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## Appeal Decision

Site visit made on 15 September 2020

**by C Dillon BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 October 2020**

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**Appeal Ref: APP/J0405/W/20/3254582**

**2, Dove House Close, Edlesborough LU6 2JL**

- 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 Jonathan Lee against the decision of Buckinghamshire Council - Aylesbury Area.
  - The application Ref 18/04597/APP, dated 21 December 2018, was refused by notice dated 20 December 2019.
  - The development proposed is the construction of a two storey chalet bungalow with a new access off Dove House Close.
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### Decision

1. The appeal is allowed, and planning permission is granted for construction of a two storey chalet bungalow with a new access off Dove House Close at 2, Dove House Close, Edlesborough LU6 2JL, in accordance with the terms of the application Ref 18/0459/APP, dated 21 December 2018, subject to the following 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 plans: 1.1250 location plan and plans 986.1a, 986.2a, 986.3, 986.4a and 986.5a.
  3. No development above damp-proof course shall take place on the dwelling hereby permitted until samples of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.
  4. No development shall take place until details of the proposed slab level of the building in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority, with reference to a fixed datum point. The building shall be constructed in accordance with the approved details.
  5. The scheme for parking and manoeuvring for the proposed dwelling, as indicated on the submitted plans, shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

6. No other part of the development shall be occupied until the new access has been designed/constructed in accordance with the submitted plans. The access shall be constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013.
7. The dwelling hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; car parking layout; other vehicle and pedestrian access and circulation areas and hard surfacing materials. For soft landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.

These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and the hard landscaping shall be retained as approved thereafter, and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development, whichever is the sooner.

8. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.
9. Prior to the first occupation of the dwelling hereby permitted, details of all screening and boundary gate, walls, fences and any other means of enclosure shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the dwelling hereby approved shall not be occupied until the details have been fully implemented and thereafter retained as approved.
10. Prior to first occupation of the dwelling hereby approved, details of a scheme of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved details have been installed which shall thereafter be retained as approved.
11. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

demonstration that water quality, ecological and amenity benefits have been considered.

existing and proposed discharge rates and volumes.

construction details of all SuDS and drainage components.

drainage layout detailing the connectivity between the dwelling and the drainage component, together with storage volumes of all SuDS component.

calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.

details of how and when the full drainage system will be maintained, including details of who will be responsible for the maintenance; and

details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of the dwelling nor the erection of any garage or extension shall be carried out within the curtilage of the dwelling the subject of this permission. No windows, dormer windows, no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

### **Procedural Matters**

2. Although the planning application was made by Mr and Mrs Jonathan Lee, the appeal is made by Mr Jonathan Lee only. However, this falls within the scope of the relevant procedures for planning appeals and so the appeal proceeds on that basis.
3. The Council has advised that subsequent to refusing planning permission it has undergone local government reorganisation and now comprises a new unitary authority known as Buckinghamshire Council. The banner heading refers to that change. However, I agree that this does not have any bearing upon the determination of this appeal.
4. The appellant has advanced in writing suggested amendments to the appeal scheme that have not been the subject of any consultation. No amended plans have been submitted. It is not the role of this appeal process to advance new proposals in such circumstances. The appeal proceeds on the basis of the refused scheme.

### **Main Issue**

5. The main issue is whether or not the appeal proposal constitutes an over-intensive form of development that would harm the character and appearance of the area.

### **Reasons**

6. The appeal site comprises part of the rear garden of the appellant's garden and is located within an established residential part of Edlesborough. It falls within the defined settlement boundary of this village. Being close to the settlement edge, the appeal proposal would be visible from surrounding countryside

