



Appeal Decision

Site visit made on 17 August 2022

by **S D Castle BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/K0425/W/22/3293790

London House, 85 London Road, High Wycombe HP11 1BN

- The appeal is made under section 78 of the Town Country Planning Act 1990 against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Tenergy Developments Ltd against Buckinghamshire Council.
 - The application Ref 21/07275/FUL is dated 23 July 2021.
 - The development proposed is erection of single storey infill extension to south, 4-storey extension to north and second floor side extension with alterations to building to provide 12 additional bedrooms, new main and level entrance, creation of rear and front garden with improvements to the external appearance of the building and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal is against the failure of the Council to make a decision within the prescribed period. Following the lodging of the appeal, the Council has indicated that, had it been in a position to do so, it would have refused the application for the following two reasons:
 - i. In the opinion of the Local Planning Authority, the quality of the overall layout of this proposal results in a poor form of development. This would have a detrimental impact upon the future living environment for its occupiers. It would result in a substandard living arrangement for those future occupiers due to a lack of, or poor outlook, coupled with only a minimum standard of space and light. As such, this proposal would be contrary to Policy DM35 (Placemaking and Design Quality) of the adopted Wycombe District Local Plan (August 2019) and the Residential Design Guidance (June 2017).*
 - ii. In the opinion of the Local Planning Authority, this proposal would result in the unacceptable loss of off-street car parking spaces, which would lead to an increased demand for limited, unrestricted on street parking elsewhere. This increase in demand for on-street car parking would be detrimental to the existing amenities of local residents in the area, who rely on the unrestricted areas of parking. As such, this proposal is contrary to Policies DM33 (Managing Carbon Emissions: Transport and Energy Generation) and DM35 (Placemaking and Design Quality) of the adopted Wycombe District Local Plan (2019).*

3. The description of the proposal used above is taken from the appeal form and the Council's decision notice as that describes the development more comprehensively than the description given on the application form.

Main Issues

4. The main issues are:

- whether the proposed development would provide suitable living conditions for future occupiers, with particular regard to outlook; and
- the effect of the proposed development on the availability of on-street car parking.

Reasons

Living Conditions

5. London House is located on a prominent corner plot at the junction of London Road and Queen's Road. The site slopes upwards to the north along Queen's Road from where vehicular access to the existing lower ground floor under-croft parking is taken via a curved ramp. The site is adjoined by residential properties to the north and west, with the under-croft parking set at a lower level than surrounding ground levels. The proposal would result in the infill of the under-croft parking and includes the development of 6 ensuite bedrooms at lower ground floor level. Those bedrooms would be single aspect, with windows facing westward onto a narrow strip of landscaped garden.
6. The appellant has provided a Daylight Report¹ which indicates that the lower ground floor bedrooms would receive acceptable levels of daylight. I see no reason to disagree. The concern relates, instead, to the outlook which these bedrooms' occupiers could realistically enjoy. The garden area is approximately 3m in width, but it would be sunken in comparison to the adjoining land to the west. A sleeper wall and planting climbers fixed to the party boundary wall to the west is proposed. Whilst such landscaping would provide some visual interest, any wall and/or fencing on the common boundary to the west would still rise well above the height of the windows to the lower ground floor bedrooms.
7. The height of the western boundary treatment, in combination with the limited separation distance to the lower ground floor bedroom windows, would have an overbearing effect on occupiers of these bedrooms, harming their outlook. The outlook afforded to these occupiers would be further harmed by the bulk of London House located to the north and south of the garden area. The restricted outlook from the bedrooms would have an adverse enclosing effect, significantly harmful to the living conditions of future occupiers. The inadequate outlook from the ground floor bedroom windows would be significantly below the standard of living conditions that future occupiers could reasonably expect from their main habitable room.
8. I have had regard to the Council's concerns that use of the garden area would harm the privacy of the occupiers of the ground floor bedrooms. However, subject to a condition restricting access to the garden for maintenance purposes only, I am satisfied appropriate levels of privacy could be provided.

¹ Proposed Accommodation Daylight Assessment (CPMC Chartered Surveying – July 2021)

9. Furthermore, the Council accepts that acceptable minimum standards of internal space would be provided. I see no reason to disagree.
10. Overall, however, the restricted outlook from the lower ground floor bedrooms would have a significantly harmful effect on the living conditions of future occupiers. As such, the development would be contrary to Policy DM35 of the Wycombe District Local Plan 2019 (WDLP) and to the Council's Residential Design Guidance 2017 (SPD), which taken together require amenity for future occupants to be appropriate to the proposed use, including providing a reasonable outlook from the windows of main habitable rooms.

Parking

11. The development would result in the loss of 8 existing off-street car parking spaces, with only a single car parking space retained for disabled drivers' use. Cycle parking would be provided on-site. The site is located within reasonable walking distance of many services and facilities, including shops, recreation facilities, public open spaces, employment and education sites. London Road is a main route into the town centre and provides a well-lit pedestrian route into the town centre. There are bus stops along London Road within walking distance of the site, and High Wycombe train station is approximately 1km walk away. Future residents of the development would, therefore, be able to meet their day-to-day needs through a range of sustainable transport options, without the need for frequent private motor vehicle journeys.
12. Many of the surrounding streets are subject to parking restrictions, whether that be double yellow lines, resident parking bays or limited times for pay and display. Double yellow lines on Queen's Road prevent parking close to the junction with London Road as well as on the inside of the bend in the road. London Road has double yellow lines on both sides of the carriageway, eliminating the possibility of on-street parking. The Highway Authority has not objected to the proposal, and I give significant weight to the Highway Authority's response given this matter is an area of specific expertise.
13. I note that the appellant would be willing to enter into a legal agreement which would restrict residents from applying for an on-street parking permit. There is, however, no completed legal agreement before me to consider. Nevertheless, there is no substantive evidence before me to suggest that the development would lead to a harmful increase in the demand for unrestricted on-street parking elsewhere. A site in a sustainable location can reasonably be expected to reduce the need for residents to own and subsequently park a car. I find, therefore, that adequate restrictions are in place to prevent any displaced parking harming the proper and efficient functioning of surrounding roads.
14. Overall, this proposal would not result in an unacceptable loss of off-street car parking spaces. It would not harm the proper and efficient functioning of surrounding roads, and it would not have an unacceptable effect on existing residents' access to unrestricted on-street parking. As such, the proposal accords with WDLP Policies DM33 and DM35 which, taken together, require development to be located to provide safe, direct and convenient access to jobs, services and facilities via sustainable transport modes, and to provide parking sufficient to meet the needs of future occupants without any significant adverse impact from overspill parking.

Planning Balance and Conclusion

15. The development would provide additional residential accommodation for students in a sustainable location. The WDLP spatial strategy, in accordance with the provisions of the National Planning Policy Framework, directs development to sustainable locations. As such, I afford the provision of additional residential accommodation in this location moderate weight given it is only for 12 additional bedrooms. I afford limited weight to the small net gain in biodiversity that would result from the garden.
16. Substantial weight is given to the identified conflict with the adopted development plan with regards to the detrimental effect of the proposal on the living conditions of future occupants of the development.
17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that appeals be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The proposal conflicts with the development plan when read as a whole and there are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan.
18. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR