
Appeal Decisions

Site visit made on 18 January 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2022

Appeal A Ref: APP/K0425/W/21/3278201

Land rear of 2 & 3 Queensway access from Amersham Road, Hazlemere, HP15 7HP

- 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 Mr Bill Ling (Bristol Investments Ltd) against the decision of Buckinghamshire Council.
 - The application Ref 21/05541/FUL, dated 19 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is Construction of 5 No. houses with associated parking and landscaping.
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Appeal B Ref: APP/K0425/W/21/3281262

Land rear of 2 & 3 Queensway access from Amersham Road, Hazlemere, HP15 7HP

- 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 Mr Bill Ling (Bristol Investments Ltd) against the decision of Buckinghamshire Council.
 - The application Ref 21/06615/FUL, dated 21 May 2021, was refused by notice dated 30 July 2021.
 - The development proposed is Construction of 5 No. houses with associated parking and landscaping.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated. The differences between the appeal developments are summarised in my reasoning below.
4. The Council's reasons for refusal in respect of both Appeal A and B, state that the schemes are 'unacceptable in principle'. However, since the appeals were submitted the Council has clarified that the developments are acceptable in principle and that the wording of the first reason for refusal is incorrect in this regard. I have taken this into account in considering the main issues.

5. The main parties have had opportunity to comment on the revised National Planning Policy Framework 2021 (the Framework) and I have had regard to it in this decision.

Main Issue

6. The following main issues are relevant to both appeals:
- The effect of the proposed development on the character and appearance of the appeal site and surrounding area.
 - The effect of the proposed development on the living conditions of occupiers of neighbouring dwellings at 2 and 3 Queensway, with particular regard to the effect on outlook.
7. In addition to the issues above, the following main issue is also relevant in the case of Appeal A:
- Whether the proposed development would provide an acceptable standard of accommodation for future occupiers of plot 4, with particular regard to outlook.

Reasons

8. The developments proposed under Appeal A and B would both include the provision of five dwellings. The appeal schemes differ in terms of the house types proposed and their layout. The Appeal A proposal would include a detached dwelling in addition to four terraced properties, whilst the Appeal B proposal is for a terrace of three dwellings and a semi-detached pair. There are some differences in general appearance, but the proposed schemes are predominantly similar in this regard. Both developments are also of a similar height and scale.
9. The evidence before me indicates that the site has a fairly extensive planning history. Most recently an appeal was dismissed for a two and a half storey block of 8 flats¹ in November 2020. The appellant's appeal statement outlines that, in formulating these two proposals, they have sought to address the conclusions of the Inspector in relation to the previous appeal.

Character and Appearance

10. The appeal site is located within the settlement of Hazelmere and comprises an area of vacant land. The appeal site formerly comprised the rear gardens of 2 and 3 Queensway. The wider surrounding area consists of predominantly residential development of differing designs and scales. However, there are areas within Hazelmere which do include relatively uniform and consistent characteristics.
11. For example, much of the residential development on Queensway, close to the appeal site, is single storey and these dwellings are typically set within relatively spacious plots. Some of the properties have roof extensions and others have what might be described as a 'chalet' appearance but this does not detract from their overall single storey character and modest scale. The dwellings on Queensway face towards an allotment which is located within the Green Belt. These dwellings, in combination with the appeal site, provide a

¹ PINS Appeal Ref: APP/K0425/W/19/3243052

gradual transition between a more open character towards more prominent two-storey residential development to the south of the site and further towards the centre of Hazelmere.

12. Development on Amersham Road has a markedly different character to the appeal site and Queensway. In particular, there is a recently constructed development² comprising 14 residential units directly adjacent to the appeal site. This development is visible from Queensway but it is far more visually and functionally contiguous with other more prominent development on Amersham Road, which has a less open character.
13. Both of the developments proposed under Appeal A and B would comprise of five two-storey dwellings, which, even taking into account the spaces proposed to the front and rear, would fill much of the existing gap between the recently constructed development on Amersham Road and the rear gardens of properties on Queensway. The overall footprint of each individual property would be small in comparison to residential development in the surrounding area. However, the cumulative visual effect created by the number of dwellings and their dominant two-storey scale would be completely at odds with the more modest scale of development on Queensway. As a result, both developments would significantly harm the more open and spacious character of the appeal site and Queensway.
14. This harm would be visible from Queensway and in particular from the neighbouring gardens of properties on this road. The incongruous appearance of the developments would also be partly visible over the existing access with Amersham Road. The fact that the recently constructed development on Amersham Road is partly visible from Queensway would not ameliorate the visual harm which would be caused by the proposed developments. As I have already outlined, development fronting Amersham Road has a markedly different and far more prominent character. Indeed, if anything, the presence of such a prominent neighbouring building would only serve to exacerbate the visual harm caused by the proposed developments, given the cumulative visual concentration of development which would result.
15. The appellant asserts that the maximum height of the proposed houses would only be slightly higher than that of neighbouring dwellings on Queensway. However, the single storey properties on Queensway typically comprise roofs with a relatively steep pitch, tapering down significantly to the eaves. In contrast, when viewed from Queensway, the proposed developments would both have a far more prominent scale at first floor level and would clearly read as two storey dwellings. The Appeal A scheme would be slightly more harmful in this regard. This is because of the setback of the proposed detached dwelling at Plot 5, which would result in a more elongated two-storey appearance when viewed from the north east.
16. The appellant has indicated that there is no policy requirement that the schemes should replicate the design of surrounding properties. I accept this. However, both the development plan policies and the Framework require that development is sympathetic and has regard to its local context and character. Indeed, for the reasons outlined above, both of the appeal schemes would have a significant harmful visual impact upon the character and appearance of the

² Council reference: 17/05961/FUL

appeal site and surrounding area, with the Appeal A scheme resulting in a marginally greater level of harm in this regard.

17. As such, the developments proposed under Appeal A and Appeal B would both conflict with Local Plan³ Policies CP9 and DM35, which together seek in part to ensure that new development is of a high-quality design which improves local character.
18. The proposed developments would also conflict with the Residential Design Guide SPD⁴ and the Housing Intensification SPD⁵. These documents seek to ensure high quality design and that new development improves the defining characteristics of an area, respectively.
19. The proposed developments would both also conflict with Framework Paragraph 130, which requires in part that developments are sympathetic to local character.

Living Conditions

20. Both developments proposed under Appeal A and Appeal B would be approximately 22 metres from their flank elevations to the rear of the neighbouring dwellings at No 2 and 3. This is by no means an uncommon flank-rear relationship, as is reflected within the wider surrounding area. Whilst the proposed developments would both have a more prominent scale than the dwellings at No 2 and 3, the proposed separation distance is considered to be sufficient to ensure that the outlook from these neighbouring properties would not be adversely affected.
21. I accept that an Inspector has concluded that a previously proposed scheme would result in a harmful impact upon the living conditions of the occupiers of these properties. However, the evidence before me indicates that the scheme in that case had a more prominent scale than is currently proposed under either Appeal A or Appeal B.
22. As such, the developments proposed under Appeal A and Appeal B would not harm the living conditions of occupiers of 2 and 3 Queensway. Both schemes would therefore accord with Local Plan Policies CP9 and DM35 (notwithstanding the conflict with these policies in relation to other main issues), insofar as they relate to the protection of living conditions of neighbouring occupiers.
23. The Council, in their reason for refusal, refers to the Residential Design Guide SPD. However, the Council has not identified which part of the SPD is relevant or where the conflict lies in this regard. As such, I have not identified any conflict with the SPD.

Standard of Accommodation (Appeal A)

24. The Appeal A development would include a detached property (Plot 5), which would be set back further in the site than the proposed row of four terraced dwellings. The closest of the proposed terraced dwellings would be Plot 4.
25. The Council states that 'the siting [of plot 5] will breach the right-angle guidelines to plot 4.' However, the Council has not directed me to the

³ Wycombe District Local Plan (Adopted August 2019)

⁴ Wycombe District Council Residential Design Guidance (Adopted June 2017)

⁵ Housing Intensification Supplementary Planning Document 2011 Update

guidelines referred to. Notwithstanding this, having reviewed the plans, there would not be any significant adverse overbearing impact upon the future occupiers of Plot 4 in relation to any of the windows to the rear or side of this property. This is because the proposed rear facing windows of Plot 4 are all set at oblique angles such that Plot 5 would not have an overbearing impact when viewed from them. The ground floor window in the side elevation of Plot 4 would retain a sufficient outlook, given that the dwelling proposed on Plot 5 is set back from this window.

26. However, the detached dwelling at Plot 5 would border the proposed rear garden of Plot 4, with the flank elevation dominating the outlook from much of the primary garden space to the rear of Plot 4. Given the close proximity of the two-storey elevation of Plot 5, its significant depth along the boundary between the proposed dwellings and its orientation in relation to the proposed outside space of Plot 4, it would have an overbearing impact on future occupiers of this property.
27. Therefore, the development proposed under Appeal A would result in substandard accommodation for the future occupiers of Plot 4. As such, the proposed development would conflict with Local Plan Policy DM35, which requires in part that new development provides a high standard of 'amenity' for future occupiers.
28. Local Plan Policy CP9 is not relevant to this main issue as it does not relate to the living conditions of future occupiers.
29. Again, the Council, in their reason for refusal, refer to the SPD. However, the Council has not identified which part of the SPD is relevant or where the conflict lies in this regard. As such, I have not identified any conflict with it.

Other Matters

30. Both developments proposed under Appeal A and Appeal B would result in a net increase of 5 dwellings to the housing stock. In addition, the quantum of development proposed would be an efficient use of a small site in accordance with the requirements of the Framework. There would be some social and economic benefits associated with the increase in the housing stock. This is consistent with Framework Paragraph 60, which sets out the aim of significantly boosting the supply of homes. There would also be an increase in the local population which would go some way to supporting local services and facilities. In addition, there would be limited temporary economic benefits associated with employment generated and/or supported during the temporary construction period. However, as a result of the limited scale of the proposed development these benefits would only be of moderate weight.
31. I note that a high proportion of the surrounding area is within the Green Belt and AONB. However, the appellant does not dispute that the Council can demonstrate a five-year supply of deliverable housing sites. In this context, the wider constraints to development in the surrounding area do not demand that any additional weight is afforded to the benefit of housing provision in respect of either appeal scheme.
32. The appellant asserts that the provision of five smaller homes will assist in meeting the needs of first-time buyers, smaller households, families and those wanting to downsize. However, there is no compelling evidence before me to

demonstrate that there is any particular local need for these types of dwellings over and above the need for other dwelling types and sizes. As such, this factor does not alter the moderate weight to which I have already afforded to the economic and social benefits of the proposed developments.

33. The principle of development is not in dispute between the main parties. Indeed, the site would be located in an area with good access to services and facilities and within Tier 1 of the settlement hierarchy as identified in Local Plan Policy CP2. However, the Framework seeks to guide all new development to the most sustainable locations. The access of the site to services and facilities is therefore a factor which carries neutral weight.

Conclusion

34. Neither of the developments proposed under Appeal A and B would result in any significant harm to the living conditions of neighbouring occupiers. However, the absence of harm in this regard does not outweigh the significant harm that both developments would cause to the character and appearance of the site and surrounding area. The development proposed under Appeal A would be marginally more harmful in this regard.
35. In addition, the Appeal A development would not provide an adequate standard of accommodation for future occupiers of Plot 4.
36. As such, the Appeal A and Appeal B developments would both conflict with the development plan taken as a whole. I have taken into account all other relevant material considerations raised, including the modest benefits associated with each of the proposals and the policies contained within the Framework. However, none of these considerations would outweigh the harm caused by each of the proposed developments.
37. As such, both Appeal A and Appeal B are dismissed.

Luke Simpson

INSPECTOR