

Appeal Decision

Site visit made on 1 June 2022

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST June 2022

Appeal Ref: APP/K0425/W/21/3284396

55 Plomer Green Lane, Downley HP13 5TU

- 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 Nigel Lewin against the decision of Buckinghamshire Council.
 - The application Ref 21/05421/FUL, dated 11 February 2021, was refused by notice dated 19 April 2021.
 - The development proposed is a new 2 bedroom attached end terrace dwelling and creation of new access to rear with associated car parking.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of the local area;
 - ii) Living conditions of future occupiers of the proposed dwelling in terms of natural light; and
 - iii) Flood risk in the local area.

Reasons

Character and appearance

3. 55 Plomer Green Lane is a modern end of terrace house situated on a corner plot within a spaciously laid out residential area of similar houses. On the opposite side of Plomer Green Lane are mainly older cottages of much different character and a denser layout.
4. No 55 has a large side garden facing Grays Lane which has recently been fenced off with a full height timber fence, for which there appears to be no record of planning permission. The proposal is to build a 2 bedroom house in the side garden. This house would have a similar design to the others in the terrace, but with a slightly narrower frontage. The other houses in the terrace are in a staggered line with a regular set back of less than a metre, whereas the proposed house would be set back by about 2.5m at the front.

5. The Council is concerned about the proposed house being a cramped form of development. Corner houses on this side of Plomer Green Lane are typically set back from the side street, providing space and greenery which is important to the character of this area. The proposal would bring development very close to the street and the footway in this prominent location, with little room for any planting to the side to screen or soften the appearance of the new building. The house would therefore tend to dominate the streetscene and detract from a key local characteristic. The appellant refers to the modern development at Nos 70 and 72 Plomer Green Lane opposite, but those houses sit within an area of much tighter development and are not out of character in that context.
6. The Council also raises concerns about the proposed house's width and set back. Although the rest of the terrace is fairly uniform in these respects, it is not necessary for the end terrace house to slavishly follow the same pattern. A corner plot like this can reasonably be looked at as an opportunity to add variety and interest to the local area. The Council's Residential Design Guidance Supplementary Planning Document (SPD), advises that designing to improve or reinforce character does not just mean copying what is already there, but is instead about reinterpreting the essential positive character traits that define the place.
7. Although I find no harm in the proposed variations from the local norm in terms of width and set-back, I conclude that the proposal would represent a cramped overdevelopment of the site that would unacceptably harm the character and appearance of the local area. It therefore conflicts with the aims of Policy DM35 of the Wycombe District Local Plan (LP) and the SPD, to ensure that developments improve the character of the area including by retaining existing positive characteristics.

Living conditions

8. The Council's concern here is that the front living room window of the proposed house would not receive sufficient light because of its set-back and position, very close to a significant length of the 2 storey side wall of the existing house. That wall would, however, be to the north of the living room window so would not cause overshadowing (loss of direct sunlight). The window would also receive light from a wide range of the sky, giving the room sufficient daylighting.
9. The Council has not raised any other issues about the living conditions of future occupiers of the new house. I conclude that satisfactory living conditions would be provided. The proposal therefore accords with the relevant aims of LP Policy DM35 and the SPD, to provide an appropriate level of amenity for future occupiers.

Flood risk

10. The application site itself is at low risk of flooding, but there is significant risk of surface water flooding in the adjacent section of Plomer Green Lane. The appeal application states that storm water run-off from the development would be disposed of to soakaways, but the Council objects on the basis that no infiltration testing or other evidence has been submitted to show that soakaways would function adequately.

11. LP Policy DM39 says that all development will be required to incorporate Sustainable Drainage Systems (SuDS) ensuring that, amongst other things, there is no material increase in run-off rates at the site boundary. Paragraph 167 of the National Planning Policy Framework (the Framework) states that local planning authorities should ensure that flood risk is not increased elsewhere. It is important that development on this site does not increase the already existing local flood risk.
12. The Council draws attention to 2 other appeals which were dismissed in part due to the lack of storm water drainage information¹. These decisions relate to other sites and differ in that there were objections from the Lead Local Flood Authority (LLFA) in both cases.
13. This proposal is for a minor development and there is no LLFA objection. There is no specific requirement in LP Policy DM39 for detailed drainage information to be submitted with applications of this scale. The Council has not presented any significant evidence to suggest that storm water could not be drained sustainably, without increasing off-site flood risk – either by soakaways as proposed or by alternative means. I find that this matter could be dealt with by a condition requiring drainage details, if the proposal was otherwise acceptable.
14. I conclude that, with an appropriate planning condition, satisfactory and sustainable storm water drainage could be required so that the proposed development would not increase flood risk in the local area. The proposal therefore accords with the aims of the above-mentioned policies.

Other matters

15. The proposal would add another house to the local housing stock, helping in a small way to boost the supply of housing in line with the Government's objective as set out at Framework paragraph 60. I weigh this in favour of the proposal but this is insufficient to outweigh or override my concerns in regard to the first main issue and the conflict with the development plan.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

¹ APP/K0425/W/19/3229832 and APP/K0425/W/20/3250325