
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: 25 May 2022

Appeal Ref: APP/K0425/W/21/3285116

5 Plomer Hill, High Wycombe HP13 5JQ

- 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 Andrew Main against the decision of Buckinghamshire Council.
 - The application Ref 20/07608/FUL, dated 23 September 2020, was refused by notice dated 18 August 2021.
 - The development proposed is described as 'Demolition of existing dwelling and construction of 6 x 2-bed units and 3 x 1-bed units using footprint of development 18/08086/FUL, permitted at appeal APP/K0425/W/19/3237567'.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing dwelling and construction of 6 x 2-bed units and 3 x 1-bed units using footprint of development 18/08086/FUL, permitted at appeal APP/K0425/W/19/3237567 at 5 Plomer Hill, High Wycombe HP13 5JQ in accordance with the terms of the application, Ref 20/07608/FUL, dated 23 September 2020, subject to the conditions on the attached schedule.

Application for costs

2. An application for costs was made by Mr Andrew Main, against Buckinghamshire Council. This application is the subject of a separate decision.

Preliminary Matter

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different description is stated. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one stated on the planning application form.

Main Issues

4. The main issues are the effect of the proposal on:
 - i) the character and appearance of the surrounding area, and
 - ii) the living conditions of the occupiers of neighbouring properties, having particular regard to outlook and noise and disturbance.

Reasons

Character and appearance

5. The appeal site fronts onto Plomer Hill and comprises of a generous parcel of land occupied by a detached dwelling. The dwelling is set back from the road and occupies a prominent elevated position. It sits alongside two other detached properties which have comparable sized plots and set back position. Due to their set back from the road, and the gaps between the buildings, the immediate surroundings have a spacious and open character and appearance.
6. The character and appearance of the wider surroundings is more varied. Opposite the site, the properties comprise of a mix of semi-detached and terraced houses set within modest sized plots, set a short distance back from the road. Properties on Pheasant Drive, which lie directly to the north, comprise of bungalows with distinctive flat roofs, and a limited pallet of materials. These features combine to give Pheasant Drive a harmonious character and appearance.
7. Despite the varied plot sizes, set back from the road, and house designs the presence of mature trees and landscaped front gardens helps to unify the appearance of the area.
8. The proposed development would have a larger footprint than the existing dwelling and would be taller. Moreover, the building would be built close to the side boundaries of the appeal site and the gaps between it and neighbouring properties would be reduced. As a result, the proposed development would appear more prominent within the street scene than the existing dwelling. However, whilst acknowledging that there would be a localised impact on the urban grain, this would reflect the wider surroundings which incorporates a variety of buildings and plot sizes. Consequently, I find that the proposed development would not be incompatible with the grain of the surrounding area.
9. The proposed development would be sited further back into the appeal site than the existing dwelling, and that allowed at appeal¹ (the approved development). The proposed layout would preserve the openness to the front of the site which currently contributes to the character and appearance of the area. Whilst the proposed development would be slightly taller than the approved development, the increased set back from the road would ensure that it would not be overly dominant when viewed from Plomer Hill. As a result, it would not appear as an incongruous addition to the street scene.
10. The proposed car parking would be located broadly in the position occupied by the existing dwelling and its associated car parking. I acknowledge that it would cover a larger area than that allowed at appeal, however, in this regard, I have taken into account the submitted landscaping strategy. This shows the retention of existing trees, together with additional tree and shrub planting at the front of the site. This would enable the proposed development, and its associated car parking, to integrate with its open, verdant surroundings. I am satisfied that the proposed landscaping can be secured by a suitably worded condition.
11. Therefore, for the reasons I have given above, I conclude that the proposed development would not harm the character and appearance of the surrounding

¹ APP/K0425/W/19/3237567

area. Accordingly, it complies with policies CP9 and DM35 of the Wycombe District Local Plan adopted August 2019 (LP) and the Wycombe District Council Residential Design Guidance adopted June 2017 Supplementary Planning Document (SPD). These policies and this guidance, amongst other matters, seek to achieve high quality design which responds to the character of the proposed development's natural and built context.

Living conditions

12. The appeal site is bounded to the north by a number of properties on Pheasant Drive, and to the south by 3 Plomer Hill. The northern boundary of the appeal site consists of a dense belt of tall, predominantly coniferous, trees. This provides an unbroken boundary to the gardens of the bungalows on Pheasant Drive. The southern boundary comprises of a mix of large trees which restricts views into the rear garden of 3 Plomer Hill.
13. The proposed development would result in the removal of a number of the trees on the northern boundary. The side elevation of the proposed development would extend across the common boundary with 3 Pheasant Drive and would replace the removed trees. Consequently, the outlook from the 3 Pheasant Drive would change.
14. Whilst I acknowledge that the proposed development would be marginally taller and deeper than the approved development, the variation between the two developments would not be significant. That said, the proposed development is set further back into the site and as a result would affect the occupiers of 3 Pheasant Drive to a greater extent than the approved development. Nonetheless, I am satisfied that, due to the height and density of the remaining trees and the lower ground level of the appeal site, the change would not be materially harmful to the living conditions of the occupiers of 3 Pheasant Drive. This is because in both scenarios, outlook would be restricted.
15. The depth of the proposed development would extend beyond the rear elevation of 3 Plomer Hill to a greater extent than the approved development. However, there would still be a significant gap between the proposed development and the side elevation of 3 Plomer Hill, and views from habitable windows would primarily be in the direction of the generous rear garden. Therefore, whilst acknowledging there would be some change to the outlook from 3 Plomer hill, I am satisfied that the proposed development would not have an overbearing or oppressive impact when viewed from that property.
16. I have also taken into account the provision of small balconies on the rear elevation, at both first and second floor level of the proposed development. Whilst existing and retained vegetation will limit any adverse impact, in the absence of a condition requiring the side of the balconies to be fitted with an opaque screen, the proposed balconies would have an unacceptable adverse effect on privacy of neighbouring occupiers.
17. The Council's reason for refusal relating to living conditions also raises concerns about the location and extent of the proposed car park, and its impact on the amenities of neighbouring residents. The Council, in its statement, refer to the amenity of residents of adjacent dwellings being diminished by the comings and goings of residents within 9 flats as opposed to the permitted 3 dwellings, although it does not elaborate further on this matter. In considering this issue, I have also taken into account the objection submitted by the occupants of

3 Plomer Hill, which indicates that the car park would be at a raised level relative to this property.

18. Whilst I accept that there may be increased activity, when compared with the approved development, this would still be some distance from the neighbouring properties. Existing and proposed landscaping would occupy the intervening space. Furthermore, any activity associated with parking private motor vehicles would not be significantly different to that which would normally be expected in a residential area. Consequently, I do not accept that the proposed car parking would give rise to an unacceptable impact on the living conditions of neighbouring occupiers.
19. Consequently, for the reasons identified above, I conclude that the proposed development would not materially harm the living conditions of the occupants of neighbouring properties, having particular regard to outlook and noise and disturbance. Accordingly, the proposal complies with Policy DM35 of the LP which seeks, amongst other things, to prevent significant adverse impacts on the amenities of neighbouring land and property.

Other Matters

20. I note from the Council's Officer report that there would be no risk from flooding and there would be no adverse effect on ecology. From what I have seen and read I do not disagree with the Council on these matters.
21. Although the application was not refused on highway grounds, I note the objections raised by the occupiers of 3 Plomer Hill in this regard. In particular they dispute the findings of the appellant's Highway Access Statement insofar as it relates to traffic generation, accident risk and parking. In considering this matter, I have taken into account the response from the Highway Authority who conclude that the proposed development would have no adverse effect upon highway safety or the free flow of traffic. I have no reason to disagree with their findings.

Conditions

22. I have had regard to the conditions suggested by the Council and to the appellant's response to them.
23. I have imposed a condition to specify the relevant drawing numbers as this provides certainty.
24. A pre commencement condition requiring the submission and approval of a Construction Traffic Management Plan is necessary to ensure that the development is carried out in a manner that limits danger, obstruction and inconvenience to users of the highway and nearby occupiers.
25. A pre commencement is requiring details of how the retained trees are to be protected, with a further requirement to provide the agree protection prior to commencement of development. The requirement of this condition is such that the details need to be submitted, agreed and implemented before any development takes place on site. and the approved landscaping scheme is completed.
26. A condition is necessary to a ensure that a drainage sustainable drainage strategy can be achieved for the site. The requirement of this condition is such

- that details need to be submitted and approved before any development (other than demolition works) takes place on the site.
27. A condition relating to materials is necessary to ensure a high quality design that is sensitive to the surrounding context.
 28. A condition requiring the side of the balconies to be fitted with an opaque screen is necessary in the interest of protecting the privacy of adjacent residents.
 29. A condition is necessary to ensure that the proposed development is acceptable from an ecological perspective.
 30. A condition requiring the submission of details of boundary walls and fences is considered necessary to ensure that high quality design is provided that is sensitive to the surrounding context.
 31. A condition is necessary to ensure that the proposed development makes adequate cycle storage thereby increasing opportunities for alternative modes of transport.
 32. A condition is required to ensure that car parking provision is made in accordance with the approved plans.
 33. A condition is requiring the provision of car charging points close to the parking spaces thereby enabling electric vehicles to be charged and contribute to a reduction in air pollution.
 34. The provision of waste facilities in accordance with the approved plans is necessary to ensure that refuse and recycled materials are stored in a suitable location.
 35. Conditions relating to the provision of a revised access, including the provision of visibility splays and raising of existing dropped kerbs, are necessary in the interests of highway safety. A condition requiring the provision of the approved off street parking is also required in the interest of highway safety. However, I have removed reference to garaging, as none is proposed.
 36. A condition requiring the completion of the approved landscaping, its retention and future maintenance is required to ensure that high quality development is provided that is sensitive to the surrounding context. However, I have made a small change to the condition suggested by the Council to ensure implementation of the landscaping scheme in a timely manner.
 37. The Council also proposed that no development should take place until after 5 Plomer Hill has been demolished and the resulting materials removed from site. However, based on the evidence before me, I am not satisfied that there is a clear justification for this condition as required by the National Planning Policy Framework. I have therefore not imposed this condition.
 38. The requirement to design and construct the proposed development to meet the higher water efficiency standard set out in the appendix to Building Regulations Approved Document Part G has not been justified. Therefore, I have not imposed the condition suggested by the Council in this regard.

39. I have not imposed a condition with regards to levels as detailed cross sections were provided showing how the buildings and associated works would be set out across the site

Conclusion

40. There are no relevant material considerations to indicate the application should be determined otherwise than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed subject to the conditions set out below.

John Gunn

INSPECTOR

Schedule of conditions

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 4934-100; 101A; 102A; 103; 104A; and 105.
3. Prior to the commencement of any works on site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.
4. Prior to the commencement of development, a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall be submitted to and approved in writing by the local planning authority. The requirements of the scheme shall be provided in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.
[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
5. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components

Ground investigations including:

- Infiltration rate testing in accordance with BRE365
- Subject to infiltration being viable, the surface water drainage scheme shall be updated to pursue an infiltration-based approach to surface water disposal.
- An investigation into including active rainwater harvesting where an infiltration-based scheme is pursued

- Discharge rate limited to 1 l/s where a connection to the Thames Water surface water sewer is pursued
 - Drainage layout detailing the connectivity between the dwellings and the drainage components, showing pipe numbers, gradients and sizes, complete together with storage volumes of all SuDS components
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
 - Calculations in accordance with British Standard BS EN 16941-1:2018
 - Construction details of all SuDS and drainage components
 - Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
 - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction.
6. 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.
7. Notwithstanding any detail shown on the drawings hereby approved, prior to the commencement of any development above damp proof course level, details of privacy screens for each balcony feature shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved screens shall be installed before the first occupation of the approved development and retained in accordance with the approved details for the lifetime of the development.
8. Prior to the commencement of any development above damp proof course level, a scheme for enhancing the quality of the development for ecology and a net gain in biodiversity, including a timetable for implementing the measures contained in the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved timetable and shall thereafter be retained.
9. Prior to the commencement of any development above damp proof course level, details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. The screen and boundary walls, fences and any other means of enclosure which are part of the approved scheme shall thereafter be retained in accordance with the approved details.

10. Notwithstanding any detail shown on the submitted drawings, and prior to the initial occupation of the development, details of a secure storage for cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be provided before the first occupation of the development and retained for the lifetime of the development.
11. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and shall be retained for parking purposes for the lifetime of the development.
12. Prior to the initial occupation of the development, hereby permitted, a 32 amp electric car charging point shall be installed for each property, close to the area of parking. Thereafter, the car charging points shall be retained, in use, permanently for the lifetime of the development.
13. The approved bin storage facilities illustrated on drawing 4934-101A, shall be provided prior to occupation of the development and thereafter the facilities shall be permanently retained.
14. No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access Within the Public Highway".
15. No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided on both sides of the access and thereafter the area contained within the splays shall be kept free of any obstruction exceeding 0.6m metres in height above the nearside channel level of the carriageway.
16. Within one month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.
17. All planting, seeding or turfing comprised in the landscaping details specified on drawing number 4934-105, hereby approved, shall be carried out in the first planting season following the occupation of the building or the substantial completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.