
Appeal Decision

Site visit made on 9 September 2020

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 24 September 2020

Appeal Ref: APP/K0425/W/20/3252117

294 - 308 Desborough Avenue, High Wycombe HP11 2TJ

- 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 RAP Building and Developments Ltd against the decision of Wycombe District Council.
 - The application Ref 19/06720/FUL, dated 15 July 2019, was refused by notice dated 22 November 2019.
 - The development proposed is the erection of nine detached and semi-detached dwellings with access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 have been published which amend the Town and Country Planning (Use Classes) Order 1987 (1987/764). I have referred to the old names of the Use Classes as referred to by the parties in the documentation rather than the new names set out in the recent document, for the sake of consistency. Having considered the alterations made by the new Regulations I am satisfied that those amendments do not alter the consideration of this appeal.

Main Issues

3. The main issues in this appeal are;
 - Whether the proposal would provide for a suitable residential environment for future residents
 - Whether the proposal would be isolated and disconnected from other residential areas
 - The effects of the proposal on the character of the area.

Reasons

Whether the proposal would provide for a suitable residential environment for future residents

4. The appeal site is formed by parts of the rear gardens of houses on Desborough Avenue. The site itself has a frontage onto Wellington Road which

serves the neighbouring Cressex Industrial Estate, a 'Strategic Employment Area' as defined by the Council. On the opposite side of Wellington Road from the appeal site are commercial premises which face directly onto the road set behind open and continuous parking areas.

5. The proposed houses would face onto Wellington Road, behind the existing verge and trees, as well as the drive and front gardens within the appeal site. The appellants have submitted a Noise Survey which indicates that, with mitigation in place, any adverse effects on residents arising from noise generated locally could be minimised. The Noise Survey does indicate that when windows are open, the World Health Organisation guideline level would be slightly exceeded but with alternative means of ventilation, this would also be minimised.
6. The appellant suggests that the nearest commercial building is likely to be used as a mix of B1 (light industrial/offices) and B8 Warehousing/distribution) uses. However, the planning permission referred to grants permission for B2/B8 (general industrial and warehousing) use. Whilst there are relevant conditions attached to that permission, the suggestion that its use is for B1/B8 use is uncertain, in my judgement and has not been acknowledged. Thus, without any other evidence to the contrary, I shall consider that the authorised use of 30 Wellington Road is as B2/B8. With that in mind it would not be possible to restrict the individual users of the premises (or any other such premises on the Estate) and so it could be the case that individual firms could introduce noise or other forms of disturbance which could unacceptably affect future residents of the appeal scheme, notwithstanding the conditions attached to that permission.
7. In addition, in relation to the most recent previous appeal (Ref: APP/K0425/W/18/ 3213837), concerns were raised about other forms of disturbance which could arise from the Industrial Estate, including dust, vibration, smells, fumes, smoke, soot, ash, dust or grit. As stated by the previous Inspector, there is no evidence to indicate that any such concerns could be mitigated by conditions, if the appeal were to succeed. The appellant also refers to the fact that numerous other residential properties sit close to the boundary of the Industrial Estate and states that such a relationship has existed for around 50 years, without complaints. However, the Council's statement indicates that numerous complaints have been received over a number of decades.
8. The appellant also indicates that the aforementioned Inspector found against the scheme then proposed in relation to this issue, due only to a combination of factors of disturbance from the Industrial Estate *and* disturbance/noise from the parking arrangements proposed for the appeal site. Whilst it is not for me to seek to dissect and justify the previous decision my view is that the likelihood of disturbance from the Industrial Estate is sufficient by itself to have an unacceptable effect on residents of the appeal scheme, if it were to be built. Having carefully read the previous appeal decision, I consider that my conclusion on this issue is consistent with those conclusions.

Whether the proposal would be isolated and disconnected from other residential areas

9. The appeal site would be bounded by residential gardens and by the Industrial Estate to its front. The distance for a resident to walk to the end of Wellington Road would not be such that they would feel isolated nor disconnected to the

residential area formed, at its nearest, by Lancaster Road and Desborough Avenue. Whilst I can understand the concerns of the Council in relation to the direct effects of the proximity of the proposed dwellings to the Industrial Estate, I consider that there would be no additional harm caused in relation to this individual issue.

The effects of the proposal on the character of the area

10. The appeal site appears to be currently unused but is generally open and is described as forming parts of the gardens of those houses on Desborough Avenue. It is set behind the wide verge on this side of Wellington Road, which contains trees included within a Tree Preservation Order. I agree with the previous Inspector, that the appeal site gives this part of Wellington Road an open and spacious character, which contrasts with the large commercial units and large open parking areas on the opposite side of Wellington Road. The appeal site and the other gardens help to soften the commercial character of the opposite side of the road and provide a sense of space.
11. The appellant suggests that the previous Inspector set out the situation, as I have in my preceding paragraph and that it was merely descriptive. The appellant then indicates that the Inspector's analysis of the form of development and its differences to the prevailing pattern of development formed his objection to the scheme. Again, without wishing to examine every single expression that my predecessor used, that is not my reading of his decision; in his paragraph 15 he clearly indicates that the significant erosion of the open and spacious character of this part of Wellington Road (incorrectly referred to as Waterloo Road) is part of the unacceptable effect of the proposal before him. I fully accept that the proposal now before me indicates a different form of development which is more akin to the houses. However, I consider that the important open and spacious character on this side of Wellington Road would be significantly and unacceptably eroded by the proposal, notwithstanding the altered form of the development and the front gardens now proposed.

Conclusions

12. I have taken account of the fact that the proposal would contribute to the supply of new homes in a sustainable location. However, the proposal would give rise to conflict with Policies CP9 and DM35 Wycombe District Local Plan 2019 and this conflict is not outweighed by such benefit. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR