



Appeal Decision

Site visit made on 20 September 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 NOVEMBER 2022

Appeal Ref: APP/J0405/W/21/3289402

Land South West Of 62 Station Road, Quainton HP22 4BT

- 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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Dornoch Court Limited against Buckinghamshire Council.
 - The application Ref 21/00623/ADP is dated 11 February 2021.
 - The application sought planning permission for erection of 13 houses with car parking and landscaping without complying with a condition attached to planning permission ref 15/04276/APP, dated 11 October 2018.
 - The condition in dispute is No 2 which states that:
The development hereby permitted shall only be carried out in accordance with the amended drawing No. 464-1E, 464-2G, 464-3B, 464-4A, 464-5A, 464-6, 16-268-001-A.
 - The reason given for the condition is:
For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site used in the banner heading above is taken from the Council's decision notice and the appeal form, rather than the application form, as this more accurately describes the location of the site.
3. The appellant has provided an additional drawing as part of the appeal that shows an overlay of the original site layout with that now proposed. As this provides clarity only, and does not amend the proposed development, interested parties would not be prejudiced by my consideration of it, and I have determined the appeal having regard to that drawing.
4. The appellant has drawn my attention to planning permission which has been granted during the course of this appeal, under section 73 of the Town and Country Planning Act 1990, for alterations to the approved plans¹. The Council have had the opportunity to comment on the implications of that permission on this appeal and I have had regard to the information submitted.

¹ Ref 22/02115/APP approved 10 June 2022

Main Issues

5. Having considered the Council's appeal statement, the main issues are the effect of the development proposed on: the character and appearance of the area, and; highway safety.

Character and Appearance

6. The appeal site is in a rural location and sits centrally within a ribbon development which lines both sides of this part of Station Road. The surrounding properties vary in their character, design and plot size. To the south, properties on the opposite side of the road include some older established buildings set closer to the edge of the street and with generally smaller gaps between the groups of buildings. Properties to the north of the appeal site sit within more generous plots and have gaps of varying sizes between the buildings, including between the adjoining pairs of semi detached houses. These gaps provide views from the street to the trees, foliage and open spaces behind the properties and form an important part of the spacious and rural character of the area.
7. The original planning permission² comprised a site layout of five pairs of semi detached properties with a short row of three terraced houses to the southern side of the site. The layout included regular gaps between the groups of properties which varied in size but at their narrowest point, between plots 3 and 4, was the width of a parking space. Similarly, the approved site plan for the recent section 73 permission³ shows gaps between the buildings, formed by parking spaces. In line with the attributes of the surrounding area described above, those gaps and the spaces around the properties would complement the rural character of the area and allow a degree of visibility to the long gardens and countryside beyond.
8. By contrast, the appeal scheme would introduce a series of detached homes with two groups of terraced houses to the northern side of the site. While the frequency of the gaps would be increased, due to their narrow nature, they would fail to provide the degree of spaciousness that is characteristic of the area. Any views from the street to the open countryside beyond would be heavily restricted due to the width of the breaks and the gates proposed to enclose them at the ground floor level. This would have the effect of creating a continuous built frontage across much of the width of the site, with the exception only of the break for the field access.
9. The design of the houses on plots 3 and 7 would not include an additional storey above the side garage, thereby giving some relief and visual breaks within the development. However as this occurs only twice across the frontage it does little, overall, to facilitate a sense of spaciousness.
10. While there are some properties in the street that are close to their boundaries with small gaps, including 65 and 67 Station Road opposite, these are not the predominant form of development within the area. Given the width of the appeal site which forms a significant part of the ribbon development, the siting of the proposed houses would significantly undermine the character of the area.

² 15/04276/APP

³ 22/02115/APP

11. The appeal scheme includes more variation in the design of the houses and would concentrate narrower terraced properties solely to the northern side of the site. Notwithstanding the above concern for the siting and spacing of the properties, given the varied character and appearance of buildings in the surrounding area, I do not find that the design of the properties would create an unbalanced or inconsistent character in the street.
12. The appeal scheme sees the inclusion of an electrical transformer next to the road in front of plot 1. Details of its scale or appearance have not been provided and such structures could appear utilitarian and heavily at odds with a rural setting. Given its prominent position forward of the building line, proximity to the edge of the street, and the inclusion of a gap in the hedging for access, it has the ability to have a significant impact on the street and, based on the evidence, I cannot be satisfied that this impact would be acceptable. Due to the extent of its potential visual impact, it would not be reasonable to delay submission of details to a later date by condition.
13. I note that the Council accepted the electrical transformer as part of the recent section 73 permission without such a condition. However, that approved site plan shows it would be positioned behind a continuous hedgerow and, as I do not have details before me of how the appearance of that equipment was dealt with, this does not alter my judgement.
14. For the reasons given, the appeal scheme would cause harm to the character and appearance of the area. It would conflict with policies BE2 and S1 of the Vale of Aylesbury Local Plan 2021 (the VALP) which together require development to respect and complement the physical characteristics of the site, its setting and local distinctiveness, and minimise impacts on landscapes. The proposal would also conflict with the design objectives of the National Planning Policy Framework (the Framework) at paragraph 130 and the National Design Guide insofar as they require development to respond to local character and the characteristics of existing built forms.

Highway Safety

15. The appeal scheme would amend the layout of the car parking areas and access to provide additional spaces including some integral garages. The main parties agree that the quantum of car parking spaces proposed meets the adopted parking standards. Appendix B of the VALP, however, requires parking spaces to achieve minimum dimensions of 2.8m by 5m, which is not achieved in the appeal scheme, and this is not disputed by the appellant. The requirement for larger spaces within the adopted plan ensures that parking provision can adequately accommodate a wider range of larger family vehicles. As a consequence of their size, the proposed spaces would be inconvenient for their users and may result in vehicles overhanging the spaces, leading to obstructions and inconsiderate parking, in turn causing harm to highway safety.
16. In addition, there are concerns relating to aspects of the proposed parking layout. The arrangements outside plots 6, 7 and 11 would result in difficulty manoeuvring into the parking spaces, especially if the nearby spaces were in use. In the absence of details to demonstrate appropriate turning and manoeuvring areas, these spaces would be difficult to use. Furthermore, the proximity of several of the spaces to planted areas is likely to result in some encroachment of planting into the parking spaces, further reducing their

useable dimensions and attractiveness to future occupiers. A condition for a maintenance scheme for landscaping would assist in addressing this to some degree, however, given the proximity of the parking to the planting in this instance, it is unlikely to satisfactorily resolve the issue in perpetuity. A landscaping scheme was accepted by the Council as part of the conditions of the original permission. However, the layout of the parking areas and their relationship to the landscaped areas was different under that scheme.

17. Taken in combination, these factors would reduce the convenience and attractiveness of the parking areas to future users and would result in them seeking to park elsewhere nearby, most likely on the street.
18. Station Road has no parking restrictions. At the time of my site visit the road was closed to through-traffic due to road works further to the south. However, I found that cars were parked on one side of the road, particularly outside the appeal site, and that there were spaces available. A bus route runs along Station Road, which was suspended at the time. While this represents only a snapshot of time, no evidence has been provided of a more general situation.
19. Given the prevalence of substandard sized parking spaces across the proposed development, it is likely to result in a substantial increase in on street parking. I do not have substantive evidence before me to demonstrate that the potential additional parking pressures resulting from the development could be adequately accommodated on the road without causing conditions prejudicial to highway safety.
20. The original planning permission included 35 parking spaces of the same size as now proposed. While that permission pre-dates the current parking standards, it nonetheless forms a legitimate fallback position for the appellant. However, the parking layout for the original scheme and the more recent section 73 permission, are substantially different and include grouping of parking spaces around the houses for which they are intended. As a result, any inconvenience could likely be resolved between members of the household. By contrast the more communal arrangement of the appeal scheme would be likely to result in conflict with more users across the development. In combination with the concerns for the proposed layout of the parking areas discussed above, the appeal scheme would result in a much greater likelihood of users seeking to park on the street, and a greater extent of harm to highway safety than the approved schemes.
21. The appeal scheme has the potential benefit of including seven integral garages, which could help to alleviate some of the above concerns. However, in the absence of evidence to demonstrate that the garages meet the minimum dimensions for garages set out in Policy T6 of the VALP and the associated appendix, it cannot be established with certainty that they would be capable of providing a usable parking space. Policy T6 states that garages should not be counted as a parking space unless they are of that size.
22. The Highways Authority raised no objection to the proposed development, despite raising concerns for the parking layout. However, the absence of such an objection does not satisfy me that the impact on the highway overall would be acceptable. The proposal would reduce the number of accesses from the appeal site onto the road, but I do not have evidence to suggest that this change would improve highway safety nor that the previous accesses, which formed part of the approved scheme, were unsatisfactory.

23. With regard to the introduction of electric vehicle charging points, I note that this is now a building regulations requirement, and it is likely that such points could be integrated successfully into the approved scheme. Therefore, this matter does not add to my concerns.
24. In relation to this main issue, for the reasons given, the proposal would have a harmful effect on highway safety. The proposal would therefore conflict with policies T6, BE2 and S1 of the VALP insofar as they relate to car parking standards, accessibility and minimising impacts on local communities.

Other Matters

25. There is dispute between the parties as to whether the proposed changes to condition 2 could be dealt with under Section 73 of the Town and Country Planning Act 1990. The proposals notably now include an electrical transformer to the front of the site, which did not form part of the original description of development. I note that the Council consequently accepted the inclusion of the transformer as part of the subsequent section 73 permission. Despite this, as the appeal is being dismissed for other reasons, this is not a matter I need to consider further as it would not change the outcome of the appeal.
26. I note the appellant's concern relating to the Council's treatment of the planning application and how the issues in question were handled, including those matters relating to drainage and the adoption of the VALP during the application process. However, that does not alter my conclusions on the main issues set out above.

Conclusion

27. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.

C Shearing

INSPECTOR