
Appeal Decision

Site Visit made on 1 September 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2021

Appeal Ref: APP/J0405/W/21/3273365

14 Townsend, Haddenham, HP17 8JW

- 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 Mr T Butler (Credo Oak Ltd) against Buckinghamshire Council - North Area (Aylesbury).
 - The application, Ref 20/02897/APP, is dated 28 August 2020.
 - The development proposed is alteration and demolition of existing buildings, and erection of five detached dwellings with access, parking and amenity space.
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Decision

1. The appeal is dismissed and planning permission for alteration and demolition of existing buildings, and erection of five detached dwellings with access, parking and amenity space is refused.

Preliminary Matters

2. The appellant lodged an appeal against non-determination as the Council did not issue a decision on their application within the statutory period. The Council subsequently stated that it would have refused planning permission on grounds of highway safety, impact on heritage assets and the character and appearance of the area, impact on the amenity of neighbouring occupiers and a lack of information regarding the impact on trees.
3. The Vale of Aylesbury Local Plan was adopted by the Council in September 2021, replacing the Aylesbury Vale District Local Plan 2004. The appellant was invited to comment on the adopted plan, and I have considered their comments in determining this appeal.
4. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.
5. The Council initially stated that it would also have refused permission due to the absence of a Section 106 agreement securing financial contributions identified as necessary arising from the development. However, revised thresholds for seeking contributions in the new Local Plan mean that these are no longer considered to be necessary.

Main Issues

6. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the Haddenham Conservation Area and its setting, and its

effect on the settings of nearby listed buildings and the non-designated heritage asset, 14 Townsend,

- Whether it would provide safe access to the highway,
- The effect on the living conditions of neighbouring occupiers, with particular regard to the occupiers of 2 Roundhill View; and,
- The effect on trees on adjoining land.

Reasons

Heritage assets

7. The site lies within the Haddenham Conservation Area (the CA). The Haddenham Conservation Area Appraisal (the Appraisal) identifies the contribution of the extensive use of wicket in the construction of walls and buildings throughout the village, but also that the character of the village varies from street to street and sometimes even within individual streets. The Appraisal further notes that the historic core of Haddenham comprises intimate and enclosed streets, and more open but nevertheless contained spaces. With specific regard to the immediate vicinity of the appeal site, the Appraisal states that Townsend comprises domestic buildings grouped around an area of open space with a strong village green feel. I see no reason to disagree with these conclusions and consider that the significance of the CA in this area in particular derives in part from the sense of enclosure generated by the buildings and boundary walls around the open space.
8. There are also three Grade II listed buildings, Nos 12 and 13 Townsend and Berry Cottage, within the vicinity of the site.
9. In accordance with the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had special regard to the desirability of preserving the setting of these listed buildings and to preserving or enhancing the character or appearance of the CA.
10. No 14 Townsend is recognised by the Council as a non-designated heritage asset. The National Planning Policy Framework (the Framework) states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset in determining any appeal.
11. There is a consistent boundary line arising from the boundary and building walls along the street facing the green. The development would involve the removal of the front boundary wall to 14, and the reduction in depth of No 14A to accommodate a wider visibility splay. This would diminish the sense of enclosure to this side of Townsend and cause harm to both the character and appearance of the CA in this location.
12. The front wall of 14 and the retained section of 14A would continue to provide enclosure along this side of the street. However, they would be set back from the otherwise consistent boundary line that is established in the street scene. Given the importance of the sense of enclosure to the significance of the CA and the prominence of Nos 14 and 14A within the street this would amount to considerable localised harm. Within the scope of the wider CA this would equal less than substantial harm.

13. The proposed houses would be arranged around the access road with those on Plots 4 and 5 set at right angles to it. This is not in keeping with the wider area, where houses typically face directly onto the highway or access road as with some houses facing the open space. The proposed houses would be large and have more complex and sprawling footprints than is typical in the surrounding area, with the Appraisal noting that buildings are typically rectilinear in form with extensions to the rear. Nos 12, 13 and 14 and Berry Cottage are each of this simpler form, which contributes to their significance. These houses are all visible from within the application site, and therefore it forms part of the setting of each of these listed buildings and the non-designated heritage asset. The introduction of development of the scale, layout and character proposed would therefore be harmful to the setting of these listed buildings, as well as to the setting of the CA. Given that the proposed houses would be sited on land outside the CA, in a backland setting with restricted views from public land this element of the proposed development would result in less than substantial harm to the significance of the listed buildings and of the CA, and harm to the setting of No 14.
14. Both Roundhill View and Platers Road are relatively recent developments that project perpendicularly from Townsend like the appeal proposal. However, there is little information available to me regarding the date of these developments or the extent of any loss of, or harm to, heritage assets that occurred as a result. While they form part of the character of the wider area, they therefore carry limited weight in the determination of this appeal.
15. I have also had regard to developments at Mallard Croft and Ricketts Yard in the wider settlement. Mallard Croft is similar to the appeal proposal as a backland residential development, but the houses in that development are of a similar scale to those in the surrounding area. The Ricketts Yard development appears to have involved the redevelopment of previously developed land, and the buildings therein are generally in keeping with the character of neighbouring buildings. For these reasons, therefore, these developments also carry limited weight in the determination of this appeal.
16. The proposed development would therefore fail to preserve both the character and the appearance of the CA and its setting and would cause harm to the settings of nearby listed buildings and the non-designated heritage asset. It would be contrary to Policies BE1 and BE2 of the Vale of Aylesbury Local Plan (the LP). These policies collectively require that development should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and respect and complement the local distinctiveness and vernacular character of the locality.

Highway access

17. The highways access would be more frequently used because of the proposed development. The access is close to a tight, blind bend leading to Rudds Lane, with the speed limit in the vicinity set at 20 mph. Visibility of and for vehicles approaching from Rudds Lane is limited, with sight lines obscured by the neighbouring houses until an approaching vehicle is through the bend and onto Townsend.
18. The proposed widened access would require the removal of the established boundary walls facing onto the green. Notwithstanding that this would cause harm to both the character and appearance of the CA, it is not clear that this

would be sufficient to overcome the visibility concerns at this point, even allowing for the low speed limit in this area. The number and large size of the proposed houses would result in a substantial increase in the number of vehicles entering and exiting the site. It is therefore likely that the development would result in an increased probability of accidents.

19. My attention has been drawn to other permissions in Haddenham at which reduced visibility splays have been accepted. However, no details of the specific circumstances of those sites have been provided. It is therefore not clear whether they equate to the appeal proposal either in the scale of development or the risks arising from proximity to a highway feature such as the bend leading into Rudds Lane. Consequently, these permissions attract limited weight in the determination of this appeal.
20. The development would therefore fail to provide safe access to the highway, contrary to policy T5 of the LP which states amongst other criteria that new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development.

Living conditions

21. The house on plot 4 of the appeal site would be immediately opposite the rear of 2 Roundhill View, where no structure presently exists on the appeal site. No 2 has a relatively shallow rear garden, and the house on Plot 4 would be an imposing structure with a two-storey gable facing the shared boundary at a short separation distance. It would be overbearing to the occupiers of No 2, especially when seen from their rear garden, due to its height and proximity to the shared boundary.
22. The development would therefore result in unacceptable harm to the living conditions of neighbouring occupiers, contrary to Policy BE3 of the LP. This policy states that development must not unreasonably harm any aspect of the amenity of existing residents.

Trees

23. There are mature trees on land adjoining the appeal site, including in neighbouring gardens. These contribute to the overall character of the area, including the CA.
24. Policy NE8 of the LP requires that, where trees within or adjacent to a site could be affected by a development, a full tree survey and arboricultural impact assessment will be required as part of the planning application. In the absence of any such information it is not possible to say that the trees on adjoining land would not be harmed by the proposed development, to the detriment of the character of the area and the CA.

Planning Balance

25. The development would result in the creation of five new dwellings. This would support the Government's objective of significantly boosting the supply of homes. Haddenham is a sustainable location for new housing with access to public transport and day-to-day services and facilities. The development would deliver short-term economic benefits during construction, and long-term benefits from the occupation of the houses. Collectively these benefits attract

moderate weight in favour of the development. However, this does not outweigh the great weight that must be given to the conservation of designated heritage assets as required by the Framework.

26. As that harm would not be outweighed by the public benefits of the proposed development the presumption in favour of sustainable development identified in the Framework is not engaged in this instance.
27. In addition to the harm to designated heritage assets, there would also be harm to the setting of the non-designated heritage asset, 14 Townsend, as well as to the living conditions of neighbouring occupiers. Furthermore, the development would fail to provide safe access to the highway, and insufficient information has been provided to show that trees on adjoining land would not be harmed by the appeal proposal.
28. Given that the harm arising from the development would outweigh the overall benefits, there are therefore no material considerations to lead me to find otherwise than in accordance with the development plan.

Other Matters

29. The appellant objected at examination stage to the designation of the appeal site as 'not built development' in association with the site to the north designated as HAD007 in the LP. The LP has now been adopted and the designation has been confirmed, although it was not determinative in this instance.

Conclusion

30. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR