



Appeal Decision

Site visit made on 23 May 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2023

Appeal Ref: APP/J0405/W/22/3310032

Meadow Bank, Duck Lane, Maids Moreton, Buckingham, MK18 1RF 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 Mr Oliver Wilson against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/02893/APP, is dated 16 August 2022.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Although the appeal is against non-determination, the Council have produced a delegated report and statement which sets out the planning considerations in the case.

Main Issue

3. The main issue is the effect of the proposed dwelling on the character and appearance of the area, including the Maids Morton Conservation Area,

Reasons

Background

4. The appeal site comprises an open area of land which lies on the southern edge of the village of Maids Moreton. The site is flat with a hedgerow running though the middle and I noted at the visit that there is a mobile home sited on the rear part of the site. To the south of the site lies an access track to land to the rear, where there are Medieval earthworks, and then Meadow Bank a dwelling that was previously a public house. The appeal site lies in the Maids Morton Conservation Area. Further, the nearby No's 1 and 2 Old Bakery Cottages are Grade II Listed Buildings.
5. The Council confirms that there is no objection to the principle of the erection of a dwelling on the site. Outline permission was granted for a dwelling under ref. 18/02122/AOP with all detailed matters reserved for subsequent approval. The application plans included details illustrating a two storey three-bedroom dwelling. However a subsequent detailed application for the erection of a larger dwelling was refused on a ground similar to that of the present appeal scheme.

Effect on character and appearance

6. In terms of the significance of the Conservation Area, the Council highlights that much of its character is derived from the tight, narrow streets formed by the traditional layout of the properties close to or adjoining the public highway. The properties themselves have fairly narrow frontages with roof ridges running parallel with street, and simple front elevations without extensions other than simple porches.
7. I saw many examples of this form of development at my site visit and although there are few properties that are set back from the frontage, such as Old Backhouse Cottages, these tend to be the exception rather than the rule. Moreover, properties tend to have parking provision at the rear or side rather than in front.
8. By contrast, the appeal proposal is to have a two storey four-bedroom house with the garage, together with parking and manoeuvring space, situated at the front of the property. The house would be set back from the road and be of a scale that would extend across much of the width of the site including a public path (which is subject to a separate application for a diversion).
9. The proposed dwelling would be of a design, bulk and siting which would appear out of place with the existing pattern of development along the street frontage. This impact would be compounded by the scale of front 'extension' of the garage element and the large driveway, parking and hard surfaced circulation space. Taken together these aspects of the design would result in a form of development that would visually dominate and harm the entrance to the village and the setting of the Listed Buildings mentioned above.
10. I find that the proposal would neither preserve or enhance the character or the appearance of the Conservation Area and the house as proposed is in conflict with the provisions of Local Plan Policy BE1 regarding the protection of heritage assets and the general policy BE2 on the design of new development.
11. In terms of national policy the proposal amounts to 'less than substantial harm' as set out in paragraph 202 of the National Planning Policy Framework (the Framework) and this needs to be balanced against public benefits.

Other Matters

12. The appellant sets out factors in favour of the scheme. I understand that part of the site was the car park for the Buckingham Arms Public House and that, in principle, the now vacant space could benefit from appropriate new development. The proposal would also help make effective use of land and contribute to an increase in housing supply which are aims of the Framework. These benefits are not disputed but the appeal scheme is not the only form of development that would achieve them. I also note that it is claimed that there were outbuildings on the site in the 1950s but there has been a significant passage of time since then and I cannot put much weight on this factor.

Planning Balance

13. On the main issue I have found that although the principle of the erection of a detached house on this site has been accepted, the one put forward in the appeal scheme would have a harmful effect on the street scene because of its design, building bulk and siting. It would harm rather than preserve or

enhance the character of the Conservation Area and the Framework makes clear that great weight should be given to the conservation of these heritage assets. The proposals also conflict with the relevant policies in the development plan as mentioned above.

14. These factors have to be balanced with the benefits of development but none of these put forward, including public benefits, are of such significance that they outweigh the harm on a permanent basis. Neither can the harm identified be overcome by the imposition of conditions. I conclude that the scheme would not be sustainable development because of adverse environmental impacts and the conflict with the development plan means the scheme should not be permitted.
15. I understand and sympathise with the appellant's frustrations over the delay and difficulty in producing an acceptable scheme together with the problems he mentions of his growing family having to live in a mobile home on site. However, these personal circumstances do not justify allowing a scheme on a permanent basis but which has clear drawbacks.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR