
Appeal Decision

Site visit made on 27 October 2020

by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th November 2020

Appeal Ref: APP/N0410/W/20/3248504

17 Fulmer Drive, Gerrards Cross, SL9 7HH

- 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 Kallar against the decision of South Bucks District Council.
 - The application Ref PL/19/1056/FA, dated 25 March 2019, was refused by notice dated 10 December 2019.
 - The development proposed is erection of replacement dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of replacement dwelling at 17 Fulmer Drive, Gerrards Cross, SL9 7HH in accordance with the terms of the application, Ref PL/19/1056/FA, dated 25 March 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Since the determination of the planning application subject to this appeal South Bucks District Council merged with other Councils to form Buckinghamshire Council.
3. The Council's Planning Officer's report and appeal statement references the draft Chiltern and South Bucks Local Plan 2036, albeit not referred to on the Council's decision notice. The plan was submitted for examination on 26 September 2019 but subsequently withdrawn on 21 October 2020. My consideration of this appeal has been based on the policies of the adopted development plan as detailed on the decision notice.

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located on the north side of Fulmer Drive and accommodates a two-storey detached dwelling of a traditional vernacular sited close to the western side boundary and at an angle to the open frontage to the road.
6. The site lies within a residential area consisting of mainly large detached houses of varying types and designs. The Council's decision notice and reason for refusal refers to the South Bucks Townscape Character Study 2015 (Townscape Character Study) which indicates that the site is in an area categorised as being a green suburban road. Whilst Fulmer Drive may not

demonstrate all the characteristics of this typology, as indicated in the study, I saw from my site visit that it demonstrates several of them. The dwellings are mainly large detached houses set in large plots, the houses are set behind medium to large front gardens and the road has a green, leafy character with a green backdrop to the houses.

7. The appeal proposal seeks permission for a replacement detached dwelling on the site. The Council indicates that the principle of development on the site is acceptable and confirms that the character of the row of dwellings within which the appeal site is situated is not formally protected. Fulmer Drive is not within any special character area identified in the Townscape Character Study, neither is the existing dwelling on the site nor any of the immediate neighbouring dwellings protected by any local listings or designations.
8. The immediate neighbouring properties are of varying styles. No 19 is a substantial two-storey detached dwelling with both hipped and bulkier barn hip roof forms. It extends across most of its plot and extends back a significant depth at two storey level close to the side boundary with the appeal site. No 15 is a more modest sized, 1.5 storey detached dwelling with attached garage. It has a steeply hipped roof and is set away from the side boundary.
9. The proposed replacement dwelling would be of a neo-Georgian style and whilst the immediately adjacent dwellings are not of this style there are nevertheless several dwellings nearby, including opposite the appeal site and elsewhere on Fulmer Drive, that are. Accordingly, the style of dwelling proposed is a common characteristic of the surrounding area and would not appear out of context with its neighbours.
10. The immediate neighbouring properties on the northern side of Fulmer Drive are positioned parallel to the road and enclosed within landscaped front gardens, as are those immediately opposite on the southern side Fulmer Drive. The proposed dwelling would be positioned parallel to the road. Accordingly, it would be more prominent in the street scene than the existing dwelling on the site. However, it would be set back around 14m from the front boundary and its footprint would align with the neighbouring properties. It would also provide a similarly sized front garden area to its neighbours. Accordingly, in these respects the proposal would not appear out of keeping with its immediate neighbouring properties or the street scene. It would also demonstrate some of the characteristics of the green suburban typology identified in the Townscape Character Study.
11. The proposed dwelling would extend across much of the width of the plot. However, there would be a generous separation distance of around 3.5m to the side boundary with no 19 and almost 4m to the side boundary with no 15, albeit narrowing to 2m towards the rear elevation. These separation distances would ensure that the dwelling would not appear cramped on its plot or within the street scene. The lower height of the attached garage to the side of the proposed dwelling adjacent no 15 would further add to the spaciousness and provide for a backdrop of vegetation to be visible in the street scene, a further characteristic of the green suburban typology in the Townscape Character Study.
12. Fulmer Drive slopes upwards in an easterly direction. As a result of this the existing dwelling on the site is set on higher ground to the neighbouring dwelling at no 19. The proposed dwelling would have higher eaves and a higher

ridge height than the adjacent neighbouring properties. However, due to the topography this would appear as a natural progression responding to the rising land levels and would mean that the proposed dwelling would not unduly dominate the neighbouring property at no 19. The proposed dwelling would also be sited below the overall land level and resulting height of the neighbouring property at no 15. Accordingly, it would not dominate this property.

13. The crown roof of the proposed dwelling would be hipped away from the side boundaries thereby decreasing its bulk and increasing spaciousness on the plot. Furthermore, the set back of the dwelling from the frontage of the plot would ensure that its crown roof and flank elevations would not appear overly prominent or obtrusive when viewed alongside its neighbours from either side of Fulmer Drive.
14. Having regard to all the above therefore, I conclude that the proposed development would not cause material harm to the character and appearance of the area. It would therefore accord with policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999), Core Policy 8 of the South Bucks Core Strategy (adopted February 2011) and the South Bucks Townscape Character Study 2015, which taken together seek, amongst other things, to ensure that development is compatible with the character and amenity of the site itself, adjoining development and the locality in general. It would also accord with the aims of section 12 of the National Planning Policy Framework and the National Design Guide in achieving well-designed places and new development.

Other matters

15. Some degree of mutual overlooking of gardens is a common feature in residential areas. Accordingly, any overlooking of neighbouring properties from the first-floor front and rear windows of the proposed dwelling would be consistent with a developed residential area and the proposed development would not result in any significant harm in this respect. Furthermore, the front and rear elevations of the proposed dwelling would not project beyond the elevations of neighbouring properties to a degree which would be detrimental by way of overshadowing, loss of light or outlook. Accordingly, I am satisfied that there would be no material harm to the living conditions of the occupiers of the neighbouring properties.
16. There is no substantive evidence to demonstrate a risk from surface water flooding. The protection of existing trees on the site during the period of work can be secured by a planning condition. The submission of landscaping details and a scheme of ecological enhancements can also be secured by a planning condition.

Conditions

17. The Council has suggested a number of conditions that it considers would be appropriate if I were minded to allow the appeal. Where necessary and appropriate, I have amended some of the suggested wording for clarity, to more closely reflect the circumstances of the appeal proposal and to ensure consistency with national policy and guidance.

18. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary to provide certainty.
19. A condition requiring the approval of materials to be used on the elevations of the development is necessary in the interests of the character and appearance of the area.
20. In the interests of protecting the living conditions of the occupiers of neighbouring properties a condition requiring obscure glazing and windows less than 1.7 metres above floor level to be non-opening in those elevations which would look onto other properties is necessary. For the same reason, I consider it is justified in this instance to impose a planning condition which removes permitted development rights to install new windows on those elevations.
21. A condition requiring landscaping details to be submitted is necessary in order to safeguard the character and appearance of the area. Additionally, it would be necessary to protect such landscaping. A condition to ensure the protection of trees and other vegetation on the site during the period of work is also necessary for the same reason.
22. A condition to ensure that any gates, fences, walls or other means of enclosure are set back by 5m from the edge of the carriageway is necessary in the interest of highway safety. A condition requiring approval of a scheme of ecological enhancements is also necessary in the interests of biodiversity, to secure the mitigation and enhancement measures related to the ecology report and survey submitted by the Appellant.
23. The appeal proposal does not constitute major development. Furthermore, there is no substantive evidence demonstrating a risk from surface water flooding. Therefore, it is unnecessary to impose a condition requiring details of surface water drainage.

Conclusion

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

Beverley Doward

INSPECTOR

Attached – Schedule of Conditions

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SG/17/2019A Rev. A, SG/17/2019B Rev. C, SG/17/2019C Rev. C and 19002-19-01.
- 3) No development shall take place until a schedule of materials to be used in the elevations of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 4) The windows at first floor level in the side elevations of the development hereby permitted shall be of a permanently fixed, non-opening design, unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be fitted and permanently maintained with obscure glass.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed at or above first floor level in the side elevations of the dwelling hereby permitted.
- 6) Notwithstanding any indications illustrated on drawings already submitted, no development shall take place until a scheme of landscaping which shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained has been submitted to and approved in writing by the Local Planning Authority. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority.
- 7) Prior to the commencement of works, a plan detailing the erection of protective fencing for trees and other vegetation shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented prior to the commencement of all works, including demolition of any buildings on site, and shall include the accurate representation of the crown spreads of all trees, shrubs and other significant vegetation. All protective fencing erected to protect existing trees and other vegetation during construction shall conform to British Standard 5837:2012 'Trees in relation to design, demolition and construction' or any replacement thereof or EU equivalent and shall consist of a vertical and horizontal scaffold framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with wire or scaffold clamps. The fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without the prior written consent of the Local Planning Authority.
- 8) Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other

means of enclosure shall be erected along the site frontage within 5 metres of the edge of the carriageway.

- 9) No development shall take place above ground level, until a scheme of ecological enhancements has been submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme will include details of new landscape planting of known benefit to wildlife and the provision of artificial roost features, including bird and bat boxes and other appropriate features. Any new fencing will have holes suitable for safe passage of Hedgehogs. Thereafter the scheme shall be implemented in accordance with the approved details.