



Appeal Decision

Site visit made on 6 October 2020

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/N0410/W/20/3256637

Beechwood Court, 5 Gore Road, Burnham SL1 8AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Malkit Purewal against Buckinghamshire Council.
 - The application Ref PL/20/1356/FA, is dated 27 April 2020.
 - The development proposed is: Infilling below the existing undercroft with walls, door and windows to facilitate the implementation of prior approval reference PL/19/2783/PNO.
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Decision

1. The appeal is allowed, and planning permission is granted for infilling below the existing undercroft with walls, door and windows to facilitate the implementation of prior approval reference PL/19/2783/PNO at Beechwood Court, 5 Gore Road, Burnham SL1 8AA in accordance with the terms of the application, PL/20/1356/FA dated 27 April 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Sheet # 1 / 4 Revision 1.0
 - Sheet # 2 / 4 Revision 1.0
 - Sheet # 3 / 4 Revision 1.0
 - Sheet # 4 / 4 Revision 1.0
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Application for costs

2. An application for costs was made by Mr Malkit Purewal against Buckinghamshire Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The appeal relates to the failure of the Council to give notice of its decision on an application for permission. The Council have, however, submitted a statement in which it recommends approval of the development subject of the appeal. Accordingly, the main issues in this case, as set out below, reflect the principle matters that are considered in the Council's statement.
4. Whilst the Council has provided a list of development plan documents and policies within its statement, it has not indicated which plans or policies are relevant to the assessment that has been undertaken in part 5 of its written representation for this appeal. Notwithstanding this, I have been provided with extracts of the South Bucks District Local Plan Adopted March 1999 (SBDLP) as well as the South Bucks Local Development Framework Core Strategy Adopted February 2011 (CS). I have considered below the policies from these documents that are most relevant to the main issues in this appeal.
5. The development proposed in the plans that are the subject of this appeal show alterations to the rear facing and side elevations of the building at ground floor. At the site visit I noted that a number of alterations have already been undertaken to these elevations of the building, including the insertion of windows in some elevations and the filling in of the ground floor openings in the rear section of the building with brickwork, doors and windows. The works undertaken differ to a degree from those proposed on the plans before me. My determination is, however, based on the plans and application form submitted and not on the scheme of development as undertaken on site.
6. I note the number of representations from interested parties regarding such matters as the change of use of the building to a residential use, the size of the flats to be accommodated within the building, overlooking from the flats within the upper floors of the building, and the loss of parking provision resulting from the conversion of the undercroft car park to flats. Whilst these representations are acknowledged, the development that is the subject of this appeal relates only to the alterations to the ground floor rear and side elevations of the building. I am unable to consider the matters relating to the material change of use of the premises to a residential use and the associated effects of that development. I note that the change of use of the building was the subject of the prior notification application reference PL/19/2783/PNO which has already been determined by the Council. Whether or not that application was correctly determined is not a matter before me.

Main Issues

7. Having regard to the above, the main issues in this appeal are:
 - Whether or not the development would preserve or enhance the character or appearance of the building, the surrounding area and the heritage assets that the appeal site is within or adjoining, including the Burnham conservation area (BCA) and 113 to 121 High Street; and
 - The effect of the development on the living conditions of the ground floor occupiers of the building and the occupiers of nearby properties with regard to privacy, overlooking and outlook.

Reasons

Character and Appearance and Heritage Assets

8. The appeal site is within the BCA which primarily incorporates the historic Burnham shopping area. The appeal site is also to the rear of a row of listed buildings that front onto Burnham High Street. In the vicinity of the appeal site the BCA has the typical character of a high street in a historic market town. It contains an eclectic mix of building types from various periods that front onto the main thoroughfare. Some are still set within narrow plots. Its significance is derived from its layout and the collection of historic buildings it contains.
9. Whilst I understand that the BCA contains a number of listed buildings, the buildings at 113 to 121 High Street have been drawn to my attention. These are grade II listed and are typical examples of the historic buildings that front onto the main thoroughfare through the BCA. The listing description describes them as a row of cottages. I consider them to have a collective value. Although their primary frontage is onto High Street, the rear of these buildings can be appreciated from Gore Road.
10. The appeal site is directly adjacent to the rear boundaries of these buildings and is, therefore, within their setting. The building occupying the appeal site is a more modern addition to the BCA. Its design and appearance is more in keeping with development outside the BCA, on Gore Road and Bay Tree Court opposite. The contribution of the appeal site to both the BCA and the setting of the listed buildings is, therefore, neutral.
11. The development proposes alterations to certain elevations and to the ground floor only of the building. These include the infilling of existing openings in the side and rear facing elevations of the building with brickwork and windows. The works also include the insertion of windows in part of the side facing elevation and in a section of the rear facing elevation that overlooks the enclosed area to the side of the building. The plans indicate that the materials to be used will match those used in the rest of the building.
12. The alterations proposed would be wholly in keeping with the design and external appearance of the existing building. The proportions and design of the windows proposed would reflect the existing, and the position of most new windows would accord with window positions in the upper floor. As the new brickwork would match that used in the existing building, this would ensure that the alterations are sympathetic to the host building.
13. Overall the alterations have an acceptable effect on the host building and would be in keeping with built development in the surrounding area. As such, the proposed alterations would have a neutral effect on the significance of the BCA and the setting of the adjoining listed buildings.
14. In conclusion on this matter, the proposed development would preserve the character and the appearance of the building, the surrounding area and the BCA heritage asset¹. It would also preserve the setting of the adjoining listed buildings². For these reasons, the development would accord with saved

¹ The general duty as respects conservation areas in exercise of planning functions - Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

² The general duty as respects conservation areas in exercise of planning functions - Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

policies C1 (Development within conservation areas) of the SBDLP and Core Policy 8 (Built and Historic Environment) of the CS, which require development in a conservation area to preserve or enhance its character or appearance. The proposed scheme would also comply with saved Policy EP3 (The use, design and layout of development) of SBDLP which only permits development where the design and materials, amongst other matters, is compatible with the character of the site, adjoining development and the locality.

Living Conditions

15. The proposed alterations are intended to facilitate the permitted use of the property for residential purposes and would result in new window openings at ground floor level in the rear and side elevations of the building. The proposed windows in the east facing elevation would face onto a drive and parking area within the appeal site. There would be a sufficient degree of separation between these new windows and those in the rear facing elevation of the High Street properties to avoid an unacceptable degree of overlooking or effect on the privacy of any occupiers.
16. The new windows in the rear elevation would face the boundary wall between the site and the land to the rear of 111 High Street, whilst the new windows in the west facing elevation would face onto the driveway of the adjoining commercial property on Gore Road. In view of this, I am satisfied that these new windows would not result an unacceptable effect on the privacy of any existing neighbours or the occupiers of the building, and there would not be an unacceptable effect by reason of overlooking.
17. All new windows would introduce a source of natural light and ventilation into the ground floor space of the building. Whilst the outlook from the windows would not be extensive, there would be a sufficient degree of separation between the windows and any adjoining development.
18. Overall the development would have an acceptable effect on the living conditions of the ground floor occupiers of the building and the occupiers of nearby properties with regard to privacy, overlooking and outlook. For this reason the development would accord with saved Policy EP3 (The use, design and layout of development) of SBDLP which only permits development where, amongst other matters, the fenestration of buildings would safeguard against the loss of privacy to residential properties by reason of overlooking.

Other Matters

19. I have noted above that a number of representations from interested parties have concerns that relate to the change of use of the building to a residential use. As I have already stated, this is not a matter before me. As such, I am unable to consider the objections that relate to the change of use of the building, which include the matter of parking provision for the flats.
20. Notwithstanding this, it has been suggested that the development lies within 5.6km of the Burnham Beeches Special Area of Conservation (SAC) and that this imposes other restrictions on the development. Whilst these representations are noted, having regard to the proximity of the appeal site to the SAC, as well as the scale and the nature of the development proposed, it is unlikely to have a significant effect on the internationally important features of

the SAC. Accordingly, it is not necessary to undertake an appropriate assessment³ in this case.

Conditions

21. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording suggested in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance: Use of Planning Conditions.
22. The plans condition is necessary to confirm the scheme of development permitted. The condition relating to materials is also necessary to ensure that the appearance of the development is in keeping with the existing building.
23. I have not included the condition relating to the provision of a parking and manoeuvring area as this is not relevant to the development to be permitted in this case, which only relates to the external alteration of the building.

Conclusions

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

J Moss

INSPECTOR

³ Under regulation 63 of the Conservation of Habitats and Species Regulations 2017