

Appeal Decision

Site visit made on 15 December 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2020

Appeal Ref: APP/K0425/W/20/3258743

Waterworks Cottage, 2 Chalkpit Lane, Marlow SL7 2PN

- 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 Joe Bell against the decision of Buckinghamshire Council.
 - The application Ref 20/06507/FUL, dated 12 June 2020, was refused by notice dated 2 September 2020.
 - The development proposed is application for Planning Permission for detached barn with accommodation for elderly relative and carer.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Buckinghamshire Council was formed in April 2020 following a merger between the former County Council and districts of South Bucks, Chiltern, Wycombe and Aylesbury Vale. Provisions within the relevant regulations¹ allow for any plan prepared by one of the merging authorities to be treated as if "*it had been prepared and, if so required, published by the single tier council for the whole or such part of its area as corresponds to the area to which the particular plan, scheme, statement or strategy relates*". As such, the status of the Wycombe District Local Plan (adopted 2019) (Local Plan) has not changed.
3. During the course of the appeal, the appellant requested that the procedure change from a householder appeal to a standard Section 78 appeal. This was agreed on the basis that it would not prejudice any interested parties. There remains some dispute about whether the appellant intends for the proposed building to be ancillary to the main dwelling, or if indeed such a sizeable building encompassing such a range of uses could be ancillary to a dwelling in any event. As this matter is not determinative, I have determined the appeal on the basis of the main issue.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is formed from the expansive garden of the host dwelling, Waterworks Cottage. It is laid to lawn and enclosed with fencing to the front and sides, with trees and an embankment to the rear. The dwelling is situated

¹ Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008

within a former quarry, the landform of which provides a sense of enclosure around it, along with the small cluster of neighbouring dwellings and adjacent waterworks premises.

6. The dwelling is a modest two storey dwelling set back from the unmade driveway. The nearest neighbour, The Larches, has been recently developed and whilst set back, largely fills its plot width and has its principle elevation facing at an angle to look over and beyond the frontage of the appeal dwelling. Four new dwellings are sited on the opposite side of the access lane to the appeal site and are also set back behind a large frontage and parking area. Their distance from the front elevation of the appeal dwelling is generous. The industrial buildings within the waterworks site are also sited towards the back of the quarry enclosure.
7. The proposal is to construct a large building within the curtilage of the host dwelling. It would have an L-shaped footprint extending to an area of some approximate 312 sqm but also with accommodation on the first floor. It would have a range of uses as a car workshop, caravan storage area, cinema and games room and would also have two units of self-contained accommodation on the first floor for an elderly relative and carer. The building would be sited to have its longest side along the front garden boundary with the return along the side, effectively wrapping around the front and side of the host dwelling with some intervening space in between.
8. Due to its significant scale and mass, and at approximately four times the footprint size, it would appear to overwhelm the scale of the host dwelling and would form a dominant addition within the intimate setting of the former quarry. Whilst it may have been designed to have reference to the industrial buildings on the adjacent waterworks site, that it would be used for largely domestic purposes within the curtilage and accessed via the same driveway as the dwelling, would only exacerbate its excessive scale and incongruity. It would also have features more consistent with that of a domestic building, including small scale window openings and rooflights.
9. The siting of the building would also be highly irregular. Whilst the curtilage has ample space to the side and rear to accommodate a building, or buildings, that could be sited to allow the host dwelling to remain the principal built form on site, the new building would be situated in such a way as to form a barricade between the dwelling and the surrounding development. Whilst the appellant indicates that the siting and scale is deliberate in order to form a type of 'courtyard' and to recreate the sense of privacy that once existed, this relationship would be highly detrimental to the role of the host dwelling and there seems little rationale for such an extreme response given the intervening distances between the site, neighbouring dwellings and degree of overlooking that are likely to occur in reality. The siting of the building would also lead to the host dwelling having a poor outlook from its principal elevation to the detriment of future occupants.
10. Drawing together this issue, the excessive scale of the building, combined with its insensitive forward siting, would dominate the site, the host dwelling and the immediate setting. Whilst an argument may have been made that the recently constructed dwellings would not be particularly evident due to the self-contained nature of the former quarry, that does not justify a building of such

proportions within such an insensitive position relative to the existing dwelling and surrounding built development.

11. In view of the above, the proposal conflicts with, in particular, Local Plan Policy DM35 which seeks to ensure that development improves the character of the area, includes attractive buildings and takes a comprehensive approach to site layout and design.

Other Matters

12. Whilst the appellant indicates that the proposal would be built to the highest standards with natural materials consistent with those found elsewhere in the surrounding area, these factors do not override the need for the development to be appropriately scaled and sited in order to assimilate well with its context.
13. Whilst I am mindful that the proposal would incorporate some accommodation for a relative with care needs, limited evidence has been put forward to suggest that the amount, siting and format of accommodation could not be delivered in a manner more consistent with the Local Plan and accompanying SPD² that suggest such development should be modest in comparison to the main dwelling and clearly linked thereto.

Conclusion

14. The proposal conflicts with the development plan, read as a whole. There are no material considerations of sufficient materiality to indicate that a decision should be taken other than in accordance therewith.
15. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

² Householder Planning and Design Guidance Supplementary Planning Document (January 2020)