

## Appeal Decision

Site visit made on 26 April 2022

**by L Page BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 May 2022**

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**Appeal Ref: APP/X0415/W/21/3284259**

**32 Sandelswood End, Knotty Green HP9 2AE**

- 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 M Garner of Zafiro Homes Limited against the decision of Buckinghamshire Council.
  - The application Ref PL/21/1984/FA, dated 14 May 2021, was refused by notice dated 6 August 2021.
  - The development proposed is demolition of existing house and erection of two new dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The site is located within the Burnham Beeches Special Area of Conservation (SAC) zone of influence. Consequently, the proposal has been considered in the context of statutory duties set out within the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and dealt with later in my decision.
3. A Screening Direction issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) established that the development is not EIA development, and the appeal has been considered accordingly.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

5. Paragraph 134 of the National Planning Policy Framework (the Framework) is clear that development not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, considering any local design guidance and supplementary planning documents such as design guides and codes.
6. In this context, the Chiltern and South Bucks Townscape Character Study 2017 defines the area as being part of a green suburban road typology where plots are predominantly regular in width and pattern with large dwellings.

7. The site is a clear example of this typology, as is the majority of development immediately surrounding it along Sandelswood End where dwellings and plots have appreciable width. Whilst there are other elements to the character and appearance of the area, these features are key aspects of it.
8. The mapping provided by the Council, which was verified during my site visit, reinforces this assessment. Consequently, I do not concur with the appellant's contention that the site presents itself as uncharacteristically wide and underused or that a lack of an elevated level of policy protection<sup>1</sup> diminishes the importance of preserving such features.
9. The appellant correctly asserts that the area is not actually described as being a high quality example of a green suburban road or vulnerable to change, among other things contended by the Council. However, the study is still clear that development along green suburban roads should be subject to design principles where plot ratios are maintained, along with the rhythm and spacing of housing.
10. The proposal would demolish the existing dwelling and replace it with two new dwellings, subdividing the plot so that each new plot and dwelling are significantly narrower when compared to the prevailing pattern of development in the immediate vicinity. It is wholly apparent based on the previous assessment that this would be an incongruous form of development.
11. It may be the case that the depth of each plot is less prominent than the width when viewed from the public realm, and that the proposal may be acceptable in other respects, such as in relation to building lines and landscaping. However, the significant narrowing of the dwellings and plots would still be visible from the public realm and result in incongruity.
12. The frontage of the site has somewhat limited landscaping, and whilst there are opportunities to introduce additional landscaping it is not clear that this should carry any more than limited weight in favour of the proposal. For example, during my site visit it was not apparent that the site was so devoid of landscaping that it detracted from the character and appearance of the area, or that enhancements were needed in this respect.
13. Whilst the appellant has identified other proposals in the area of a similar nature to what is being proposed in this case, including other proposals that have been considered at appeal, these do not share the same context, as illustrated by the Council's mapping.
14. For example, Assheton Road has a much tighter urban grain despite being within the same green suburban roads typology as Sandelswood End. Clearly, whilst individual roads broadly align with the typology there can still be subtle variations between them. This will ultimately guide development slightly differently on a street by street basis. In this case, development needs to align with the width and rhythm and prevailing pattern of development observed along Sandelswood End.
15. 30 Sandelswood End is a single dwelling with a large wide plot consistent with the Chiltern and South Bucks Townscape Character Study 2017. Consequently, it is not clear how this serves as a precedent for a proposal.

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<sup>1</sup> Such as an Established Residential Area of Special Character

16. Whilst there may be some variation in gaps and spaces along Sandelswood End and elsewhere within the wider typology, and whilst the spacing of the dwellings proposed may generally be acceptable, the narrowness of the plots and dwellings would still be harmful.
17. Altogether, the proposal would harm the character and appearance of the area and conflict with Policies GC1 and H3 of The Chiltern Local Plan 1997 and Policy CS20 of the Core Strategy for Chiltern District 2011 and Paragraph 134 of the Framework.
18. Paragraph 219 of the Framework is clear that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
19. Consequently, the appellant has not demonstrated how the relevant policies in the development plan are out of date for reasons other than age alone and harm from conflict with these policies should not be reduced. Any harm derived from conflict with the development plan should carry significant weight in this context.

### **Other Matters**

20. Whilst the site is located within the Burnham Beeches SAC's zone of influence, as I am dismissing the appeal for other reasons, it is not necessary for me to consider likely significant effects or whether planning obligations are required.
21. There is no evidence that community infrastructure levy receipts or similar should be weighed in favour of the proposal and the matter has not been determinative under the appeal.

### **Planning Balance**

22. The Council cannot demonstrate a five year housing land supply. However, the proposal is of limited scale, and would make a correspondingly limited contribution to the housing land supply shortfall. Similarly, any other socio-economic benefits derived from construction would also be limited.
23. Whilst I note broad statements cited by the appellant taken from the development plan, there is no specific evidence that small scale sites are particularly important in meeting the existing housing land supply demands of the area, or that together with other such sites in the area the proposal would be cumulatively significant. Consequently, I cannot conclude it would make an important contribution in accordance with Paragraph 69 of the Framework.
24. I am also mindful that Paragraph 69 of the Framework refers to giving great weight to the benefits of using suitable sites. It is clear from my assessment of the main issue that the site cannot accommodate additional dwellings of the scale proposed without harming the character and appearance of the area. Consequently, it would not be a suitable site for the purposes of the Framework.

25. Altogether, given the limited benefits clearly apparent and my findings under the main issue, it is reasonable to conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits and the presumption in favour of sustainable development under Paragraph 11 (d) would not apply in this case.

### **Conclusion**

26. The proposal would conflict with the development plan as a whole and there are no material considerations indicating that a decision should be taken otherwise than accordance with it. Consequently, for the reasons given, the appeal is dismissed.

*Liam Page*

INSPECTOR