



Appeal Decision

Site Visit made on 3 November 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/J0405/W/21/3276867

**Land adjacent to 1 Anstey Brook, Weston Turville, Buckinghamshire
HP22 5RT**

- 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 Ms Heather Blackwood against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/02019/APP, dated 17 June 2020, was refused by notice dated 15 December 2020.
 - The development proposed is described as detached carbon neutral dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the Vale of Aylesbury Local Plan 2021 (the LP) has been adopted by the Council and now forms part of the development plan for the area along with Weston Turville Neighbourhood Plan 2018 (the NP). The LP policies replace those from the Aylesbury Vale District Local Plan 2004 and referred to in the Council's refusal reasons. The appellant has had the opportunity to make submissions on the LP in their final comments.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area and (ii) the living conditions of occupiers of 1 Anstey Brook (No 1) and of other nearby residences in terms of outlook and privacy.

Reasons

Character and appearance

4. Anstey Brook is a residential cul-de-sac with dwellings that are all of a similar age and design. New planting would be provided as part of the scheme but nevertheless the proposed dwelling would be clearly seen with the other properties on Anstey Brook. The house would not be easily viewed with any buildings outside the cul-de-sac due to the separation distances and intervening trees.
5. The proposal would include unusual features to the area such as an asymmetrical roof, timber cladding and metal standing seam roofing and a gable front elevation with a balcony and extensive glazing. As such, it would be markedly different in appearance to the Anstey Brook brick and tile houses with side hipped roofs and traditional style fenestration. The contrast in appearance

would be particularly striking given the prominent position of the house, its close visual relationship to the neighbouring dwellings and the significant level of uniformity in building design on Anstey Brook. Therefore, the proposal would not respect its context.

6. I note the intention to create a development with its own identity. However, the provisions of the LP, the NP and the National Planning Policy Framework only support innovative proposals where they promote high levels of sustainability, help raise the standard of design more generally in an area and integrate into the existing street scene.
7. The scheme would incorporate water consumption as well as energy generation and efficiency measures but there is limited evidence to demonstrate it would achieve carbon neutrality. Moreover, the unusual aspects of its design would not create an outstandingly attractive building and the scheme would not enhance the overall qualities of the locality. Therefore, the positive or innovative aspects of the development would not override or justify the significant harm caused by its marked incongruity.
8. Anstey Brook has a built up nature and the belt of vegetation between the site and Brook End would not be affected by the development. As such, the erosion of space as a result of the proposal would not be harmful to the character of the area. Also, parking to the front of properties is common in the cul-de-sac and so the front driveway would be compatible with its context. However, acceptability in these regards does not address the detriment caused by the unusual design of the house.
9. For these reasons, I conclude the development would harm the character and appearance of the area. In these regards, it would not accord with LP policy BE2 and NP policy H2. These aim, amongst other things, to ensure development complements its surroundings and local distinctiveness.

Living conditions

10. The proposed house would be visible from the first floor window to the front of No 1 and close to the side boundary of the site. However, the development would not affect the most direct views from this window over No 1's front garage and towards the properties on the opposite side of the road. Also, the house would be angled slightly away from No 1's front wall and its side roof plane would slope up and away from the boundary. Therefore, the development would avoid an unreasonable loss of outlook or oppressive effect even though it would be forward of No 1's bedroom window.
11. The rear elevation of the dwelling would be slightly angled towards the side boundary and so the rear windows would allow views towards No 1's garden. However, the back wall of the development would be well forward of No 1's rear elevation and so any overlooking would be at a distance. Also, views would be towards the far end of No 1's garden rather than the more private area close to the house. As such, the scheme would not lead to an unacceptable actual or perceived loss of privacy to No 1.
12. The extensive front glazing and balcony would be seen from the houses across the road and allow views of these properties from the proposal. However, the separation distances across the highway would be sufficient to ensure a

satisfactory level of privacy and outlook is maintained to these dwellings, even if the upper floors are used as daytime living areas.

13. Therefore, I conclude the development would not harm the living conditions of occupiers of No 1 or residents of any other nearby properties in terms of outlook and privacy. In these regards, it would accord with LP policy BE3 which, amongst other things, seeks to ensure proposals do not unreasonably harm the amenity of existing residents.

Other Matters

14. The site is adjacent to part of Weston Turville Conservation Area (the CA), which is based around formally dispersed hamlets that have now grown to form a built up area. The development would be well screened from the CA by trees and hedges and where it is visible it would be seen as part of the Anstey Brook group of houses. As such, the proposal would not harm the setting of the CA. This is a neutral factor in my assessment.
15. The development would be in a settlement where new residences are generally acceptable under the terms of the LP and NP. It would add to the housing stock and provide good living conditions and sufficient facilities to serve occupants. Also, it would include measures such as new planting, bat and bird boxes that would enhance the biodiversity value of the site. However, the proposal is for a single new unit and the extent of the ecological gains is limited. Therefore, I attach modest weight to the benefits of the scheme.

Conclusion

16. I have found the development would be acceptable in terms of the second main issue. However, the harm that would be caused to the character and appearance of the area means the proposal would be contrary to the development plan policies when read as a whole. The benefits of the scheme and other considerations are of insufficient weight to justify allowing the appeal contrary to the provisions of the development plan.
17. For these reasons, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR