



Appeal Decision

Site visit made on 8 September 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/NO410/W/20/3252525

1 Amersham Road, Beaconsfield, HP9 2HA

- 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 Monica Knight against the decision of Buckinghamshire Council - South Bucks Area.
 - The application Ref PL/19/2662/FA, dated 30 July 2019, was refused by notice dated 14 November 2019.
 - The development proposed is the erection of 1 no. detached dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the lodging of the appeal, the Council has identified that the proposal would have an adverse effect on the integrity of a Special Area of Conservation (SAC). Natural England has submitted evidence in support of this position. The appellant is preparing a Unilateral Undertaking (UU) detailing mitigation measures. The issue has been considered in this appeal.
3. The application was amended during the Council's determination of the planning application. The appellant has confirmed the relevant plans to be W1313 20D, W1313 21A, W1313 22B and W1313 23A, and the appeal has been determined on this basis.

Main Issues

4. The main issues are the effects of the proposal on (a) the character and appearance of the area, (b) the living conditions of the future occupiers of the dwelling, having regard to the provision of private outdoor space and (c) the ecological integrity of the Burnham Beeches SAC.

Reasons

Character and appearance

5. The appeal site comprises the rear garden of 1 Amersham Road where it backs onto Meadow Lane. Currently, the land is occupied by linked garages with one behind the other. On one side of the plot, there are several recently constructed dwellings whilst on the other side of the plot, there is a utilitarian type of building used by St John Ambulance.

6. Meadow Lane consists of a track and buildings, mainly dwellings, of varying designs, forms and plots sizes. However, the proposed dwelling would be located at the end of some recently constructed dwellings. Despite the St John Ambulance building, there is a notable consistent character and appearance in terms of plot sizes, building line and size as a result of these dwellings in this section of Meadow Lane.
7. The new dwelling would have a frontage plot width which would be noticeably narrower than those of the adjacent dwellings. The plot width would increase to the rear but the width would still be significantly narrower than the adjacent dwellings. In the wider context of the lane, plot sizes are more varied in form and size but even here, the noticeably small width of the appeal plot would stand out. There would also be little space about the flanks of the dwelling. Much of the site would be hard surfaced, including to the front where there would be two tandem vehicle spaces. This would leave little opportunity for any meaningful landscaping which in this area, contributes to an attractive character and appearance. Furthermore, the siting of the dwelling, mainly to the rear of the adjacent recent dwellings, would appear markedly at odds with the predominating development layout of the lane.
8. The proposal would have contemporary design features and construction. Relative to the recent dwellings, it would have a lower eaves and roof. Given the variety of dwellings within the area, the detailed aesthetics of the building would have a neutral effect of the visual qualities of the area. However, the overall poor quality of design arising from the cramped and overdeveloped nature of the built form would be overriding and conspicuous.
9. For all these reasons, the development would harm the character and appearance of the surrounding area. Accordingly, the proposal would conflict with Policies H9, EP3 and EP4 of the South Bucks District Local Plan (LP) 1999 (with Consolidations 2007 and 2011) and Core Policy 8 of the South Bucks Core Strategy (CS) 2011, which collectively and amongst other matters, state that development will only be permitted where its scale, layout and siting are compatible with the character of the site, incorporate appropriate soft and hard landscaping and poor designs will not be permitted.

Living conditions

10. The proposal would have an area of landscaping between the parking and dwelling, and a rear patio/grassed area for use as private outdoor space for residents. Such areas would small. The rear area would not provide adequate private recreation space, for purposes such as sitting out and clothes drying, because of its restricted size and resultant close enclosure by boundary treatments. This adverse impact would be further exacerbated if outside sheds and other domestic paraphernalia takes place, as commonly occurs on residential properties.
11. For all these reasons, the development would provide inadequate private outdoor space for future occupiers. Accordingly, the proposal would conflict with Policies H9 and EP3 of the LP, which collectively and amongst other matters, requires amenity not to be adversely affected and for the provision of conveniently located, useable amenity space.

Special Area of Conservation

12. The development would be within a defined zone of influence of the Burnham Beeches SAC. Its qualifying feature is Atlantic acidophilous beech forests, and it is also a rich site for deadwood invertebrates and important epiphytic communities. In their appeal statement, Natural England has indicated that the greatest pressures to the SAC arises from recreational pressure, hydrological impacts and air quality. It has been estimated that there will be a significant increase in visitor numbers as a result of new housing coming forward under an emerging Local plan. The Council has now withdrawn this plan, according to the appellant, but it still has a deficient 5 year housing supply (5YHLS). Inevitably, there will be pressure for further housing to be considered within the area and a new local plan. As such, further housing will come forward and there will have associated recreational issues arising from new residents.
13. Residents of the dwelling would have recreational needs and consequently, the proposal would have a significant adverse effect, either alone, or in combination, with other plans or projects on the internationally important features of the SAC. The nature conservation objectives of the SAC are to maintain and, where not in favourable condition, to restore the beech forest habitat. For all these reasons, it cannot be ascertained that the proposal would not affect the integrity of the SAC.
14. The Burnham Beeches SAC Mitigation Strategy sets out avoidance and mitigation, including Strategic Access Management and Monitoring measures. However, there is no completed UU before me to secure these or alternative mitigation measures. No other mechanism has been drawn to my attention to secure and implement the mitigation. No alternative solutions have been put forward that would have a lesser effect, or avoid an adverse effect, on the integrity of the SAC, and nor do I consider any possible based on the information before me.
15. Priority habitat would be adversely affected by the proposal and there are no imperative reasons of overriding public interest for such a small scale proposal. On this basis, the development would adversely affect the integrity of the SAC alone or in combination with other projects coming forward. For all these reasons, the proposal would conflict with Core Policy 9 of the CS, which amongst other matters, requires highest priority to be given to Burnham Beeches SAC.

Other matters

16. Irrespective of whether the most important policies for determining the application are out-of-date, the application of policies in the Framework that protect areas of particular importance, habitat sites such as SACs, provide a clear reason for refusing the development. Therefore, the presumption in favour of sustainable development within the National Planning Policy Framework (the Framework) does not apply.
17. The proposal would boost housing supply in area with a deficient 5YHLS in accordance with national policy in Framework. Residents would have good access to nearby services and facilities, including by cycle and walking, and there would be construction jobs during the implementation of the scheme.

Future residents would contribute to the viability of local services through their financial spend. The proposal would make more effective use of land and the development would incorporate biodiversity enhancements, including a green roof, to improve the ecological value of the site. Its sustainable construction would enable the prudent use of natural resources, the minimisation of waste and pollution, and mitigation and adaption to climate change. In accordance with the Framework, these benefits would weigh in favour of the proposal.

18. However, the proposal would amount to a single dwelling. Therefore, even in the absence of a 5YHLS, the benefits above would be small. Under Framework policy, the development would not be visually attractive as a result of good layout and appropriate and effective landscaping. Furthermore, the proposal would not provide a high standard of amenity for future occupiers and the integrity of a habitats site would be adversely affected. Such adverse impacts would, taken together, outweigh the benefits in a substantive way.
19. Even if the tilted test (paragraph 11. d) 11. of the Framework) did apply, the adverse impacts would be so great that I would have no doubt that they would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.

Planning Balance

20. There would be harm to the character and appearance of the area, the living conditions of future occupiers and the integrity of a SAC. As detailed above, the proposal would provide a dwelling providing economic, social and environmental gains.
21. LP policies EP3 and H9 set out design considerations. The original date of the LP is prior to the publication of the Framework. However, these policies cannot be considered out-of-date simply because they were adopted prior to this. Whilst they do not give encouragement to outstanding or innovative designs, they broadly accord with Framework design policies in requiring high quality buildings and places through the consideration of issues such as scale, layout, siting and landscaping. Consequently, these policy conflicts would remain significant. The positive aspects of the proposal would be limited by reason of its small scale nature. Consequently, taken together, all the identified policy conflicts would be so great that the proposal would be contrary to the development plan taken as a whole.
22. There would also be no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan for the reasons given above and therefore, planning permission should be refused.

Conclusion

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR