



Appeal Decision

Site visit made on 5 December 2022

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2023

Appeal Ref: APP/K0425/W/22/3305095

18 Tancred Road, High Wycombe HP13 5EF

- 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 Al-Siraj Al-Heeti against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 22/05077/FUL, dated 12 January 2022, was refused by notice dated 15 March 2022.
 - The development proposed is the erection of a two-storey detached dwelling with associated parking area.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and on biodiversity.

Reasons

Character and appearance

3. The appeal site is the side garden to 18 Tancred Road, positioned on the corner of Hinton Close. It is steeply sloping, enclosed with a low close-boarded fence on the roadside, and a high close-boarded fence between the site and the rear garden. The land currently contains un-maintained vegetation.
4. There is a mix of houses and plot sizes in the area. The appeal site, and its host dwelling, is one of several corner plots which have larger plot sizes than the houses between. The plot size of No 18, albeit larger than its immediate neighbours, is not excessively large when compared to other corner plots. The houses around the estate are also set back from the roads and the corner plots respect the building lines of both roads. These corner plots and the set back of the houses are clearly design features of the estate layout which contribute to creating a pleasant and spacious feel.
5. The proposed replacement of the corner space with built development would be visually prominent, especially when viewed from Hinton Close. The proposed dwelling would fill the majority of the gap in between the garden and the road and therefore erode the spaciousness of the area. Although the proposal maintains the building line on Tancred Road, it would be built forward of the houses on Hinton Close, and as a result would be visually out of context with the layout of the estate.

6. The appellant has referenced the Wycombe District Council Residential Design Guidance Supplementary Planning Document 2017, regarding the layout of perimeter blocks. The main parties have also referenced the Wycombe District Council Housing Intensification Supplementary Planning Document 2005 (SPD) in terms of the set back from Hinton Close and in terms of the proposal providing windows onto Hinton Close.
7. The Council set out that for corner plots they would normally expect greater separation and, as already noted, the corner plots on the estate are all set back from both roads which they face. The Intensification SPD advises that boundaries should be set a minimum of 1m from roads with space for landscaping. The appeal proposal sets the building, rather than the boundary, some 1.7m from the back of pavement and the landscaping is shown as filling the whole of this gap.
8. The proximity of the appeal proposal to Hinton Close would therefore adversely affect the character and appearance of the area and, although the landscaping would soften this, it would not mitigate the harm. Furthermore, the landscaping would not create the same extent of green buffer as on corner plots elsewhere on the estate. Overall, the proposal would not comply with the aims of the two SPDs referred to in that it does not respect the local context.
9. The inclusion of windows in the side elevation would contribute towards improved natural surveillance as the existing dwelling has a blank gable elevation facing towards Hinton Close. The removal of the existing overgrown vegetation would also reduce the fear of crime issues raised by local residents. However, the ground floor windows would eventually be partially screened by the proposed planting, and the first-floor window serves an en-suite. As such the increase in natural surveillance would be limited and not substantially greater than from pedestrians and cars already using Hinton Close. The existing vegetation could be tidied up by the property owner and as such the appeal proposal is not the only means of reducing fear of crime.
10. My attention has been drawn to other residential development in the area including a new dwelling allowed on appeal (APP/K0425/A/07/2052601) built between No's 18 and 22 Tancred Road, and a new dwelling built opposite the appeal site. The plot size for No 20 also appears to be similar in width to the appeal plot. Both of these approvals are built close to driveways.
11. However, the estate has lower hierarchy driveways off the estate roads. Overall, the driveways have a different character to the roads within the estate. They are enclosed by the houses and gardens which they serve, and the corner plots are not as open and pleasant as on the estate roads. The current proposal, and therefore the level of harm, is materially different. Accordingly, those two approvals, although close to the appeal site, do not set a precedent for development of the corners of the estate roads and do not result in the same harm as the current proposal. In any event, I have dealt with the appeal on the basis of the evidence, and my site observations.
12. For the reasons given above I conclude that the proposal would harm the character and appearance of the area, contrary to Policies CP9 and DM35 of the Wycombe District Council Wycombe District Local Plan 2019 which seeks to deliver a high-quality sense of place through, amongst other matters, optimising density whilst respecting the distinctive character of the area, retaining existing positive characteristics and creating positive and attractive

buildings and spaces. The proposal is also contrary to the National Planning Policy Framework in this regard.

Biodiversity

13. The appeal site is currently overgrown, as such the construction of a dwelling on the site would require the removal of the existing vegetation. The sloping nature of the site would also require groundworks to be carried out. It is unclear from the evidence before me, whether the trees to the front of the site, on Tancred Road, are within the application site. Furthermore, whether these trees can be retained or whether they would also need to be removed is unclear.
14. The site also lies opposite a woodland which is both Green Belt and an Area of Outstanding Natural Beauty. As such, on the basis of the evidence before me, I consider that there is a likelihood of protected species being present in the locality.
15. Circular 06/2005¹ states that *"it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*. Ecological mitigation should only be employed where it is not possible to avoid the impact.
16. Furthermore, mitigation measures should be specific to an identified harm. Without having substantive evidence the baseline ecological potential of the site is unknown and whether there is an impact on biodiversity, or any opportunity to avoid the impact, or what mitigation could be used is unknown. The appellants assumption that the site has low ecological potential is not supported by any substantive evidence.
17. The appellant has suggested that a survey and mitigation could be secured by a suitably worded condition. However, it is not appropriate to condition such requirements for a survey to establish the baseline having regard to the advice in Circular 06/2005. Thus, without an ecological assessment I cannot be certain that any harmful effects arising from the proposal could be adequately avoided or mitigated.
18. In the absence of sufficient information, the proposal would be contrary to the requirement of Policy DM34 of the Wycombe District Council Wycombe District Local Plan 2019 which seeks to protect and enhance biodiversity and would also be contrary to the requirements of the National Planning Policy Framework.

Other Matters

19. The main parties agree that the design and materials of the proposed dwelling reflects the design of existing properties in the area and that the proposal also respects the change in levels in the street scene. There is no disagreement between the main parties over the size of the garden, the provision of parking and storage off Hinton Close or drainage and flood risk matters. Furthermore, the development will not have a significant adverse impact on the living

¹ ODPM Circular 06/2005: Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system.

conditions of existing or future residents. However, these matters do not mitigate the harm I have identified to the character and appearance of the area.

20. I recognise the appeal proposal would have benefits with regard to the supply of housing in the area, and the economic contribution both construction and future occupiers would make to the sustainable location. However, these benefits would be limited due to the scale of the proposal and do not outweigh the policy conflicts I have identified.

Conclusion

21. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
22. For the reasons given above I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR