



Appeal Decision

Site Visit made on 15 March 2021

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2021

Appeal Ref: APP/J0405/W/20/3264263

Land at 140 Vicarage Road, Pitstone, Buckinghamshire LU7 9EY

- 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 Ms Emma Egan against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/03052/APP, is dated 9 September 2020.
 - The development proposed is a detached dwellinghouse, car port and associated access arrangements.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwellinghouse, car port and associated access arrangements on land at 140 Vicarage Road, Pitstone, Buckinghamshire LU7 9EY in accordance with the terms of the application, Ref 20/03052/APP, dated 9 September 2020, subject to the conditions in the schedule at the end of this decision.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area and its effect on the setting of heritage assets, including Grade I listed St Marys Church and nearby non-designated heritage assets; and,
 - the effect of the proposal on the living conditions of neighbours.

Reasons

3. The appeal is located within Pitstone by the eastern edge of its settlement boundary where in accordance with the development plan residential development is acceptable in principle subject to site specific factors.

Character, appearance and heritage assets

4. The appeal site is garden land to the side of 140 Vicarage Road. The site is located within Church End which is the historic nucleus of Pitstone. At the start of the twentieth century the donor house and its attached neighbour, No 138, together with the neighbouring buildings at the start of Church Road, formed part of the small, loose cluster of development associated with the centre of the village.
5. Since then the village has expanded considerably to the north west with development in depth along Church Road and the southern side of Vicarage Road consolidating development and enclosing almost all pre-existing buildings. As a result, in views from Vicarage Road, Church Road and from the public footpath across the field to St Marys Church the layout of this part of the

- historic nucleus of the village has been consumed by linear residential development.
6. The proposed house would be contained by dwellings that front Vicarage Road and Church Road and would consolidate development behind it. It would sit comfortably within its plot with sufficient space around it for it to fit in with the surrounding pattern of development. The extent of hardstanding would be limited and in proportion to the size of the plot. As a single dwelling it would be significantly larger than 138 & 140 Vicarage Road and 1 & 3 Church Road. However, when considering these semi-detached pairs as single buildings, the width of the proposed dwelling would be similar. The house would have a greater depth than other nearby houses. The plot though is large enough to accommodate this. Moreover, owing to its setback from the road and the flank elevational treatment facing Vicarage Road, which includes fenestration and an entrance door, its greater depth would not be apparent in the streetscene.
 7. The height of the proposed house, which is approximately 0.7m taller than Nos 138 & 140, is sufficiently small for the dwelling to fit in with its neighbours whilst also adding variety to the locality. Owing to its location to the rear of houses on Vicarage Road and Church Road, the proposal would not obscure public views of the tall chimneys to Nos 138 & 140.
 8. The form and appearance of the proposed house in terms of its steep roof pitch and low eaves level, together with a tall chimney and use of yellow brick, flint and plain clay roof tiles, would complement the historic Church End grouping of houses. By virtue of their architecture and history these houses have been identified as non-designated heritage assets (NDHAs). As a result, I find that the proposed house would complement the existing pattern of development and would be well assimilated.
 9. Reference has been made to the proposal harming the Irvinghoe and Edlesborough Area of Attractive Landscape (AAL) adjacent to Pitstone. However, the appellant states that the proposed house would be located outside this landscape and the Council has not challenged this assertion. Even if this was not the case, as it would be well designed and within a cluster of existing housing harm to the AAL would not occur.
 10. A previous application for a detached three bedroom house on the site was dismissed at appeal in 2007, in part, because it was found to be harmful to the character of the area. The Inspector based this finding though on the site being located within the open countryside and contrary to policies that related to development within such a location. Since then a settlement boundary for the village has been adopted which the appeal site is located within and within which, as I noted earlier, residential development in principle is supported. Consequently, the circumstances of the two appeals are significantly different. As a result, reference to this decision has not altered my findings on this main issue.
 11. The National Planning Policy Framework ('the Framework') is an important material consideration. It identifies that heritage assets are an irreplaceable resource. Paragraph 193 advises that when considering the impact of a proposed development on the significance of designated heritage assets, such as listed buildings, great weight should be given to the asset's conservation.
 12. St Marys Church is a Grade I listed building. In the exercise of planning functions, the statutory test in relation to a listed building is that special regard

- shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest that it possesses.
13. The church dates from the mid thirteenth century. Constructed from dressed limestone and flint its special interest is architectural and historical. Its location within open fields and with woodland on its southern side are the dominant and most important features of its setting. Redolent of when it was built these features make an important contribution to its significance. The proposed development forms part of the wider setting of the church. However, located within the settlement boundary of the village it would not interfere with views of the church from the open countryside that surrounds it, nor would it adversely affect the setting of the church in views from within the listed building or its church yard.
 14. As I have noted, the Church End group of houses are NDHAs. Their historical settings have largely been compromised by residential development along Vicarage Road and Church Road. As a result, in my judgement the elements of their setting that makes a notable contribution to their significance is their relationship with the road, each other and their immediate plots. In this regard, as I have noted, the proposed development in being well designed would not harm the setting of these buildings.
 15. Reference has been made to the historic relationship between the Church End group of houses and the church. However, with a difference in age of over half a millennium, and with the change in context that has occurred over the last century with residential development along Vicarage and Church Road, I consider that although these heritage assets fall within the wider settings of each other, they make little contribution to each other's significance. Given that the proposed development would complement the NDHAs, the fact that the house would occupy the briefest of glimpsed views of the church from Vicarage Road between No 136 and Nos 138/140 the relationship between the two would not be harmed. Similarly, this view is far too limited and brief for the setting of the church to be harmed.
 16. Moat Farmhouse is on the opposite side of Vicarage Road to the east and is Grade II listed. It derives its heritage significance primarily from its immediate setting on the northern side of Vicarage Road and to a lesser extent to its relationship to the cluster of buildings associated with the historic nucleus of the village. However, set well back from the road, screened by trees and surrounded by open fields, there is no evidence before me to suggest that there would be any intervisibility with the development proposed. Moreover, as I have noted, the loose cluster has been largely consumed by more recent development and the proposal has been well designed and complements the NDHAs that neighbour it. Accordingly, the proposal would preserve its setting and significance.
 17. For the reasons given above, I therefore conclude that the design of the proposed development would complement the character and appearance of the area and would not harm the setting or significance of any designated or non-designated heritage assets. As a result, it would comply with policies 1 and 6 of the Pitstone Neighbourhood Plan, policies GP.35 and RA.8 of the Aylesbury Vale District Local Plan, policies S1, BE1, BE2 and NE4 of the emerging Vale of Aylesbury Local Plan as well as the statutory test in relation to listed buildings. These policies require the protection of the character and appearance of a

locality, including heritage assets, through high quality design that respects local features.

Living conditions

140 Vicarage Road

18. The semi-detached pair, 138 & 140 Vicarage Road, are set at a right angle to the road and face the open field to the east. The proposed house would face the opposite direction and its flank wall would extend along most of the length of the side boundary with No 140. However, the house would not be so tall or so near to the side boundary with No 140 for it to have a harmful effect on sunlight levels within the neighbouring outdoor amenity space. Similarly, in terms of outlook, the proposed house would not be close enough to the side boundary with No 140, or extend far enough forward within its plot, to have a material adverse effect on the outlook enjoyed from within No 140. In relation to privacy, the rooflights in the flank wall of the proposed house would be set too high to allow overlooking to occur.

Other properties

19. With a separation distance of 28m between the front elevation of the proposed house and the rear elevation of 3 Church Road privacy within the rear garden of No 3 would not be materially harmed. The rear garden of 5 Church Road would be closer to the front and side of the proposed house. However, as the vast majority of it would be outside the narrow field of view from the first floor windows to the proposed house acceptable levels of privacy would remain here also. Furthermore, as the house would be set back some distance from the rear elevation of No 5, and set back from the side boundary with No 5's rear garden, it would not unduly encroach on the outlook experienced from No 5 or be oppressive.
20. The proposed access would run along the side of 136 Vicarage Road and introduce a parking and turning area behind No 136 and close to the rear boundaries of 3 and 5 Church Road. The Inspector in the previous appeal referred to earlier found that this would result in noise and disturbance that would be a significant change from the tranquil garden setting and would adversely affect the living conditions of neighbours. However, I disagree. The vehicle movements generated by a single three bedroom dwelling over the course of a day would be limited in number and short in duration. The vast majority of the day would therefore remain unaffected by any noise such movements may generate. Moreover, the landscaping details in the submitted site layout plan includes the use of resin bound gravel which is a quiet surface. As a result, the proximity of the proposed access, parking and turning area would not have a material adverse effect on the living conditions of neighbours.
21. Taking these matters into account, I therefore conclude that if the proposed development went ahead living conditions at neighbouring properties would remain satisfactory. As a result the proposal would comply with policy GP.8 of the Aylesbury Vale District Local Plan, policies S1 and BE3 of the emerging Vale of Aylesbury District Local Plan which, amongst other matters, seek to prevent such harm.

