



Appeal Decision

Site visit made on 10 May 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 26th May 2022

Appeal Ref: APP/J0405/W/21/3289383

3 Langdon Avenue, Aylesbury HP21 9UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Debbie McGowan and Robert Surman against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/03552/AOP, dated 7 September 2021, was refused by notice dated 9 November 2021.
 - The development proposed is described as, 'outline planning application with all matters reserved for the sub-division of the existing plot for 3 Langdon Avenue and the erection of a new detached home'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was made in outline with all matters reserved for future consideration. I have therefore had regard to drawing 2020260-01 on an indicative basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The site lies in a prominent position on the corner of Langdon Avenue and Peveril Close. The area surrounding the appeal site is largely characterised by detached dwellings on spacious plots such that the area has a pleasant, spacious character and appearance.
5. There is an inconsistent building line in the area and the buildings have varied forms and styles. In addition, I note that No 1 Langdon Avenue has a blank side gable and fencing facing the street. I also note the grassed highway verge near the site along Peveril Close and that No 5 Langdon Close has boundary treatment close to the pavement and is sited forward of the building line of Peveril Close. Notwithstanding these features, since the majority of dwellings in the vicinity of the site are located on wide plots, the area has an open, spacious feel.
6. The proposal would result in the erection of a dwelling on land which is partly within the private amenity space of No 3 Langdon Avenue (No 3), and partly an area of lawn outside the boundary fence of No 3. A tall fence and hedging lies

on the site while a low brick wall lies along the boundary of the site with the highway. Apart from these features the site appears largely undeveloped and contributes positively to the spacious character of the area.

7. Notwithstanding the information regarding plot widths, from the evidence and my observations during the site visit, the site appears narrower than the majority of plots in the vicinity of the site. As such a dwelling on the site would also be likely to be narrower with a smaller footprint than the wide dwellings of Langdon Avenue. Furthermore, the site narrows to the rear resulting in increased constraints on the layout of a dwelling.
8. While the plot widths at No 15 Langdon Avenue and No 6 Peveril Close may be a similar width to the appeal site, they are some distance from the site and not on corner plots such that they are not seen in the same views as the site or as prominent.
9. The separation distance between No 3 and the proposed dwelling would be similar to the separation distance between other properties in the area. The existing size of the site and side garden at No 3 is larger than others in the area. In addition, it is likely that a scheme on the site could provide adequate parking and private amenity space to meet the needs of future occupiers. However, given the size of the plot compared with many others in the vicinity, a dwelling on the site would appear to have a smaller footprint and would be on a smaller, narrower site than many other properties in the area.
10. As such, the development would appear incongruous compared with the spacious prevailing pattern of development in the area. The building would be set forward of the building line of the dwellings on Peveril Close. However, it would be more likely to have a closer relationship to the dwellings on Langdon Close. Nevertheless, the erection of a dwelling on this largely undeveloped site would diminish the spaciousness of the site and would appear prominent from views along Langdon Avenue.
11. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policy BE2 of the Vale of Aylesbury Local Plan 2013 – 2033 Adopted Plan (VALP) which seeks development that would respect the physical characteristics of the site and its surroundings including the scale and context of the site and its setting.
12. The proposal would also conflict with the aims of The New Houses in Town and Villages Design Guide (DG) which resists development that erode the quality and character of towns and villages. While I note the age of the DG, it appears to be generally consistent with the National Planning Policy Framework. In addition, although it does not appear to be part of the development plan, I attach it significant weight as a document providing guidance on how development can be carried out in accordance with good design practice.

Other Matters

13. I note the evidence regarding the Bedgrove Agreement. This appears to be a covenant which effectively removes permitted development rights of properties in the relevant area. However, since it does not appear to be part of the VALP, it has not altered my overall decision.

14. I note concerns regarding the service provided by the Council. However, I have assessed the appeal on its planning merits and this matter has not altered my overall decision.
15. I note the evidence regarding the Chilterns Beechwoods Special Area of Conservation (SAC). I also note that the site falls within the Zone of Influence of Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) and Tring Woodlands SSSI.
16. Had I found that the proposed development would not have a harmful impact on the character and appearance of the area I would have found it necessary to investigate this matter in greater detail as part of my appropriate assessment. However, in the circumstances of this case this has not proved to be a determinative matter given the harm to the character and appearance of the area that would arise from the development.

Conclusion

17. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR