

Appeal Decision

Site visit undertaken on 24 May 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 21st June 2022

Appeal Ref: APP/K0425/W/21/3289852
50 Fernie Fields, High Wycombe HP12 4SL

- 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 T Hine against the decision of Buckinghamshire Council (Wycombe Area).
 - The application, ref. 21/05472/FUL, dated 15 February 2021, was refused by notice dated 19 November 2021.
 - The development proposed is described as the demolition of garage and erection of pair semi-detached dwellings and single storey extension to no. 50.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of one pair of semi-detached dwellings following removal of garage.
2. The appeal is allowed insofar as it relates to the single storey rear extension to No.50, and planning permission is granted for a single storey rear extension at 50 Fernie Fields, High Wycombe HP12 4SL in accordance with the terms of the application, Ref 21/05472/FUL, dated 15 February 2021, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The proposed single storey rear extension to No.50 Fernie Fields hereby permitted shall begin not later than three [3] years from the date of this decision.
 - 2) The proposed single storey rear extension to No.50 Fernie Fields shall be constructed in accordance with approved plans:
 - 'Planning Drawing Plans and Elevations,' Drawing No. 1803-P2, By Richard Clark Architects, Dated February 21.

Main issues

3. The main issue is the effect of the proposed pair of semi-detached dwellings upon:
 - The character and appearance of the locality;

- The living conditions of existing and future occupiers of No.50 Fernie Fields and 'Conifers,' with particular regard to privacy, access to light, and outlook; and
- Biodiversity and green infrastructure.

Reasons

Character and Appearance

4. The appeal site is a backland property that is accessed via a driveway from Fernie Fields. The site is a relatively large parcel of land which contains a single storey dwelling with accommodation in the roof space to the eastern boundary and a garage to the south western portion of the site. To the west of the appeal site the dwellings which front Fernie Fields consist of predominantly single storey detached dwellings with accommodation in the roof space with large vegetated setbacks to the road edge, setbacks to side boundaries and large rear gardens immediately adjacent which get smaller the further down Fernie Fields. Small gaps between dwellings provide glimpses between buildings to the tops of trees and greenery beyond. To the east and immediately south of the appeal site are rows of two storey terraced properties as part of a small planned residential estate which appears to date from the mid-late twentieth century. These terraced dwellings also maintain similar large vegetated setbacks to Fernie Fields and contain rows of terraces behind. The low scale and setbacks with gaps in and around dwellings with vegetated surroundings reinforce a spacious, leafy and distinctive character.
5. In undertaking new development, the Wycombe District Local Plan 2019 (LP) Policy CP9 seeks to ensure that redevelopment delivers a high quality sense of place by achieving high quality design that contributes positively, and improves character, amongst others. LP Policy DM35 seeks to encourage development that provides positive characteristics such as understanding context, be high quality in character, form, scale, layout and detailed design and the spaces around them, amongst others. These policies are supported by The Residential Design Guide (RDG) which offers guidance on specific elements of designing new schemes and alterations, taking into account context and character, amongst others.
6. With regards to the proposed pair of semi-detached dwellings, these would be two storeys tall with a mix of gabled and hipped roof forms with dormer windows to all facades which break through the eaves. The western half of the semi-detached dwellings would be positioned forward of the eastern half in a staggered form, with both dwellings being positioned behind the line of the existing dwelling (No.50 Fernie Fields). The existing driveway would be extended to the front of the proposed dwellings with areas laid out for parking after the removal of the existing garage.
7. Given the appeal scheme is a backland property, LP Policies DM35 and CP9 and the RDG place emphasis on the quality and context of the site and surrounding development. The proposed dwellings would be unusual in this context due to their height, scale and massing which would be unlike anything in the immediate context. Unlike the surrounding context, the fronts of the proposed dwellings would be dominated by vehicular parking, and whilst

there are small setbacks between No.50, this would not be enough to reduce the awkward appearance of the massing and height on the appeal site.

8. Turning to the design of the dwellings themselves, whilst a pair, each of the dwellings are designed differently with the western dwelling having a gabled roof with hanging tiles and the eastern dwelling having a hipped roof form with dormer windows breaking through the eaves. I appreciate that there is a variance of design types in the locality, however the proposed design of the dwellings lacks coherence and would look awkward in this context. I appreciate that there are deliberate design features such as dropping and setting back the ridge between the dwellings, attempts at adding difference and visual interest, and lowering the pitch to reduce the visual bulk and massing, however these are ineffective in this particular context.
9. The appellant has drawn my attention to a previous outline planning approval on the site which in 2008 approved the principle of five dwellings in terms of access only.¹ This permission has lapsed and it is noted that details of scale, landscaping, appearance, and layout remain outstanding. The permission was also granted approximately 15 years ago under a different policy position in terms of both local and national policy. It is also noted that the access was to the side of the appeal site, rather than from Fernie Fields. Whilst I have taken into account this previous decision, I can only afford it limited weight as a considerable time has passed; the approved scheme was in outline only with a number of matters unresolved; and it is unclear from the appeal documents that the considerations around the relevant policies and the proposed scheme are similar.
10. My attention has also been drawn to two further applications, where at Nos.60a and 60b Fernie Fields² a pair of semi-detached dwellings was constructed as infill development on a small plot, and also a pair of semi-detached dwellings called The Laurels, off Ash Road, where a development of two storey buildings were constructed on small plots at the end of a driveway. No.2 60a and 60b were approved almost 20 years ago, and also consist of a pair of single storey dwellings with accommodation in the roof space which have a frontage with Fernie Fields. I agree with the appellant that these dwellings do have differences to the surrounding context which predominantly consists of detached dwellings, however their low scale and interface with the road and their surrounding context is quite different to the appeal scheme which is a backland property. According to the Council, the development known as the Laurels is a flatted scheme which was constructed in the 1980's. In both cases, I am not convinced that similar considerations around policy and context can be demonstrated in order to make the proposed scheme acceptable utilising policies and standards of today.
11. Taken as a whole, and in conclusion of this matter, in this particular circumstance, the proposed pair of semi-detached dwellings would be incongruous in this location as a result of design, massing and visual bulk, and not reflective of the positive characteristics of the character and

¹ Buckinghamshire Council (Wycombe Area) Planning Ref: 07/07940/OUT

² Buckinghamshire (Wycome Area) Planning Ref: 01/05838/FUL

appearance of the area. Consequently, the proposal would be contrary to the LP Policies CP9 and DM35 which is supported by the RDG as described previously.

Living conditions

12. 'The Conifers' is a detached bungalow that is accessed from a cul-de-sac named Rodnor with the dwelling positioned so that its side gable wall is facing the rear of the appeal site. To the rear of this neighbouring dwelling is a small area of private garden space for the Conifers which directly abuts the northern boundary of the appeal site. According to the appeal documents, the rear wall of the two storey component of the proposed dwellings would be between 12.5 and 14 metres from the gable wall of the Conifers. Whilst the finished floor levels of the 1st floor are not shown on the proposed plans, as the windows are positioned low and break the eaves, they would appear to be able to allow some direct overlooking between the 1st floor and the rear garden of the Conifers. Whilst this situation is not depicted in the RDG, from my observations and from the evidence before me, the rear windows of the semi-detached dwellings at first floor level would result in direct and inappropriate levels of overlooking to the rear garden, resulting in significant adverse impacts to living conditions to the Conifers as a result of a lack of privacy.
13. I note suggestions that this could be resolved by increasing the height of the rear boundary fence shared by the appeal site and the Conifers, however due to the small size of the rear garden of the Conifers, this would likely have additional significant adverse impacts in terms of overshadowing and loss of outlook. Together, this would be contrary to LP Policy DM35 which is supported by the RDG, which seeks that development avoids significant adverse impacts to the amenities of neighbouring land and property.
14. Turning to No.50 Fernie Fields, the main concerns are with the relationship of the proposed dwellings relate to privacy and outlook. No.50 Fernie Fields would maintain a large garden to the north of the existing dwelling after the construction of the proposed dwellings. Whilst there would be an increased level of built form to the rear which would be experienced by No.50 Fernie Fields, the area of garden space together with the setback from the proposed dwellings would enable sufficient area for enjoyment of the rear garden from existing and future occupiers in terms of access to light and outlook. Whilst I agree that there would be some change in experience, I do not consider that the proposed dwellings would cause significant adverse impacts to this dwelling as a result of overbearing built form and loss of light.
15. Taking the above into account, whilst I agree that there would be no significant effect caused to No.50 Fernie fields, when taken as a whole, this would not be sufficient to outweigh the harm caused to the living conditions of 'The Conifers' as a result of loss of privacy. Consequently, and in conclusion of this matter, the proposal would be contrary to LP Policy DM35 as described previously.

Biodiversity

16. LP Policy DM34 sets out the approach to achieving and maximising Green Infrastructure and enhancements to local biodiversity. As a minimum the policy seeks that development be able to make provision and demonstrate that there is the provision and long term maintenance of green infrastructure over the long term. No information has been presented within the application or appeal documents as to whether the proposed scheme is capable of delivering enhancements which are able to offset the loss of green infrastructure as a result of the development.
17. Whilst I agree that this may be possible, at the very least some information in the application should be presented to establish the genuine intention and confidence that this is indeed possible and some of the methods in achieving this which could be utilised to base a pre-commencement condition upon. Based on the information in the appeal documents, the principle of compliance with LP Policy DM34 has not been sufficiently established. Based on the information before me, the proposed scheme would be contrary to LP Policy DM34 as previously discussed.

Other Matters

18. The proposal includes a single storey rear extension to No.50 Fernie Fields. The extension is modest in size and design that is generally proportionate to the form and composition of the appeal building. I therefore find no harm in respect of this element of the proposal and I note the Council raised no objection in this regard either. As the single storey rear extension to No.50 Fernie Fields is both physically and functionally severable, I consider a split decision would be a logical outcome. That said, the single storey rear extension is compliant with LP Policies CP9 and DM35 as described previously.
19. I note comments from interested parties with regards to parking; highway safety; disturbance due to use of driveway; noise from future residents; waste build up blocking access; land title and land ownership disputes; access from emergency vehicles; fence maintenance; and possible subdivision of No.50 Fernie Fields. I note that the Highways Team have not objected to the scheme and have suggested conditions to be applied to any permission and I have no reason to dispute this. Matters such as boundary disputes and land ownership are not planning matters and cannot be considered as part of this application. The subdivision of 50 Fernie Fields would require planning consent and is not part of this application. Due to the appeal failing on grounds such as character and appearance and living conditions, I have not sought to explore matters such as waste build up preventing access or noise caused by future residents.

Conclusions and Conditions

20. For the reasons given above, I conclude that the appeal should succeed in relation to the single storey rear addition to No.50 Fernie Fields. However, in relation to the remaining elements, the appeal should be dismissed.
21. In respect of the single storey rear extension it is necessary to have the standard conditions of the standard time limit for the avoidance of doubt;

and the extension to be constructed in accordance with the approved plans is also necessary as this provides certainty to the scheme which has been approved. A matching materials condition is not required given the detail of materials provided in the application form.

J Somers

INSPECTOR