



Appeal Decision

Site visit made on 19 April 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2022

Appeal Ref: APP/J0405/W/21/3282934

2 Grove Court, Berton HP22 5EA

- 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 and Mrs Webb against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/03996/APP, dated 19 November 2020, was refused by notice dated 28 April 2021.
 - The development proposed is a new accessible and sustainable single storey residential dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the planning application that is the subject of this appeal, the Vale of Aylesbury Local Plan (the VALP) was adopted in September 2021 and now comprises part of the development plan such that its policies attract full weight in decision-making. The main parties have had the opportunity to comment upon any relevance of this to the appeal's outcome.

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon existing trees; and
 - The effect upon the Chilterns Beechwoods Special Area of Conservation (the SAC).

Reasons

Character and appearance

4. The site is comprised of a well-vegetated rectangular area of garden land that sits adjacent to existing residential development to the northeast, and opposite to a row of dwellings that front Grove Court's south-eastern side. A grassed paddock (the paddock) runs the site's south-western boundary. Properties tend to be located towards the front of their plots and to exhibit pitched roofs and red-brick elevations. Nevertheless, there is no strong sense of uniformity to the manner in which the closest properties to the site are designed and spaced.

5. Notwithstanding the mixed makeup of close by residential developments, the site and its immediate surroundings, being setback from Rowsham Road, can be observed to have a spacious and semi-rural character and appearance. This is in no small part due to the presence of the paddock and the proximity of the wider open countryside. I also note that footpaths cross the paddock such that the scheme would be readily visible from a range of publicly accessible locations.
6. It has been explained that the building's design has sought to mimic the physical characteristics of agricultural buildings in the locality and to utilise a gable-ended frontage not dissimilar in form to those exhibited by other Grove Court properties. I see some merit in the design principles that have been followed. Moreover, the National Planning Policy Framework (July 2021) (the Framework) indicates that appropriate innovation or change should not be prevented or discouraged.
7. Even so, it is the size of the proposed dwelling and its visibility in a semi-rural context that raises concerns. Indeed, it would cover a large footprint, exhibit a long outward flank, and be sited near to the site's south-western boundary. Furthermore, although to be of subordinate height relative to neighbouring two-storey build form, a ridge height of close to 6m is still intended. As such, the new dwelling would appear as an unduly conspicuous and unexpected addition. This is especially when factoring in the palette of external-facing materials that has been chosen, which would not integrate seamlessly with an adjacent built environment dominated by red bricks and concrete roof tiles.
8. Whilst a scheme of soft landscaping has been mooted, the intended positioning of the dwelling and the space constraints of the site dictate that a substantial and comprehensive planted buffer would be unable to establish alongside the dwelling's southwestern flank. I also note that planting cannot always be relied upon to consistently provide solid or impenetrable buffers to views. This is not least because it is ever evolving and reliant upon continual maintenance to retain a consistent form.
9. Reference is made in the appellants' evidence to the process of purchasing a strip of land that is sited immediately adjacent to the site's south-western boundary, which could offer additional planting opportunities. However, this area of land is situated outside of both the red line extent of the appeal site and the blue line extent of land falling under the appellants' control. As such, potential planting works upon this additional strip of land could not be effectively secured or enforced by way of planning condition. I thus attach limited relevance to the arguments put forward in this sense.
10. For the above reasons, the proposal would cause harm to the character and appearance of the area. The scheme conflicts with Policies NE3 and BE2 of the VALP and the New Houses in Towns and Villages Design Guide (October 1992) in so far as these policies and guidance require all new development proposals to respect and complement the physical characteristics of the site and its surroundings including the scale and context of the site and its setting.

Trees

11. The proposal is supported by a professionally undertaken arboricultural report¹ (the tree report). This offers a full schedule of the various tree and hedgerow specimens encountered, provides details of those intended to be felled, retained and/or worked upon, and offers clarity upon the protection/mitigation methods planned to be utilised during the construction phase.
12. The largest and most visually prominent specimens upon or adjacent to the site (including those positioned in proximity to Grove Court) are intended to be protected and retained. A Tree Protection Plan makes up part of the tree report and illustrates the extent of historic encroachment within root protection areas (which was possible to verify upon inspection) and the areas of further intrusion now proposed. These include a portion of the new access to be installed as well as the outermost southern corner of the new dwelling.
13. Notwithstanding concerns raised by the Council's Tree Officer, in-part related to level changes and the extent of encroachment within defined root protection areas, I am sufficiently satisfied that, having closely inspected the south-eastern boundary, ground conditions and the precise positioning of established trees and their canopies, the scheme could be implemented without representing a significant threat to the long-term health or stability of the specimens intended to be retained. This would be subject to a detailed method statement being secured via condition should the appeal be successful, to augment the preliminary advice that is contained in the tree report.
14. Whilst specimens surveyed as moderate quality or, in one case, high quality are earmarked for removal, it was apparent upon inspection that their cumulative value in character and appearance terms is modest. This is consistent with the conclusions of the tree report. Moreover, notwithstanding the site's space constraints, I am suitably satisfied that a commensurate schedule of replacement planting could be secured via condition in the event the appeal be successful.
15. For the above reasons, without prejudice to my findings upon the first main issue of this appeal, the proposal would have an acceptable effect upon existing trees. The scheme satisfactorily accords with Policies NE4 and NE8 of the VALP and the Framework in so far as these policies indicate that planning decisions should ensure that existing trees are retained wherever possible and that, where the loss of trees is considered acceptable, adequate replacement provision will be required.

The SAC

16. The site lies within a recently prescribed Zone of Influence where likely significant effects upon the SAC from net increases in development due to recreational impacts cannot be ruled out. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on (a) European site(s) (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. However, as I have found the proposal to be unacceptable for other reasons, it

¹ Tree Survey, Arboricultural Impact Assessment and Preliminary Method Statement (November 2020)

is not necessary for me to undertake an appropriate assessment. For the avoidance of doubt, even if I had done so and identified no adverse effect upon the SAC's integrity, it would not have affected my overall conclusions on this appeal.

Other Matters

17. The site abuts the Bierton Conservation Area (the CA) to its north-western side. Its significance as a designated heritage asset is drawn, in-part, from its mix of historic buildings and linear development pattern. Due to the scale of scheme under consideration and the intended setback build position relative to the CA's boundary, the proposal would preserve the CA's character and appearance and would not cause harm to its heritage significance through bringing forward development within its setting.
18. I have noted objections/concerns raised by interested parties with respect to matters including potential visual intrusion for neighbouring occupiers, land ownership and the construction phase of development. However, as I have found the scheme to be unacceptable for other reasons, it is not necessary for me to explore these matters any further here.
19. The proposal would deliver an additional family-sized, energy-efficient and accessible housing unit that would provide a valid accommodation option for Bierton's ageing population. Indeed, the Framework reaffirms the Government's objective of significantly boosting the supply of homes. However, as merely a single additional unit is under consideration, I attach limited weight to the delivery of new housing as a scheme benefit. Furthermore, based on the evidence that is before me, a similar limited weighting would apply even should a self-build dwelling be under consideration.
20. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract limited weight due to the quantum of development under consideration. Similarly, any net-gain achievable in biodiversity terms would necessarily be limited and attractive of commensurate weight in the planning balance.
21. The proposal's benefits, considered cumulatively, would be modest and would not outweigh the considerable harm that would be caused to the character and appearance of the area. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

22. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR