



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: 6th June 2022

Appeal Ref: APP/J0405/W/21/3283916

Land adjacent to Pine Hill HP17 8UW

- 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 outline planning permission
 - The appeal is made by Robert Paterson against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref: 19/00286/AOP is dated 23 January 2019.
 - The development proposed is described as, 'outline planning application for the erection of single dwelling dealing with access, layout and scale'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Robert Paterson against Buckinghamshire Council - North Area (Aylesbury). This application is the subject of a separate Decision.

Preliminary Matters

3. Since the planning application was submitted, the Council adopted the Vale of Aylesbury Local Plan 2013 – 2033 Adopted Plan September 2021 (VALP). I have therefore assessed the appeal on the basis of the adopted policies.
4. The planning application was made in outline. During the application process, a revised drawing was submitted to the Council and the description of development was amended with agreement from the Appellant such that the proposal was considered on the basis of access, layout and scale with landscaping and appearance being matters reserved for future consideration. The Council carried out further consultations on the basis of the amended drawing and description of development. Therefore, I have assessed the appeal on the basis of drawing EB/PH-01(Opt 2) insofar as it relates to access, layout and scale.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area including the Dinton, Westlington, Upton and Gibraltar Conservation Area (CA) and the setting of nearby listed buildings.

Reasons

6. The area surrounding the site is characterised by modest dwellings and rural fields with open countryside beyond. This gives the area a spacious rural feel. The site lies within the CA, the significance of which lies in the way the historic vernacular architecture of a range of ages and types reflect the development of a rural village.
7. Nos 1 to 5 High Street are historic cottages that form a terrace which are Grade II listed buildings. Wootton's Farmhouse lies adjacent to these cottages and is also a Grade II listed building. Their significance lie in the evidence of historic vernacular architecture. Given the proximity of the site to the listed buildings, it lies within their setting. While overgrown with trees and vegetation, the site nevertheless forms part of a pleasant, rural setting for the listed buildings and contributes positively to their setting.
8. The site is a plot of heavily overgrown undeveloped land that was formerly part of the adjacent property to the north, Pine Hill. Pine Hill is a building of local note, the significance of which lies in the evidence of unusual modern architecture in a historic rural setting. Given the proximity of the site to this building, it lies within the setting of Pine Hill and its undeveloped nature contributes positively to its significance.
9. However, as I observed during my site visit, the site is clearly separated from Pine Hill by hedging along the boundary with this property and does not appear to be part of its private amenity space. To the south and east of the site lie open undeveloped fields and open countryside. As such, notwithstanding the presence of trees along its southwest boundary and that it is located within the main settlement boundary for the village, given its undeveloped nature, the site has a closer relationship to the open countryside than the dwellings at Pine Hill or on the opposite side of the highway.
10. The proposal would result in the introduction of a two-storey dwelling, with adjoining single storey elements including a double garage. The development would occupy a large part of the width of the site and would also include areas of hardstanding and parking as well as domestic paraphernalia. As such, the scale and layout of the proposal would urbanise the site, significantly diminishing its rural character.
11. The trees and hedges along the southwest and southeast boundaries are proposed to be retained. While they may partially screen views of the development, the level of screening would be likely to reduce substantially during the winter when the trees would not be in leaf. Moreover, given the two-storey massing of the main part of the proposed building, views of the development would be likely from the highway as well as from the field and open countryside.
12. Therefore, the urbanisation of the site would be apparent from the highway and the scheme would adversely affect the rural character of the CA. It would also diminish the rural setting of the listed buildings and Pine Hill, thereby harming their significance.
13. Although the Council has stated that the proposal would result in the introduction of lighting in an otherwise dark area, from the evidence, no external lighting is proposed. As such, the proposal would not conflict with

VALP Policy NE5 which relates to external lighting among other things. Moreover, I see no reason why external lighting could not be controlled by the use of a suitably worded condition. Although the proposal would be likely to result in some light pollution from the internal lighting of the building, given the harm from the layout and massing of the proposed building, this point has not altered my finding on this main issue.

14. I note the history of the site as well as development at Saddlestones. However, the site at Saddlestones appears to have been the demolition of existing garage and replacement with a new dwelling. Since the site subject of this appeal is undeveloped, that case is not directly comparable with this scheme and has not altered my overall decision.
15. Consequently, the proposed development would harm the character and appearance of the area and would fail to preserve the CA and the setting of nearby listed buildings. It would therefore adversely affect the significance of both the CA and the listed buildings.
16. Given the limited scale of development, the harm to the significance of both heritage assets would be less than substantial. Paragraph 202 of the National Planning Policy Framework (Framework) requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. There would be temporary economic benefits of the scheme during the construction phase and future occupiers would be likely to provide social and economic benefits to the local community. In addition, the Preliminary Ecological Appraisal indicates that the proposal could enhance the existing habitat for biodiversity through the introduction of bat and bird boxes among other things. Since the scheme is of a modest scale, these public benefits would be limited.
18. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Therefore, the public benefits would not outweigh the harm to the significance of the CA and Grade II listed buildings. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with the development plan.
19. In particular, the proposal would conflict with VALP Policies NE4, D4 and BE2 which together seek development that respect the local character and distinctiveness among other things. It would also conflict with VALP Policies S1 and BE1 which together seek development that minimise the impact on and conserve heritage assets including their setting.
20. VALP Policy S2 relates to the spatial strategy for growth. VALP Policy NE5 relates to external lighting among other things. Since no external lighting appears to be proposed and the Policies do not directly relate to character and appearance, they are not directly relevant to this appeal. VALP Policy SE3 relates to settlement hierarchy and new development in the countryside. Since the site lies within the settlement boundary of Dinton, this Policy is also not directly relevant to this main issue.

Other Matters

21. I note the evidence regarding pre-application discussions with the Council. The advice provided by the Council states that the proposal would likely have a detrimental impact on the character and landscape setting of the Conservation Area. In any event, given the harm identified above, this matter has not altered my overall decision.
22. I also acknowledge the evidence regarding sustainability of the location, efficient use of land, flood risk and lack of objection in terms of highway safety. However, any lack of harm in these and other respects do not weigh in favour of the scheme and do not override the harm identified.

Conclusion

23. 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