



Appeal Decision

Site visit made on 28 September 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 OCTOBER 2022

Appeal Ref: APP/J0405/W/22/3295680

OS 7009, Aston Abbotts Road, Weedon, Weedon HP22 4NH

Grid Ref Easting: 481702, Grid Ref Northing: 218088

- 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 and Mrs Palmer against the decision of Buckinghamshire Council.
 - The application Ref 21/02489/APP, dated 14 June 2021, was refused by notice dated 21 December 2021.
 - The development proposed is described as 'Planning application for the erection of a detached single dwellinghouse, along with the provision of a wildlife amenity space and public park bench.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached single dwellinghouse, along with the provision of a wildlife amenity space and public park bench at Aston Abbotts Road, Weedon HP22 4NH in accordance with the terms of the application, Ref 21/02489/APP, dated 14 June 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of the proposed development referred to above and within the banner heading includes the provision of a wildlife amenity space and public park bench. I acknowledge that this is what has been applied for, however, I note that both the proposed wildlife amenity space and public park bench are outside the red line site boundary shown on the Site Location Plan, ref: FA038 PL-100-01. As will be shown in my reasoning below, whether or not I am able to permit this, it has not affected my decision on the main issues.

Main Issues

3. The main issues are the effect of the proposal on the integrity of the open countryside and the character and appearance of the area, including views across the Quanton-Wing Hills Area of Attractive Landscape.

Reasons

4. The appeal site is located on Aston Abbotts Road between No. 52 and No. 40, also known as Turpin's Orchard. This section of Aston Abbotts Road lies between the edge of the older part of the village of Weedon and a group of houses known as East End. It has a rural and verdant character created by well-established planting in the form of hedges and trees along each side of the road. Despite the enclosure of the planting, there is, at points, a feeling of

openness beyond. I saw opposite the appeal site the hedges are currently low enough to allow some views across the open countryside to the north. However, views of the countryside to the south are very limited. Notwithstanding this, the planting itself provides a break between the built form of the old Weedon village and the houses located further east along Aston Abbots Road.

5. The appeal site forms approximately half of a larger piece of land that is surrounded by substantial planting consisting of hedges and trees. The planting is tall and at my time of visiting the foliage was very thick, particularly along the boundary furthest from the road that consists mainly of conifer trees. This severely limits any views across the site, except for a narrow view from the existing site entrance. Although open to the adjacent land to the west, the appeal site feels enclosed and, except for at the entrance, there is no sense of any openness beyond. I saw there were containers on part of the site and the adjacent land, although views of these were also limited. Given the above, the contribution of the appeal site, in its current form, is clearly not as an open gap, rather its soft boundary treatments add to the verdant and green character and appearance of this section of Aston Abbots Road.
6. It has been put to me by the Council that development on this site has previously been dismissed at appeal, Ref: APP/J0405/A/06/2012839. While I acknowledge that the previous Inspector found the site to form a significant part of the gap between Weedon and East End, this was based on his findings that the appeal site had an open nature, which is no longer the case. I can see from the evidence before me that there were previously impressive and valuable views across the appeal site and the adjacent land to the west. However, these have been severely diminished by the existing boundary treatment for a relatively long period of time and are now almost completely lost. Therefore, while I understand that the open gap and the views across this land were of great importance to the Council and local residents, a different character has now been established.
7. The proposal would provide a two-storey dwelling on the appeal site. As part of the proposal the conifers on the rear boundary would be removed, however the front boundary treatment would be retained, which would screen the proposed dwelling. The proposal also includes a wildlife amenity space and a public park bench on land to the west, outside the red line application boundary, which is referred to as the village gap. The conifers on the rear boundary of this land would also be removed, as would the planting fronting the road, which would re-establish views from Aston Abbots Road across the open countryside to the south.
8. I have taken careful account of the representations of local residents, and I acknowledge the support for the proposal as a whole, including the provision of the village gap and the re-establishment of views across this land. However, whether or not the village gap would be a benefit of the proposal, there is no Section 106 agreement before me setting out the terms of this arrangement. While management of the village gap's landscape and ecology could be monitored through a Landscape and Ecological Plan conditioned as part of an approval, without a clear mechanism for its delivery and retention, the village gap, cannot be guaranteed in perpetuity. Therefore, I am unable to afford this potential benefit any weight.

