



Appeal Decisions

Site Visit made on 6 July 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2021

Appeal A Ref: APP/J0405/W/21/3272157

Petford Lea, Main Road, Buckland HP22 5HU

- 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 Pendley (Buckland) Ltd and Mr & Mrs Morley against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/03825/APP, dated 6 November 2020, was refused by notice dated 26 January 2021.
 - The development proposed is demolition of existing buildings to front and rear of Petford Lea and construction of 2 No. detached dwellinghouses; and alterations and first floor extension to Petford Lea.
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Appeal B Ref: APP/J0405/W/21/3271987

Petford Lea, Main Road, Buckland HP22 5HU

- 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 Pendley (Buckland) Ltd and Mr & Mrs Morley against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/03826/APP, dated 6 November 2020, was refused by notice dated 26 January 2021.
 - The development proposed is demolition of existing buildings to rear of Petford Lea and construction of 2 No. detached dwellinghouses.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Applications for costs

2. An application for costs was made by Pendley (Buckland) Ltd And Mr & Mrs Morley against Buckinghamshire Council - North Area (Aylesbury). This application is the subject of a separate Decision.

Preliminary Matters

3. As set out above there are two appeals which differ only in Appeal A including the demolition of a garage and alterations and extensions to Petford Lea. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. I have consulted the main parties regarding the updated National Planning Policy Framework (Framework) published in July 2021 and no comments were received.

5. I note the Vale of Aylesbury Local Plan 2013-2033 Proposed Submission Plan (November 2017) as Proposed to be Modified (October 2019) (showing main and additional modifications). However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.

Main Issues

6. During the appeal, the Council withdrew its third reason for refusal for both appeals which relate to biodiversity. Therefore, while I note the four reasons for refusal, from the evidence, the main issues for both appeals are:
- whether the proposed development would preserve or enhance the character or appearance of Buckland Conservation Area and the setting of nearby listed buildings; and
 - whether the proposed development would accord with the development plan strategy for the location of housing with regard to the loss of an employment site.

Reasons

Character and appearance

7. The road from which the site is accessed is primarily characterised by detached houses on large plots set away from the highway such that the area has a pleasant spacious character and appearance. The site is bound to the north by the rear gardens of the properties along New Road as well as the village hall. They are mainly two-storey buildings fronting New Road and have large front and rear gardens that further contribute to the spacious quality of the area. Petford Lea and Murray Cottage, which lie either side of the access to the site, appear to have smaller gardens than the surrounding properties, but given the single storey massing, are in keeping with the spacious quality of the area.
8. The site lies within Buckland Conservation Area (CA), the significance of which lies in the evidence of historic vernacular architecture and the development of a village that retains a rural feel. The evidence indicates that Buckland is an example of an irregular row settlement type. This type of development is linear in form and is characterised by buildings irregularly positioned along one or both sides of a road.
9. The current siting of the workshop buildings to the rear of existing dwellings constitute a backland location which is uncommon in the area. However, they are single storey structures with an agricultural character that is in keeping with the rural feel of the area. While plot sizes in the CA tend to be irregular in shape and size, the area around the site retains a spacious quality provided by the surrounding large gardens and the modest single storey buildings on the site itself.
10. The proposal includes the demolition of the workshop buildings and the construction of two large two storey detached dwellings. While the scale of the proposed buildings may be smaller than that previously proposed, the scheme would nonetheless significantly increase the height and massing of the buildings on the backland site that would detrimentally diminish the rural spacious character and appearance of the area.

11. While the pitch of the proposed roof and the general width of the buildings reflect local guidance and echo the traditional buildings in the area, given the significant increase in height and massing, the scheme would unacceptably diminish the spacious character of the area. Moreover, this increase would be visible from the highway and surrounding properties thereby resulting in harm to the significance of the CA.
12. The simple detailing of the fenestration and their modern appearance would not necessarily appear discordant. However, House 1 would have a large number of windows spread across the elevations. While I acknowledge that the windows would provide natural light to the internal spaces, the quantity and spacing of the windows would result in a suburban appearance and would harmfully depart from the rural character of the area.
13. Since House 2 has fewer windows, and the larger windows at ground floor would echo the general shapes of barn openings, this particular aspect of House 2 would not appear discordant in the area.
14. The proposed dark stained weatherboarding and slate roofs are features common to rural areas and can be found on buildings a short distance from the site. As such, this material would not appear incongruous in the area.
15. Yew Tree Cottage is a Grade II listed building and lies adjacent to the site. Its significance lies in the evidence of historic rural architecture. The School House and Church Hall are also GII listed buildings and lie near the site. The significance of these buildings lies in the evidence of historic architecture with original detailing.
16. Given the close proximity of the site, it lies within the setting of these listed buildings and contributes positively to their significance by being in keeping with the rural character of the area through the buildings' single storey height and agricultural appearance.
17. The proposed two storey dwellings would significantly reduce the spacious rural quality of the area by replacing modest single storey structures with two storey dwellings of greater scale and massing. Moreover, the increased scale would be clearly visible from the rear of Yew Tree Cottage. Therefore, this aspect of the proposals for both Appeals would harm the significance of these listed buildings.
18. The Old Rectory and Nos 1 – 4 New Road are Local Note Buildings the significance of which derive from the evidence of historic architecture. While the site lies within their settings, the buildings are a considerable distance from the proposed buildings such that their significance would not be adversely affected.
19. Appeal A also includes the demolition of a garage to the front of the site and alterations and first floor extensions to the dwelling at the front of the site known as Petford Lea.
20. Petford Lea is a single storey dwelling with garage that is more modern in appearance and so departs somewhat from the more historic buildings in the area. However, given the limited garden area, the modest height of the house and garage are in keeping with the spacious rural character of the surroundings. Accordingly, it provides a neutral contribution to the significance of the CA.

21. While the existing garage would be demolished, the height and length of the bungalow would be significantly increased such that the overall scale and massing of the building at the front of the site would be greatly increased. This increased massing would significantly reduce the spacious aspect of the character of the area and would visually compete with Yew Tree Cottage thereby adversely affecting the significance of this listed building.
22. While Policy BP1 of the Buckland Neighbourhood Plan Referendum Version Planning Policies 2015–2033 February 2016 (NP) resists buildings no more than two storeys in height, since it also seeks development within the CA that preserves or enhances the CA and maintains the integrity of the street scene, the proposed extensions would conflict with this Policy.
23. As with the proposed dwellings to the rear of the site, the proposal includes dark stained weatherboard to the existing dwelling and modern fenestration. Given the use of weatherboard in rural areas, this material would not appear incongruous in this context. Since the rooflights, windows and doors would generally be of a modest size or slender proportions and grouped together, this aspect of the proposal would also not appear out of keeping. However, given the significant increase in the size of the dwelling, the massing of the proposals for Petford Lea would diminish the spacious character of the CA thereby adversely affecting its significance.
24. Consequently, the proposed development would not preserve or enhance the character or appearance of the CA and the setting of nearby listed buildings. It would therefore adversely affect their significance. Accordingly, the scheme would conflict with Policy GP35 of the Aylesbury Vale District Local Plan Written Statement Part 1 January 2004 (LP) and NP Policies BP1, BP3, BP5 and BP14 which together seek to preserve or enhance the significance of the CA and the setting of heritage assets and respect and preserve local distinctiveness and the physical characteristics of the site and the surroundings.

Loss of employment site

25. LP Policy GP17 states that the Council will seek to retain existing employment sites and uses. It adds that proposals for changes of use or redevelopment of employment sites will only be permitted in a number of circumstances including where the existing use has an adverse impact on amenity of neighbours and its proposed replacement would be an improvement.
26. NP Policy BP9 states, among other things, that proposals to redevelop a business site that will significantly reduce harm to residential or visual amenity will be supported.
27. Appeals A and B would include the demolition of the existing workshops at the rear of the dwelling known as Petford Lea and the erection of two detached dwellings houses. While the existing workshops are not prominent from the street, and the evidence indicates that the business will be closing, since the site has a business use, albeit restricted to the manufacture of timber fencing and gates, it is possible that use of the site by a different occupier could result in greater activity levels than that previously experienced.
28. The site lies near to a number of residential properties and the primary vehicular access to the site lies adjacent to the neighbouring dwelling. Since the scheme would remove the current business use, which has the potential to

cause noise disturbance to the living conditions of neighbouring occupiers, it would be likely to significantly reduce harm to residential amenity.

29. In addition, since the area is largely residential rather than commercial, and that the current employment use is located in a less than optimal site accessed via a long drive, it is likely that there would be appropriate alternative employment opportunities on other sites in the locality and that there would be opportunities in larger settlements of a more advantageous land-use arrangement.
30. Furthermore, while I note that the appellant did not provide any viability or marketing evidence as part of the application, evidence was provided as part of the appeal which indicate that the existing business is not viable. LP Policy GP17 is not entirely consistent with the National Planning Policy Framework (Framework) which takes a broader approach to economic growth. However, for the foregoing reasons the schemes subject of Appeal A and Appeal B would not conflict with this Policy in this particular respect.
31. Consequently, the proposed development would accord with the development plan strategy for the location of housing with regard to the loss of an employment site. Therefore, it would not conflict with LP Policy GP17 and NP Policy BP9 which relate to the redevelopment of employment sites.

Planning Balance

32. The identified harm to the CA and setting of the listed buildings would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use. Bearing in mind the statutory duty¹ to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, the identified harm carries substantial weight against the proposed development.
33. The proposals subject of both Appeals would contribute two dwellings to the local housing supply. In addition, future occupiers may contribute to the local community and there may be temporary economic benefits during the construction phase. However, given the limited number of dwellings proposed, these benefits would be limited. While I also acknowledge the proposed change to the hard surfacing and biodiversity improvements, given the limited size of the site, these benefits would also be limited.
34. Accordingly, given the substantial weight to be attached to the harm identified, the public benefits in the terms claimed by the appellant and any benefit including securing optimum viable use would not outbalance the harm found to the area and to the significance of the CA and listed buildings.

Other Matters

35. The proposed dwellings and garages would be visible from Yew Tree Cottage, Murray Cottage and Old Rectory. However, since these properties would retain outlook in other directions, I am not persuaded that the living conditions of the occupiers would be unduly affected in this respect. Likewise, given the distances between these properties and the proposed buildings and well as the

¹ S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

angle of the roof lights, the neighbouring occupiers would not be unduly affected in terms of privacy or light.

Conclusion

36. For the reasons given above, the schemes subject of Appeal A and Appeal B would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, both Appeal A and Appeal B are dismissed.

R Sabu

INSPECTOR