



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/21/3287156

The Village Gate PH, 225 Aylesbury Road, Wendover HP22 6BA

- 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 Cordage 4 Limited against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/01168/APP, dated 19 March 2021, was refused by notice dated 29 October 2021.
 - The development proposed is erection of three buildings comprising nine dwellings (C3) following demolition of existing public house (Sui Generis) utilising existing accesses off Aylesbury Road, with associated hard and soft landscaping and parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area including the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

3. The area surrounding the site comprises a small group of buildings with varying uses, forms and scales. The buildings are generally on large plots such that the cluster has a spacious feel. Furthermore, the group of buildings are largely surrounded by open countryside that provide a pleasant rural setting to the cluster notwithstanding the presence of the highway.
4. The site is occupied by the remains of a two and single storey building that was previously in use as the Village Gate Public House. Having suffered damage from a fire, part of the roof has collapsed while the majority of the external walls remain. The rest of the site is largely occupied by the vacant car park and landscaping that now appears overgrown. Since the existing building lies on a generous plot, there are views from the highway to the open countryside to the rear of the site which includes the AONB. As such, despite the derelict nature of the site, given the size of the existing building compared with the overall plot, it is in keeping with the spacious rural quality of the area.
5. The proposal seeks to replace the existing building with nine dwellings within two and two and a half storey buildings. These would be arranged as two detached houses and a large semi-detached block consisting of two houses and five flats.

6. Whereas the existing building is sited at the eastern side of the plot, the proposed buildings would be spread across much of the width of the site. The increase in terms of footprint would amount to around 100sqm. However, since the existing building partly consists of single storey elements, and the proposal consists of two and two and a half storey buildings, the increase in terms of massing would appear to be considerably greater than existing. As such, the proposal would significantly diminish the openness of the site and greatly reduce views through the site to the AONB to the south.
7. I recognise the proportion of the site that is covered by hardstanding. However, a considerable part of the site would become private amenity space which would be likely to be occupied by domestic paraphernalia and tall fences for privacy along the boundaries. Therefore, after accounting for driveways, parking areas and private amenity spaces, the amount of land for soft landscaping would be modest such that it would not override the reduction of openness that would result from the proposal. As such, the site would appear significantly more urbanised than existing.
8. The proposal includes the removal of a number of tall conifer trees. I also acknowledge the evidence regarding the creation of two framed vistas through the site which would partially open views towards the AONB. However, given their siting and height, the introduction of the two storey buildings, particularly the taller block comprising the Coaching Inn and Coach House, would result in harm to openness when viewed from a number of directions. Therefore, the harm to openness would be of a greater degree than the increase in openness that would result from the loss of the conifers and creation of Framed Vista 'A'.
9. I also note the creation of Framed Vista 'B' that would result from the demolition of the existing building and the proposed gap between Plots 2 and 3. I also acknowledge the space between Plots 1 and 2. However, given the narrow width of the vista, this view through the site would be likely to be possible primarily from the point indicated on the proposed site plan and not at other points along the highway. As such, the creation of Framed Vista 'B' would not override the harm to openness that would result from the proposal.
10. The proposed landscaping strategy includes the planting of trees and hedgerow as well as a reduction in the amount of hardstanding. While this may soften the urbanising effect of the proposal, given the increase in development on the site and the proposed layout across much of its width, the proposed landscaping strategy would not override the harm to the spacious rural character of the area.
11. Given the proximity of the site to the AONB, the proposal would lie within its setting. Given the harm to the spaciousness of the site, the proposal would diminish the pleasant, rural quality of the setting of the AONB. This effect would not only be viewed in close views along Wendover Road/Aylesbury Road, but also from Worlds End Lane. Furthermore, the proposal would be seen in the middle distance from views of the site from Halton Lane. As such, while I note the findings of the Landscape & Visual Statement and historic development on the site, the proposal would unacceptably alter the spacious, rural character of the area.
12. A number of trees and hedges are proposed to be removed. Although replacement planting including along the southern boundary is proposed, this would take some time to establish and the level of screening of the proposed

buildings could not be guaranteed. As such, given the proposed increase in built form and its siting across a large part of the width of the site, the views through the site to the AONB beyond would be diminished by the proposal, thereby harming its spacious setting.

13. Part of the proposed buildings would be set a greater distance from the boundary with the AONB than the existing building. However, Unit 9 would extend close to the rear boundary with the AONB. Therefore, given the overall increase in the massing of built form across the site, this point has not altered my overall finding on this issue.
14. I note the comments of the previous Inspector for a different scheme on the site. The proposal appears to consist of less built development than the previous scheme and I agree with the previous Inspector that the development would generally be seen together with other buildings at Worlds End. However, for the foregoing reasons, the proposal would result in harm to the spacious, rural character of the countryside between settlements and setting of the AONB.
15. Consequently, the proposed development would unacceptably harm the character and appearance of the area including the Chiltern AONB. Therefore, it would conflict with Policies S3, BE2, BE4 and NE4 of the Vale of Aylesbury Local Plan 2013 – 2033 Adopted Plan September 2021 (VALP) which together seek development that would respect the character of the site and surroundings, a lower density of development at the rural edge and minimise the impact on visual amenity.
16. In addition, the proposal would conflict with VALP Policies NE3 and NE8 which seek to conserve and enhance the Chiltern AONB's special qualities, distinctive character and adequate replacement provision for the loss of trees. Furthermore, the scheme would conflict with Policy SD1 of the Wendover Neighbourhood Plan 2019-2033 February 2020 (NP) which seeks high quality schemes.
17. The proposal would also conflict with paragraph 176 of the National Planning Policy Framework which seeks development within the setting of Areas of Outstanding Natural Beauty to be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Other Matters

18. I note the evidence regarding the Chilterns Beechwoods Special Area of Conservation (SAC), Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) and Tring Woodlands SSSI.
19. 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.
20. I acknowledge the Government's objective of significantly boosting housing supply as well as the evidence regarding the sustainability of the site and viability of the existing use. The scheme would contribute nine dwellings to the local housing supply and future occupiers would be likely to provide social and

economic benefits to the local community. In addition, there would be temporary economic benefits during the construction phase. Since the Council are able to demonstrate a five-year supply of housing, I attach limited weight to these benefits.

21. A suitably worded condition could require biodiversity features such as bee bricks to be implemented on the site. The proposed tree planting could also provide biodiversity enhancements. However, given the limited area for soft landscaping, these benefits would be modest.
22. I acknowledge the case law referred to by the Appellant and support for the scheme from Wendover Parish Council. However, given the unacceptable harm to the character and appearance of the area including the setting of the AONB, the proposed development would conflict with the development plan as a whole. Moreover, there are no material considerations to indicate that the appeal should be allowed.

Conclusion

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

R Sabu

INSPECTOR