The Planning Inspectorate

Appeal Decision

Site visit made on 9 May 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/J0405/W/22/3304898
106 Stonehill House, Churchway, Haddenham HP17 8DT

- 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 Mrs M Johnston of The Abbeyfield Haddenham Society Limited against Buckinghamshire Council - North Area (Aylesbury).
- The application Ref 21/04884/APP is dated 13 December 2021.
- The development proposed is a single storey side extension.

Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 106 Stonehill House, Churchway, Haddenham HP17 8DT in accordance with the terms of the application, Ref 21/04884/APP, dated 13 December 2021, subject to the conditions set out in the schedule attached to this decision.

Application for costs

2. An application for costs was made by The Abbeyfield Haddenham Society Limited. This application is the subject of a separate Decision.

Procedural Matters and Reasons

3. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref 21/04884/APP within the prescribed period. The Council's appeal statement sets out that, had they determined the planning application within the time limit, the proposed development would have been granted, as it would have been considered compliant with the Vale of Aylesbury Local Plan 2021. The planning appeal is therefore not contested.

4. Based on the submitted evidence and following an assessment of the proposed development during my site visit, I find no reason to disagree with the Council's conclusions. The appeal proposal accords with the development plan and no material considerations have been put to me which would indicate that the proposed development should be determined otherwise than in accordance with it.

Conditions

5. I have considered the Council's suggested conditions against the advice provided in the National Planning Policy Framework (the Framework) and Planning Policy Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.

6. In addition to the standard time limit (Condition 1), and in the interests of certainty I have imposed a condition requiring the development to be implemented in accordance with the approved plans (Condition 2). The Council's evidence indicates that there are several protected trees within the boundary of the appeal site. However, it is not clear from the evidence before me whether these trees would be affected by the proposal. Consequently, to avoid compromising the integrity and health of existing trees within the appeal site, a condition requiring the submission of an Arboricultural Method Statement and Tree Protection Plan is necessary (Condition 3).

7. In order to enhance the local environment and consistent with the advice set out in paragraph 180 of the Framework, a condition requiring biodiversity benefits is necessary (Condition 4). I have also imposed a condition requiring matching materials in the interests of the character and appearance of the area (Condition 5).

Conclusion

8. Having had regard to the available evidence which indicates that the proposed development would accord with the development plan, the appeal is allowed.

H Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following plans;

- Drawing No. 752-AA2-BS1-102 – Proposed Floor Plan, Roof Plan and Elevations

- Location Plan

3) No works or development (including for the avoidance of doubt any works of demolition/site clearance) shall take place until an Arboricultural Method Statement (AMS) and detailed, scaled Tree Protection Plan (TPP) in accordance with the relevant British Standards has been submitted to and approved in writing by the local planning authority. The AMS and TPP shall include:

- A scaled plan identifying the location of the protective fencing including any additional ground protection whether temporary or permanent;

- Details of all proposed Access Facilitation Pruning, including root pruning;

- Siting of work huts, contractor parking, areas for the storage of materials, the siting of skips, working spaces and the erection of scaffolding.

The development shall thereafter be undertaken in accordance with the AMS and TPP as approved. The ground protection measures including protective fencing shall be erected/installed prior to the commencement of any works or development on the site including any works of demolition. Thereafter, these measures shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced or protected areas.

4) No development shall take place above slab level until details of biodiversity enhancement features including one integrated bee brick have been submitted to and approved in writing by the local planning authority. The biodiversity enhancement features shall thereafter be fully implemented prior to the first occupation of the development and all features shall be maintained as such thereafter.

5) The external surfaces of the development hereby permitted shall be constructed only of materials of a type and colour which match those of the existing building except were indicated otherwise on the approved drawings and application form.

END OF SCHEDULE