



Appeal Decision

Site Visit made on 15 June 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2021

Appeal Ref: APP/X0415/W/21/3270149

Rear of 82 High Street, Great Missenden, Buckinghamshire HP16 0AN

- 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 Eric Gadsden, W E Black against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/20/1026/FA, dated 16 March 2020, was refused by notice dated 22 October 2020.
 - The development proposed is erection of 2 x 2 bed semi-detached cottages and carports to be served by implemented access under consent CH/2015/1417/FA.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 x 2 bed semi-detached cottages and carports to be served by implemented access under consent CH/2015/1417/FA at Rear of 82 High Street, Great Missenden, Buckinghamshire HP16 0AN in accordance with the terms of the application Ref PL/20/1026/FA dated 16 March 2020 subject to the conditions in the attached schedule.

Procedural Matters

2. Although I note that it has been expressed slightly differently on the Council's decision notice, neither of the main parties has provided written confirmation that a revised description of development from that entered on the planning application form has been agreed. Accordingly, I have used the one given on the original application in the banner heading and my formal decision above. I have however used the site address as stated on the Council's decision notice as it suitably describes the location of the development.
3. The appeal relates to part of a wider site on which planning permission has been granted¹ and implemented for a terrace of 6 dwellings which are known as Orchard Mews.

Main Issues

4. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the Great Missenden Conservation Area (CA); and
 - (ii) the effect of the proposal on the living conditions of the occupiers of the terrace of 6 dwellings at Orchard Mews in respect of outlook.

¹ Application reference CH/2015/1417/FA as amended by PL/20/1027/VRC

Reasons

Character and Appearance

5. The Great Missenden CA which includes the appeal site has a broadly linear form along the west side of the River Misbourne valley with built form centred around the High Street and Church Street. Streets within the CA are typically narrow and closely lined by buildings of varied but mostly traditional styles and external materials resulting in a strong sense of enclosure. Where there are gaps present along the streets near to the appeal site, I observed a mix of buildings either within the plots of the frontage buildings or separate from them on usually more spacious plots to the rear. There are also views through towards surrounding rising open ground emphasising the form of the village and its relationship with the adjacent countryside. In my view, much of the significance of the CA derives from this pattern of development as well as from the attractive detailing and materials retained to many of the buildings.
6. The appeal site includes land to the rear of 82 High Street, a Grade II listed building, and is currently largely open. However, it is positioned between No 82 and the recently constructed terrace at Orchard Mews, with the station car park and railway beyond. Given this context, I do not consider that it could be reasonably regarded as part of the open countryside setting to Great Missenden, and find that its role in marking the transition between the built-up area of the CA and the surrounding landscape is limited.
7. The appeal proposes 2 dwellings on the site. The Council has not raised an objection to their architectural design, and I am satisfied that the simple form, height, massing and overall scale and appearance of the development would be compatible with the varied built form apparent in the CA nearby.
8. The proposal would not increase the spread of built form further beyond the rear of the High Street than existing development which includes the Orchard Mews dwellings. The density of development on the wider site would be increased, and the presence of the buildings would inevitably reduce some of the existing openness. However, spacing between the development and surrounding buildings and boundaries to their front and rear would for the most part be reasonably generous. While separation between the dwelling on Plot 1 and a consented garage within the neighbouring site would be more modest, the single-storey scale of the garage would reduce the visual impact of the buildings together. The carport attached to the dwelling on Plot 2 would extend up to the boundary with No 82, but would similarly be single-storey and there would be a much greater set in to the two-storey part of the building.
9. In my view, the degree of spacing would be sufficient to provide a setting to the development and balance the overall bulk and scale of the dwellings, and they would sit comfortably on the site without dominating it. Moreover, even when taken cumulatively with the terrace on the wider site and other nearby development, I am satisfied that there would remain a tangible sense of openness and a spacious feel on the site and appropriate spacing to the rear of the buildings along the High Street. Taking these factors together, I find that the proposal would not harmfully distort the overall pattern of development or generally linear character of the CA.
10. I also note that the relationship of the site with surrounding buildings serves to significantly restrict opportunities for views of the development from the High

Street. While there would be some views from Back Lane along the existing access, these would be limited, and given the position of the development within the site it would not be prominent. The general stepping down in the height towards the High Street would further help to ensure that the development appears subordinate to the adjacent buildings, and given the spaciousness that would be maintained on the site, I find that it would not appear incongruous or discordant in views within, towards or out of the CA.

11. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. However, for the reasons given above, I find that the proposal would not harmfully erode the contribution that the site makes to the CA, nor undermine the character or features which contribute to the CA's significance, and the development would not be obtrusive. The character and the appearance of the CA would thus be preserved, and I agree with the assessment of the Council's Heritage Officer that the significance of the CA would not be harmed by the development.
12. I therefore conclude on this main issue that the proposal would not harm the character or the appearance of the Great Missenden CA, and I find no conflict with Policies GC1, H3, CA1 or CA2 of the Chiltern District Local Plan 1997 (including alterations 2001 consolidated 2007 and 2011) (LP) or Policy CS20 of the Core Strategy for Chiltern District 2011. Broadly, these policies together seek development that is compatible with the character of its surroundings and which preserves or enhances the character and appearance of CAs and important views within, out of and into them.

Living Conditions

13. The side of the dwelling proposed on Plot 1 would extend broadly across the width of the adjacent dwellings within the wider site at Plots 4 and 5. However, the sloping roof design and low eaves to the rear of the closest part of the development would significantly reduce the upper level bulk and mass of the building. Land levels also fall generally from the front of these neighbours across the appeal site, and the roof of the development would sit lower in comparison. Moreover, there would be around 15m between the development and the adjacent dwellings on Plots 4 and 5 allowing for separation as well as more open views from these neighbours past the front or rear of the building, and views of the development from Plots 1, 2, 3 and 6 would be largely angled rather than direct. In my judgement, these factors in combination would ensure that the proposal would not unduly enclose or dominate outlook for the neighbouring occupiers.
14. I therefore conclude on this main issue that the development would not be visually intrusive or overbearing, and that it would not unacceptably harm the living conditions of the occupiers of the terrace of 6 dwellings at Orchard Mews in respect of outlook. Accordingly, I find no conflict with Policy GC3 of the LP which generally seeks protection for the amenities of occupants of neighbouring properties and outlines that permission will be refused for development where amenities are impaired to a significant degree.

Other Matters

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement to have special regard to preserving the special

interest and setting of listed buildings. The Council has not alleged that there would be harm to listed buildings in the vicinity of the site including No 82, and given the scale of the proposed development and its relationship with these buildings, I see no reason to take a different view or find that there would be harm to their setting or significance.

16. I acknowledge concerns raised by interested parties regarding the effect of development that has already occurred on the wider site on trees and hedgerows, wildlife and neighbouring living conditions, but these are not matters that are before me as part of this appeal. There would be some views from neighbouring properties and gardens of the development together with the existing Orchard Mews dwellings. Nevertheless, there would be a distinct open gap to the adjacent dwellings on the wider site providing a visual break. The development would also be set in significantly from the boundaries with dwellings on Twitchell Road, and the overall separation would be sufficient to ensure that the additional built form would not be overbearing and that windows to the front of the development would not cause harmful overlooking. While I am sympathetic to concerns regarding past construction activity on the site, effects during the construction period would be short-term, and could be mitigated by careful construction management with hours of working covered under non-planning legislation. Suitable protection for retained trees and provision for landscaping could additionally be secured by planning conditions.
17. The Council advise that parking on the site would meet required standards, and notwithstanding the width of the access to the site or Back Lane there is no firm evidence that vehicle movements associated with the proposal would harm highway or pedestrian safety. In this regard, I note that the Highway Authority has not objected, and from the evidence before me, I see no reason to disagree. Concerns have also been raised regarding existing flooding from surface water run-off from the site, but there is no substantive evidence that adequate drainage could not be provided to serve the development, nor that it would cause additional drainage problems.
18. I note reference to amendments prior to the grant of planning permission for the development at Orchard Mews reducing the number of dwellings on the wider site from 8 to 6. The appeal would result in a total of 8 dwellings on the wider site, but from the evidence before me there are differences in the form of the development that is now proposed, and I have in any case considered the appeal on its own merits.
19. While I have taken into account comments made by interested parties, I am satisfied that none of the other matters raised, either individually or collectively, would result in a level of harm that would justify dismissal of the appeal, and the representations do not alter my findings on the main issues.

Conditions

20. I have considered suggested conditions having regard to the tests set out at paragraph 55 of the National Planning Policy Framework. As a result, I have amended some where necessary, or for the sake of consistency, brevity or clarity. I have also avoided the use of pre-commencement conditions where this is not necessary for a condition to achieve its purpose.
21. In addition to the standard time limit, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. A

condition to require details of levels is necessary in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers. This is a pre-commencement condition as details need to be agreed before any works take place to ensure that they are satisfactory, and the appellant has agreed to this.

22. Conditions to require details of external materials and provision for landscaping, protection of retained trees, means of boundary treatment and the use of obscure glazing to windows to the side of the dwelling on Plot 1 are required to ensure a satisfactory appearance, and in the interests of biodiversity and the living conditions of neighbouring and future occupiers. However, from the information before me I see no reason that it would be necessary to require details of materials prior to any works taking place, and I have amended the suggested condition accordingly.
23. A soft landscape proposals plan has been provided, but as it is marked as draft I have attached a condition to require submission of a final scheme in the interests of the character and appearance of the area and biodiversity. However, because protection for those trees to be retained is already addressed by condition 5, I do not consider it necessary for details to be provided prior to any works taking place, and have amended the condition accordingly. I have also imposed a condition to require provision for parking and manoeuvring in accordance with the approved plans in the interests of highway safety, and a condition to restrict additional windows to the sides of the dwellings in the interests of the living conditions of neighbouring occupiers.

Conclusion

24. I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 20 H82M SL02 Rev A, 20 H82M PE01 Rev B, 20 H82M SP05 Rev D, 20 H82M SP06 and Tree Protection Plan Rev F.
- 3) Prior to the commencement of the development hereby permitted, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.
- 4) No development above proposed ground level shall take place until full details of the materials to be used for the external construction of the

development hereby permitted, including the facing materials, roofing materials and surface materials for the parking areas have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

- 5) No tree or hedge shown to be retained on the Tree Protection Plan Rev F shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.
- 6) No development above proposed ground level shall take place until a detailed landscaping scheme based on drawing number PRI22896-11 at a scale of not less than 1:500 has been submitted to and approved by the Local Planning Authority. The scheme shall include full details of the locations, size and species of all trees, hedgerows and shrubs to be planted, removed and retained, the installation of bat and/or bird bricks and/or boxes, and a programme of implementation. The landscaping works shall be carried out in accordance with the approved details and programme of implementation.
- 7) Prior to the occupation of the development hereby permitted, full details of the means of enclosure to be retained and erected along all external boundaries of the site and between the individual gardens of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure between the individual gardens shall be provided in accordance with the approved details prior to the occupation of the development, and shall be maintained as such thereafter.
- 8) Prior to the occupation of the dwelling on Plot 1, the first-floor windows in the south western flank elevation shall be fitted with obscured glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which that window is installed and they shall be permanently retained as such thereafter.
- 9) Prior to occupation of the development hereby permitted, space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the details shown on the approved plans. This area, including the car ports, shall thereafter be permanently maintained for these purposes.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in any of the side elevations of the dwellings hereby permitted.

End of Schedule