- vantage points. From more localised vantage points it would primarily be read within the context of Nos 2, 4, 5 and 6 Dove House Close.
7. Properties in this part of Dove House Close are bungalows, set within generous plots, which convey a spacious character. The existing host property is similar to its neighbours in scale and height, with the exception of a 2 storey element at the end furthest from those other properties. The similarity of these dwellings in terms of design, scale, materials and positioning around this part of Dove House Close provides a consistent appearance.
  8. The appellant has referred to a previous decision<sup>1</sup> relating to the siting of a dwelling of a different design within the appeal site. He has advanced how he has sought to address the matters raised in that decision through the scheme that is now before me. However, the source of contention between parties remains the scale of the dwelling, roof design, prominence of the front gable elevation and the positioning of the new unit, all relative to its plot and wider context.
  9. Similar to the previous scheme, this appeal proposal would have the appearance of a chalet style bungalow, with accommodation on both the ground floor and within the roof space. However, there are some key differences between these schemes.
  10. In terms of height and roof design, the proposed eaves level has been reduced. Furthermore, the finished ridge level of the current appeal proposal would be less than that of the highest part of the No 2. Although it would be slightly higher than that of the surrounding bungalows, and of a steeper angle, that difference would not be to a degree that would cause it to be discordant with its context.
  11. In terms of footprint, the proposed dwelling would be smaller than the surrounding properties. The plot size and floor area proposed, alongside the positioning of the new unit would mean that unlike its predecessor, it would not fill the whole of the resulting plot width.
  12. In terms of scale, I find that the set back from the highway relative to the side elevation of No 2, coupled with the reduced width would provide for a smaller and simpler front gable elevation facing onto Dove House Close which would no longer be imposing within the street scene.
  13. Although the scale of the remaining plot within which the appellant's existing dwelling would stand would be reduced in area, it would nonetheless reflect the scale and proportions of that of No 6. Although the plot within which the appeal proposal would stand would be of smaller in size than others in this part of the street, the particular appeal proposal would not be out of scale with it. Furthermore, from the observations made during my site inspection, I have no cause to dispute the detailed evidence provided by the appellant about densities of built development within the area.
  14. In terms of the spacious credentials of the area, the appellant has provided a detailed visual assessment of the appeal proposal relative to surrounding properties. The proposed plot would be narrower than immediately surrounding plots. However, I agree that the proposed separation distance between the host and new unit would convey an appropriate sense of space between

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<sup>1</sup> APP/J0405/W/3182829

- buildings. Visually, this would be further reinforced by the presence of the land that intervenes the appeal site and No 4.
15. Furthermore, the size of the resulting plots and the provision of a parking area to the side of the proposed dwelling would enable an appropriate amount of garden area and appropriate sense of space to be secured to the front and rear for both plots. The latter would also limit the potential for visual congestion to the front of the proposed dwelling.
  16. Overall, the scale and mass of this appeal scheme would not be significant in comparison to the surrounding properties. The spacing arising from this particular appeal proposal would not be uncharacteristic of the area from both localised vantage points and those further away. The use of materials which closely match properties in Dove House Close would enable the appeal proposal to assimilate with its immediate context.
  17. Consequently, I find that the appeal proposal is materially different to the previous proposal. Unlike the previous scheme, the appeal proposal would not appear cramped or incongruously large within its edge of settlement and wider landscape context.
  18. For the reasons given, I do not find that this appeal proposal would constitute an over-intensive form of development that would harm the character and appearance of the area.
  19. Therefore, contrary to the Council's opinion, the appeal proposal does not conflict with paragraphs 127 or 130 of the National Planning Policy Framework (the Framework).
  20. In the absence of harm, I find no conflict with Policy GP35 of the Aylesbury Vale District Local Plan and Policy EP12 of the Edlesborough Parish Neighbourhood Plan. Furthermore, although Policies BE2 and BE4 of the emerging Vale of Aylesbury Local Plan may be afforded some weight, in the absence of harm, I find no conflict with these policies either.

### **Other Matters**

21. The Council has confirmed the reasons why the tests set out in paragraph 11 of the National Planning Policy Framework are not triggered in this instance and no party has disagreed. From the evidence before me, I have no cause to dispute that assessment.
22. The appeal site is located within the vicinity of No 1 Dove House Close and No 51 The Green, both Grade II Listed Buildings. The effect upon these designated heritage assets has not been raised as a matter of contention by any party. The significance of these assets is architectural. By virtue of its height and positioning relative to these assets, the appeal proposal would not harm the character and appearance of their setting. I am therefore satisfied that the appeal proposal would incur no harm to these Listed Buildings and would preserve their character and appearance.
23. Despite third party objections, the Council has raised no concerns in respect to effect upon living conditions of neighbouring residents, parking or highway safety issues. From the evidence before me and the observations made at my site inspection, I have no cause to disagree with these assessments.

Furthermore, the fact that the site is unallocated in the development plan does not preclude development where it accords with the relevant policies.

24. In the absence of harm, the proposal accords with the development plan when taken as a whole.

### **Conditions**

25. In addition to the standard time limit, a condition specifying the approved plans is necessary to provide certainty. Conditions to control the materials to be used in the construction of the appeal proposal, finished levels, means of enclosure and hard and soft landscaping are necessary to safeguard the character and appearance of the area.
26. Furthermore, I agree with the Council that a scheme of bio-diversity enhancement and surface water drainage are necessary in the interests of sustainability. Conditions to secure access and on-site parking provision prior to the occupation of the dwelling are necessary in the interests of highway safety.
27. The revocation of certain permitted development rights is also necessary to safeguard living conditions of occupants of No 2 and the proposed dwelling and control the potential for over development of the plot, in the interests of safeguarding the character and appearance of the area.

### **Conclusion**

28. For the reasons given, the appeal should be allowed, and planning permission granted subject to the conditions specified.

*C Dillon*

INSPECTOR