
Appeal Decision

Site visit made on 9 September 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2020

Appeal Ref: APP/J0405/W/20/3247554

Land to the rear of 28 Dunton Road, Stewkley, LU7 0HZ

- 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 Beasley against the decision of Aylesbury Vale District Council.
 - The application Ref 19/01406/APP, dated 8 April 2019, was refused by notice dated 19 December 2019.
 - The development proposed is construction of new two-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on the setting of the Stewkley Conservation Area; and
 - the effect of the proposed development on highway safety.

Reasons

Character and appearance

3. The site lies to the rear of housing and gardens along Dunton Road and is contiguous with the boundary of the Stewkley Conservation Area. Stewkley is predominantly a village which displays a linear character with limited development, other than sheds and outbuildings, behind the development that fronts its main streets.
4. The status of the site appears to be in dispute. I observed at the site visit that it has the appearance of a garden, albeit detached from a dwelling. Between the appeal site and Dunton Road the houses lie close to the road with the exception of No 22a which is set back in its plot. However, all the dwellings between Nos 22a and 26 Dunton Road have substantial gardens between them and the appeal site. Therefore, any new dwelling on the appeal site would not relate well to the built development on Dunton Road and would appear disconnected from the development that fronts the village streets and therefore the prevailing pattern of development in the village.

5. On the other hand, the land relates well, physically and visually, to the more open land on its northern and western boundaries. This land has the appearance of paddocks, with buildings that appear to be agricultural in character and therefore appropriate to a countryside location. The open nature of the appeal site and the shed and polytunnel it contains also reflect the countryside character of the area.
6. The proposed dwelling is single storey, located at the lowest part of the site and is proposed to be set down into the land to reduce its impact. However, it would represent a significant built feature in an area which is largely undeveloped. It would be seen as extending the built development of the village into the open countryside within which it is set. Therefore, it would essentially change the character of this part of the village from open undeveloped/edge of settlement countryside to a built area. This would lead to a significant degradation of the character of the village in this location.
7. I note that the proposal includes the strengthening of the hedge on the northern boundary of the site with additional planting. However, the roof of the proposed dwelling would still be visible from the public footpath to the west of the site even with the proposed additional planting along the northern boundary.
8. The Council has produced an appraisal of the CA which assists in assessing the significance of the heritage asset. The document identifies, amongst other things, the main features of the CA as a two-mile-long street with no significant depth of development to either side and an awareness of how close the countryside is to the spine of the village. The setting of the CA is therefore comprised of the mix of undeveloped land, some of agriculture character, that lies behind the development fronting the main streets of the village.
9. The appeal proposal would not follow this pattern of development and would increase the depth of development along Dunton Road. It would also introduce more intense activity beyond the rear gardens of the dwellings which are currently free from the regular comings and goings experienced by the houses fronting Dunton Road. In these respects, the appeal proposal would harm the setting of the CA and therefore the significance of the CA as defined in the appraisal.
10. The National Planning Policy Framework (the Framework) attaches great weight to the assets conservation, including development within its setting, and this is irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
11. Whilst I have found that the development would harm the significance of the CA, this amounts to less than substantial harm in terms of paragraph 196 of the Framework. Albeit, great weight should still be given to the asset's conservation, including its setting. In these circumstances the Framework states the harm should be weighed against the public benefits of the proposal.
12. The appellant lists the benefits of the proposed scheme as contributing, to the supply of new houses, to the local economy through the construction phase and through greater use of local shops and services and increased council tax receipts, and improving the local environment through protecting the setting of the CA and increasing biodiversity through a planting scheme. Whilst these are benefits of the appeal proposal, they are all limited benefits and therefore of

limited weight, due to the scale of the development (a single dwelling) and that they could apply to development in locations which do not harm the setting of the CA. Consequently, I do not consider that the limited public benefits outweigh the harm the development would cause to the significance of the CA I have identified above, especially in the light of the Framework stating that great weight should be given to the asset's conservation.

13. The appellant has referred to Policies RA.13 and RA.14 of the Aylesbury Vale District Local Plan. It appears to be common ground between the parties that these policies are out of date. I have assessed these policies against the requirements of the Framework and also find them out of date as they are negatively worded, do not seek to promote development and relate to housing targets that predate the current appeal.
14. In any event the policies only support development within the built-up area of a 'medium village' if, amongst other things, it maintains the character of the surroundings and the site is substantially enclosed by existing development. I have set out above how the appeal proposal harms the character and appearance of the area and that it is not 'substantially enclosed by existing development'. It would therefore be in conflict with these policies. There is some consistency between the policies and paragraph 127 of the Framework, especially how both seek to ensure that development is sympathetic to its area. Therefore, given the consistency of these policies with the Framework I give them moderate weight.
15. The proposal is also in conflict with Policies BE1 and BE2 of the emerging Vale of Aylesbury Local Plan (ELP). These policies seek, amongst other things, to conserve heritage assets and their settings and expect development proposals to respect their surroundings. These policies are relevant to the appeal proposal and, given the stage in the adoption process the ELP has reached, I afford them moderate weight in the determination of this appeal.
16. The proposal would harm the character and appearance of the area and cause less than substantial harm to the significance of the CA. The policies which are most relevant to this appeal, GP35 and GP53, are up to date where they deal with the conservation of heritage assets and in terms of the aims of paragraph 127 of the Framework. Moreover, the Framework is clear that any harm to the significance of a designated heritage asset, should require clear and convincing justification. I have balanced the justification for the development with the harm it causes to the significance of the CA and find that the justification for the development is not outweighed by its harm.

Highway Safety

17. The appeal proposal would make use of the existing access between No 26 and No 28 Dunton Road. Dunton Road has no footway on its southern side in the vicinity of the access and has a speed limit of 30 mph. During my visit I noted that it was well used by a variety of vehicles, including lorries. The proposed visibility is 2.4 m x 45 m to the west and 2.4 m x 36 m to the east. The eastern visibility is 7 m below the required standard. These standards are taken from Manual for Streets (MfS). MfS allows for a reduction in these standards in very lightly trafficked or slow speed situations. No evidence has been produced to demonstrate that the lower standards should be applied to this location.

18. The proposed development includes a proposal that the existing garage serving No 28 Dunton Road be transferred to the proposed dwelling and that No 28 Dunton Road should continue to use the parking area to its front. This would mean that the existing access would continue to be used by the same number of dwellings as it is at present. However, at a previous appeal¹ the Inspector noted that No 28 benefits from extensive parking to the front of the dwelling and that is more conveniently located than its rear garaging. He concluded that it was likely that the existing vehicle movements associated with that property already take place not from the restricted existing access to the garage, but from the front of the property. From my observations during my site visit I have no reason to disagree with the conclusions arrived at by this Inspector.
19. The proposal would therefore lead to more regular use being made of the existing substandard access, thereby increasing the likelihood of conflict between highway users at the junction of the proposed access and Dunton Road to the detriment of highway safety. This would conflict with Policy T5 of the ELP and Policy 17 of the Buckinghamshire Local Transport Plan 4.

Other Matters

20. The appellant has made reference to the application of the presumption in favour of sustainable development in relation to this appeal and the application of paragraph 11 d) of the Framework. I acknowledge that the parties disagree on this issue. However even if I were to accept the appellant's position regarding the lack of supply, under footnote 6 to paragraph 11 of the Framework, the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed.
21. Other development plan policies were drawn to my attention, but I do not consider them to be as relevant to those mentioned in the main issues set out above.
22. I note the appellant has referred me to the extensions which have been approved at Raywood House. I have taken this development into account in terms of how it impacts upon the character and appearance of the area so far as I am able based on the information before me. However, I am not aware of the full circumstances of this case and in any event each scheme must be considered and determined on its individual merits.

Conclusion

23. The policy context of this appeal is complicated by the older LP and the ELP. However, it is clear to me that saved Policies G35 and Policy G53 of the development plan are consistent with paragraphs 125 and 127 of the Framework. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals for development are determined in accordance with the development plan unless material considerations indicate otherwise. I have assessed the material considerations relevant to this appeal above and find that they do not indicate that the appeal should be allowed.
24. I therefore find, having regard to the policies of the development plan, that the appeal must be dismissed.

¹ APP/J0405/W/17/3168199, dated 18 May 2017

Peter Mark Sturgess

INSPECTOR