
Appeal Decision

Site visit made on 26 April 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2022

Appeal Ref: APP/N0410/W/21/3283985

98 and 100 Packhorse Road, Gerrards Cross, Buckinghamshire SL9 8JG

- 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 planning permission.
 - The appeal is made by Mr Jonathan Hampton of Embryo Care Limited against Buckinghamshire Council.
 - The application Ref PL/21/1103/FA is dated 5 March 2021.
 - The development proposed is demolition of No. 98 & 100 Packhorse Road and redevelopment to provide a residential care home (Use Class C2) to provide for 64 no. beds in a 3 storey building including 17 no. car parking spaces, landscaping and associated highways works.
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Decision

1. The appeal is dismissed, and planning permission refused.

Procedural Matters

2. The Council failed to give notice of their decision within the prescribed period. However, it is clear from their appeal statement that they would have refused planning permission, and this has helped establish the main issues under the appeal.
3. The site address in the banner heading above has been informed by the Council's validation letter and the appeal forms, because these include a more accurate and complete location compared to what is included on the application forms.
4. There was disagreement between the parties about whether some of the evidence submitted under the appeal properly reflected some of the evidence originally submitted under the application.
5. This was resolved to the point where it was confirmed that each party had received the necessary evidence under the appeal. The appeal timetable was subsequently amended to ensure each party had a fair opportunity to comment.
6. The appellant submitted new evidence at the start of the appeal relating to parking provision and layout. Whilst I note the Council's position on whether it should be accepted, the new evidence does not change the proposal to any significant degree, and because it was submitted at the start of the appeal, the Council and other interested parties will have had a fair opportunity to comment.

7. It has been accepted on this basis and has overcome the highway safety concerns of the Council. Consequently, the matter has not been dealt with as a main issue under the appeal.
8. A Screening Direction issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) established that the development is not EIA development, and the appeal has been considered accordingly.
9. The site is located within the Burnham Beeches Special Area of Conservation (SAC) zone of influence. Consequently, the proposal has been considered in the context of statutory duties set out within the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The implications have been dealt with later in my decision.

Main Issue

10. The main issue is the effect of the proposal on the character and appearance of the area, including the setting and heritage significance of Gerrards Cross Centenary Conservation Area and the North Park Kingsway Conservation Area.

Reasons

11. The site is located at 98 & 100 Packhorse Road within Gerrards Cross, which is predominantly a residential area and includes a number of large, detached buildings, which are generally set within appreciably large plots. There is a noticeable degree of openness around the prevailing built form, particularly to the front and rear. Furthermore, the area's built form is generally softened quite heavily by mature trees¹ and other landscape features. This is recognised within the Chiltern and South Bucks Character Assessment 2017, where the site falls within an area designated as having a green suburban typology.
12. Gerrards Cross Centenary Conservation Area and North Park Kingsway Conservation Area are directly adjacent to the site. These derive some of their heritage significance from this green suburban typology, identifiable within their boundaries and throughout their setting, where the site is located.
13. A pair of two storey detached dwellings currently occupy the site. Each sit within their own large plot with mature boundary features to the sides and rear. The architectural value of the dwellings may not be significant in comparison to other buildings in the area. However, the layout of the dwellings and relationship with their respective plots and mature boundary features are consistent with the prevailing pattern of development. Consequently, the site makes an appreciable contribution to the character and appearance of the area and the setting of Gerrards Cross Centenary Conservation Area and North Park Kingsway Conservation Area.
14. The proposal would demolish the existing dwellings on site and deliver a new three storey care home building accommodating 64 bedrooms and basement services. The mature boundary features would be retained, and the design and general appearance of the proposal would be consistent with prevailing architecture. However, there would be a substantial intensification of the site, and this is reflected in the scale of the new building which would be substantially larger than the dwellings it replaces.

