



Appeal Decision

Site visit made on 15 November 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/K0425/W/21/3278381

Car Park, Old Kiln Road, Flackwell Heath HP10 9NR

- 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 S Britnell of Revere Developments (Flackwell Heath) Ltd against Buckinghamshire Council.
 - The application Ref 20/05797/FUL, is dated 16 March 2020.
 - The development proposed is the redevelopment of the existing car park to include the construction of four semi-detached houses and five flats, landscaping and parking.
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Decision

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

Preliminary Matters

2. As an appeal against non-determination, the Council did not issue a decision. Nonetheless, they presented the scheme to their planning committee who resolved that they would have refused planning permission. The reasons therefore have informed the main issues.
3. Concerns expressed about highway safety were contiguous on a parking survey being carried out, the results of which were required to inform the Council's appeal statement on the matter. Given the survey was only carried out in the days leading up to the deadline for submission of evidence for the appeal, a deadline extension was requested. A short extension of 3 days was agreed. Without a detailed case on each of the main issues from the Council, there would have been little evidence on which to determine this appeal in regard to highway safety specifically. As a result, the short extension was deemed necessary, to ensure a robust and thorough consideration of the issues.
4. Following submission of the appeal, the 2019 iteration of the National Planning Policy Framework (Framework) was superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal, so I have therefore had regard to the 2021 iteration in my decision.

Main Issues

5. The main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of the occupiers of Nos 2 and 4 Old Kiln Road with particular regard to outlook; and c) highway safety with particular regard to parking provision.

Reasons

Character and Appearance

6. The appeal site is currently a car park to the rear of a parade of shops and local services. It is within a horseshoe arrangement of two storey terraced dwellings, the height, scale and design of which exude a traditional uniformity that contributes positively to the character and appearance of the area. Further dwellings run along the outer perimeter of the horseshoe, which are more varied in terms of size and design. Nonetheless, they are exclusively made up of bungalows and other modest two-storey dwellings, and are therefore commensurate in scale with the terraced dwellings within the horseshoe.
7. The proposed development would introduce two pairs of two-storey semi-detached dwellings within the centre of the appeal site, which would be sited roughly parallel with the dwellings in the horseshoe to the north and south. To the eastern side of these dwellings, the development would incorporate a three-storey flat-roofed block of 5 flats, with its primary frontage facing out onto the eastern section of Old Kiln Road. Both the block of flats and the semi-detached dwellings proposed would have a height noticeably greater than that of the corresponding dwellings around their perimeter. The difference would lead to an overly prominent and thus incongruous development within an otherwise lower-level context, accordingly reducing the traditional qualities of the existing built form.
8. Even accounting for the block of flats' third storey being inset from the elevations of its lower floors, owing to its flat roof, the additional storey would encompass the majority of the footprint of the building, thereby appearing excessive and bulky. This would further exacerbate the prominence and incongruity attributed to its height. Moreover, the flat roof would jar with the prevailing pattern of traditional pitched roofs which typify properties along this stretch of the road.
9. The proposed development would therefore harm the character and appearance of the area. It would accordingly conflict, in regard to this main issue, with Policies CP9 and DM35 of the Wycombe District Local Plan (adopted 2019), which together seek to ensure new development achieves a high-quality of design which is appropriate to its surrounding context in terms of scale, form, layout and design.

Living Conditions

10. Nos. 2 and 4 Old Kiln Road are located to the south-east of the appeal site, and the new block of flats would be located to their rear. Whilst the flats would be taller than these dwellings, they would be separated from their rear boundaries by a reasonable area of amenity space which would wrap around the new building. This intervening space would create sufficient distance between the properties, to ensure any impact of the development would not be overbearing. There are also several mature trees sited along the south-eastern boundary to the appeal site, which would screen off much of the development from the rear of these properties, further softening any associated impact.
11. On this basis, I am satisfied that the development would not have an unacceptable impact on the living conditions of the occupiers of nos. 2 and 4

Old Kiln Road. The development would therefore be, in regard to this main issue, consistent with Policies CP9 and DM35 of the Wycombe District Local Plan (adopted 2019), which amongst other things seek to ensure new development safeguards the amenity and privacy of the occupiers of neighbouring properties.

Parking Provision

12. The use of the appeal site as a car park, was historically tied to Aries House by planning condition¹. Concrete barriers are currently located at the access to the car park preventing its use by customers of the parade.
13. Whilst the parking survey commissioned by the Council does demonstrate some degree of parking pressure within the locality at certain times of day, the peak times during which this pressure is apparent coincide squarely with school drop off and pick up times. Outside of these hours, no tangible evidence has been presented to demonstrate that the local road network cannot adequately accommodate parking demand. This suggests that any parking pressures in the locality primarily stem from demand from parents/carers of school children during school drop-off/pick-up.
14. As private land, the car park was not intended to serve the general parking needs of drivers in and around Flackwell Heath. Consequently, the parking pressure identified in the survey data which arises during peak school drop off/pick up times should not be attributed to the closure of the appeal site car park, nor should the car park be retained solely to reduce parking pressure during these times. Its purpose was to accommodate the parking needs of the approved development only.
15. Although some of the parade shops remain occupied, the largest retail unit is vacant, which appears to have been the case for a significant period of time. Whilst this unit remains vacant, the demand for parking by customers would undoubtedly have been reduced.
16. This conclusion is consistent with the outcome of a further planning application approved by the Council in March 2020 in respect of Aries House² which permitted a mixed use including shops, offices and dwellings. Whilst not yet implemented, this permission would reconfigure the parking area immediately to the rear of Aries House. As part of the assessment of this application, this parking area alone was considered sufficient to meet the general parking demand in connection with the redeveloped site, without any reliance on the appeal site.
17. Given the length of time that the anchor store within Aries House has remained vacant, it is likely that the 2020 planning permission has been sought to secure the long-term viability of the parade. On this basis, the likelihood of the primary retail store re-opening pursuant to the Original Aries House Permission is remote. It follows therefore that the prospect of the appeal site car park being needed to accommodate a greater level of parking demand in conjunction with Aries House is similarly unlikely.
18. Pulling these factors together, use of the appeal site car park is specifically tied to the use of Aries House. It is not there to serve the general parking needs of

¹ Local Planning Authority Reference WR/855/71

² Local Planning Authority Reference 19/07850/FUL

the local community. As such, the appeal site car park should not be retained solely for the purpose of reducing parking pressures within the locality during school drop off and pick up times. Moreover, the granting of the 2020 planning permission suggests that the parking need for users of Aries House could now be accommodated by the land immediately to its rear, without any reliance on the appeal site.

19. For these reasons, I am satisfied that the appeal site car park is no longer needed in conjunction with the occupation of Aries House. As such, its loss would not result in an unacceptable demand for parking in the locality which could result in on-street capacity issues and thus highway safety problems. The development would therefore be consistent with Policies DM33 and DM35 of the Wycombe District Local Plan (adopted 2019), which together seek to ensure that new development makes adequate provision for parking without risk of adverse impacts from overspill parking.

Other Matters

20. Whilst the flats would depart from the more traditional design of the nearest neighbouring properties, there are examples of dwellings along Old Kiln Road with a contemporary design which still manage to assimilate properly with the street scene. In terms of its external appearance, I am therefore satisfied that the design of the flats would not cause undue harm to the character of the area. Nonetheless, this is a neutral factor and would not outweigh the harm to the character and appearance of the area that would arise from the bulk and height of the development.
21. Although Aries House to the north-east of the appeal site encompasses three storeys, it is separated from the appeal site by its substantial rear parking areas and low-level garages, as well as Old Kiln Road itself. As a result, it is visually separate from the appeal site, and would not properly mitigate against the discordance in height and bulk between the proposed development and the perimeter dwellings surrounding the site.

Conclusion

22. Whilst I have accepted the appellant's arguments with regard to the main issues concerning living conditions and parking provision, the proposal would nonetheless harm the character and appearance of the area. The development would therefore conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, worthy of sufficient weight that would indicate a decision otherwise than in accordance therewith. Therefore, and for the reasons given, the appeal is dismissed and planning permission is refused.

James Blackwell

INSPECTOR