



Appeal Decision

Site visit made on 7 January 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2022

Appeal Ref: APP/J0405/W/21/3276378

**9 Rock Farm Lane, Liscombe Park Estate, Soulbury, Buckinghamshire
LU7 0JL**

- 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 Nigel Smith of BNZ Ltd against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/02639/APP, is dated 21 July 2020.
 - The development proposed is described as, 'erection of single storey detached one bedroom dwellinghouse'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Nigel Smith of BNZ Ltd against Buckinghamshire Council - North Area (Aylesbury). This application is the subject of a separate Decision.

Main Issues

3. While I note the reasons for refusal, from the wider evidence, the main issues are:
 - whether the proposal would accord with the Council's development strategy for the location of housing, with regard to the character and appearance of the area including trees and refuse storage;
 - the effect of the proposed development on the living conditions of neighbouring occupiers with regard to outlook; and
 - whether the proposal would accord with the Council's strategy for climate change.

Reasons

Location

4. Policy S2 of the Vale of Aylesbury Local Plan 2013 – 2033 Adopted Plan September 2021 (VALP) directs new development to within larger settlements and states that elsewhere in rural areas, housing development will be strictly limited. It also states that this is likely to be incremental infill development and

should be principally in line with Policy D5 and other relevant policies in the Plan.

5. VALP Policy D5 permits the infilling of small gaps in developed frontages with one or two homes in keeping with the scale and spacing of nearby homes where there would be no adverse effect on the character of the countryside.
6. The site lies within Liscombe Park which consists of commercial and leisure units as well as a number of residential properties. While a large number of the dwellings appear to have been converted from existing buildings such as barns, there are also a number of new dwellings near the appeal site with moderate spacing such that the area has a spacious character and appearance that is in keeping with its countryside setting.
7. The proposed dwelling would be sited in a corner location between No 9 and No 8 Rock Farm Lane (No 9 and No 8). There are further dwellings to the south of the site such that the site is largely surrounded by built development. As such, the proposal would infill a small gap in a developed frontage.
8. However, compliance with VALP Policy D5 is dependent on the effect on the character of the countryside. The building would be single storey with a pitched roof and a roughly square plan form. The buildings along Rock Farm Lane are generally low height with the eaves level a short distance above the top of the windows. In contrast, there would be a substantial distance between the eaves height of the proposed building and the top of the windows. Furthermore, the building would generally have a greater depth than the other buildings on Rock Farm Lane such that the ridge height as well as eaves height of the proposed building would be higher than those of the neighbouring single storey dwellings. Given the larger massing together with the limited garden space, the building would appear overly large for the size of the plot, thereby having an incongruous effect on the spacious character and appearance of the area.
9. Since a number of the buildings surrounding the site are clad in timber, the use of this material would not appear out of keeping. Similarly, concrete roof tiles and UPVC window frames would not appear incongruous given their use in the surrounding buildings. In addition, I see no reason why a suitably worded condition could not require further details of materials to be agreed by the Council. However, this would not override the incongruous effect that the building would have on the character of the area.
10. Liscombe Park includes a number of businesses and a fitness centre which would provide some employment opportunities and leisure facilities. While there are no schools, food shops or public transport provisions, since the proposal is for a one-bedroom dwelling, it would not be occupied by a family and the scheme would therefore be unlikely to generate trips to a school.
11. Therefore, while future occupiers would be reliant on the private vehicle for access to a wider range of services and facilities, the number of trips would be limited by the number of occupiers and the provision of services within Liscombe Park. In addition, opportunities to maximise sustainable transport solutions will vary between urban and rural areas. As such, refusal of planning permission on this basis alone would not be justified.
12. The ash tree on the site is proposed to be retained and an arboricultural statement provided as part of the appeal confirmed that the tree falls within

Category C and should not be considered a constraint to any proposed design. There is little information before me relating to protection measures during construction, to demonstrate that there would not be an unacceptable harm to the tree. However, since there are trees in the vicinity of the site that provide a green aspect to the area, the loss of the tree would not harm the character and appearance of the area.

13. While a location for the storage of refuse and recycling has not been indicated on the drawings, given the layout of the plot, a suitably worded condition requiring the submission of relevant details could adequately address this issue.
14. While I note the comments of the Inspector for the case at Land east of the Courtyard, since that proposal was for a larger number of dwellings with a different design, and was determined under the previous development plan, it is not directly comparable to this appeal. In any event, each case must be determined on its individual merits.
15. Consequently, the proposal would not accord with the Council's development strategy for the location of housing, with regard to the character and appearance of the area. Therefore, it would conflict with VALP Policies S2 and D5 which direct new development to larger settlements and seek infill development that would not have an adverse effect on the character of the countryside. It would also conflict with VALP Policy BE2 which requires development to respect and complement the scale and context of the site and its setting.

Living conditions

16. The building would be sited adjacent to the boundary with No 8. Given the height of the building, it is likely that it would be visible from the rear windows of this neighbouring dwelling. However, since it would be located to the side boundary, and there would be outlook in other directions, the proposal would not unduly harm the outlook of the neighbouring occupiers. Given the significant distance to the other properties to the rear, the scheme would not result in harm to the outlook of the other neighbouring occupiers.
17. Consequently, the proposed development would harm the living conditions of neighbouring occupiers with regard to outlook. Therefore, it would conflict with VALP Policy BE3 which resists development that would unreasonably harm any aspect of the amenity of existing residents, among other things.

Climate change

18. VALP Policy C3 states that the Council will seek to ensure that all development schemes achieve greater efficiency in the use of natural resources, including measures to minimise energy use, improve water efficiency and promote waste minimisation and recycling. Developments should also minimise, reuse and recycle construction waste wherever possible.
19. There is very little information before me in this respect. However, given the relatively standard nature of the proposed building as well as its limited scale, I see no reason why a suitably worded condition could not be effective in demonstrating compliance with this Policy.

20. Consequently, the proposed development would not conflict with the Council's strategy for climate change. Therefore, it would not conflict with VALP Policy C3 which generally seeks to achieve greater efficiency in the use of natural resources.

Other Matters

21. The proposal would contribute a single dwelling to the local housing supply. There would be temporary economic benefits during the construction phase and future occupiers would contribute to the local community. However, given limited scale of the proposal, these benefits would be limited. Therefore, given the harm identified above, these matters have not altered my overall decision.

Conclusion

22. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR