan have been published for consultation. The Council has referred to eVALP policies but I am uncertain as to the likelihood of these being adopted in the form presented to me. As such, I attach limited weight to the eVALP policies in my assessment. The exception to this approach is eVALP policy BE3 which is not subject of any proposed modifications and so attracts significant weight.

Main Issue

5. The main issue is the effect on the character and appearance of the area.

Reasons

6. The appeal property is a bungalow in a large plot next to a dwelling called Errigal and open fields. Hillesden is a small settlement that contains several dwellings with views from the road towards the surrounding countryside.
7. The proposal would be positioned on a similar footprint to the bungalow but it would have an additional rear projection and it would be taller. The house would be visible from the road and from the footpath that runs through an adjacent field.
8. While larger than the existing bungalow, the proposed dwelling would be of a similar height and size to Errigal and other nearby 2 storey properties. Local houses vary in design and so the proposal would not be incongruous to any uniformity in building style. Also, the dwelling would be close to the boundary with Errigal and it would be seen as part of the line of houses along the road. Therefore, it would be compatible with the local development pattern.
9. Currently, a front wall, gate and planting screens the bungalow so generally only its sizeable and featureless roof is visible from the road and footpath. The proposal would be more obvious than the bungalow, but it would provide a more architecturally interesting frontage with its varying roofline and upper storey fenestration visible from the surrounding area. Also, the variation in the front of the building would help ensure it does not appear as a pair of semi-detached houses.
10. The dwelling would be set further forward than Errigal but it would be positioned back from the front boundary and so it would not appear unduly dominant from the footpath, which will retain its open rural character. Furthermore, the garden would remain largely vacant of buildings, providing a transition zone between the dwelling and the adjacent fields. Consequently, the proposal would not detract from the visual quality of the landscape even though the site is on the edge of the settlement and the development would be seen from the surrounding countryside.
11. For these reasons, the proposal would not harm the character and appearance of the area. Consequently, in this regard, it would accord with policy GP35 of the Aylesbury Vale District Local Plan 2004 and the provisions of the National Planning Policy Framework (the Framework). These aim, amongst other things, to ensure development respects and complements a site and its surroundings. The Council's refusal reasons also refer to eVALP policy BE3 although this contains no provisions relevant to this main issue.

Other Matters

12. Other concerns have been raised in respect of the proposal. The development would lead to a loss of light to and outlook from a window in the side wall of Errigal. However, this window is already partially overshadowed by the existing buildings and the proposal would not affect any other windows on the neighbouring property. Overall, the proposal would not result in unacceptable living conditions for the occupiers of Errigal.
13. There is no evidence before me to substantiate the concern over the adequacy of foul water drainage to serve the proposal. Disruption to traffic during construction due to loading and unloading materials would be temporary and it

would be unlikely to create serious highway safety issues given the rural nature of the road and low level of traffic movements.

14. There is no justification to dismiss the appeal on any of the above grounds. As such, these considerations do not override my conclusion on the main issue.

Conditions

15. I have considered the planning conditions forwarded by the Council having regard to the tests set out in the Framework. Where appropriate, I have amended the wording of the suggested conditions for reasons of precision and to avoid unnecessary pre-commencement requirements.
16. While not suggested by the Council, I have imposed a condition detailing the plan for the avoidance of doubt and to ensure the development is carried out in accordance with the approved drawing. To ensure a satisfactory appearance, conditions are imposed that require submission and approval of details of external materials and levels of the proposal. To ensure the development is adequately drained, a condition is imposed requiring the submission and approval of foul and surface water drainage systems. To enhance biodiversity, a condition is imposed that requires the provision of bat tubes and hedgehog holes. In the interests of highway safety, a condition is imposed that requires the parking and manoeuvring areas to be provided prior to occupation.
17. The Council has suggested conditions removing permitted development rights relating to enlargements and windows. Paragraph 53 of the Framework states that such conditions should not be used unless there is clear justification and no detailed explanation has been provided as to why the suggested conditions are needed. As such, I have not imposed these conditions.

Conclusion

18. For the above reasons, I conclude the proposal is acceptable and that the appeal should be allowed.

Jonathan Edwards

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: PL396/2019/01A.
- 3) No development other than the digging of foundation trenches shall be carried out until details of foul and surface water drainage to serve the dwelling hereby approved have been submitted to and approved in writing by the local planning authority. The approved drainage shall be fully constructed prior to the first occupation of the dwelling hereby approved and shall be retained thereafter.

- 4) No development other than the digging of foundation or service pipe trenches shall be carried out until details of the slab level of the dwelling hereby approved in relation to the existing and proposed levels of the site and the surrounding land with reference to fixed datum point have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved level details.
- 5) No development above damp proof course level shall take place on the dwelling hereby permitted until details of the materials proposed to be used on the external surfaces of the dwelling have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.
- 6) No development above damp proof course level shall take place on the dwelling hereby permitted until details of an integrated bat tube and hedgehog holes to be incorporated into building and boundary treatments respectively have been submitted to and approved in writing by the local planning authority. The approved features shall be installed prior to the first occupation of the dwelling hereby approved and retained thereafter.
- 7) Prior to the first occupation of the dwelling hereby approved, car parking spaces and an associated manoeuvring area shall be laid out in accordance with the approved drawing. These areas shall be permanently maintained for parking and manoeuvring of vehicles.