



Appeal Decision

Hearing held on 6 June 2023

Site visit made on 6 June 2023

by C Masters MA (Hons) FRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 JUNE 2023

Appeal Ref: APP/J0405/W/22/3309377

42 Bishopstone Road, Stone, Aylesbury, HP17 8QX

- 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 S Shaw against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/01559/APP, dated 26 April 2022, was refused by notice dated 29 July 2022.
 - The development proposed is demolition of the existing dwelling and outbuildings and the erection of three detached dwellings, annex accommodation, parking, access and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although not raised as a matter of dispute between the parties, the appellant raised a question with the Council concerning the status of monitoring in relation to 5 year housing supply. The Council confirmed verbally at the hearing that current monitoring indicated a 5 year supply of housing within the authority area.
3. Reason for refusal 4 relates to the impact of the development on protected species or habitats. The Council withdrew this reason for refusal through the statement of common ground and the matter was not subject to any discussion at the hearing.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area, including the existing trees on the site;
 - The effect of the proposal on the setting of Stone House as well as the non designated heritage asset on the site;
 - Whether the proposed surface water drainage scheme provides a satisfactory response.

Reasons

Character and Appearance

5. The appeal property comprises a two storey detached L shaped dwelling referred to as Stable Cottage along with associated outbuildings. The appeal site is located on Bishopstone Road, one of the main roads through the settlement of Stone. The road itself is characterised by a variety of housing types and styles with a mixture of plot sizes. There is no overriding architectural character to this part of Stone. However, the overall residential character of the road is clear from Bishopstone Road. The appeal site presents as an anomaly in this sense as its courtyard layout to the rear of the site means it turns its back to the road frontage.
6. My attention has been drawn to policies NE4 and BE2 of the Vale of Aylesbury Local Plan. Parts (c) and (d) of policy NE4 advise, amongst other things, that proposals should respect local character and distinctiveness as well as carefully consider spacing, height, scale, plot shape and size as well as elevations. Policy BE2 advises, amongst other things, that all new development proposals shall respect and compliment the following criteria (a) the physical characteristics of the site and its surroundings including the scale and context of the site and its setting and (b) the local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials.
7. The Council are broadly content with the design and layout of plots 1 and 2. These two new dwellings would front Bishopstone Road on the southern section of the site, generally following the existing building line of Stable Cottage with double gable sections to the front. They would follow a stepped arrangement in line with the general topography of the site. They would also represent a contemporary design solution. In my view, the overall scale and uniform layout would mean that the two plots would comprise an attractive and well designed addition to this part of Bishopstone Road. As a result, I concur with the Council's assessment in relation to these two plots. In terms of materials, the proposed palette of materials (render/slate as well as timber and local stone) would provide an attractive and appropriate design response in this location.
8. I now turn to consider plot 3 in terms of its scale, bulk, height and overall layout. This plot would be positioned to the north west of the site and would have an L shaped plan form. To Bishopstone Road, there would be an annex building which would be significantly taller than the host property. I concur with the Council's assessment here that the development at plot 3 would not respect the existing character of the site or that of nearby dwellings. I acknowledge that garages forward of the host property are evident elsewhere along Bishopstone Road. However, whilst the annex building would be no higher than the existing building on the site, its position forward of the host property by some distance in such a prominent location would be in stark contrast to the layout proposed at plots 1 and 2. It would also fail to relate in scale and form to the host property.
9. In terms of the host property itself, this would extend the full width of the plot at the rear. Even accepting the low rise nature of the building proposed, it would create a prominent addition to the rear part of the site where the general pattern of development comprises rear gardens in this location. As a result of

the width of the dwelling relative to the plot size, it would result in a cramped form of development. The proposed north and south elevations demonstrate to me that the proposal would add significant built form to the rear of the site which would in turn be harmful to the character and appearance of the area as a result.

10. Although the Council have raised concerns about the annex at plot 3 and the potential for this to become a 4th dwelling, I am satisfied that this matter could be addressed through a suitably worded condition. However, this would not override the harm to the character and appearance of the area which I have set out above.
11. I have also been referred to SDG relating to New House in Town and Villages, 1992. However, to my mind, there is nothing additional within this guidance which materially adds to the development plan policies referred to above and accordingly I have placed limited weight on this guidance.

Existing Trees on the site

12. The Council's principal concern in this regard relates to the Lawson Cypress trees located on the frontage boundary to Bishopstone Road which cover approximately 25m in length. However, it was also evident from the site visit that there is also an existing willow tree on the site. My attention has been drawn to policy NE8 of the Vale of Aylesbury Local Plan which states, amongst other things, that where trees within or adjacent to a site could be affected by development, a full trees survey and arboriculture impact assessment will be required as part of the planning application process, with any protective measures subsequently identified to be secured through the use of planning conditions.
13. The appellant contends that the trees are not protected, and their removal has already been agreed with reference to a previous planning permission on the site. The Council do not agree that the previous consent includes for the removal of these trees. From the plans provided, it is not explicit that the trees are to be removed. In my view, without such an assessment, it is not possible to conclude that these are low value trees as suggested by the appellant.

Conclusion on main issue 1

14. I therefore conclude that the proposal would result in material harm to the character and appearance of the area, and as a result conflict with policies NE4 and BE2 of the Vale of Aylesbury Local Plan. In addition, the proposal would also conflict with policy NE8 of the aforementioned Local Plan.

The effect of the proposal on the setting of Stone House

15. I have had special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
16. Stone House is a detached grade II listed property which is currently used as a care home and is located to the south west of the appeal site. The significance of the asset is very much related to its built form and fabric. From what I saw on my site visit, the extent to which setting contributes to its significance is

very much limited to the enclosed well established garden and its immediate environment to Bishopstone Road. A relatively low level wall is evident to Bishopstone Road and runs from Stone House up to and including the appeal site. This wall would be retained as existing as a result of the proposal (save for the new access), visibility of this wall is largely screened by the existing trees at the appeal site.

17. Whilst I accept that the appeal site (Stable Cottage and the associated stables) were originally constructed to serve Stone House, it would appear from the evidence presented that this use ceased between 1949 and 1951. Any legibility between this historical past relationship has in my view been erased through the construction of the residential dwellings known as Fairview House and Newts View and in particular the removal of a substantial part of the tree belt which previously ran through this location. These are substantial detached dwellings, situated in a prominent position between the two sites. The dwellings, hardstanding, detached garages, domestic gardens and associated domestic paraphernalia mean that any legibility between the sites through the tree planting has now been removed in this location.
18. I conclude that the proposal would not result in any harm to the setting or significance of the heritage asset concerned. As such, s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged. In addition, there would be no conflict with policy BE1 of the aforementioned Local Plan.

The effect of the proposal on the non designated heritage asset on the site

19. The appellant raised a number of concerns regarding the designation of Stable Cottage as a non designated heritage asset and have recently appealed the designation which was unsuccessful. In response the Council have set out in some detail the process which has been completed. I also note that in relation to the previous appeal decision at the site, the property was also referred to as a non-designated heritage asset although the appellant at that time took no issue with this designation¹. On balance, I can see no merit in the suggestion that the building should not be treated as a non-designated heritage asset.
20. I note a previous appeal at the site² which proposed various works to the property including the demolition of the existing single storey lean extension, demolition of the triple garage and construction of a new triple garage. From the evidence presented and from what I saw on my site visit, I would concur with much of the assessment recently completed by this previous Inspector. Namely, that historically the appeal property was used as an ancillary building to Stone House, which is a grade II listed building, but the property now serves as an independent residential dwelling with no perceivable visual or functional relationship remaining. Furthermore, I concur with the previous Inspector³ here who described the single storey extension to the road frontage as incongruous which achieves an unbalanced and haphazard appearance in relation to the host property and more broadly with the overall street scene.
21. The limited significance of the building derives from its connection to Stone House. I have already concluded that the legibility of this connection has been

¹ APP/J0405/W/19/3233657

² APP/J0405/W/19/3233657

³ APP/J0405/W/19/3233657

lost through the introduction of Newts View and Fairview House between the two. Very little of this connection stems from the character and appearance of the building. It is not of any particular architectural interest, with poor quality detailing such as modern upv window units and indeed it is much altered from its original state. These alterations including the addition of flat roof dormers to the front, new openings to the rear and the formation of a projecting terrace which overall do little to respect the original character of the building. It is also not located in a prominent location, and in my judgement the modern outbuildings are in a particularly poor state of repair.

22. Paragraph 203 of the Framework is clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Planning Balance

23. The proposal would involve the total demolition of the existing building and associated outbuildings. As such, the scale of the harm to the asset would therefore be substantial.
24. Balanced against this, the original building has been significantly altered over time, with a significant number of additions which mean that the building as a whole provides a particularly poor-quality environment to Bishopstone Road. For the reasons I have set out above, I am of the view that the buildings significance is indeed very limited indeed and certainly at the lowest end of the range of significance.
25. I am therefore of the view that subject to the design of a suitable scheme for the site as a whole, the loss of the non designated heritage asset would be justified in this instance. There would be no conflict with policy BE1 of the Vale of Aylesbury Local Plan as a result. In reaching this view, I am also mindful of a number of other factors. These include the letters of support received in relation to the application. Furthermore, from my internal site visit, it was also evident the property forms a cramped dwelling with poor levels of light and the first floor corridor is particularly narrow with a very limited outlook. Finally, I have also taken into account the fall back position in terms of the planning permission which exists for further extensive alterations to Stable Cottage. These works would in my view further diminish the already extremely limited value of this building as a non designated heritage asset.

Whether the proposed surface water drainage scheme provides a satisfactory response

26. The appeal site is located within flood zone 1 for the purposes of fluvial flooding. The appellant has set out how each plot would benefit from a surface water drainage scheme, with surface water falling onto impermeable surfaces collecting in rain harvesting tanking (with an overflow to storage crates). Whilst the Lead Local Flooding Authority have acknowledged that the proposal would reduce impermeable areas on the site and provide betterment on existing run off rates, there is no technical evidence to support the approach adopted,

specifically in relation to infiltration rates. In this regard, I am mindful of the wording of policy I4 (o) of the Local Plan which requires, amongst other things, that development proposals should ensure development layouts are informed by drainage strategies incorporating SuDS and complete site specific ground investigations to gain a more local understanding of groundwater risk and inform the design of sustainable drainage components. I have also been referred to a number of appeal decisions in relation to this main issue both by the appellant and the Council which each in their own way purport to support the stance taken. Importantly, none of the decisions referred to appear to refer to the current development plan which was adopted in September 2021.

27. The Council have put forward a suggested condition to address the matter. In the circumstances of this appeal, I consider this to be a pragmatic way forward. As a result, I am satisfied that the condition as suggested by the Council would in this instance satisfactorily address the requirements of policy I4 of the Vale of Aylesbury Local Plan.

Conclusion

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

C Masters

INSPECTOR

Appearances

For the Council

Bibi Motuel	Case Officer, Buckinghamshire Council
Andy MacDougall	Team Leader, Buckinghamshire Council
Jenny Martin	Senior Heritage Officer, Buckinghamshire Council
Liv Hazzard	SUDS Consultant Buckinghamshire Council
Ryan Lloyd	Arboricultural Officer Buckinghamshire Council

For the Appellant

Jake Collinge	Jake Collinge Planning Consultancy Limited
Pat McGuire	Heritage Consultant
Simon Shaw	Architect

Documents Submitted at the Hearing

Surface Water Drainage Statement
Local Heritage list appeal panel meeting notes
Note regarding the relationship between Stable Cottage and Stone House