
Appeal Decisions

Site visit made on 5 October 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal A Ref: APP/X0415/W/20/3251777

41 Watchet Lane, Holmer Green HP15 6UF

- 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 Trevor Snoxell, Mr Mark Snoxell & Mrs Karen Hastie against the decision of Buckinghamshire Council.
 - The application Ref PL/19/4419/FA, dated 20 December 2019, was refused by notice dated 14 February 2020.
 - The development proposed is for the erection of two detached dwellings with integral garages and creation of new vehicular access.
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Appeal B Ref: APP/X0415/W/20/3251779

41 Watchet Lane, Holmer Green HP15 6UF

- 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 Trevor Snoxell, Mr Mark Snoxell & Mrs Karen Hastie against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0036/FA, dated 6 January 2020, was refused by notice dated 2 March 2020.
 - The development proposed is for the erection of two detached dwellings with integral garages and creation of new vehicular access.
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Decision

1. Both appeals A and B are dismissed.

Procedural matters

2. The two appeals relate to the same site and each other. I have considered each proposal on its own merits, but as they raise similar issues, I have dealt with them in a single decision letter.
3. The Draft Chiltern Local Plan 2036 (DLP) is currently subject to examination. I have therefore only afforded limited weight to this plan.

Main Issues

4. The main issues in regard to both appeals are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of 43 and 39a Watchet Lane, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is within the settlement limits of Holmer Green. Watchet Lane consists of traditional dwellings arranged in a largely linear form. These are of various styles and heights that define a comparatively strong front building line. The west side of the row have plots that are generally deep with long rear gardens. The location plan illustrates that several plots to the north of the appeal site have been subject to back-land residential development. This has formed a mostly uniform secondary row of linear development behind the frontages. Other infill development is also evident opposite the site and to the north.
6. The appeal site consists of a bungalow with a sizeable garden to its rear. The existing dwelling and its plot size do not follow the general characteristics of the majority of adjacent plots or scale of development in the local area. Nevertheless, the existing dwelling is a traditional brick building with a shallow pitched tiled roof and set within landscaped grounds. The site makes a positive contribution to the character and appearance of the streetscene.

Character assessment of appeal A

7. The proposed dwellings would consist of brick and have tiled pitched roofs. The design would include a front projecting gable and have half-hipped roofs. They would also include rooms in the roof space and have a rear facing dormer window. The design of the proposal would generally conform with the style and arrangement of local development. Their proposed height and mass would also complement the scale and general height of existing neighbouring dwellings. Furthermore, layouts would provide private rear gardens and parking areas that would be in character with local plot sizes.
8. The proposal would be set back into the site behind the existing bungalow. Views of the site from the highway would be mostly obscured by the curvature of the access drive and existing and proposed landscaping. Also, views over the existing bungalow would be unlikely due to the comparatively narrow nature of the highway and the extent that the proposed dwellings would be set back into the site. Some distant views may be possible from Todd Close and the wider area, but these would be limited and read in combination with surrounding existing built form. As a result, the proposed dwellings would not over-dominate the frontage bungalow or be overt in views of the site from the surrounding streetscene.
9. Furthermore, the proposed development would not result in the creation of a third tier of development. Rather, it would follow the rear boundary line and be set in sufficiently to accommodate the rear gardens. Consequently, the proposal would contribute to the existing linear form of development. This would be in accordance with the general arrangement and layout of local development. Accordingly, the proposed development would complement the character and appearance of the site and its surroundings.

Character assessment of appeal B

10. The proposal in relation to appeal B is similar in many ways to appeal A. The main differences are that this second proposal has a slightly reduced mass mostly due to the omission of the second floor and the removal of the rear

dormer. It has also replaced the front gable roof with a hipped roof and lowered the rear eaves line. In layout terms both proposed dwellings would also have a slightly reduced footprint. This reduced version of the scheme would also satisfy the design and layout characteristics of the local area. It would therefore be in character with the surrounding area for the reasons outlined above.

Conclusion on character and appearance for appeals A and B

11. Consequently, in terms of both architectural design and layout the proposals associated with both appeals would accord with the local character. Two further dwellings would continue and evolve the established form of development in the area. These would therefore be in accordance with the existing character and appearance of the area.
12. Accordingly, the proposals subject to both appeals would accord with policies CS4 and CS20 of the Core Strategy for Chiltern District Council (2011). These seek amongst other things for development to be well located for access to public transport and for the design of development to respect the character of the surrounding area. Furthermore, the proposal would satisfy policies GC1 and H3 of the Chiltern District Local Plan Adopted 1997, (including alterations 2001, and consolidated 2007 and 2011) (LP). These include the requirement for development to be in scale with its surroundings and generally conform with the height of surrounding buildings. Furthermore, although applying limited weight the proposal would also satisfy the requirements of policy DP8 of the DLP where it seeks development to respond to the character of an area. These policies are consistent with the National Planning Policy framework (the Framework) which seeks development to be sympathetic to the local character.

Living conditions

13. The site is adjacent to the long rear gardens of 43 (No 43) and 39a Watchet Lane (No 39a). No 39a is a two-storey detached dwelling. Its rear building line is aligned with the rear of the existing bungalow on site. Whereas, No 43 also two-storey, is set back into its plot with a front elevation that approximately aligns with the rear elevations of its neighbouring dwellings.

Living conditions in regard to appeal A

14. The dwelling of plot 1 would be adjacent to the side boundary of No 39a. The neighbouring dwelling would be a significant distance from the proposed dwelling of plot 1. Moreover, the existing dwelling is orientated away from both the side boundary and the proposed dwellings. This would significantly reduce the impact of the proposal on the outlook afforded to the rear elevation and its rear patio area. Therefore, the effect on outlook from the dwelling would be limited due to the separation distance and intervening landscaping.
15. The neighbouring property has an entertainment area half-way along its rear garden including a summerhouse and hot tub. The proposal would present a side and front elevation adjacent to this area. The boundary consists of a beech hedge of around 2.5 metres in height. The appellants' arboricultural report (September 2019) and associated tree protection plan illustrates that the boundary hedge would be retained. This also shows that the Sorbus and Beech tree adjacent to the boundary would be removed. However, the appellant indicates, in their final comments, that these trees would be retained as shown

on the accompanying site plan. Nevertheless, it is unlikely that adequate space would be available to retain these trees in the long term due to their proximity to the proposed dwelling. The conclusions of the tree report identify a realistic requirement of removals due to continued close proximity to the two identified trees. Furthermore, the tree report has not been updated to provide an assessment of any reduced effect of the relocated proposal.

16. The entertainment space is clearly an important area for the occupiers of No 39a. The proposed dwelling would be in close proximity to the side boundary. Due to its scale and mass the dwelling of plot 1 would be an intrusive addition to this space. Furthermore, due to limited boundary screening, the proposal would be overt and overbearing. This would result in a substantially harmful impact to the outlook of occupiers of the dwelling.
17. The proposed dwelling for plot 2 would be a relatively short distance from the rear windows and immediate rear garden of No 43. Furthermore, the existing boundary hedge would provide only limited screening of the proposal. The outlook from No 43 includes its long rear garden and open views over neighbouring gardens and the countryside beyond. This presents a wide and spacious setting around the rear of the dwelling. The proposal would be located within this open setting. It would have only a modest separation distance from the rear windows of No 43. Due to its proximity and dominance the proposal would be an invasive and prominent addition to the outlook. This would be exacerbated due to the scale and depth of the proposed dwelling. The effect of this would be to compromise the occupant's enjoyment of the host dwelling. This would therefore have a demonstrably harmful impact on the living conditions of occupiers of No 43.

Living conditions in regard to appeal B

18. The proposed layout of appeal B is similar to appeal A. The footprints of the dwellings are slightly reduced, plot 2 has also been set slightly further back and scale of both dwellings have been reduced. Accordingly, the relationship between plot 2 and No 43 would be improved to that of appeal A. However, the amendments would only result in a marginal improvement to the relationship. Therefore, this relationship would remain unsatisfactory in regard to the effect of the dwelling of plot 2 on the outlook of occupiers of No 43 for the reasons outlined above.
19. The dwelling for plot 1 would be smaller in comparison to plot 1 of appeal A. It would have a reduced roof mass and a corresponding reduction in overall scale. As found above, the Beech and Sorbus would be unlikely to be retained due to the proximity of the dwelling. Nevertheless, without this additional screening the proposal would not significantly affect the outlook to occupiers of the neighbouring dwelling due to its reduced scale. This would therefore create an acceptable relationship with the adjacent neighbouring garden. As such, the impact on the outlook to occupiers of No 39a would be limited.

Conclusion on living conditions in regard to appeal A and B

20. Consequently, the proposal advanced by appeal A would result in substantial harm to the outlook of occupiers of No 43 and 39a. Accordingly, this proposal would be contrary to policy GC3 of the LP which seeks to protect the amenity enjoyed by the occupants of existing adjoining and neighbouring properties. This policy is consistent with the Framework that requires development to

achieve a high standard of amenity for existing and future users. With respect to appeal B, the proposal would not substantially harm the outlook of occupiers of No 39a but would have a substantially harmful effect on the outlook of occupiers of No 43. As such, the proposal associated with appeal B would also be in conflict with policy GC3.

Other matters

21. The appeal decision at 59-61 Watchet Lane referred to the orientation of the dwelling of plot 3 being clearly visible from the street and contrary to the linear character of the area. Although each case must be considered on its own merits, that scheme was substantially different to these proposals. The decision is therefore of limited weight in my consideration of these appeals.

Conclusion and planning balance

22. The appellant has stated that the presumption in favour of sustainable development applies as the Council cannot demonstrate an adequate 5-year housing land supply. The site is within the settlement boundary of Holmer Green where, in accordance with policy H3, residential development is acceptable in principle.
23. However, those policies most relevant to the application as identified above, are consistent with the Framework. As a result, in accordance with paragraph 11 of the Framework, the policies most important in determining the appeal are not considered to be out of date. There is a strong emphasis in the Framework on design including in section 12, achieving well-designed places, and there is a link between good design and the effect on neighbouring living conditions. I acknowledge that the scheme would provide benefits by providing new housing and benefits to the local economy, considerations to which I attribute moderate weight. Nonetheless, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the Framework when taken as a whole.
24. Even if I am wrong and the tilted balance were engaged, I find that two dwellings would be of negligible benefit to local housing supply and this would not outweigh the conflict identified. I therefore conclude that the proposals would conflict with the development plan when taken as a whole and do not represent the sustainable development for which the Framework advocates a presumption in favour. There are no other material considerations, including the Framework, that would outweigh this conflict.
25. For the above reasons appeals A and B are both dismissed.

Ben Plenty

INSPECTOR