



Appeal Decision

Site visit made on 27 January 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/J0405/W/20/3261377

Station House, Tingewick Road, Buckingham MK18 1ST

- 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 Paul West (Signature Homes) against Buckinghamshire Council – North Area (Aylesbury).
 - The application Ref 19/01476/APP, is dated 16 April 2019.
 - The development proposed is erection of 9 No dwellings and refurbishment of the existing property, Station House.
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Decision

1. The appeal is dismissed and planning permission for the erection of 9 No dwellings and refurbishment of the existing property, Station House is refused.

Preliminary Matters

2. The description of development in the header is taken from the appeal form rather than the application form. The Council's decision is based on the above description and revised plans submitted during the course of the application. Accordingly, my assessment is made on the same basis.
3. As part of the appeal, the appellant has submitted a new land ownership certificate and a plan showing a revised red line application site boundary. The plan addresses an inconsistency in the drawings and does not change the proposal. It has not been the subject of any public consultation but I am satisfied that taking it into account would cause no injustice to any party.
4. In response to the Council's putative refusal reasons, the appellant has submitted a unilateral undertaking (the UU) under section 106 of the Town and Country Planning Act 1990. I have taken the UU into account.
5. The emerging Vale of Aylesbury Local Plan (the eLP) has been the subject of examination and proposed modifications have been consulted upon. While the eLP is at an advanced stage, it is unclear whether further hearing sessions will be required. Accordingly, I attach moderate weight to the eLP policies.

Main Issues

6. The main issues are (i) the effect of the proposal on the character and appearance of the area and attractiveness of the adjacent public right of way, (ii) whether the proposal would affect the setting and significance of a non-designated heritage asset, (iii) whether the development would minimise

the impacts of flood risk and incorporate an adequate surface water drainage system, and (iv) the effect of the development on biodiversity.

Reasons

Character and appearance

7. Mature trees and hedgerows along Tingewick Road provide a degree of screening to housing and commercial properties near to the site and help give the area a semi-rural character. The appeal site is below road level, largely open with trees and hedges along the boundaries with the adjacent highway, footpath and allotments. These attributes help screen Station House and paraphernalia on the site and add to the natural qualities of the wider area.
8. The appellant's aboricultural impact assessment indicates the removal of trees and other vegetation, particularly between Station House and the road. Given this evidence, the extent of the development and likely need to reprofile ground levels, it is unlikely that trees and hedges on the roadside bank would be retained to the extent as indicated on the landscape proposals drawing. Also, the new access and proximity of the proposed houses and parking areas to the boundary would prevent substantial replacement planting along Tingewick Road. Tree retention and new planting on the other boundaries would reinforce a historic field pattern but would not adequately compensate for the highly noticeable loss of roadside vegetation.
9. The removal of trees and hedges would expose the proposal to views from the highway, despite it being on a lower level. Also, the development would be seen between gaps in planting from the allotments. The scheme would markedly change the site's appearance from a single dwelling in spacious grounds to a residential cul-de-sac including semi-detached and terraced units. New housing further along Tingewick Road is built at a similar density but it is set away from the site. Instead, the proposal would be more readily seen with the adjacent open allotments, against which it would appear as an excessively dense form of development.
10. Appeal drawings indicate close boarded fencing would be erected on the boundary with the footpath. This would introduce a sense of enclosure that would undermine its semi-rural setting and attractiveness to users.
11. The proposal would be on relatively low lying land and so would not affect any skylines. Also, it would be closer to the established built up area of Buckingham compared to the new housing further along Tingewick Road. Nevertheless, through a combination of the loss of vegetation and the marked increase in the site's building coverage visible from the road, footpath and allotments, the development would fail to reflect the area's semi-rural nature.
12. For these reasons, I conclude the proposal would harm the character and appearance of the area and attractiveness of the adjacent public right of way. In this regard, it would not accord with saved policies GP35, GP38, GP40 and GP84 of the Aylesbury Vale District Local Plan 2004 (LP), policy DHE1 of the Buckingham Neighbourhood Plan 2015 (NP) and eLP policies BE2, BE4, NE4, NE8 and C4. These all aim, amongst other things, to ensure development respects local character and natural features as well as to enhance and protect the amenity value of public footpaths. The Council refers to LP policies GP24

and GP39 and eLP policy T6, although these include no provisions relating to these main issues.

Non-designated heritage asset

13. Given its name, it is likely that Station House has a historic association with a former railway that followed the route of the footpath. Also, it includes several original Victorian features such as decorative chimneys and bargeboards as well as stonework quoins. It is not a listed building and not in a conservation area but nevertheless Station House has architectural and local historic interest. As such, it is a non-designated heritage asset despite not being identified as such in any official document.
14. Station House is not clearly seen from the road but is visible through several gaps in vegetation from the adjacent footpath. From here, the views are mainly of an attractive elevation that would have looked out onto the former railway line. Such vistas give a sense of how the building would have looked in its historic surroundings and so make up an important part of its setting.
15. The introduction of a modern cul-de-sac turning head, driveway and parking spaces close to Station House would fail to reflect the site's sense of history. Also, the nearest houses would be semi-detached and terraced units with a relatively bland design that would fail to reflect or complement the property. Fencing along the rear boundary and a new garage in the back garden would curtail some views of the house from the footpath and so weaken its association with the former railway line. For these reasons, the proposal would diminish the setting of Station House and would harm its significance.
16. The development would allow the property to be more readily visible from the road and the newly created cul-de-sac. Also, it includes the refurbishment of Station House and the removal of a 2 storey flat roof addition, although there is no substantive financial evidence to demonstrate these works are financially dependent on the proposal. In any event, the benefits to the significance of the building in these regards would not address or outweigh the identified harm.
17. As such, I conclude that the proposal would harm the setting and significance of Station House, a non-designated heritage asset. In these regards, it would not accord with eLP policy BE1 which seeks to conserve heritage assets and their setting in a manner appropriate to their significance.

Flood risk and drainage

18. The proposed houses on plots 4 and 5 would partly lie in an area identified in the appellant's surface water drainage strategy as being at high and medium risk of surface water flooding. Under eLP policy I4 all proposals should show that a flood risk sequential test as set out in the strategic flood risk assessment (SFRA) has been passed. No copy of a SFRA has been provided but paragraph 158 of the National Planning Policy Framework (the Framework) states that the sequential approach should be used in respect of areas at risk from any form of flooding and not just fluvial flood risk. There is no preclusion from this requirement if the flood risk is generated from the site itself. No evidence has been submitted to demonstrate compliance with the sequential test.
19. The appellant suggests that the proposed surface water drainage system including infiltration features would address the flood risk issue. However, the local lead flood authority has raised concern over the reliability of ground

- infiltration surveys as they rely on extrapolated data. In addition, reference is made to an Infiltration SuDS map produced by the British Geological Survey which identifies significant infiltration constraints in the area. Such evidence indicates ground conditions would be inappropriate for the proposed drainage.
20. The appellant suggests a planning condition could be imposed to address the drainage issue with reference made to an alternative of connecting to a mains system. However, there are limited details that show this alternative scheme would be feasible and that the proposal with an appropriate drainage system could be accommodated on the site. In any event, the suggested condition would not address the lack of sequential flood risk test information.
21. Therefore, I conclude that insufficient information has been submitted to show the proposal would minimise the impacts of flood risk and would include an adequate surface water drainage system. In these regards, it would not accord with eLP policy I4, NP policies I3 and I5 and the Framework. These aim, amongst other things, to direct new development to areas with the lowest risk of flooding and to ensure development includes appropriate drainage systems.

Biodiversity

22. The Conservation of Habitats and Species Regulations 2017 impose a duty on me to consider whether European protected species (EPS) would be affected by the proposal and whether associated mitigation measures would address any harm. A protected species survey of Station House was carried out in May 2018 and found no evidence of bat roosts in the building although noted bat foraging in the vicinity. The survey report refers to an earlier survey of the grounds, carried out in December 2017.
23. The surveys were carried out over 2 and a half years ago and so there is a reasonable likelihood that EPS use of the site may have changed in the meantime. As such, the survey information is insufficient to properly assess the impact on protected species or to ascertain whether proposed enhancement and mitigation measures would address any harm caused.
24. Paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 says it is essential to establish the extent to which EPS may be affected by a proposal before granting planning permission. As such, a planning condition to address the issue would go against government advice and would not allow me to carry out a proper assessment. Also, the suggestion that the delay between the date of the surveys and the appeal submission has been caused by the Council does not help address my regulatory requirements.
25. For these reasons, I conclude that insufficient information has been submitted to demonstrate the proposal would not have a harmful effect on biodiversity. As such, and in this regard, the development would be contrary to NP policies DHE2, DHE3 and DHE5 and eLP policy NE1. These all aim, amongst other things, to ensure development avoids adverse impacts on protected species and to maximise benefits to biodiversity.

Other considerations and planning balance

26. Proposed back gardens would adjoin the footpath which could be a route of unauthorised entry. While I have found it would cause harm to the character of the area and setting of Station House, the boundary fencing would act as a

- deterrent to trespass. As such, the scheme would include measures to assist crime prevention and so in this regard it would accord with LP policy GP.45.
27. An appropriate access for vehicles and pedestrians with sufficient visibility splays would be provided. Moreover, all the proposed dwellings and retained Station House would be served by sufficient parking and garden space to ensure satisfactory living conditions for future occupiers. Acceptability in these regards is a neutral factor in my assessment.
28. Overall, the proposal would cause harm to the significance of Station House but it would bring some benefits through renovation works and increased visibility of the property from roads. Also, the development would make more effective use of land where services are accessible by different modes of travel. It would create construction jobs and future occupiers would support local businesses. The Council are able to demonstrate more than 5 years supply of deliverable housing land but the development would still add to the stock of dwellings. These factors weigh in support of the proposal.
29. The appellant suggests that the LP policies which relate to the supply of housing are out of date and so the 'tilted balance' in favour of the development as set out under paragraph 11 of the Framework is engaged. In such circumstances, the adverse effects of the scheme need to be weighed against the benefits, having regard to the policies in the Framework as a whole.
30. The identified harm in relation to the character of the area, the significance of a heritage asset, flood risk and biodiversity is contrary to provisions of the Framework. The cumulative adverse impacts of the proposal would be significant and would demonstrably outweigh the benefits. As such, the presumption in favour of sustainable development as set out in the Framework does not apply.

Other Matter

31. The Council's objections to the proposal include the lack of planning obligations to secure contributions towards education and sports and leisure facilities as well as the provision and management of on-site drainage systems. The UU provides for the requested contributions as well as a payment towards health care facilities as requested by the NHS Trust. The appellant suggests the drainage requirement could be addressed through a planning condition.
32. As I am dismissing the appeal for other reasons it is unnecessary for me to consider the matter of planning obligations in any further detail. If I had found the appeal to be acceptable in this regard, such a finding would not have affected my conclusion on the proposal.

Conclusion

33. The proposal would conflict with LP, NP and eLP policies as well as the Framework. There is no reason to make a decision other in accordance with these policies and so I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR