



Appeal Decision

Site visit made on 9 February 2022

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/K0425/C/21/3285663

21-23 Bell Street, Princes Risborough, Bucks, HP27 0DE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr W Galees against an enforcement notice issued by Buckinghamshire Council - West Area (Wycombe).
 - The notice, reference:21/00016/OP, was issued on 21 September 2021.
 - The breach of planning control as alleged in the notice is the erection of a free standing canopy for use by existing car wash facility.
 - The requirements of the notice are: 1. Dismantle and remove the freestanding canopy; 2. Remove all materials and debris resulting from carrying out step 1 of this Notice from the Land (shown out lined in red on the attached plan).
 - The period for compliance with the requirements is:3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a free standing canopy for use by existing car wash facility at 21-23 Bell Street, Princes Risborough, Bucks, HP27 0DE as shown on the plan attached to the notice and **subject to the following condition:**
 - 1) Within 3 months of the date of this decision the canopy hereby granted permission shall be replaced with a light grey coloured canopy. The colour of the canopy shall not thereafter be changed.

The Appeal on Ground (a)

2. The Council are concerned about the car wash canopy that sits in the car park of The Bell public house. The Bell and its car park sit within but on the edge of the Princess Risborough conservation area. To the south, on the same side of the road but outside of the conservation area is a 2 storey, domestically designed building containing flats which has a neutral effect on the adjacent conservation area. Opposite the car park, also outside the conservation area, is an Esso garage, with a large forecourt and modern canopy which stands out as intrusive and harmful and is easily the most dominant building in the vicinity. Next to the garage, but within the conservation area is a row of cottages some of which are listed and opposite these is the pub building itself, which is not listed but is an 'other significant building' in the conservation area character appraisal.

3. Policies CP11 and DM31 of the Wycombe District local plan both seek to ensure development conserves the historic environment, whereas DM35 requires all development to improve the character of the area. DM36 is directly relevant to the small scale development under consideration and requires that development is high quality in design, respects character and appearance of the existing property and surrounding area, is subservient in scale etc. The requirement for all development to improve the character of the area seems a little overstated and is not in line with the latest iteration of the NPPF, I shall give greater weight to CP11, DM31 and DM36.
4. The site stands as an entrance to the conservation area and so, perhaps unsurprisingly, is of a rather mixed quality, with the dominant garage opposite, the flat open car park itself and then the line of attractive cottages. The canopy itself is large and bright blue in colour. It stands out as prominent and intrusive. The issue is whether that preserves the conservation area or not. Because the canopy is tucked away at the back of the car park, it cannot be seen in conjunction with the listed cottages. It is most easily seen from across the road with fairly mundane buildings as a backdrop. It is however seen from further away as part of the pub and car park together and so is seen as a feature in the conservation area. However, given its location it is the colour that is the major issue. The blue stands out, even in distant or glimpsed views, and given its sensitive location as an entrance to the town, even greater care has to be taken over what is a utilitarian structure at the back of a car park, and in its current state it is harmful to the character and appearance of the conservation area. It follows it also causes less than substantial harm to the heritage asset that is the conservation area.
5. However, if the colour was a much more muted light grey, it would merge more with the background and be much less prominent. In my view this would have a neutral effect on the conservation area and not harm the setting of the listed cottages. The appellants have offered to change the colour and this can be achieved by condition. If so, then the canopy will be in line with the policies mentioned above, no longer harm the heritage asset and I shall allow the appeal on ground (a).

Simon Hand MA

INSPECTOR