



Appeal Decision

Site visit made on 14 September 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/X0415/D/20/3254366

Watercroft Cottage, Church Road, Penn HP10 8NX

- 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 and Mrs A Patten against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0154/FA, dated 14 January 2020, was refused by notice dated 3 April 2020.
 - The development proposed is described as new vehicular access onto the highway, serving existing property.
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Decision

1. The appeal is allowed and planning permission is granted for new vehicular access and associated hardstanding at Watercroft Cottage, Church Road, Penn HP10 8NX in accordance with the terms of the application, Ref PL/20/0154/FA, dated 14 January 2020, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The appeal form gives Chiltern District Council as the local planning authority. However, the decision notice was issued by Buckinghamshire Council.
3. The description of development in the header above is taken from the application form. In my decision I have used the description from the Council's notice and the appeal form as this more precisely reflects the proposal.

Main Issue

4. I find no reason to disagree with the Council's view that the development would be acceptable in terms of Green Belt policy and its effect on the area of outstanding natural beauty. As such, the main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Penn and Tylers Green Conservation Area (the CA) and (ii) whether it would preserve the setting of the grade II listed building, Watercroft (the LB).

Reasons

Effect on the CA

5. The CA's significance derives from the presence of attractive buildings set in large plots interspersed with mature trees and other vegetation. As there are a number of similar vehicular accesses at nearby properties, the proposal would not be an unusual feature. Furthermore, there is no striking regularity to the

positioning or size of entrances to properties so the proposal would not be at odds with any notable uniformity in access design.

6. The existing front hedge is in keeping with the mix of local roadside boundary treatments but it is short and thin in parts and so fails to make a significant positive contribution to the street scene. Despite the creation of a new gap, the proposed planting with grass verge would compensate for the loss of the hedge. Also, the access would create new public views of the attractive appeal property and its garden and so would add interest to the CA.
7. For these reasons, I conclude the proposal would preserve or enhance the character or appearance of the CA. In this regard, it would comply with policies CA1 and CA2 of the Chiltern District Local Plan 1997 including alterations (LP).

Setting of the LB

8. Watercroft is significant due to its age and original architecture. While seen together in views from the highway, there is limited association between the LB and the hedge to be removed due to the intervening appeal property. Moreover, the replacement planting would ensure the LB's surroundings remain largely the same to the current situation. The existing shared access would stay and so the link between the LB and the appeal property would be retained.
9. For these reasons, I conclude the proposal would preserve the setting of the LB. In this regard, it would accord with LP policy LB2 which resists development that would adversely affect the setting of listed buildings.

Conditions

10. I have had regard to the list of suggested conditions provided by the Council. Where appropriate I have amended these for reasons of precision and to avoid unnecessary pre-commencement conditions.
11. A condition listing the drawings is required for reasons of certainty and to ensure the proposal is carried out in accordance with the approved plans. To ensure the satisfactory appearance of the development a condition is imposed requiring the submission and approval of hard landscaping details. For the same reason, a condition is needed that requires the approval of planting details and the provision and retention of a new hedge.
12. In the interests of highway safety, a condition is imposed relating to visibility splays to the proposed and existing vehicular accesses. To avoid the need to dangerously reverse out of the proposed access, a condition is imposed that requires the parking and car manoeuvring area as shown on the plans to be provided prior to the first vehicular use of the access.

Conclusion

13. For the above reasons, the appeal succeeds.

Jonathan Edwards

INSPECTOR

Schedule of 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: 12.19.P02.
- 3) Before their provision or erection on site, details of all hard landscaping surfacing materials and dimensional elevation drawings of the fencing hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Before the access hereby approved is first used, details of the new hedge planting as shown on the approved plan shall be submitted to and approved in writing by the local planning authority. The details shall include schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate. The proposed hedge planting shall be carried out in accordance with the approved details before the access is first brought into use. Any plants which die, are removed or become seriously damaged or diseased within a period of 5 years from the first use of the access shall be replaced in the next planting season with other of similar size and species.
- 5) Before the access hereby approved is first used, the visibility splays to the existing and the proposed accesses as shown on the approved plan shall be provided and shall thereafter be kept clear of any obstruction between 0.6 m and 2.0 m above ground level.
- 6) The access hereby approved shall not be brought into use by vehicles until the parking and car turning areas as shown on the approved plan have been provided. These areas shall thereafter be maintained for parking and vehicle turning purposes.