



Appeal Decision

Site visit made on 8 August 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/N0410/W/21/3283318

Union Point, Pinstone Way, Denham SL9 7BJ

- 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 Westcombe Group against the decision of Buckinghamshire Council.
 - The application Ref PL/21/2373/FA, dated 7 June 2021, was refused by notice dated 16 September 2021.
 - The development proposed is described on the application form as 'erection of a 2 storey residential building with accommodation within the roof to provide 7 x 1 bedroom flats with associated works including landscaping, car parking and partial demolition of existing buildings (as approved under planning permission ref: PL/20/3921/FA)'.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a 2 storey residential building with accommodation within the roof to provide 7 x 1 bedroom flats with associated works including landscaping, car parking and partial demolition of existing buildings (as approved under planning permission ref: PL/20/3921/FA) at Union Point, Pinstone Way, Denham SL9 7BJ in accordance with the terms of the application, Ref PL/21/2373/FA, dated 7 June 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. The site is located within the Green Belt settlement of Tatling End. The Council considers that the development represents limited infilling in a village and is therefore not inappropriate development within the Green Belt in the context of paragraph 149 of the National Planning Policy Framework (the Framework). I see no reason to disagree with this assessment based on the evidence before me. As such it is not necessary for me to consider this matter further.

Main Issues

3. The main issues are the effect of the development proposed on the character and appearance of the area, and whether the proposal would provide for satisfactory living conditions for future occupiers, with particular regard to external amenity space.

Reasons

Character and appearance

4. The appeal site relates to an area of land to the east of Pinstone Way close to its junction with Oxford Road. It features two office buildings positioned within

the central and rear part of the site, large areas of hardstanding throughout and a grassed area towards the site frontage.

5. The surrounding area is of mixed character with residential properties and a number of commercial premises, including a small parade of shops to the north which fronts Oxford Road, a restaurant and B1 business units. Although there is a wide variety of sizes and styles of mainly two and three storey properties in the area, buildings are generally set back from the road, feature hipped roofs and are constructed principally in brick with tiled roofs.
6. The proposal would be a detached two storey building with accommodation within the roofspace and would provide seven flats. It would be positioned within the front part of the site but set back from Pinstone Way. Whilst the proposal would be a relatively large building, I consider that its footprint and overall height would be acceptable taking into account the various sizes of buildings in the surrounding area, including the three storey flatted development allowed on appeal at 9-10 Oxford Road¹, which is adjacent to the northern boundary of the site.
7. The proposal would not be located within an undeveloped part of the settlement but would be broadly positioned between neighbouring buildings of not dissimilar scale and height, including the parade of shops and new flats to the north and Conway Court on the opposite side of Pinstone Way. Thus, it would not detract from the open, undeveloped character of the Green Belt. Indeed, with the part demolition of one of the existing commercial buildings, there would be a net reduction in built footprint on the site.
8. Whilst the proposed crown roof would not reflect the general character of the area, this feature would not be readily apparent from road level, where the roof would be seen as a series of hips. From Pinstone Way, the development would give the impression of a semi-detached pair of dwellings. The staggered building line and intersecting rooflines would serve to break up the front elevation of the building which in form and design would broadly reflect the appearance of the neighbouring Conway Court. The proposal would share other characteristics of nearby built form, including a set back from the road frontage, dormers and sympathetic materials. The proposal would be set away from the site boundaries and it would not be positioned closer to the highway than Conway Court opposite. Soft landscaping would be introduced around the building which would soften the proposal's impact on the street scene. Accordingly, the proposal would be seen as an infill development which would be appropriate to the surrounding area and the Green Belt settlement in terms of scale, height, form and design.
9. For the above reasons, I conclude that the proposal would not be harmful to the character and appearance of the area. It would comply with saved Policies GB3, EP3 and H9 of the South Bucks District Local Plan 1999 (LP), Policy 8 of the South Bucks District Core Strategy 2011 and the guidance within the South Bucks Residential Design Guide Supplementary Planning Document 2008 (SPD). Amongst other things, these policies and guidance require development to be of a high standard of design and be compatible with the character and amenities of the site, adjoining development and the locality in terms of scale, layout, siting, height, design, external materials and use. It would also accord with the overarching aims of the Framework and the National Design Guide.

¹ Appeal ref APP/NO410/W/3246468

Living conditions for future occupiers

10. The proposed development would include areas of external amenity space principally to the sides of the building. The three first floor flats would also have access to Juliet balconies. A bin and bicycle store would be provided separately to the south-east of the building. Although the external amenity area would be of modest size, the Council has not referred me to any adopted policy prescribing minimum outdoor space standards. I consider that the external amenity area would be suitable for seven one bedroom flats, which are less likely to be occupied by families. It would be a useable and accessible area for sitting out and hanging out washing, for example. In addition, the appeal site is within reasonable walking distance of large areas of public open space.
11. I therefore conclude that the development proposed would provide satisfactory living conditions for future occupiers having regard to the proposed external amenity space. It would therefore comply with saved Policies EP3, EP4 and H9 of the LP, which, amongst other things, seek to ensure the use of land and buildings is compatible with the amenities of the locality and that development includes appropriate landscaping and the provision of usable amenity space. It would also not conflict with the SPD and the National Design Guide, where these seek to achieve similar aims.

Other Matters

12. Comments have been made by the Parish Council in relation to possible increased traffic movements and the environmental health implications of the proposal. These matters do not form part of the Council's reasons for refusal and I have no reason to reach a different conclusion based on the evidence before me and my own observations on site. The impact of road traffic noise on future residents of the development can be suitably mitigated by a condition to secure noise protection measures.
13. There is no dispute that the Council cannot demonstrate a 5-year housing land supply. As I have not found conflict with the development plan, this material consideration does not need to be considered further.

Conditions

14. I have had regard to the conditions suggested by the Council in their statement. In imposing conditions, I have had regard to the relevant tests in the Framework, Planning Practice Guidance and of statute. In that context I have modified the wording of some of the conditions proposed by the Council without altering their fundamental aims.
15. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty.
16. Conditions relating to contaminated land and remediation are necessary in order to identify and minimise any risks associated with contamination from past uses. These need to be 'pre-commencement' conditions due to the risks inherent in developing the site.
17. In the interests of the character and appearance of the area, a condition requiring samples or details of external materials, including hard surfacing, is necessary.

18. A condition requiring approval of a scheme of ecological enhancements is also necessary in the interests of biodiversity.
19. To ensure an appropriate standard of accommodation for future occupiers of the development, a condition is necessary to protect occupiers from noise from nearby traffic sources.
20. In the interests of highway safety, I have included a condition to require the provision of the car parking and turning areas.

Conclusion

21. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed subject to conditions.

M Ollerenshaw

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FLU.1541.01 (Location Plan), FLU.1541.03 Rev E (Proposed Site Plan), FLU.1541.04 Rev A (Proposed Ground Floor Plan), FLU.1541.05 Rev A (Proposed First Floor Plan), FLU.1541.06 Rev A (Proposed Second Floor Plan), FLU.1541.07 Rev A (Proposed Front and Side Elevations), and FLU.1541.08 Rev C (Proposed Rear and Side Elevations).

Before development commences

- 3) No development shall take place until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: (i) a survey of the extent, scale and nature of contamination; and (ii) an assessment of the potential risks to human health, adjoining land, groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- 4) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified person shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

Before work above ground

- 5) Prior to any above ground works, samples or details of materials to be used in the construction of the external surfaces of the development, including hard surfacing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed samples or details.
- 6) Prior to any above grounds works, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme will include details of new landscape planting of known benefit to wildlife and the provision of artificial roost features, including bird and bat boxes and other appropriate features. Any new fencing shall have holes suitable for safe passage of Hedgehogs. Thereafter the scheme shall be implemented in accordance with the approved details.

Before occupation or other stage conditions

- 7) Prior to the occupation of the flats hereby approved, a scheme for protecting the proposed flats and external amenity areas from noise from nearby traffic sources, shall have been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the flats are occupied and retained thereafter.
- 8) Prior to the occupation of the development hereby approved, the car parking and turning areas shall be laid out in accordance with the approved plan and shall thereafter be retained for that specific use.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

END OF SCHEDULE