Other Matters

22. Concern has been expressed about the safety of the proposed access owing to an exiting vehicle needing to encroach onto the carriageway in order to gain an acceptable view of oncoming traffic. By the access Vicarage Road is wider than

normal. As a result, it was evident from the site visit that a margin of approximately 1m in width occupied by loose chippings and stones exists between the nearside edge of the carriageway and the track taken by oncoming vehicles. It is therefore reasonable to treat this margin as a zone that exiting vehicles could safely encroach upon without coming into conflict with road users. In so doing, the necessary visibility splays of 43m in both directions can be achieved without harming highway safety. As the access with the proposed development would remain lightly used it is unnecessary to add road markings to highlight this margin.

23. In the dismissed appeal the Inspector came to a different conclusion on the safety of the access. However, at that time the speed limit along this section of the road was higher which required longer visibility splays which could not be achieved without encroaching onto private land and making use of the margin had not been considered. As a result, reference to the appeal decision does not alter my assessment that the proposed access would be acceptable in highway safety terms.

Conclusion

24. For the reasons given above, I therefore conclude that the appeal should be allowed.
25. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. To ensure that the development complements the appearance of the area details of external materials and boundary treatments are required. Further details on boundary treatments are necessary, because although the submitted plans include details, I am not persuaded that black estate fencing is appropriate in terms of appearance for a house on the outer edge of a rural settlement. Given that the dwelling has been carefully designed and includes a detached car port, in order to safeguard the visual amenity of the area and the living conditions of neighbours in the future, permitted development rights in relation to the enlargement of the house, the erection of a garage and insertion of additional windows needs to be removed.
26. In the interests of highway safety, the access to the site needs to be altered in accordance with the approved plans and adequate provision for on-site parking and turning needs to be provided. To enhance biodiversity, the agreed ecological plan needs to be implemented. To minimise the risk of water run-off from the site contributing to off-site flooding, the hard surfacing that is to be laid needs to be porous. As the development may impact on buried archaeological remains an archaeological investigation is required.
27. I have required all these matters by condition, revising the conditions suggested where necessary to reflect the advice contained within Planning Practice Guidance.
28. A condition was suggested requiring that the rooflights are flush fitting and fitted with non-reflective glass. As the appeal site though is not located within a conservation area, as is wrongly stated in the reason given for the condition, this is unnecessary. Two conditions have been suggested in relation to landscaping. However, with the detail that has been provided on plan ref 2175/10F, and the proposal only relating to one dwelling, landscaping conditions would be an unduly onerous requirement and would also be unnecessary. These conditions therefore have not been attached to the permission.

29. The appellant provided written consent to the Council's suggested archaeological condition being a pre-commencement condition. Other conditions suggested by the Council in relation to external materials and boundary treatments required details to be agreed prior to the commencement of building development. However, I am not persuaded that this matter is so fundamental to the scheme that if the condition was not complied with prior to the commencement of building development permission would have to be refused. I have therefore amended them accordingly.

Ian Radcliffe

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: 2175/09, 2175/10F, 2175/11D, 2175/12D, 2175/13C, 4023 R2
- 3) No development shall take place until a programme of archaeological work has been undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The archaeological investigation should be undertaken by a professionally qualified archaeologist working to the agreed written scheme of investigation and should take the form of an evaluation in the first instance.
- 4) Notwithstanding condition 2, prior to the commencement of any above ground works, samples/details of the materials to be used on the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 5) Notwithstanding condition 2, prior to the commencement of any above ground works, details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to, and approved in writing by, the local planning authority. The development shall thereafter only be carried out in accordance with the approved details and the dwelling hereby approved shall not be occupied until the details have been fully implemented.
- 6) Prior to first occupation of the dwelling hereby permitted the existing means of access shall have been altered in accordance with the approved plans and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access Within the Public Highway".
- 7) The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to first occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
- 8) The hard surfacing hereby permitted shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface

to a permeable or porous area or surface within the curtilage of the dwellinghouse.

- 9) Prior to first occupation of the dwelling hereby permitted the agreed mitigation, compensation and enhancement plan detailed in the Preliminary Ecological Appraisal from the ecological consultant Samsara dated May 2020 shall have been implemented. Any variation to the approved plan shall be agreed in writing with the local planning authority before such change is made.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1 Classes A, B and E of the Order shall be erected, and no windows shall be constructed, other than those expressly authorised by this permission.

-----End of Conditions Schedule-----