
Appeal Decision

Site visit made on 13 December 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/J0405/W/21/3276467

4 Nelson Road, Dagnall, Buckinghamshire HP4 1RF

- 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 John Thompson against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/03910/APP is dated 8 November 2020.
 - The development proposed is the proposed demolition of side extension and outbuildings. Construction of two new two bedroom semi-detached properties.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by Mr John Thompson against Buckinghamshire Council. This costs application is set out with a separate decision.

Procedural Matter

3. The Vale of Aylesbury Local Plan (2021) was adopted in September of 2021, after the planning application was under consideration. The new policies have been included in the Council's Statement and the relevant policies have been submitted in full. The appellant has been sent these now adopted policies and has had chance to comment.

Main Issues

4. The main issues, based on the evidence before me, are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the area.
 - The effect of the proposal on neighbour living conditions.
 - The impact on current on-street parking provision.

- And would any such harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Is the development inappropriate in the Green Belt

5. National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages. Limited infilling in villages is also one of the listed exceptions within policy S4 of the Vale of Aylesbury Local Plan (2021), which states that *"residential infilling of small gaps in developed frontages with one or two dwellings will be permitted if it is in keeping with the scale and spacing of nearby dwellings and the character of the surroundings"*.
6. The terms 'limited' and 'infilling' are not defined in the Framework and these are essentially a question of fact and planning judgement. In this case the proposed two dwellings would be adjacent to the existing dwelling at No 4, but there would be a large space to the other side (east of the proposed houses). This space is made up of the lane and the long rear gardens of the properties at Dunstable Road. The southwest facing frontage of Nelson Road has this large spacious gap in the built form between the properties either fronting Dunstable Road or Nelson Road, with the lane separating these gardens. The introduction of two dwellings into this site would therefore not fill a small gap in an otherwise developed frontage.
7. On this basis, whilst two dwellings would be a 'limited' development, it would not be a typical infill development and would not meet with the policy S4 requirement that there should only be infilling of small gaps. The proposal would therefore not meet with the requirements of the exemptions to Green Belt inappropriate development which relates to limited infill in villages, as set out in the Framework and reflected in policy S4.
8. Overall, in the absence of any evidence to indicate that it satisfies any of the other exemptions, I conclude that the proposal would constitute inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should only be approved in very special circumstances.

Effect on Green Belt Openness

9. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to keep land permanently open. The proposed development would result in a significantly larger building than existing, with a greater footprint. As such, the openness of the site would be eroded, albeit by a limited degree. The proposed dwellings in this location would be largely visible within the street scene. It would result in development of significantly greater volume than that which is to be demolished, with much of the site being undeveloped garden land.
10. Consequently, the proposed dwelling would impact negatively on the openness of the Green Belt, the effect of which would be to cause further harm contrary to the relevant aims and objectives as set out in the Framework.

11. I also find that the proposal does not comply with policy S4 of the Vale of Aylesbury Local Plan (2021), which sets out the limited exceptions for granting permission of new or extended buildings in the Green Belt, plus the need to preserve openness.

Character and Appearance

12. The proposed two dwellings would front Nelson Road, adjacent to No 4. Whilst most properties along Nelson Road are not built to face southwest, the proposed dwellings would follow the general arrangement of facing the highway and being set back a suitable distance.
13. However, Nelson Road and much of the surrounding areas are typified in character by dwellings in spacious plots, particularly with long rear gardens. The two proposed dwellings would be on much smaller plots than is typical, which would be evident when viewed from the side lane and from points along Nelson Road. They would appear cramped within this context and therefore would be incongruous new dwellings within the street scene. This would be to the detriment of the character and appearance of the area.
14. The dwellings as proposed would be set within the village and therefore would not be harmful to the qualities or the Chilterns Area of Outstanding Natural Beauty. However, at street level, they would be harmful to the visual amenities of the local area, as they would be seen as a cramped and incongruous form of development. Therefore, the development is contrary to policy BE2 of the Vale of Aylesbury Local Plan (2021). This policy requires development to be of a design which respects the physical characteristics of the site and its surroundings.
15. However, I am not satisfied that the proposal is in conflict with policy EP12 of the Edlesborough Parish Neighbourhood Plan (2017), which relates to buildings of local interest.

Parking Provision

16. The Council have assessed that the two proposed dwellings, together with the host dwelling at No 4, would have sufficient off-street parking. I have no substantive evidence to come to a different conclusion.
17. The proposed dwellings would need dropped kerb access to their frontage and the parking spaces, which would mean that some on-street parking provision would be lost. I note some comments received about high levels of parking demand, but the loss of on-street provision would not be extensive and there is a lack of detailed evidence to demonstrate that this would lead to highway issues such as road hazards or congestion.
18. Overall, whilst this would reduce the on-street parking availability, I am not satisfied from the evidence that this is either a reason to dismiss the appeal or for the development to be contrary to policies T6 and BE3 of the Vale of Aylesbury Local Plan (2021). These policies require development to provide an appropriate level of car parking, including the provision for both on street and off street parking where appropriate.

Living Conditions of Neighbours

19. Adjacent to the site is the rear garden of No 8 Nelson Road, which would be at a short distance from the rear of these houses. The dwellings would result in some overlooking, but it is noted that there is already a significant level of overlooking of this rear garden, which is typical of this residential area. There would be some views back towards the rear elevation of No 8, but the angles involved would be such that, when combined with the separation distance, would not significantly affect living conditions of the occupiers at No 8.
20. The proposed dwellings would be positioned towards the end section of the garden of No 8 and set off the boundary. In this arrangement, the proposed dwellings should not result in an undue level of overbearing impact to the occupiers of No 8. There would also remain a sufficient level of open aspect so that the dwellings would not give a significant sense of enclosing the rear of No 8.
21. However, the dwellings would be to the southwest of the rear garden of No 8 and would likely result in a considerable level of overshadowing of this neighbours' garden at certain times of the day. Whilst it could be that not all the rear garden of No 8 would be overshadowed, the proposal would likely introduce a considerable amount of overshadowing over and above existing levels to an unreasonable level. This would be a significantly adverse impact to this neighbour's living conditions. There is a lack of detailed evidence to suggest otherwise. On this basis, the proposal is contrary to policy BE3 of the Vale of Aylesbury Local Plan (2021), which require that development does not unreasonably harm any aspect of the amenity of existing residents.

Green Belt Balance

22. I have found above that the proposal would constitute inappropriate development in the Green Belt and would negatively impact on the openness of the Green Belt. In accordance with the guidance set out in the Framework, I afford this substantial weight.
23. The proposal would contribute two additional small dwellings (described by the appellant as 'Starter Homes') towards local housing need within the village, which has some services and facilities. I acknowledge that the appellant considers the proposal as being an efficient use of previously developed land, as generally supported in the Framework. However, as this is for only two dwellings the benefit would be limited. I note the appellant's comments about the sympathetic design and materials proposed within this Area of Outstanding Natural Beauty. There are also the ecological enhancements which would have some benefit. I would consider all the benefits of the proposed development raised as having cumulatively modest weight.
24. On balance, these considerations, along with the other matters identified in the evidence either individually or collectively, do not clearly outweigh the identified harm so as to amount to the very special circumstances necessary to justify the development.

Conclusion

25. In summary, the appeal proposal would be inappropriate development within the Green Belt and lead to a small loss of openness. The proposal is also harmful to the character and appearance of the area and neighbour living

conditions. Overall, the harm as a result of the proposal would significantly and demonstrably outweigh the benefits such as those set out above.

26. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR