

Appeal Decision

Site visit made on 17 November 2020

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020.

Appeal Ref: APP/N0410/W/20/3250548

43 Tilsworth Road, Beaconsfield, Bucks, HP9 1TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs H Coppock against the decision of South Bucks District Council.
 - The application Ref PL/19/2553/OA, dated 23 July 2019, was refused by notice dated 22 October 2019.
 - The development proposed is the erection of a chalet-style dwelling with access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The original planning application was submitted to and determined by South Bucks District Council. On 1 April 2020 Buckinghamshire Council was formed through the amalgamation of the four former Buckinghamshire District Councils, including South Bucks, and the County Council. The Council's written representations have therefore been prepared by the new Buckinghamshire Council. However, all of the former South Bucks District Council planning policy documents remain extant and relevant to this appeal.
3. The appeal is made in outline with access and layout to be considered. Appearance, landscaping and scale are reserved matters.

Main Issue

4. There is one main issue which is the effect of the proposed dwelling on the character and appearance of the street scene of Tilsworth Road and the surrounding area.

Reasons

5. Tilsworth Road is a low density suburban street characterised by well spaced, modern, detached two storey dwellings on large plots. There is a generally regular building line with dwellings set back from the street behind mostly open, well vegetated frontages and wide grassed verges. Behind and between No 43 and its easterly neighbours trees and mature woodland are visible in gardens
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and beyond. The Council refers to the Chiltern and South Bucks Townscape Character Study, 2017, which identifies the street as “open plan suburban”. The document is not adopted. Nevertheless, the description of the area chimes with what I saw.

6. The appeal site forms part of the garden of 43 Tilsworth Road. The generous plot occupies a location on a bend and is roughly wedge shaped. The appeal site comprises a long and relatively narrow area of land to the north and north-east of the dwelling that widens into the existing rear garden before narrowing into a short length of boundary which adjoins a footpath that provides access between Tilsworth Road and Walkwood Rise and into the large area of woodland to the north.
7. The proposed dwelling would be accessed via a new long drive off Tilsworth Road that would run between Nos 43 and 45. Notwithstanding that landscaping is reserved, new hedgerows adjoining the drive are indicated on the submitted site plan from the point where the drive runs between the dwellings. The drive would open into a parking and turning area in front of the proposed dwelling.
8. The dwelling would occupy the widest part of the plot and be set towards the boundary with No 45. It would be some 9m wide and 8.2m deep. Although design is reserved the site plan indicates a chalet-style dwelling with roof lights and a dormer at first floor. The plan indicates a rear ground floor projection under a pitched roof. The evidence states that the maximum ridge height would be in the region of 6.5m.
9. The driveway would introduce a significant area of hard surfacing close to the existing driveways of Nos 43 and 45 and into an area that is currently grassed, including the highway verge. This amount of hard surfacing would detract from the character and appearance of the open and well vegetated street scene. It would draw the eye into the site, between the dwellings and towards the proposed dwelling. Together with the parking and turning area it would introduce a substantial area of hard surfacing into a currently undeveloped garden area. Immediately behind it the dwelling would be seen clearly from the highway, occupying most of the visible width of the plot. Despite its chalet style and lower ridge than existing dwellings it would appear as a large and incongruous built addition that would detract from the open and verdant character and appearance of the site.
10. Although not visible from the footpath behind the site, the dwelling would be clearly visible above the side fence of No 45 from the footpath link where it runs between Nos 45 and 47 Tilsworth Road. In this view it would stand out as the only significant built form in an otherwise undeveloped swath of garden land which provides a soft edge between the dwellings and the woodland to the north. Its proximity to the rear elevation of No 45 would also be apparent, adding to the impression of an overdeveloped, built up backland.
11. There are a number of large trees in the gardens of dwellings in Walkwood Rise. These can be seen clearly in views between Nos 43 and 45 and from the footpath link and make a positive contribution to the wooded character of the locality. Whilst these trees would be retained they would be close to and partly obscured from view by the proposed dwelling, detracting from their setting and reducing their amenity value.

12. The appellants suggest that the location of the plot at No 43 on a bend results in larger gaps between it and neighbouring dwellings. However, there are a number of other similar gaps in the immediate vicinity and the proposed drive would be a stark incursion into the existing green frontage, notwithstanding that there would be space for hedgerows on either side. Moreover, although the plot is of a different shape, the broad relationship of built development and open land is the same as elsewhere in the street with similar building lines observed. I do not therefore agree that the corner location would justify the proposed driveway or uncharacteristic pattern of development.
13. It is therefore concluded on the main issue that the proposed dwelling, including the driveway, would have a materially harmful effect on the character and appearance of the street scene of Tilsworth Road and the surrounding area with respect to access and layout. In consequence, it would conflict with Policies H9, EP3 and EP4 of the South Bucks District Local Plan, adopted March 1999 and consolidated September 2007 and February 2011, Core Policy 8 of the South Bucks Core Strategy, 2011, and the National Planning Policy Framework. Taken together these expect new development to: have a high standard of design that is visually attractive and sympathetic to the local character; be of a scale, layout and siting that respects existing building lines and is compatible with the character and amenity of the site; and add to the overall quality of the area.
14. The appellants draw my attention to a number of developments in the area which they consider are comparable with the appeal proposal and therefore set a precedent. However, whilst there are some similarities I agree with the Council that the examples appear to differ materially in terms of siting and juxtaposition with existing development from the appeal proposal which I have, in any case, judged on its own merits.
15. The appellants also suggest that a large building and a new access from Tilsworth Road could be built under permitted development rights and that this represents a fallback which is a material consideration. The Council points out that such a building would be noticeably lower than the proposed dwelling and, as it would have to be incidental to the use of the dwelling, it would be difficult to envisage why a new, separate access would be required and hence difficult to justify. Therefore, whilst I accept that an incidental curtilage building could probably be constructed I am not convinced that it would result in a similar level of harm to the character and appearance of the area as the appeal scheme.
16. Turning to other matters, since the application was refused the Council has carried out a Habitats Regulation Assessment (HRA) for net new homes in proximity to the Burnham Beeches Special Area of Conservation (SAC). This area suffers material harm from recreational disturbance due to trampling, soil compaction, dog fouling and damage to trees. New homes in the area are therefore likely, cumulatively, to have a significant effect on the integrity of its conservation purpose. In this context, Natural England (NE) is a statutory consultee but was not consulted on the original application which pre-dated the HRA. However, NE has now raised an objection to the appeal proposal.
17. In accordance with The Conservation of Habitats and Species Regulations (2017), the Council has undertaken an Appropriate Assessment of the appeal

proposal and found that a significant effect on the SAC cannot be ruled out. However, a Strategic Access Management and Monitoring Strategy (SAMMS) has been developed with NE. This sets out a mechanism whereby developers can make a financial contribution towards the future monitoring and management of the SAC in order to mitigate the harm. The objection could therefore be overcome through the completion of a s106 undertaking to make the necessary contribution to the SAMMS.

18. The appellants have made clear that they would be willing to enter into a s106 undertaking. However, owing to the late disclosure of this issue and the NE objection there was insufficient time to complete the necessary undertaking within the appeal timetable. Had I been minded to allow the appeal I would have allowed time for the completion of a s106 undertaking. However, in view of my findings with respect to the effect of the proposed development on character and appearance this is not necessary because the s106 undertaking would not overcome or outweigh the harm identified.
19. For the reasons set out above and having regard to all other matters raised, including the Government's objective to significantly boost the supply of homes and the representations of a third party, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR