



Appeal Decision

Site visit made on 8 March 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th May 2021

Appeal Ref: APP/K0425/W/20/3258248

Land off Jacobs Meadow, Princes Risborough HP27 0EH

- 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 I Leek (Millbrook Homes Ltd) against the decision of Buckinghamshire Council - Wycombe Area.
 - The application Ref 19/08050/FUL, dated 17 November 2019, was refused by notice dated 3 March 2020.
 - The development proposed is for the erection of a detached two-bedroom cottage with parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal submission contains amended plans which show a revised layout of vehicle parking and garden area serving the dwelling, and an increased length for the sliding entrance gate. The original extent of parking hard surfacing has been reduced which would leave useable garden directly in front of the proposed dwelling. This area would be delineated from a rain garden (providing surface water drainage storage) by fencing.
3. Such changes would not normally need planning permission and they are made in response to Council objections. They have been submitted at an early stage of the appeal process which has given both the Council and third parties a good opportunity to comment upon them. As a result, I have determined the appeal taking into account the amended plans.

Main Issues

4. The main issues are the effects of the proposal on (a) the character and appearance of the area, having regard to Princes Risborough Conservation Area, (b) the setting of listed buildings, (c) the living conditions of future occupiers, having regard to internal space provision, outlook and privacy, and (d) the living conditions of existing occupiers of 1, 3 and 4 Queens Square, having regard to outlook and light, and (e) surface water flooding.

Reasons

Character and appearance

5. The appeal site comprises a plot at the end of a short cul-de-sac known as Jacobs Meadow. It is part of an area to the rear of 1, 3 and 4 Queens Square,

Grade II listed buildings, and the main historic High Street of the town. Beyond the cul-de-sac and plot, there is further open land, a narrow strip with Ash trees (the subject of a Preservation Order) and alongside this, a single storey but extensive workshop building. Jacobs Meadow itself comprises a recently constructed dwelling between its road and the rear of the High Street. Both the appeal plot and this dwelling, along with the High street are within the Princes Risborough Conservation Area. Jacobs Meadow is accessed off Jasmine Crescent which is a recent residential development outside the Conservation Area.

6. Originally medieval in origin, Princes Risborough grew with a variety of buildings reflecting different time periods. The Princes Risborough Conservation Area Character Area (CACA) 1998 details that along the High Street, there are buildings with Georgian fronts as well as smaller called domestic scaled buildings with many modern shop fronts. Adjacent to the appeal site, 1, 3 and 4 Queens Square form separate small houses dating back to the Seventeenth Century, with alterations in the Nineteenth Century. The CACA details town development based on medieval burgrave plots which traditionally comprised frontage development facing a main street, with smaller wings/outbuildings at the rear, usually perpendicular to the frontage.
7. The influence of burgrave plots on the original street and plot layout can still be made out with many frontage buildings, having perpendicular additions and outbuildings to the rear on long and narrow land parcels. However, in some sections, the original long and narrow burgrave plots have lost their distinctive shape and layout due to recent development, especially at the appeal site's end of the High Street. In relation to the appeal plot, the original burgrave plots have been largely lost because the plots of 1, 3 and 4 Queens Square are short in depth with the appeal plot straddling their bottom end. The space around and within the site has not been designated/recognised within a Council policy, including the CACA. Nevertheless, there are noticeable low-lying developed and sense of space qualities in many areas to the rear of the High Street, including in the vicinity of the appeal site.
8. In conclusion, the appeal site and the adjacent rear section of the High Street, including the Queens Square properties, possesses historic and architectural qualities by reason of their age, traditional design, low-lying developed nature and sense of space to the rear. These are of interest and importance and significance to the Conservation Area as a whole.
9. The two storey dwelling's scale and footprint, along with vehicle parking to the front, would result in a dominant and overbearing built form in close proximity to the historic High Street, including the Queens Square properties. This would be unsympathetic to the historical and architectural qualities of the built environment in this part of the Conservation Area. In particular, it would sit awkwardly and contrast markedly with the low-lying developed qualities and open qualities here. Accordingly, it would fail to preserve the character and appearance of the Conservation Area as a whole and harm its significance.
10. Given their substantial presence, the two protected Ash trees would contribute positively to the character and appearance of the Conservation Area. However, the first floor and roof would partially be within the crown spread area of the largest tree and therefore, physical interference with its branches would occur, including with future growth. Pruning works would cut back the tree to the site

boundary which would significantly disrupt the form and value of the tree and there is a strong likelihood of requests to undertake future works to this tree, to cater for growth, which is likely to be difficult to resist, especially in the long term. Such works would be detrimental to the appearance and character of the Conservation Area.

11. There is a ground floor living room window in close proximity to this tree but this room would receive light from directions other than that of the tree. Therefore, such a relationship would be unlikely to result in a justifiable need to prune the tree in this respect.
12. In a recent appeal decision, an Inspector considered that the burgage plots have already been lost and a dwelling on this plot would not affect character and appearance of the area. This appeal assessment does not materially diverge from the comments on the burgage plots but the appeal proposal is materially different in being two storey and for the reasons indicated, this would harm the Conservation Area. Such a material difference in scale is similarly relevant in respect of tree considerations. Such a material difference demonstrates that every proposal has to be considered on its particular planning merits.
13. In accordance with the National Planning Policy Framework (the Framework), the type of harm identified above with the development would be less than substantial for the Conservation Area. It is necessary that this identified harm is weighed against the public benefits of the scheme.
14. In this regard, the proposal would boost housing supply providing accommodation for present and future generations. However, any benefits have also to be weighed against the adverse impact on the significance of the Conservation Area for which considerable importance and weight is required to be attached. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The impact of the proposal would be adverse and permanent for the reasons indicated and the addition of a single dwelling to housing supply would be negligible. Accordingly, the harm to the significance of the Conservation Area would outweigh the scheme's benefits.
15. For all these reasons, the development would harm the character and appearance of the area. It would fail to preserve the character and appearance of the Conservation Area. Accordingly, the proposal is contrary to Policies CP11, DM31, DM34 and DM35 of the Wycombe District Local Plan (LP) 2019.

Listed buildings

16. There are several examples of existing development nearby in the setting of the listed buildings, including a fairly large workshop and the two-storey house at 1 Jacobs Meadow. The appeal site has already cut across the rear boundary of 1, 3 and 4 Queens Square and has significantly amalgamated any previous burgage plots. However, the listed buildings have intrinsic architectural qualities and to the rear, the undeveloped and open context enables appreciation of this.
17. The dwelling would be about 11 metres from the listed buildings and would block off the views to the upper floor and roofscape of these properties. Whilst

there is the development at 1 Jacobs Meadow, planning permission for another dwelling would further erode the setting of these listed buildings even further and in a location immediately behind them.

18. In accordance with the Framework, the type of harm identified above with the development would be less than substantial for the listed buildings. It is necessary that this identified harm is weighed against the public benefits of the scheme. In this regard, there would be housing supply benefits. However, any benefits have also to be weighed against the adverse impact on the significance of the listed buildings for which considerable importance and weight is required to be attached. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. In this regard, the impact of the proposal would be adverse and permanent for the reasons indicated. The benefit of a single dwelling would be negligible. Accordingly, the harm to the significance of the listed buildings would outweigh the scheme's benefits.
19. With the previous appeal decision, it was concluded that the significance of the setting to the rear has been diminished by the amalgamation of the burgage plots, and the intrusion of built form to the immediate surrounding. However, the single storey nature of the development would not have blocked views of the listed buildings in the way that the current appeal proposal would. Therefore, there are marked differences between the proposals. For all these reasons, the development would adversely affect the setting of the listed buildings and would be contrary to Policies CP11 and DM31 of the LP.

Living conditions of future residents

20. Under LP Policy DM40, all new dwellings will be required to meet up-to-date nationally described technical housing standards for minimum internal space requirements. There is some dispute between parties as to whether the first floor meets the internal space requirements for the bedrooms, having regard to head height of these rooms within the roof. The appellant has calculated that each bedroom would be approximately 15.2 sqm which would exceed the minimum bedroom room sizes of 11.5sqm.
21. However, the Council has drawn my attention to a longitudinal section plan which shows the underside of the eaves at 1.1 metres above the first floor level. Based on this, it has been concluded that if the bedroom's ceiling line is 1.5 metres above the floor level shown, then the walls must be 0.7 metre thick, or, as is more likely, the ceiling height is less than 1.5 metres for a 0.4 metre wide strip along the length of the front and rear walls. This would significantly reduce the floorspace of the bedrooms. Whilst refuted by the appellant, in the absence of specific clarification on this, it can only be concluded that bedrooms do not meet the standards and the proposal would conflict with LP Policy DM40.
22. The ground floor of the dwelling would have frontage windows serving a living room and kitchen/diner. These frontage windows would be the only meaningful outlook given the rear windows are high level. However, the kitchen/diner window would only face the parked vehicle area whilst the lounge window would face the garden. Given the lounge would have reasonable outlook, this frontage relationship with windows and external areas would be acceptable, even after accepting a slight reduction in garden area to ensure parking spaces

comply with the size standards of Buckinghamshire Countywide Parking Guidance (2015).

23. An amended plan now shows a new garden area of approximately 45 sqm which, at its closest point, would be some 15m away from neighbouring dwellings on Jasmine Crescent. Although the rain garden would be closer, the revisions show that a reasonable area of garden would not suffer from significant overlooking by reason of distance. The garden area is sandwiched between fencing to the side and front (with the rain garden), the edge of parking area, and the front of the dwelling. Whilst unconventionally laid out, it would remain a sizeable area for a small two bedroomed dwelling.
24. In summary, the future occupants of the dwelling would have a high standard of amenity, having regard to outlook from frontage living spaces, garden space provision and privacy. However, it has not been demonstrated the first floor bedrooms are of a size compatible with the space standards and accordingly there would be a conflict with LP Policy DM40. Had there not been substantive reasons to dismiss this appeal, the appellant would have been asked for further clarification of the sizes of the bedrooms taking into account head height.

Living conditions of neighbouring residents

25. The dwelling would be sited approximately 1.5m from the rear gardens of the dwellings at 1, 3 and 4 Queens Square which have a depth of approximately 10m. The proposed dwelling would be two storey and even with a partially lower eaves to accommodate the first floor, would be oppressive and overbearing by reason of its scale, height and expanse of largely interrupted bricked wall. As a result, there would be an adverse loss of outlook to neighbouring occupiers when using their rear gardens. Whilst not affecting ambient light, there would also be adverse overshadowing and loss of sunlight during the afternoon due to the dwelling's relationship to the neighbours' gardens.
26. There would be a separation of approximately 11.5m between the new dwelling and the rear of these dwellings. This would ensure sufficient separation to prevent any significant loss of outlook from residents looking out from the neighbouring dwellings. Nevertheless, this would not address the adverse loss of outlook and sunlight to neighbouring residents' use of their gardens. Accordingly, the proposal would be contrary to LP Policy DM35.

Surface water flooding

27. A Flood Risk Assessment and Drainage Strategy (FRADS) July 2019, along with the submitted plans, details permeable materials on the driveway and a shallow gravity surface water drainage system discharging into a vegetated swale and rain garden. The Environmental Agency's Flood Map for Surface Water shows that the site lies within an area of medium risk of surface water flooding and is within a surface water flow route. The proposed drainage scheme has been designed to accommodate a 1 in 100 year storm event plus a 40% allowance for climate change.
28. The Local Lead Flooding Authority has objected to the proposal. It is indicated, that it is not clear whether the drainage scheme calculations relate to the duration of a storm event and how it would function during a storm event as it is an open feature located within an area of surface water flood risk. There

also remains a dispute between parties on the gap or 'freeboard' between the proposed drainage system and the ground water level. However, the FRADS is a comprehensive in its nature and demonstrates the type of proposed drainage scheme would be acceptable. On this basis, there would be no reason why such matters of amendment and clarification cannot be dealt with by condition, even if the drainage system has to be altered.

29. In the previous appeal decision, the Inspector expressed concerns about the dual use of the rainwater garden (the drainage scheme) as garden and drainage system and the implications for future retention to address surface water runoff. Given the amended plans showing a separate sizeable garden area, such concern does not arise with this proposal.
30. For all these reasons, acceptable surface water drainage can be provided, subject to condition, and the proposal would comply with LP Policy DM39.

Conclusion

31. The proposal would harm the character and appearance of the area. It would fail to preserve the character and appearance of the Conservation Area and would adversely affect the setting of nearby listed buildings. There would be harm to the living conditions of neighbouring residents, having regard to the effect of outlook and sunlight on their use of garden. It has not been demonstrated that the proposal would ensure a high standard of amenity for future occupants of the dwelling having regard to internal space for bedrooms.
32. Consequently, the proposal would be contrary to the LP policies and the development plan taken as a whole. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR