



Appeal Decision

Site Visit made on 16 August 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2021

Appeal Ref: APP/J0405/W/21/3273640

Garage Site, Overn Crescent, Buckingham MK18 1LZ

- 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 Alex Monro on behalf of Vale of Aylesbury Housing Trust against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 18/04626/APP, is dated 22 November 2018.
 - The development proposed is erection of 4no. dwellings and associated parking, on the former garage site at Overn Crescent.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Applications for costs

2. An application for costs was made by Ms Alex Monro on behalf of Vale of Aylesbury Housing Trust against Buckinghamshire Council - North Area (Aylesbury). That application is the subject of a separate Decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties to this appeal have had the opportunity to comment upon any relevance of this to the outcome of the appeal.
4. The emerging Vale of Aylesbury Local Plan (the VALP) is at an advanced stage. Nevertheless, it is currently unclear whether further modifications shall be required to its emerging policies, including those of greatest relevance to the outcome of this appeal (namely, emerging Policies BE1 and BE2). The VALP is thus at a stage that attracts moderate weight for the purposes of determining this appeal.
5. The Council has indicated that it would have refused planning permission had it been in a position to do so. Its main concerns relate to the effect upon the character and appearance of the area as well as the heritage significance of a Grade II listed building by bringing forward development within its setting. I shall formulate the main issue in this appeal accordingly.

Main Issue

6. The effect upon the character and appearance of the local area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, the Summerhouse¹.

Reasons

7. The special interest and historic significance of the Summerhouse as a designated heritage asset is drawn, in part, from its eighteenth-century parkland origins and its various ornate features that include decorative brickwork, large-sized traditional sash windows and a prominent round-arched head to the main front-facing elevation. This historic significance remains identifiable despite modern extensions added to the building as part of recent restoration works and the existence of various close by twentieth-century residential developments.
8. Indeed, it is apparent that the Summerhouse has acted as a design cue in guiding the form and positioning of recent new development to the south. The alignments of the respective frontages that run Summerhouse Hill promote that the listed building forms the focus of a range of available views. Whilst the appeal site and now developed lands to the north did not form part of the same former estate that once contained the Summerhouse, the asset's featureful front elevation and roofscape can be experienced from the south against an often-open backdrop that is reflective of the asset's historic parkland origins.
9. The proposal involves the introduction of two pairs of one and a half storey semi-detached dwellings that would, in the case of the southernmost pair, be setback only a short distance from the Summerhouse. In comparison to the subordinate and utilitarian flat-roofed block of garages to be removed, the proposed dwellings, whilst stepped back slightly in comparison and to be accompanied by planted gardens, would be of noticeably increased scale, bulk and visual prominence.
10. I acknowledge that available views of the development from southern vantage points would be filtered, to a considerable extent, by the presence of the asset itself. However, due to the height and proximity of the proposals, and in the absence of clear evidence to the contrary, the openness of the listed building's backdrop (against which its principal elevation is currently framed and enjoyed) would be eroded to a meaningful degree. Indeed, the Summerhouse's immediate surroundings would be over-proliferated by built development of greater scale and height comparative to the asset. Any clear sense of breathing space currently identifiable when experiencing the listed building at close quarters would be unacceptably diminished by the scheme.
11. Even though the new dwellings would have some visibility from Overn Crescent where building forms tend to be uncomplicated and consistent, I am not opposed to the use of either part-hipped roof elements or dormer window openings. Indeed, a range of gable-ended and hipped roof features exist in proximity to the site and roof level dormers are common along Summerhouse Hill. Moreover, over-intricate roof forms would not materialise. Nevertheless, in accordance with my above reasoning, it is the scale, bulk and close positioning of the proposals relative to the Summerhouse that causes concern.

¹ Statutory address: Summerhouse in grounds of Cobham Cottage at SP6948 3414, West Street

12. For the above reasons, the proposal would cause harm to the character and appearance of the local area when bearing in mind the special attention that should be paid to the desirability of preserving the setting of the Summerhouse. The proposal would cause less than substantial harm to the heritage significance of the Summerhouse through bringing forward development within its setting. As set out in the Framework, any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.
13. In terms of the scheme's benefits, four additional residential units would be erected on under-utilised brownfield land in an urban location that is well served by facilities and services, and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making an effective use of land. I also note here that Policy HP7 of the Buckingham Neighbourhood Development Plan (made October 2015) sets out that the development of windfall sites within the town's settlement boundary shall be supported.
14. Thus, whilst four additional units of housing would not make a clear or noticeable difference to the District-wide housing supply situation, the benefits associated with delivering housing in this particular location attract significant weight. Whilst the appellant is an affordable housing provider, it is my understanding that viability constraints could influence the type/tenure of housing to come forward. In the absence of full clarity in this regard, I attach limited additional weight to the realistic expectation that affordable housing, satisfying unmet local demand, would likely be brought forward.
15. The scheme would also create jobs during the construction phase and would provide support to the local economy, most particularly once occupied. Nevertheless, these benefits attract limited weight due to the relatively small scale of development under consideration. Furthermore, any potential net gain in biodiversity would realistically be small and attractive of limited weight.
16. The scheme's public benefits, when considered cumulatively, would be considerable. Even so, the Framework indicates that, when considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of the level of harm identified. Indeed, any loss of heritage significance requires clear and convincing justification.
17. Overall, I find that the harm that would be caused to the heritage significance of the Summerhouse would not be outweighed by the public benefits that would be brought forward by the scheme. The proposal conflicts with saved Policy GP35 of the Aylesbury Vale District Local Plan (January 2004) (the Local Plan), the Framework and emerging Policies BE1 and BE2 of the VALP in so far as these policies set out that all development should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible.

Other Matters

18. I have noted objections/concerns raised by interested parties with respect to matters including the effect of the proposal upon neighbouring living conditions, refuse collection arrangements and parking/highway safety

considerations. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

19. The site is located outside, but in proximity to, the Buckingham Conservation Area (the BCA). The significance of the BCA as a designated heritage asset is drawn, in-part, from its rich history, its range of listed buildings and its variety of planted spaces. The proposed dwellings would be sufficiently setback from the BCA to preserve its character and appearance. Indeed, the scheme would not cause harm to the BCA's heritage significance through bringing forward development within its setting.
20. A Unilateral Undertaking pursuant to Section 106 of the Act (the UU) is before me, which contains provisions related to an Off-Site Recreation Contribution. It is my understanding that this contribution has been calculated by Council officers in accordance with relevant adopted guidance. Indeed, it has not been suggested otherwise and the appellant has not challenged the legitimacy of the requested figure.
21. Whilst I am satisfactorily content that the contribution set out in the UU is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind, the UU is neither dated nor signed. Therefore, a completed legal agreement is not before me and an appropriate mechanism to secure the aforementioned contribution has not been demonstrated. There is thus identifiable conflict with saved Policies GP86 and GP88 of the Local Plan in so far as these policies set out that new housing proposals should include sufficient outdoor play space to meet requirements associated with the development and that monetary payments in lieu of on-site provision can be accepted.

Planning Balance

22. The application of the Framework's policies concerning designated heritage assets provides a clear reason for refusing planning permission and the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework, is not engaged.
23. In addition to the heritage harm identified, further harm (not determinative to the outcome of this appeal) would be caused by virtue of the lack of a completed legal agreement and the associated failure to mitigate the scheme's impact upon existing infrastructure. The scheme's benefits, whilst significant and inclusive of the delivery of four additional housing units, would be outweighed by the scheme's harms and associated policy conflicts.
24. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

25. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR