



Appeal Decision

Site visit made on 19 April 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2023

Appeal Ref: APP/N0410/W/22/3302144

80 High Street, Iver SL0 9PJ

- 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 Shabaz Khaliq against the decision of Buckinghamshire Council.
 - The application Ref PL/22/0347/FA, dated 1 February 2022, was refused by notice dated 1 April 2022.
 - The development proposed is describes as a small rear extension to the rear to extend the shop. New access to the front of the shop and small window to the side.
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Decision

1. The appeal is allowed and planning permission is granted for a small rear extension to the rear to extend the shop. New access to the front of the shop and small window to the side at 80 High Street, Iver, SL0 9PJ in accordance with the terms of the application, Ref PL/22/0347/FA, dated 1 February 2022, subject to the following 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;
 - Location Plan
 - Drawing No. 6215/100 Rev B – Plans and Elevations
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Applications for costs

2. An application for costs was made by Mr Shabaz Khaliq against Buckinghamshire Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Since the appeal planning application was determined by the Council the Ivers Neighbourhood Plan 2021-2040 (INP) was made on 12 January 2023 such that it now forms part of the development plan for the area. As set out in the statement of case and subsequent correspondence of 21 July 2023, the Council is of the view that the appeal scheme conflicts with Policy IV3 of the INP. In determining the appeal, I have had regard to this policy.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the setting of nearby listed buildings.

Reasons

5. For the purpose of the Chiltern and South Bucks Townscape Character Study (CSBTCS), the appeal site lies within the Town Centre Fringes and occupies a prominent position on the junction of High Street and Bangors Road South. Although the appeal site is adjoined by more traditional buildings, the wider area in which the site is appreciated is characterised by built form of varying age, scale, form, and appearance. Together with the diverse land use, the above characteristics provide the surrounding area with a varied character and appearance.
6. The appeal property comprises a two-storey building with a part single, part two storey addition to the rear/side. The proposed development relates to the erection of a single storey, flat roofed extension. Whilst it is noted that the proposal would extend the full width of the existing gap, infilling the area of open space between the appeal building and the neighbouring property, the overall scale of the extension would be subservient. As such, whilst more pronounced than the existing addition, it would not dominate the host building or appear unduly prominent within the street scene.
7. Traditional pitched roofs are a notable feature of the surrounding area. However, I also observed examples of flat roofs including the existing two storey extension located at the appeal site and a single storey addition located only a few doors away. In this context, and notwithstanding the roadside location of the appeal building, the incorporation of a flat roof would relate to its surroundings and would secure a common architectural approach and coherent character. Furthermore, whilst I appreciate that the proposed fenestration would be at odds with the adjacent row in terms of the horizontal emphasis, the window proportions would nonetheless be generally in keeping with the wider pattern of fenestration, particularly those properties located on the opposite side of the highway. As such, I am not persuaded that the proposed fenestration would be discordant.
8. There are three listed buildings within reasonable proximity of the appeal site, namely Iver House (No 78 High Street), Iver Croft and No 90 High Street. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out, that in considering whether to grant planning permission for a development which affects a listed building, or its setting, the decision maker must have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (the Framework) also makes clear in paragraph 199 that great weight should be given to the conservation of designated heritage assets and their setting.
9. Iver House is an attractive two storey, cement rendered property under a slate roof, the core of which dates to the early eighteenth century. The external elevations feature box dormers with flat roofs, sash windows with glazing bars and a porch with 2 Roman Doric columns. Iver Croft comprises a large, detached cement rendered, colour washed property under an old tile hipped roof with parapet. The first floor includes 4 sashes whilst on the ground floor

the door features a modern surround of pilasters and one sash. A former door has been converted into a 2 light false sash. No 90 High Street occupies an end of terrace position and dates to the early nineteenth century. The building exhibits a pleasing symmetry owing to the central door with semi-circular fanlight and sash windows either side together with 3 sashes at the first floor. The significance of the listed buildings lies in their architectural appearance and historic value that I have described. By reasons of their positioning and enclosure, the setting of each of these listed buildings is largely informed by their immediate curtilage which contributes positively to their significance.

10. Given that the appeal site is separated from each of these listed buildings by either several other buildings, boundary walls, mature vegetation or the road junction, the proposal would not have a harmful effect on the setting of any of these listed buildings. The other listed buildings identified within the Conservation and Heritage Statement are located further along High Street, beyond the listed buildings previously referred to. As their separation from the site is even greater, their setting would also be unaffected by the proposal.
11. Consequently, I conclude that the proposed development would not harm the character and appearance of the area or the setting of nearby listed buildings. The proposal therefore accords with Core Policy CP8 of the South Bucks District Core Strategy Development Plan Document 2011 and Policy EP3 of the South Bucks District Local Plan 1999 together with Policy IV3 of the INP. Amongst other aspects, these policies seek to ensure that all new development is of a high standard of design and makes a positive contribution to the character and appearance of the area whilst also protecting the district's historic environment. The proposal would also be consistent with the design objectives of the National Planning Policy Framework and C1 of the National Design Guide. The appeal development would also align with the principles of the CSBTCS in so far as it would ensure a coherent character through a common architectural approach.

Other Matters

12. Issues relating to the effect of the proposal on living conditions, highway safety, biodiversity, bin storage and the future use of the appeal building have been drawn to my attention. There are also concerns regarding landownership, the lack of party wall agreement and proximity to existing utility services. These matters are largely identified and considered within the Council's delegated report, and it is noted that the Council did not consider these were reasons to refuse the application.
13. With regards to the loss of light, the appeal proposal is single storey and is set a sufficient distance from the side openings of the neighbouring property. As such, I am satisfied that the proposal would not lead to harmful overshadowing of the neighbouring property. Further, the proposed extension is relatively small and whilst the construction works would likely generate some noise, there is no evidence to suggest that this would exceed the level normally associated with a scheme of this nature. Noise and disturbance are matters which are subject to control under separate legislation and there is no evidence before me to indicate why the control provided by such legislation would not be sufficient to ensure no nuisance would be caused to residents. Similarly, there is separate legislation and controls to manage the safety of existing residents and the public.

14. I have had regard to the concerns raised in respect of highway safety and parking including the proximity of the appeal site to the existing road junction. However, I observed at my site visit that there is existing off street parking in the surrounding area whilst I am also mindful that the submitted plans indicate that the proposed extension will not affect the existing parking provision on site. Therefore, in the absence of any substantive evidence to indicate that the proposal would adversely affect highway safety including parking, I have no reason to disagree with the Council's conclusions on this matter.
15. The appeal site comprises a small yard area with hardstanding which currently provides an area of outdoor space for the residents of the first floor flat. Although this area would be developed, based on the available evidence, and given its size and physical characteristics, I am not persuaded that this would be harmful to biodiversity or the environment. Furthermore, whilst noting the assertions regarding the storage of bins, I am satisfied that there is sufficient provision within the wider site to accommodate these.
16. Turning to landownership, the lack of party wall agreement and proximity to existing services, these are civil matters and thus have no bearing on my considerations of the merits of the appeal proposal. Likewise, although I have had regard to the comments regarding the future occupation of the appeal property, this is not related to the appeal scheme currently before me.

Conditions

17. I have considered the Council's suggested conditions against the advice provided in the National Planning Policy Framework and Planning Policy Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
18. 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). A condition requiring matching materials is necessary in the interests of the character and appearance of the area (Condition 3).

Conclusion

19. In concluding this appeal, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is allowed.

H Wilkinson

INSPECTOR