



Appeal Decision

Site visit made on 20 October 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/X0415/D/20/3250389

2 Sylvia Close, Great Missenden, Buckinghamshire, HP16 0ES

- 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 Ben Puncher against the decision of Buckinghamshire Council.
 - The application Ref PL/19/2929/FA, dated 21 August 2019, was refused by notice dated 24 January 2020.
 - The development proposed is erection of detached double garage, conversion of existing integral garage to habitable space, new hardstanding and rebuilding of boundary wall.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On the 1 April 2020, Chiltern District Council (CDC) merged, along with other Councils, into a new single Unitary Authority called Buckinghamshire Council. Whilst the original decision was issued by CDC, the authority's new name has been referred to in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to its location within the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site lies within the AONB and the wider landscape is typically open countryside, with narrow country lanes, and clusters of development interspersed with open spaces and substantial landscaping. The site comprises a large detached dwelling, set back from the road, which slopes upwards from its junction with Nags Head Lane. There are a mix of property styles and designs to Sylvia Close, though there is consistency in the street which comes from the linear pattern to development and the setback of dwellings from their frontages.
5. The dwellings are not of a distinctive AONB vernacular, though there is substantial landscaping to the plots, and the existing dwellings appear nestled into the landscape. The frontages are devoid of any buildings and the area has an open and spacious character. There are no footpaths to Sylvia Close, only grass verges, and with the existing landscaping, the area has a verdant character and appearance.

6. The appeal site is reflective of this, with the existing dwelling being substantially set back from the road. There are no buildings to the site frontage only an in-out driveway, with the remainder of the frontage laid to grass. As such the site contributes positively to the character and appearance of the street and surrounding area.
7. The proposal includes the erection of a detached garage to the site frontage which, due to its positioning to the front of the existing dwelling, would be directly at odds with the established pattern of development on Sylvia Close. There is a wide verge to the opposite side of the road, at the junction with Nags Head Lane, and the road curves to the front of the site. Therefore, whilst set back from the front boundary, the garage would still occupy a very prominent position in the street. There would be open and clear views to the site and the garage would appear as an isolated and incongruous addition.
8. The garage would incorporate a crown roof, which is not characteristic of the existing dwelling or those in the surrounding area. It would also still have a bulky appearance and be a dominant feature, and bleak visual interruption in the street, that would detract from its existing open and verdant character.
9. There is some existing landscaping to the side boundary, though this would not be sufficient to screen the proposed garage. Whilst additional landscaping could be required by condition, considering the overall bulk of the proposed garage, it would take some considerable time for any landscaping to establish and provide an effective screen.
10. Although the garage would be subordinate to the existing dwelling, cover a small proportion of the overall site area and utilise appropriate materials, this would not address the concerns with regards to its siting or prominence within the street. That the Council raised no concerns with the conversion of the existing garage, hardstanding or boundary wall does not outweigh the harm I have identified.
11. The appellant has drawn my attention to other developments in the surrounding area, and I saw on my site visit that there are some properties in the wider area which have detached garages positioned forward of the main dwelling. This however is not an overriding characteristic of development in the area.
12. Whilst I have considered the detail submitted, there are none which appear to be directly comparable to the appeal site when considering siting, size, design or pattern of existing development. With particular regard to Nags Head Lane, the existing development is more varied, with dwellings being positioned at more variable depths to the road frontage, and in some instances, substantial grass verges being retained to the road frontage. This would not be the case at the appeal site where there is clearly a more distinct pattern to the existing development. Furthermore, I do not know the full circumstances of those other schemes, and in any event, each case must be considered on its own merits.
13. The proposal would introduce built development where none currently exists, and this would be at odds with the established pattern of development, detracting from and having an unacceptable harmful impact on the open, landscaped character of the site and rural character of the AONB.

14. Therefore, for the reasons given above the development would conflict with Policies GC1 and LSQ1 of the Adopted Chiltern District Local Plan, 1997¹(LP) and Policies CS20 and CS22 of the Core Strategy for Chiltern District, 2011, (CS) which, amongst other things, seek to ensure that development is of a high quality, relating well to the character and appearance of the site and surrounding area, and ensuring the special landscape character is conserved and enhanced.
15. For the same reasons the proposals would fail to achieve the high-quality design requirements of the Chiltern District Council, Residential and Householder Development Supplementary Planning Document, 2013 and the National Planning Policy Framework (the Framework).
16. In determining the appeal, I have had regard to the duty under section 85(1) of the Countryside and Rights of Way Act 2000. This requires that decisions have regard to the purpose of conserving and enhancing the natural beauty of the AONB, a designation which is afforded one of the highest levels of protection and to which I must attribute significant weight. As detailed above the proposal would cause harm to the character and appearance of the area and, in accordance with Paragraph 172 of the Framework, relating to the conservation and enhancement of AONBs, I must give the harm to the AONB significant weight.
17. The Council's reason for refusal refers to LP Policies GB2 and GB15, though its assessment focuses on the effect on the character and appearance of the street scene as part of the AONB. There is no suggestion that the development would be inappropriate or result in harm to the Green Belt and accordingly, I do not find conflict with these policies.
18. It is acknowledged that no concerns have been raised in regard to the amenity of existing occupiers, highway safety, flooding, drainage or crime prevention though these matters would have a neutral effect and therefore do not weigh in favour of the appeal. Additional landscaping would be a benefit in terms of biodiversity, though this would not be sufficient to outweigh the harm I have identified.
19. The appellant has stated that as the Council cannot demonstrate a 5year housing land supply Paragraph 11d) of the Framework applies. The Council have made no reference to this. Nevertheless, although the LP and CS are of some age, Paragraph 213 of the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework.
20. Due weight should be given to them, according to their degree of consistency with the Framework. The policies referenced and which are the most important policies in determining this appeal are still relevant and broadly consistent with the Framework, requiring development to achieve a high quality and conserving and enhancing the natural beauty of the landscape, and I therefore attach them significant weight. Other considerations do not indicate that a decision should be taken other than in accordance with the development plan.

¹ Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

Conclusion

21. For the above reasons I conclude that the appeal should be dismissed.

A Denby

INSPECTOR