9. Notwithstanding this, given the current form of the appeal site, the village gap is not necessary to make the development acceptable in planning terms. While the group of houses forming Weedon and West End remain clearly separate from one another, the previous open nature of the site no longer separates the houses at East End, namely No. 52 Aston Abbots Road, from Turpin's Orchard. This loss of openness also moderates the low subtle profile of Turpin's Orchard making it more noticeable in the street scene. Together, this and the very limited views through the appeal site and Turpin's Orchard to the open countryside, gives the impression of a continuity in the built form of East End. Therefore, despite not being enclosed by existing development on all sides, the proposal would add to the existing developed footprint of the village in accordance with Policy D4 of the Vale of Aylesbury Local Plan (2021) (Local Plan).
10. There is a well-established gap further along Aston Abbots Road between Turpin's Orchard and the edge of Weedon formed by the curtilage of Chestnuts Farm. Chestnut's Farm is set well back from the road on a very large plot and, therefore, does not add to the continuity of development from East End. It is also set behind a mature well-established landscaped boundary that in my view is highly likely to remain in a similar form for aesthetics, privacy and consistency with local character. The setback of the property and the slope of the land away from the road provide, at this point, a greater sense of openness beyond and thus, a clear break would remain between the built form of Weedon and the houses further east along Aston Abbots Road relating to East End.
11. The appeal site is located within the Quanton Wing Hills Area of Attractive Landscape (AAL), and I understand that long distance views across the AAL have previously been achieved from Aston Abbots Road. However, as explained above, these views are currently obstructed and have been for considerable time. Given that the proposal would be positioned between two existing properties, No.52 Aston Abbots Road and Turpin's Orchard, it would not extend the ribbon of development originating from East End nor would it result in encroachment into the countryside. Rather it would follow the existing pattern of development west along the road.
12. While I recognise that the proposal would result in a more permanent loss of a previously open gap. The open gap no longer exists and has not existed for many years. Any removal of the existing boundary treatment would be a consequence of granting permission and unlikely to come forward in the absence of the proposal. Furthermore, the proposal would be screened to the north by the existing boundary treatment and would appear as part of East End in views from the south. Therefore, any effect on the AAL would be very limited.
13. Accordingly, for the reasons above, in relation to the main issues, the proposal would not harm the integrity of the countryside, the character and appearance of the area or the AAL. As such it would accord with policies S1, S3, D4 and NE4 of the Local Plan. These policies, amongst other things, seek to deliver new housing development that contributes to the sustainability, and considers the landscape features and qualities, of the area.

Other Matters

14. I recognise that the measures set out in the Ecology Assessment by Windrush Ecology, dated January 2021, and biodiversity net gain calculations take account of the land to the west of the site being retained as a biodiversity enhancement area. However, given the proposal would retain and enhance the hedgerows and only occupy part of the site with the remainder being maintained and enhanced, it would not result in significant harm to biodiversity. In fact, it would appear that the measures relating to the appeal site alone would also result in a net gain of biodiversity, albeit likely a smaller one.
15. In any case, even if the measures relating to the appeal site alone would not result in biodiversity net gain, notwithstanding the aims of Policy NE1 of the Local Plan and advice within the Framework, the resulting net gain would be a benefit of the proposal rather than a tangible harm. As such, it would not afford sufficient weight to lead me away from my overall findings above.

Conditions

16. The Council have suggested 16 conditions. In imposing conditions, I have had regard to the approach in the National Planning Policy Framework and the Planning Practice Guidance. I have, accordingly, modified the wording or form of certain conditions without altering their fundamental aims.
17. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty.
18. To protect the character and appearance of the area, a condition is necessary to clarify the external materials used in the construction of the building and details of the renewable energy technologies. However, I have removed reference to Mechanical Ventilation with Heat Recovery (MVHR), openable windows and vents benefiting from solar gains, as these would have a limited effect on the appearance of the dwelling or retained trees and thus the character of the area. For the same reason a condition is also required to clarify existing ground levels and finished floor levels. These need to be clarified prior to development commencing as they are fundamental to construction of the development. Given the conifers at the rear of the site will be removed, it is also necessary, in this case, to remove some permitted development rights relating to development within the curtilage of a dwellinghouse to ensure that any further development within the curtilage, which would be visible from the open countryside, reflects the character of the area.
19. To protect the living conditions of the occupants of No. 52 Aston Abbots Road, it is necessary to require the proposed first floor window on the eastern flank to be obscured glazed and non-opening at less than 1.7 metres above floor level.
20. To ensure highway safety a condition is necessary to require the provision of the vehicular access and the proposed scheme of parking prior to occupation. In the interest of clarity and certainty I have reference the relevant approved plans. To encourage more sustainable forms of travel, a condition is also required to ensure the provision of an electric vehicle charging point. I have removed the wording relating to maintenance and upgrading as it is imprecise. I note that the Council suggested a condition requiring the provision of vision

splays. However, the extent of the application site would not allow the condition to have meaningful effect. Although the 2.4 metres may not be achieved, given the footway and verges, and that there are multiple vehicular accesses onto this straight section of road, I do not deem a condition in this case to be necessary.

21. To ensure retained trees and hedges are adequately protected during the development a condition is necessary to ensure there is an up-to-date Arboricultural Impact Assessment and Tree Protection Plan. These details need to be agreed prior to the development commencing to ensure protection throughout the construction process including site clearance. I have removed the specific reference to the specification of the fencing as this would be agreed as part of the Tree Protection Plan.
22. To ensure the adequate provision of accessible and adaptable dwellings in line with Policy H6c of the Local Plan, a condition is necessary to ensure the dwelling is constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2).
23. To protect features which contribute to biodiversity and ensure a net gain in biodiversity, the Council has suggested a condition requiring a Landscape and Ecological Management Plan (LEMP) to be prepared prior to the development commencing. This Plan would also cover the land outside of the red line application boundary shown as the village gap. However, without any certainty that the village gap would be delivered and given that the proposal would be acceptable without it, it would be unnecessary for me to apply these requirements to this land. Therefore, I have removed this reference. Taking account of this, and that the Ecology Assessment by Windrush Ecology, dated January 2021, sets out broadly the measures that need to take place, requiring the development to provide further details on these measures would be more appropriate and less onerous than requiring a LEMP. Also, given the Ecology Assessment identifies the features that contribute to biodiversity and recommends measures to be put in place to maintain and enhance the biodiversity of the appeal site there is no reason for the requirements of this condition to take place prior to the development commencing. There are likely to be significant overlaps between the biodiversity enhancement and soft landscaping details, so I have combined these requirements into a single condition. I have removed the requirement for details of car parking layouts as these are required to be laid out in accordance with approved FA038 PL101-01 and FA038 PL-200-01. I have also removed the requirement for the cultivation and other operations associated with plant and grass establishment as this relates to the village gap.

Conclusion

24. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed subject to the conditions in the attached schedule.

Hannah Guest

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FA038 PL-100-01; FA038 PL-101-01; FA038 PL-200-01; FA038 PL-201-01; FA038 PL-300-01; FA038 PL-301-01.
- 3) No development shall take place until detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the dwelling hereby permitted along with a scaled street scene elevation showing the adjoining neighbouring properties have been submitted to and approved in writing by the local planning authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. The development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of works above slab level, details or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples and retained thereafter.
- 5) Before the dwelling hereby permitted is first occupied, the window to be constructed to the first floor on the eastern flank wall as shown on drawing ref: PL301-01 shall be fitted with obscured glazing and any part of the window that is less than 1.7 above the floor of the room in which it is installed shall be non-opening. The window shall be retained with such glazing thereafter and shall not be re-glazed other than using obscured glass.
- 6) Before the dwelling hereby permitted is first occupied, a means of access for vehicles shall have been constructed in accordance with approved plan ref: PL101-01 and the Buckinghamshire County Council's guide note: Private Vehicular Access Within Highway Limits 2013. The access shall be retained thereafter.
- 7) Before the dwelling hereby permitted is first occupied, the scheme for parking and manoeuvring shall have been laid out in accordance with the approved plans refs: PL101-01 and PL-200-01 and that area shall be retained thereafter, available at all times for the parking of vehicles.
- 8) Prior to the commencement of works above slab level, details of the provision of one electric vehicle charging point shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging point shall be installed in accordance with the approved details prior to the first occupation of the dwelling hereby permitted and retained thereafter, available at all times for the charging of electric vehicles.
- 9) Prior to the commencement of development above slab level, full details of both hard and soft landscape works, including the ecological enhancement and management measures as set out in the Ecology Assessment by Windrush Ecology, dated January 2021, shall be submitted to, and approved in writing by, the local Planning authority. For hard landscape works, the details shall include: means of enclosure;

hard surfacing materials; and cycle and bin stores to be installed thereon. For soft landscape and ecological enhancement works, the details shall include: contours for all landscaping areas, together with planting plans and schedules of trees and plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works including a programme for implementation. The hard landscape works shall be carried out in accordance with the approved details before first occupation of the dwelling hereby permitted and the soft landscape and ecological enhancement works within the first planting season following first occupation of the dwelling hereby permitted or the completion of the development, whichever is sooner. Thereafter the works will be managed and maintained in accordance with the approved scheme. If within 15 years from the date of planting, any tree or plant (or any tree or plant planted in replacement of them) is removed, uprooted, destroyed, or dies or becomes seriously damaged or defective, another tree or plant of similar size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant.

- 10) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within Classes A - F inclusive of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the local planning authority.
- 11) Notwithstanding the submitted details, no site clearance works, or development shall take place until an updated Arboricultural Impact Assessment in accordance with British Standard BS 5837 (2012) and a Tree Protection Plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and hedges shall be carried out as approved. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 12) Prior to the commencement of works above slab level, details of solar panels and ground source heat pump(s) shall be submitted and approved in writing by the local planning authority. The renewable energy measures shall thereafter be carried out in accordance with the approved details and the measures shall thereafter be retained in perpetuity.
- 13) The residential dwelling hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation. Such provision shall be maintained for the lifetime of the development.