



Appeal Decision

Site visit made on 29 September 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2020

Appeal Ref: APP/N0410/W/20/3252243

Springhill, 15 Daleside, Gerrards Cross SL9 7JE

- 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 D Patel against the decision of South Bucks District Council.
 - The application Ref PL/19/1397/FA, dated 18 April 2019, was refused by notice dated 9 December 2019.
 - The development proposed is described as, "Demolition of existing house and erection of 2 No. 4 bedrooms two storey detach houses".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. On 1 April 2020 the name of the decision-making authority changed from South Bucks District Council to Buckinghamshire Council.
4. During the course of the planning application the proposal was amended. This appeal has been considered on the basis of the plans that the Council determined the planning application on.

Application for Costs

5. The appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Main Issues

6. The main issues are:
 - the effect of the proposal on the character and appearance of the appeal site and the surrounding area; and
 - the effect of the proposal on protected species and habitats.

Reasons for the Recommendation

Character and appearance

7. The appeal site consists of a detached dwelling set within a residential area where large detached houses in plots of similar widths predominate. The area is leafy, with street trees and trees within the frontage of properties being common.
8. The proposal, to demolish the existing dwelling and replace it with 2 detached dwellings, would maintain the existing building line, and the set-in to the side boundaries with Nos 11 and 17 Daleside would be similar to that which currently exists with the existing dwelling. Additionally, the 2 new dwellings would match the rhythm of the street scene in terms of their topographical placement.
9. Nevertheless, the 2 properties would noticeably contrast with most of their immediate neighbours in that they would be narrower. They would be situated close together, and their individual plots would be much more constrained than that which is common in the local area and as such they would appear cramped within their respective plots. Their incongruity in the street scene would be exacerbated by their elevated position when seen from the footway.
10. It is recognised that the development at No 24 Daleside shares some similarities with the appeal proposal, but that scheme is the exception, rather than the rule, in the immediate vicinity. Furthermore, I observed that those properties are in a slightly sunken position relative to the road, which reduces their impact somewhat, in contrast to the elevated position that the proposed dwellings would occupy. The development at No 32 Daleside is in a more open location, being at a junction, which in my view constitutes a material difference to the circumstances at the appeal site. Similarly, the immediate context differs at Nos 2, 9 and 12 Daleside and therefore those examples do not change my finding regarding the effect of the proposal.
11. Mention has been made of a fall-back position¹ which involves extensions to the host property, but from the details provided it appears that the appeal proposal would have a greater impact on the street scene, by virtue of there being 2 dwellings on the site, rather than 1. Therefore, this matter has been given limited weight, and it does not outweigh the harm identified.
12. The proposal would bring economic benefits arising from the construction phase and from future residents contributing to the local economy and tax base. Additionally, the proposal would deliver homes suitable for families which may be built-out relatively quickly. However, as only 2 dwellings are proposed, these benefits would be minimal, and are given limited weight. These matters do not outweigh the harm identified.
13. I therefore conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the appeal site and the surrounding area. The proposal would conflict with Policies EP3 and H9 of the South Bucks District Local Plan (adopted 1999) (consolidated 2007 and 2011), and Policy CP8 of the South Bucks Core Strategy (adopted 2011) (Core Strategy), which collectively require that all new development must be of a high standard of

¹ Local Planning Authority reference: 18/00019/FUL

design and make a positive contribution to the character of the surrounding area.

14. The proposal also conflicts with the recommendation given in the South Bucks Townscape Character Study Part 2 (revision A) (2015) which seeks to avoid developing houses which are placed too close together, and with paragraph 127 of the National Planning Policy Framework (Framework) which requires that planning decisions should ensure that developments are sympathetic to local character. It also conflicts with the guidance given in the National Design Guide which sets out that development should respond positively to the features of the site itself and the surrounding context beyond the site boundary.

Protected species and habitats

15. The appellant's Preliminary Ecological Appraisal and Bat Assessment (PEABA) report (November 2019) mentions that the site is located within an area of high-quality foraging habitat with commuting routes in the vicinity, and the residential dwelling was confirmed as having a bat roost, which would be destroyed by the proposal². Bats are a protected species under the Wildlife and Countryside Act 1981 and are a European Protected Species (EPS) under The Conservation of Habitats and Species Regulations 2017.
16. The PEABA report recommended that further bat surveys should be carried out³. However, I have not been provided with any further surveys and therefore I have no substantive evidence before me to reach a conclusion that the proposal would not cause harm to protected species. Therefore, it is necessary to take a precautionary approach.
17. Circular 06/2005 advises that surveys should be carried out before planning permission is granted, and therefore it would not be reasonable to impose a planning condition in relation to this matter.
18. I therefore conclude that planning permission cannot be granted in the absence of evidence demonstrating that there would be no adverse effects on protected species, including an EPS. As such, the proposal conflicts with Policy CP9 of the Core Strategy which provides that biodiversity resources must be conserved and enhanced. There would also be conflict with paragraph 170 of the Framework which provides that planning decisions should contribute to and enhance the natural environment, and with the Planning Practice Guidance, which advises that planning authorities need to consider the potential impacts of development on protected species, and the scope to avoid any impacts⁴.
19. During the course of the appeal, the Council raised a further issue, regarding the potential effect of the proposal on the Burnham Beeches Special Area of Conservation. However, as I am recommending that the appeal is dismissed in relation to other matters, discussed above, it is not necessary for me to consider the implications of the proposal on this area.

² At section 4.1.4

³ At section 4.2.1

⁴ Paragraph: 016 Reference ID: 8-016-20190721

Conclusion and Recommendation

20. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR