



Appeal Decision

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: 31st August 2021

Appeal Ref: APP/J0405/W/21/3272165

The Vicarage, 5 St James Way, Bierton HP22 5ED

- 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 Paul Walter against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 19/03630/APP, dated 1 October 2019, was refused by notice dated 8 January 2021.
 - The development proposed is described as, 'change of use of C3 land to C3/D1 mixed use land and the erection of a meeting room with associated parking'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the application form is unclear, therefore I have used the description of development as set out in the decision notice. However, since the application subject of this appeal was determined, the material period and transitional provisions set out within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ended. Therefore, the proposed use would fall under use class F1(f) any use not including residential use for, or in connection with, public worship or religious instruction. I have therefore assessed the appeal on this basis.

Main Issues

3. The main issues are;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard for noise.

Reasons

Character and appearance

4. The site lies on St James Way which is a residential cul-de-sac characterised by a small number of detached dwellings with generous spacing such that the area has a pleasant tranquil character and appearance.
5. Given the proposed use for the Sunday School, and other church-related activities, the proposed meeting room would result in a significant increase in comings and

goings within the cul-de-sac that would adversely affect the peaceful character of the street. In addition, the proposal includes a greater number of parking spaces than the surrounding properties such that the scheme would be likely to increase vehicular traffic through the cul-de-sac.

6. I note that there may be existing activity to and from the Vicarage for current meetings and activities which appear to be primarily on foot from the adjacent church. However, from the evidence, the primary access for the proposal would be from St James Way, and since the scheme would provide a dedicated space for church related activities, it is likely that activities that were previously held elsewhere, such as within the church, would be relocated to the proposed building. Therefore, the proposal would be likely to increase the number and frequency of pedestrian and vehicular traffic through the cul-de-sac, resulting in harm to the tranquil character of the street.
7. St James Church is a Grade I listed building the significance of which lies in the evidence of historic ecclesiastical architecture. Given the close proximity of the site, it lies within the setting of the church. The site also lies within Bierton Conservation Area (CA) the significance of which lies in the evidence of historic vernacular architecture. Since the building itself would be single storey, clad in timber and a modest size, it would not harm the significance of the church or CA. However, for the foregoing reasons the likely increase in activity through St James Way would have an unacceptable impact on the character and appearance of the area.
8. The appellant has submitted an updated plan as part of the appeal which indicates one disabled parking space associated with the proposed meeting room. However, since the capacity of the meeting room would be around 15 people, it is likely that the updated scheme would result in on-street parking on St James Way. Given the location of the site at the end of the cul-de-sac, the reduced parking would be likely to result in parking across driveways, leading to an unacceptable impact on highway safety. Accordingly, even if I had regard to the updated plan, it would not alter my finding on this main issue.
9. I have considered the use of conditions to control the hours of use of the building. However, given the likely increase in activity through the small residential street, the suggested conditions would not mitigate the harm identified.
10. Consequently, the proposed development would unacceptably harm the character and appearance of the area. Therefore, it would conflict with the Framework which seeks, among other things, development that are sympathetic to local character.
11. While I note Policy GP8 of the Aylesbury Vale District Local Plan Written Statement Part 1 January 2004 (LP), since it does not relate to character, it is not directly relevant to this main issue.

Living conditions

12. The site lies adjacent to No 6 St James Way (No 6). I acknowledge that the activities within the proposed building may not be anti-social. However, there is limited evidence before me or submitted as part of the appeal, such as a noise assessment to indicate that the noise from around 15 people, including children from the Sunday School, would not give rise to unacceptable levels of noise that would result in adverse effects on the living conditions of the occupiers of No 6. In addition, it is likely that the scheme could result in groups of people congregating

outside the building and on the street resulting in further disturbance to the neighbouring occupiers along St James Way including the Vicarage. While I note the evidence from the current Vicar, given the proximity of the site to the Vicarage and the likelihood of people congregating in the area to the front of the property, it is likely that some harm in terms of noise disturbance to the existing occupiers would occur.

13. I note the willingness of the appellant to accept conditions restricting the use to reduced hours compared to that initially requested and restriction to church related activities with no third-party use or hiring out of the building. However, there is little substantive evidence before me to indicate that the number and frequency of people travelling to and using the site would not be significantly increased as result of the scheme. Therefore, it is likely that the proposal would result in an increase in noise that would unacceptably affect the living conditions of neighbouring occupiers of St James Way.
14. Consequently, the proposed development would harm the living conditions of neighbouring occupiers with regard to noise. Therefore, it would conflict with LP Policy GP95 which seeks the protection of the amenities of existing occupiers. It would also conflict with the Framework in this respect.

Other Matters

15. I acknowledge the evidence regarding the benefits of the scheme as a facility for church-related activities. I note the distance between the alternative facilities and the church, as well as the size, cost and practicality of these venues for the proposed use. I also acknowledge the evidence regarding the use of the Vicar's time and the impact on the Vicar's home life from accommodating meetings and activities within the Vicarage. In addition, I recognise the appellant's willingness to plant trees to enhance the character and appearance of the area. However, given the harm to the character and appearance of the area and the living conditions of neighbouring occupiers, these matters have not altered my overall decision.
16. While the Framework seeks to promote social interaction and provide social, recreational and cultural activities as well as the efficient use of land, given the harm identified above, this has not altered my overall decision.
17. I note that the effect of the proposal on biodiversity, in particular on protected species, was not a reason for refusal. However, since the site is within a red zone for Great Crested Newts and is in close proximity to ponds, I share the Council's concerns in this respect. Since a Preliminary Ecological Appraisal was not submitted as part of the application or appeal, there is no certainty that the scheme would not result in harm to protected species. As such, a condition would not be effective. In any event, since I am dismissing the appeal for other reasons, this matter has not been determinative for the outcome of this appeal.

Conclusion

18. For the reasons given above, the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu INSPECTOR