



Appeal Decision

Site visit made on 23 November 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2021

Appeal Ref: APP/J0405/W/21/3275461

Garage Site, Pightle Crescent, Buckingham MK18 1LF

- 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 Vale of Aylesbury Housing Trust against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/02511/APP, is dated 15 July 2020.
 - The development proposed was originally described as "demolition of the existing 20 garages and the erection of 8 x two-storey apartments of the following configuration: 4 x one-bed apartments, 2 x two-bed apartments, 2 x three-bed apartments. Each apartment would have undercroft parking giving a total of 14 spaces, including 2 visitor parking bays. 5 separate spaces would also be provided just to the east of the dwellings. The existing 12 spaces would be retained at Pightle Crescent, which makes 31 parking spaces in total for the development. A secure communal bin storage area is also proposed, sized for the proposed development from discussions with the Council's Waste Services Coordinator."
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Decision

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

Main Issue

2. The Council, in paragraph 6.2 of their Statement of Case have identified the reasons why they would have refused the application, had the appeal not been submitted first. On the basis of these, I consider the main issues are:
 - The effect of the proposal on the character and appearance of the area, including the effect on protected trees;
 - Whether the development would provide satisfactory living conditions for its future occupiers in respect of their outlook and their outdoor amenity space; and
 - The effect of the proposal on highway safety.

Reasons

Character and appearance

3. The appeal site mostly accommodates a row of 20 garages, some parking spaces opposite and the hardstanding area in between. It is sited behind a number of blocks of three storey flats which are served by the garages and parking spaces at the appeal site. Four of these blocks face a central grassed

square with a fifth positioned behind them. Dwellings in the wider area are mostly two-storey semi-detached houses.

4. The existing blocks are of generally simple design. Each block contains six flats over three floors, except the block containing Nos 19-30 which is effectively a double width block containing 12 flats. They are of a uniform profile, roof shape, fenestration and are unadorned with balconies or dormers. The only notable variation between them is in the finishing materials with a mix of hanging tiles, render, brick and facing stone used across them. The semi-detached houses in the wider area are also of a traditional design.
5. The design of the proposal would have little in common with this surrounding development. Though the use of undercroft parking is an attempt to accommodate the apartments and the necessary parking onto a small site, and the balconies would provide valuable private amenity space for the future occupiers, both these aspects render the proposal starkly different from its context. In addition, the form of the block of a single row of eight apartments with each unit being over two floors, contrasts with the form of the other blocks. It is not expected that new development should slavishly follow the design of existing development, and some modernisation from the established character is to be expected and adds interest. In this case however the design of the development contrasts in so many significant respects that it would appear to have little regard to its surroundings. It would hence appear incongruous and would cause considerable harm to the character and appearance of the area.
6. The existing flats are set in an open grassed setting. The four frontage blocks are set fairly close to each other with the access road to the site providing the only significant gap between them. Also there are only small areas of grass between the blocks and the road. The gap between the proposed apartments and the nearest flats (Nos 19-30) is broadly comparable to the gap between the blocks containing Nos. 19-30 and Nos. 7-12, and larger than the gap between the blocks containing Nos. 19-30 and Nos. 31-36. Also, the ground level of the appeal site is slightly lower than that of the other blocks. This, together with the shallower roof profile, would mean the apartments would not be as tall as the flats. This, combined with the fact that the gap between the apartments and the flats would be broadly similar to existing gaps between blocks, means the development would not appear cramped in its setting. The loss of a small amount of grass to provide five parking spaces would also have no material effect on openness here.
7. Turning to the trees, the wooded area to the rear of the site is protected by an area tree preservation order¹. Many of these trees are tall mature trees which form an attractive backdrop to the garages and the flats on Pightle Crescent as a whole. There is some ivy and other overgrown bushes that have grown over the garages, particularly at their northern end. Nonetheless there are a number of large trees which are close to the garages and I would estimate they are less than 10 metres away, which is the figure suggested by the appellant.
8. The pile foundations for the development would be some way from the rear boundary of the site and the nearest part of the proposal to the trees would have foundations no deeper than those serving the existing garages. However, the proximity of the canopy of the trees to the apartments may mean many of

¹ Ref 2011 No.3

them need to be pruned back significantly or removed completely to facilitate the construction process or to allow light to enter the rooms at the rear of the development. Without a tree survey identifying the position of the trees relative to the development, it cannot be concluded that the protected trees would not be unacceptably harmed by the development, and it would not be appropriate to secure such a fundamental detail by way of a condition. The loss of these trees would diminish the verdant backdrop they provide which would be harmful to the character and appearance of the area. The proposed orchard would not sufficiently mitigate this.

9. The existing garages are not particularly attractive, with some garage doors appearing broken, and their loss and replacement would be beneficial to the appearance of the area, which counts in favour of the development.
10. Nonetheless, as the design would be in sharp contrast with its context and due to the potential for damage to the adjacent protected trees, the development would unacceptably harm the character and appearance of the area. The proposal would therefore conflict with the Vale of Aylesbury Local Plan (VALP) policy BE2 which states that new development shall complement and respect the local vernacular character of the locality. It would also fail to accord with VALP policy NE8 which requires a tree survey to be provided where trees within or adjacent to a site could be affected and also seeks to resist development that would result in the loss of, damage to, or threaten the well-being of any trees. In addition, it would contrast with policy DHE1 of the Buckingham Neighbourhood Development Plan which aims to protect existing trees.

Living conditions

11. As set out above, the trees and vegetation on the adjacent land behind the site are close to the rear boundary. The development would abut this rear boundary. Many of these trees are large and are as tall, if not taller, as the apartments would be. Therefore, the outlook from the windows on this north-western side of the apartments, which would serve kitchens, bedrooms and living rooms would be severely restricted by these trees.
12. Each apartment would have its own balcony which would provide a degree of private outdoor space. The two and three bed units would be more likely to accommodate families with children and although no specific communal outdoor area is provided, there is sufficient existing outdoor communal space around the flats which would be accessible by occupiers of the development. It would involve crossing the access road, but in view of the limited amount of traffic that would use this, and the slow speeds it would be travelling at, it is considered that children could safely access these spaces for outdoor play.
13. Consequently, although the development would be served by reasonable outdoor amenity space, the outlook from the north-west facing windows would be unacceptably restricted by the protected trees on the adjacent land. For this reason, the development would fail to provide satisfactory living conditions for its future occupiers and hence would fail to accord with policy BE3 of the VALP which seeks to resist development which fails to provide a satisfactory level of amenity for its future residents.

Highway safety

14. The development would result in the loss of the 20 garages and four of the 16 parking spaces opposite. In total it would provide 19 spaces and the Council advise the proposed units would require 15 spaces. In effect therefore the development would provide the 15 spaces required to serve the apartments and replace the lost four spaces, but would lose the 20 spaces provided by the garages.
15. The appellant advises only three of these garages are let which, based on their condition and notwithstanding the reasons behind that, I have no reason to doubt. The loss of these 20 garages would therefore have no material effect on the parking provision in Pightle Crescent. There is some parking on the grass verges, which I saw at my site visit, but this is likely to be because of its proximity to the flats, rather than a lack of availability of parking spaces, as there were plenty of spaces opposite the garages at that time.
16. Overall, it is not considered that the development would lead to an increase in on-street parking that would result in vehicles being parked in unsafe locations or which would compromise the safety of pedestrians. As a result, the proposal would accord with policy T6 of the AVL P which seeks to ensure all developments are served by an appropriate level of car parking.

Other Matters

17. The appellant states that the units would be affordable. However, in the absence of any mechanism to ensure that the dwellings would meet the definition of affordable housing as set out in Annex 2 of the National Planning Policy Framework, I can give this matter no weight.
18. The economic benefit, during the construction phase and in the longer term, would be modest given the proposal is for eight units. Likewise I give moderate weight to the benefit of making more efficient use of a part of Pightle Crescent that is clearly not very well used. The apartments would be in close proximity to local services and facilities and so are suitably located in this regard.

Conclusion

19. Although the proposal would not harm highway safety and would provide satisfactory outdoor amenity space, it would significantly harm the character and appearance of the area, including by threatening protected trees, and would fail to provide an acceptable outlook for the future occupiers of the flats. Overall, it is considered that the proposal would conflict with the development plan as a whole and the other considerations set out above do not outweigh this. Therefore, for the reasons given, the appeal is dismissed.

Andrew Owen

INSPECTOR