¹ Some of those adjacent to the site are protected

15. The new building would have a much larger footprint occupying the majority of the plot. This would be most apparent in terms of depth and the reduction in garden area to the rear. Consequently, the degree of openness at the site would be noticeably diminished by the proposal. This would depart from the established pattern of development clearly apparent within the area and within the setting of the adjacent conservation areas.
16. The appellant has applied the space standards associated residential care home development, and these space standards have informed the scale of the building. However, it remains the case that the scale of development proposed is not compatible with the size of the plot and the context within which it sits.
17. A glazed section attempts to break up the frontage of the building and whilst it is somewhat effective in distinguishing between each flank, my impression as a whole is still of an inappropriate building to plot ratio due to the lack of openness around the built form.
18. The building form has also been subject to limited stepping at its boundaries in an attempt to mitigate its scale. However, similar to my assessment of the glazed section of the building, taken as a whole this does little to mitigate the overall scale of the building, which would still present itself as having an inappropriate relationship with the plot.
19. Whilst I acknowledge that there is the potential to introduce additional landscaping as further mitigation to reinforce existing mature boundary features, the total amount of built form is significant. Consequently, the amount of space available to accommodate additional landscaping is restricted and I am not persuaded that it would be effective.
20. The appellant contends the scale of the adjacent school helps justify the scale of the proposal. However, the school is a non-residential building and requires a different design approach. Therefore, it is not comparable with the proposal in this case and does not help justify its scale.
21. The Council contends that the scale of the building is harmful in and of itself, but I am not persuaded that this is the case given the presence of other residential buildings of similar scale in the area². The central issue is the relationship between the scale of the building and the plot size, and overall conformity with the green suburban typology.
22. Overall, the proposal would harm the character and appearance of the area, including the setting and heritage significance of Gerrards Cross Centenary Conservation Area and the North Park Kingsway Conservation Area.
23. Consequently, it would conflict with Policies H9 and EP3 of the South Bucks District Local Plan 1999 and Policy CP8 of the South Bucks Local Development Framework Core Strategy Development Plan Document 2011.
24. Among other things, these policies set out that the protection and, where appropriate, enhancement of the district's historic environment is of paramount importance, particularly in relation to nationally designated historic assets and their settings.

² As evidenced by the appellant's Planning, Design and Access Statement

Other Matters

25. Whilst the site is located within the Burnham Beeches SAC's zone of influence, as I am dismissing the appeal for other reasons, it is not necessary for me to consider likely significant effects.
26. The building's energy efficiency is noted, however there are no arguments advanced demonstrating that it should be considered as a net benefit and what weight should be attached to it. Consequently, this matter has not been determinative under the appeal.
27. The extent of ecological enhancements would be limited and would therefore attract limited weight. Furthermore, there is no persuasive evidence of measurable biodiversity net gain³ to demonstrate that there would be any more than a limited benefit in favour of the proposal. Consequently, this matter has not been determinative under the appeal.
28. It is acknowledged that the appellant engaged proactively with the Council in pre application discussions. However, any pre application advice is without prejudice and the appeal has been considered on the basis of the evidence and arguments presented.
29. The principle of development is not disputed, nor is the accessibility of the location relative to shops and services. However, these are neutral matters that have not been determinative under the appeal.

Planning Balance

30. The extent of harm identified under the main issue is significant on the immediate street scene and the character of the green suburban typology but would be restricted to a small proportion of the wider setting of Gerrards Cross Centenary Conservation Area and the North Park Kingsway Conservation Area.
31. Consequently, the magnitude of harm on the heritage significance of the conservation areas would be less than substantial and the proposal needs to be assessed under Paragraph 202 of the National Planning Policy Framework (the Framework).
32. I am mindful that when considering a proposal involving a number of heritage assets, if less than substantial harm is found in respect of a number of assets, more weight can reasonably be attached in the overall planning balance to a number of less than substantial harms than would be the case if only one asset were less than substantially harmed.
33. Whilst these separate less than substantial harms would not cumulatively amount to substantial harm under the Framework, each incidence of harm should be given great weight.
34. I accept that there is a need for additional housing for the elderly⁴ and that the proposal carries inherent benefits in this context. Furthermore, the proposal would contribute to the housing land supply shortfall more generally, along with inherent socio-economic benefits relating to the construction of more housing, and altogether should carry great weight in the planning balance.

³ A measurable baseline of existing biodiversity value and measurable increase resulting from the proposal

⁴ As per the care needs analysis submitted by the appellant and as referenced by the Council in the Chiltern and South Bucks Housing and Economic Needs Assessment 2019

35. However, the cumulative effect of the multiple instances of less than substantial harm on the heritage significance of both conservation areas would amount to the greatest level of weight in this case, resulting in a level of harm that outweighs the public benefits. Consequently, the proposal would not pass the test under Paragraph 202 of the Framework.
36. Whilst the Council cannot demonstrate a five year housing land supply and Paragraph 11(d) of the Framework is engaged, the implications of my findings under Paragraph 202 of the Framework are that the application of policies in the Framework that protect areas or assets of particular importance, in accordance with Paragraph 11(d)(i), provides a clear reason for refusing the development proposed.
37. As such, the presumption in favour of sustainable development under Paragraph 11(d)(ii) of the Framework is not engaged and there are no material considerations indicating that a decision should be taken otherwise than in accordance with the development plan.
38. In this regard, under the main issue, I found harm to the character and appearance of the area, including the setting and heritage significance of Gerrards Cross Centenary Conservation Area and the North Park Kingsway Conservation Area, and conflict with the development plan as a whole.

Conclusion

39. For the reasons given the appeal is dismissed, and planning permission refused.

Liam Page

INSPECTOR