
Appeal Decision

Site visit made on 5 April 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/K0425/W/21/3282059

Rear of Comilla & Chiltern, Wycombe Road, Stokenchurch HP14 3RP

- 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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Barar Homes against Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 21/05038/VCDN is dated 6 January 2021.
 - The application sought planning permission for the Erection of 1 pair of two storey dwellings with associated parking and landscaping without complying with a condition attached to planning permission Ref 20/05793/FUL, dated 18 August 2020.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 19- 303-01, 19-303-02, 19-303-03, 19-303-04, 19-303-05, 19-303-06, K1619.T; unless the Local Planning Authority otherwise first agrees in writing.
 - The reason given for the condition is: In the interest of proper planning and to ensure a satisfactory development of the site.
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Decision

1. The appeal is allowed and planning permission is granted for the Erection of 1 pair of two storey dwellings with associated parking and landscaping without complying with a condition attached to planning permission Ref 20/05793/FUL, dated 18 August 2020, at Rear of Comilla & Chiltern, Wycombe Road, Stokenchurch HP14 3RP in accordance with the terms of the application, Ref 21/05038/VCDN, dated 6 January 2021, subject to the conditions in the attached schedule.

Preliminary Matter

2. On my site visit I noted that substantially completed dwellings occupied the appeal site. They incorporated dormer windows in their rear facing roof slope similar to those shown on the plans submitted with this appeal. However, I have no evidence before me to indicate the extent of the works that have been undertaken. Consequently, my decision will be based on the planning application details considered by the Council which is now the subject of this appeal.

Applications for Costs

3. An application for costs was made by Mr Jagdeep Barar, Barar Homes, against Buckinghamshire Council. This application is the subject of a separate decision.

Main Issues

4. The Council indicate that the development would comprise of modest family homes within a large village where there are community amenities, and bus stops to High Wycombe, within walking distance. They consider that it would be unreasonable to refuse the proposal on the basis that there would be two parking spaces per dwelling and not three. They have indicated that had it been able to decide the application, it would have been permitted subject to conditions.
5. Notwithstanding the above, the Highway Authority recommended that the application should be refused on the grounds of inadequate provision for parking vehicles clear of the highway. There was also an objection from Stokenchurch Parish Council with regards to parking and landscaping. Insofar as landscaping is concerned, I find that this aspect of the scheme would be unaffected by the proposed variation to the house design. Accordingly, the main issue is whether the development provides suitable parking arrangements, and the subsequent effect thereof on highway network with specific regard to the local network.

Reasons

6. The appeal site comprises a pair of semi-detached dwellings located at the end of a short private drive. 2 parking spaces would be provided directly in front of each dwelling. With the above factors concerning the development's location in mind, future occupants would be less dependent on private vehicles to access services as part of day to day living and thus a flexible approach to the number of parking spaces provided is justified.
7. Even if the number of vehicles at the dwelling at any one time exceeded the capacity of the on-site parking provision, it would be unlikely that future occupants would park on the A40, given the availability of other alternative unrestricted parking opportunities closer to the dwellings. In this regard I also note that the properties would be provided with generously sized parking spaces, and wide drives, which could facilitate additional parking should the need arise. Consequently, the impact on other road users through any potential obstruction to traffic flow would not be severe.
8. The proposal would provide suitable parking arrangements, and any effect on the local highway network would be limited. As a result, the development would accord Policy DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the Wycombe District Local Plan (adopted August 2019), the Buckinghamshire Council Countywide Parking Guidance Policy (adopted September 2015) and the National Planning Policy Framework. These policies jointly seek, amongst other matters, sufficient parking to meet the needs of future occupants, recognising that each development is unique, and to ensure there is no significant adverse impact from overspill parking.

Conditions

9. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those

that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

10. For the above reasons, the proposed development would accord with the development plan and, as such, the appeal should succeed. Planning permission is granted subject to the conditions set out.

John Gunn

INSPECTOR

Conditions Schedule

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 19-303-01, 19-303-02, 19-303-03, 4371 PLA 1.00, 19-303-05, 19-303-06, K1619.T; unless the Local Planning Authority otherwise first agrees in writing.
3. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
4. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
5. The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development falling within Classes A, C, D and E of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.
7. Details of the parking and manoeuvring scheme shall be submitted in writing to and approved by the Local Planning Authority, and activities associated with the use hereby permitted within this application will not be brought into operation until the approved scheme has been laid out.
8. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - a) a scaled plan showing vegetation to be retained and trees and plants to be planted
 - b) a schedule detailing sizes and numbers of all proposed trees/plants
 - c) Sufficient specification to ensure successful establishment and survival of new planting. Any new planting that dies, is removed, becomes severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

9. Off-site trees and hedges will be safeguarded in accordance with BS5837:2012 'Trees in Relation to Construction'. The Root Protection Area surrounding each tree/hedge shall remain undisturbed during the course of the works, and in these areas:
 1. there shall be no changes in ground levels
 2. no materials or plant shall be stored
 3. no buildings or temporary buildings shall be erected or stationed
 4. no materials or waste shall be burnt
 5. no drain runs, trenches or other excavation shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.
10. A scheme for the mitigation and compensation of the impact of the development on ecology combined with measures to enhance ecology, in line with the proposals in section 6 of the PEA, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work above foundation level. The scheme must include timings of implementation and plans which clearly show what will happen where. All works shall then proceed in accordance with the approved scheme with any amendments agreed in writing.