



Appeal Decision

Site visit made on 22 November 2022 by M Long BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/K0425/D/22/3305517

5 Millstream Way, Wooburn Green, Buckinghamshire HP10 0NL

- 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 Scott Keenan against the decision of Buckinghamshire Council.
 - The application Ref 22/05544/FUL, dated 25 February 2022, was refused by notice dated 1 June 2022.
 - The development proposed is the relocation of side boundary fence.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal property is a detached house set within a sizeable corner plot along Millstream Way, a quiet residential road. The road curves around the appeal dwelling so that both its west-facing front elevation and north-facing side elevation are visible from the public realm. The fence forming the northern boundary of the rear garden is also visible from the street and is set in line with the side elevation. The dwelling is set back from the highway to both its front and side by an open grassed area that curves with the bend in the highway.
5. The appeal dwelling is viewed within a wider group of dwellings to the south-west that share a similar design. They are set back from the road by large front lawns and driveways. While there is some tall vegetation, these front garden spaces have a predominantly open character and are not separated by tall, hard boundary treatments. The lawn to the front and side of the appeal dwelling contributes to the open character of this area, particularly when viewed by those rounding the corner when travelling eastwards along Millstream Way. To the north-east corner of the appeal plot is an area of tall, mature vegetation which separates the side lawn at the site from the front lawn at No 4, a dwelling which is also set back from the highway. Beyond No 4 is some tall fencing that is positioned against the pavement which continues into a long and low boundary wall along the front of No 3.

6. The scheme would relocate the side boundary fence approximately 3 metres out into the side lawn area and would retain a set back from the highway of roughly 3 metres. It would be set back around 11 metres from the front elevation. The fence would be 1.8 metres tall and constructed using high close boarded fencing on concrete posts. The scheme would largely retain the mature vegetation that is within the plot's north-east corner.
7. The proposed fence would have an enclosing effect that would reduce the open character of the lawn at the appeal site and of the wider front garden spaces of the surrounding dwellings. Its location to the side of the dwelling would detract from the open views of the site when rounding the corner, particularly in a eastward's direction. The positioning would introduce a sharp angle that would jut out from the side elevation, and which would be at odds with the curved shape and soft appearance of this area. As such, it would conflict with the SPD¹ which states that the scale, height and materials of boundary treatments should be in keeping with the character of the area and not too intrusive in the streetscene, which is particularly important for corner plots.
8. The introduction of a hard boundary treatment of this substantial height would appear incongruous in the Millstream Way streetscene. There are tall boundary treatments on properties to the east, however they are physically and visually separated from the site by No 4, which remains set back from the highway by an open lawn and driveway. As such, they do not establish tall boundary treatments as a significant part of the character of the appeal site or the group of similar dwellings of which it forms a part of. My attention has been directed to a dwelling on Barley Fields with fencing set against the pavement. This property is located a substantial distance from the site and is not viewed in the wider context of visually similar properties that each contribute to open front garden spaces; it does not provide a sufficient precedent for the scheme.
9. When viewed from the east, the proposal would be largely screened by existing mature vegetation, however this would not offer visual benefits in views of the site from the west. A considerable amount of open lawn would be retained, but this would not sufficiently offset the overall harmful appearance of the scheme. While the proposal's scale has been revised from previous schemes, and the nearby vegetation has grown since past considerations were made, the design of the appeal scheme in its current context would still harm the visual amenity of the area.
10. Overall, the proposal would result in harm to the character and appearance of the area. It would be contrary to the Wycombe District Local Plan, adopted August 2009, specifically Policy DM35 which seeks to ensure development demonstrates high quality design and appropriate character in the scale, form and layout of the spaces around them. The Council have mentioned conflict with Policy DM36, however this relates to extensions and alterations to existing dwellings and is not relevant to the nature of the appeal scheme. There would be further conflict with the National Planning Policy Framework which seeks to prevent development that is not well designed.

Other Matters

11. The appeal scheme would provide a larger rear garden that is shielded from passers-by and traffic. However, this is a private benefit accruing to a single

¹ Wycombe District Council, Householder Planning and Design Guidance Supplementary Planning Document 2020

household and would not outweigh the harm identified to the character and appearance of the wider area.

12. No harmful impact has been identified against other considerations such as neighbouring amenity. However, these are neutral matters that would not outweigh the harm identified to the character and appearance of the area.

Conclusion and Recommendation

13. The proposed development would not accord with the development plan when considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR