



Appeal Decision

Site visit made on 24 July 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/X0415/D/23/3320557

31 Westley, Bois Avenue, Chesham Bois, Bucks HP6 5NU

- 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 Dave Rutter against the decision of Buckinghamshire Council. The application Ref: PL/23/0357/FA dated 01 February 2022 was refused by notice dated 29 March 2023.
 - The development proposed is Erection of a timber framed carport in driveway.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of a timber framed carport in driveway at 31 Westley, Bois Avenue, Chesham Bois, Bucks HP6 5NU in accordance with the terms of the application Ref: PL/23/0357/FA dated 01 February 2023 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DR-02 and DR-03.
 - 3) The development hereby approved shall be retained as a wholly open-sided structure and shall not be altered or enlarged or provided with any enclosing built fabric.

Main Issues

2. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

3. Bois Avenue, identified as a 'Woodland Road typology area' within the Chiltern and South Bucks Townscape Character Study, a high-quality residential environment occupied by large detached properties set within substantial grounds behind planted frontages. The development pattern of the area is defined by the woodland setting and high sense of enclosure from the road.
4. 31 Westley (No.31) sits within a wide rectangular plot as do other similar properties. The Council suggest that boundary treatments are 'low in height allowing dwellings to be 'clearly visible within the street scene' in this part of

Bois Avenue. However, although this comment applies to other properties, my observations are that whilst the upper parts of No.31 are visible and positively contribute to the area's character, the deep, non-deciduous frontage hedging provides significant enclosure at a height roughly equivalent to that of a domestic storey. Consequently the frontage area of No.31 is very substantially screened from wider public view, the deep hedging allowing only glimpses at points of access.

5. Although referred to by the Council as a 'garage' the proposed structure would be open sided, comprising a tiled roof supported by heavy timber posts and be located at the south-western end of an existing gravelled parking area. Although set forward of the principal elevation the open-sided nature of the structure would significantly mitigate any impact upon openness of the frontage. Consequently, whilst the proposed tiled roof would be evident above the frontage hedging, noting also some avenue trees nearby, the structure would neither be prominent in the street scene nor would its presence, as a car-port rather than enclosed garage, unacceptably disrupt the strong development pattern of the area. Overall, despite its frontage location the proposed structure would appear subordinate due to its small size and open-sided form.
6. I therefore conclude that the proposal would not conflict with Policy H13, H14, H15 and H20 of the Core Strategy for Chiltern District (2011) nor with the related guidance, which taken together, seek to protect the character and appearance of built-up areas. Consequently, for the reasons stated and taking all matters raised into account, the proposal would accord with the development plan and the appeal succeeds subject to the usual plans and timing condition. In addition I have attached a specific condition to ensure the basis of my decision is not undermined by additions to, or enclosure of, the approved structure.

Andrew Boughton

INSPECTOR