



Appeal Decision

Site visit made on 6 December 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2023

Appeal Ref: APP/J0405/W/22/3292222

Land to the rear of 108 Churchway House, Churchway, Haddenham, HP17 8NU

- 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 Messrs. Munday & Soper against the decision of Buckinghamshire Council.
 - The application Ref 21/00863/APP, dated 16 February 2021, was refused by notice dated 9 November 2021.
 - The development proposed is the erection of 2 x two-bedroom flats, alterations to existing garages to create 6 x carports, provision of dedicated bin & cycle stores, the realignment of the existing vehicular access, and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 x two-bedroom flats, provision of dedicated bin & cycle stores, the realignment of the existing vehicular access, and associated landscaping at Land to the rear of 108 Churchway House, Churchway, Haddenham, HP17 8NU in accordance with the terms of the application, Ref 21/00863/APP, dated 16 February 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the course of the application the proposed development was amended to exclude the carports. I have therefore amended the description of development to exclude this in paragraph 1.

Main Issue

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

Reasons

4. Churchway is a predominantly residential suburban area characterised by large, detached dwellings on the eastern side of the road, and smaller detached and semi-detached dwellings on the western side of the road. The properties vary considerably in their individual design characteristics and form; however, many properties are finished in red brick. The road has a pleasant green environment, with grass verges, hedgerows and trees along the road. Properties are set back from the road behind front gardens and parking areas.
5. The appeal site comprises a detached building with the appearance of a large detached two-storey dwelling. The appeal building has been subdivided to create four one-bedroom flats. The appeal site benefits from a front garden

with parking area with a side drive that opens out to a long rear garden. The rear garden is predominantly laid to patio and hardstanding with six garages located to the rear of the site. Adjoining the site to the south is Abbeyfield, a property that has been extended over time with built development covering most of its plot. Whilst large extensions are not prevalent in the immediate area, there are examples of similar development along Churchway.

6. The proposed extension would be substantial, significantly increasing the footprint of the existing building and projecting some 13.2 metres from the existing rear elevation. However, it would be single storey and would extend no further than the existing built development at Abbeyfield. It would use matching materials, utilise a similar roof shape and the proposed glazing would match the window detailing in the host building. As such, the proposed extension would appear in keeping and subservient to the host dwelling.
7. Due to the height and location of the proposed extension, the orientation of the existing building and the mature landscaping at the entrance of the site, views into the site from the adjoining highway are restricted. Where the extension would be visible it would be viewed as an extension to the host building. Its height and use of matching materials and location away from the highway ensures that the proposal would not appear dominant and would not have a harmful impact on the character and appearance of the street scene.
8. For the reasons set out above I conclude that the proposed development would not be out of character with the prevailing pattern of development. Accordingly I find no conflict with Policy BE2 of the Vale of Aylesbury Local Plan (2021) , which seeks to ensure that development respects and complements the local distinctiveness and vernacular character of the locality. The proposed development also complies with paragraph 130 of the National Planning Policy Framework which seeks to ensure that developments are sympathetic to local character.

Conditions

9. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt. Conditions regarding improving the visibility, access, parking and the provision of cycle storage are necessary in order to ensure a safe access and to promote the use of alternative methods of travelling. Biodiversity and tree conditions are necessary in order to ensure the proposed biodiversity measures are completed and maintained and that trees are protected during the course of the development. I have altered the wording of some conditions in order to ensure they comply with the PPG.
10. With regards to the Council's request for a condition regarding materials, I note that a schedule of material is included on the elevational drawings of the proposed extension. As such, I see no reason that this condition should be included.
11. I note the appellant has viewed the conditions and agreed to their use

Conclusion

12. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

Tamsin Law

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: Site Location Plan, drf.jm.21.01 A dated 25.08.2021, drf.jm.21.02 A dated 25.08.2021, drf.jm.21.03 A dated 25.08.2021, General Arrangement 8 Bike – Eco Shelter 3.1M 8 bikes.
- 3) Prior to the occupation of the development hereby permitted, minimum vehicular visibility splays of 2.4m by 43.0m in the either direction of access shall be provided, and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.
- 4) No other part of the development hereby permitted shall be occupied until the access has been laid out as shown on drawing no. drf.jm.21.01 A dated 25.08.2021, and constructed in accordance with Buckinghamshire Council's guidance note, 'Private Vehicular Access within Highway Limits'.
- 5) Prior to the occupation of the development hereby permitted, the vehicle parking and manoeuvring shall be provided in accordance with drawing no. drf.jm.21.01 A dated 25.08.2021 and shall not thereafter be used for any other purpose.
- 6) Prior to occupation of the development hereby permitted, the covered cycle parking shall be provided in accordance with the approved planning drawings and shall not thereafter be used for any other purpose.
- 7) Prior to any above ground works taking place, details of biodiversity features of 1 integrated swift box, 1 integrated bee brick and 1 hedgehog hole incorporated into the proposed development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development hereby permitted and retained thereafter in perpetuity.
- 8) Prior to commencement of the development hereby permitted, the following information shall be provided: Full details of Tree Protection Measures in accordance with guidance set out in BS5837:2012, including: fencing, ground protection, foundation design, details of appropriate working practices in the vicinity of trees, and an auditable system of site monitoring; Full details of soil remediation works/replacement of hard landscape with soft landscape in so far as these may affect trees; and full details of new planting, including planting specifications and a plan of aftercare, taking into account guidance within BS8545:2014. The development hereby permitted shall be carried out in accordance with the approved details