



Appeal Decision

Site visit made on 3 November 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/J0405/W/21/3287491

46 Winslow Road, Granborough, MK18 3NQ

- 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 Mrs Rachel Lane against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/03079/APP is dated 21 July 2021.
 - The development proposed is subdivision of plot and erection of 3 bedroom dwelling and associated infrastructure.
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Decision

1. The appeal is dismissed and planning permission for the subdivision of the plot and erection of 3 bedroom dwelling and associated infrastructure is refused.

Preliminary Matters

2. The appeal is against the Council's failure to determine the planning application within the relevant statutory timeframe. The Council's statement indicates that they would have refused planning permission for the proposed development for reasons relating to the character and appearance of the area. The appellant has had the opportunity to respond to this in their final comments.
3. Vale of Aylesbury District Local Plan (LP) was adopted in September 2021, and consequently, the policies referred to in the Council's statement can be given full weight. The LP has replaced the policies of the 2004 Local Plan. As decisions must be determined based on the development plan and national policy which are in place at the time of the decision, I have given those policies in the 2004 Local Plan no weight in my reasoning. Both the main parties have had the opportunity to comment during the appeal process on the adopted LP.
4. The introduction of the Council's Statement identifies that there are no heritage assets that would be affected by this proposal. This is also confirmed in the Council's questionnaire. I have therefore taken later reference in the statement¹ to be an error and have not considered this further.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

¹ Section 6.33.

Reasons

6. The appeal property is a semi-detached house within a row of similar semi-detached properties which face a tall hedgerow with open fields beyond. Following the demolition of an existing single-storey extension, the proposal would involve the creation of a new dwelling attached to the existing house, building on what is currently an area within the existing side garden. Whilst some properties on this section of road have added side extensions and garages, these are subservient to the host dwellings giving the area an open and pleasant character.
7. The dwelling proposed would enclose the gap between the appeal property and No 48 Winslow Road, which currently benefits from a side extension. The proposed dwelling matching the proportions of the host dwelling would appear unduly cramped by eroding the physical and visual gap of the open pattern of development, creating a terrace effect along this section of the road. Whilst there are instances in the road where gaps between buildings have been occupied with side extensions and other ancillary forms of development, they are subservient in scale to the main dwelling; they do not close gaps in the way the new dwelling would.
8. The appellant's evidence describes the surrounding area as perfunctory and unremarkable and goes on to note that there is a mixture of semi-detached and terraced dwellings in the wider locality which has influenced the proposed scheme. However, I find the immediate area in which the site is viewed is semi-detached dwellings only and there is a consistency and uniformity such that it does not justify the introduction of a short terrace of 3 and the loss of the gap between dwellings that would unacceptably harm the established character and appearance of the surrounding area.
9. Landscaping and parking are proposed as part of two separate driveways, which would be clearly visible from the surrounding area given the open low-level boundaries which are present in the streetscene. However, given the existing layout of other nearby front gardens and driveways, which include areas of hard landscaping and small areas of soft landscaping; I find the proposed arrangement would not be visually dominant in the streetscene and would complement the existing character of the area.
10. In light of the above, I conclude that the proposed development would result in unacceptable harm to the character and appearance of the area. The proposal would be contrary to Policies S1, D4, BE2 and BE4 of the LP. These seek, amongst other things, new development proposals respect existing densities, complement the site and its surroundings and are in keeping with the local character of the locality. It would also be contrary to paragraph 130 of the National Planning Policy Framework (the Framework), which sets out that developments should be sympathetic to local character and the National Model Design Code, which, amongst other matters, advises proposals to take into account existing site context, local character and respond to the identity of buildings.

Other Matters

11. The proposal would enable the delivery of an additional dwelling in an established residential area, and there would be social, environmental, and economic benefits associated with, ecology enhancements, employment during

construction and as future occupants would buoy up the local economy. Nonetheless, the benefits of a new dwelling, even if it were a self-build and a small family home, would be confined to an incremental numerical addition, and other benefits similarly limited given the scale of the scheme. Consequently, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

12. The appellant makes reference to the emerging neighbourhood plan. I have not been provided with any details as to its progression and have therefore given it no weight. Nevertheless, even if it was at an advanced stage that supported infill development, it would unlikely outweigh the harm I have identified above.
13. The Framework emphasises the importance of planning decisions not preventing or discouraging appropriate innovation or change. The appellant's evidence indicates that a more modern approach was favoured and a detached dwelling considered. However, that is not the scheme proposed, which I have found to be significantly harmful for the reasons set out above.
14. I have had regard to letters of support for the development from some third parties. However, their support does not outweigh the harm that I have identified.

Conclusion

15. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
16. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR