



Appeal Decision

Site visit made on 1 August 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2023

Appeal Ref: APP/N0410/W/22/3311229

29 Decies Way, Stoke Poges SL2 4EF

- 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 Jake Davies against the decision of Buckinghamshire Council.
 - The application Ref PL/22/1830/FA, dated 20 June 2022, was refused by notice dated 28 September 2022.
 - The development proposed is a new build residential dwelling with 4 bedrooms.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site falls within the zone of influence for the Burnham Beeches Special Area of Conservation. The appellant has included a signed Unilateral Undertaking during the course of the appeal which includes contributions in accordance with the Buckinghamshire Council Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document Adopted November 2020.
3. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme, and consider the Unilateral Undertaking provided by the appellant. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of Nos 43a and 43b Sefton Close and Nos 30 Penn Meadow in respect of outlook and the living conditions of the occupiers of 45 and 47 Sefton Close in respect of outlook and privacy.

Reasons

5. The appeal site is a parcel of land set behind properties within Decies Way and is accessed by a single track drive between Nos 29 and 31 Decies Way. The proposal is for a two-storey dwelling that would be located towards the side of Nos 43a and 43b Sefton Close (Nos 43a and 43b).
6. The appeal site benefits from an extant planning permission¹ for what's described as a chalet bungalow. The existence of the extant permission in this case, for a similar development is enough in this case for me to be satisfied

¹ Council reference: PL/18/2849/FA

that there is a greater than theoretical possibility that the extant permission would be implemented, should this appeal be dismissed. The fallback position is therefore an important material consideration in the determination of this appeal.

7. The extant permission includes first floor windows at a similar level, however the Council conditioned these windows to be non-opening and obscure glazed. Four windows are proposed on the first floor of the appeal before me and while two serve bathrooms and could be reasonably conditioned to be non-opening and obscure glazed, it would be unreasonable to impose the same condition on the other windows as it would restrict the outlook of future occupiers from the bedrooms to a harmful degree. The appeal proposal would therefore have a more harmful impact and for these reasons, I consider the fallback position carries limited weight.
8. The South Bucks District Council Residential Design Guide Supplementary Planning Document October 2008 (SPD) suggests that a minimum distance between rear elevations of dwellings should be 21m. There is some dispute between the parties in relation to the separation distances that would be provided, although in either case it would be less than 21m. The SPD outlines three exemptions where reduced distances may be possible however the proposal does not meet any of these.
9. The proposed dwelling would occupy most of the width of the plot and would be located close to the rear of the properties in Sefton Close and No 30 Penn Meadow (No 30). This proximity, combined with the overall height of the dwelling would result in a feature that dominates the outlook from these properties, particularly from the gardens and windows on the ground and first floor. The landscaping proposed would not sufficiently mitigate this harm. The proposal would therefore be an obtrusive and overbearing feature that would harm the outlook for the occupiers of these properties.
10. The proposal would include four windows on the first floor which would directly face towards Nos 45 and 47 Sefton Close (Nos 45 and 47). I am satisfied that the two windows that serve bathrooms could be obscure glazed and non-opening, however the other two windows serve bedrooms which if conditioned would not provide an appropriate outlook for future occupiers.
11. These windows, due to their position, would provide a direct line of sight to the rear of Nos 45 and 47 which combined with the close distance would result in a loss of privacy, both actual and perceived, for the occupiers of these properties.
12. I therefore conclude that the proposal would harm the living conditions of the occupiers of Nos 43a and 43b and No 30 in respect of outlook and the living conditions of the occupiers of Nos 45 and 47 in respect of outlook and privacy. It would be contrary to policies H9 and EP3 of South Bucks District Local Plan Adopted March 1999 Consolidated September 2007 and February 2011 (LP). Amongst other things, these seek to ensure that the amenities of nearby properties are not adversely affected.
13. The proposal would also be contrary to paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to create places with a high standard of amenity for existing and future users.

14. In reaching my decision I have also had regard to guidance contained within the council's SPD.

Other Matters

15. I also note that the application was intended to address the Council's concerns over a previous application. Be that as it may, I have determined the appeal on its merits and found that the proposal would cause harm to the living conditions of neighbouring occupiers.
16. The Council have found the appeal site to be appropriate in principle for residential development and that the proposal would not harm the character and appearance of the area. I have no reason to conclude against this however it does not outweigh the harm I have identified.

Planning Balance

17. The proposal would be contrary to Policies H9 and EP3 of the LP. These Policies are consistent with the Framework in seeking to ensure that the amenities of nearby properties are not adversely affected.
18. The Council concedes that it is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with paragraph 74 of the Framework. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the policies which are most important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposal would contribute to the supply of new homes in a situation where there is a shortfall. I am mindful that a single dwelling could be built out quickly, and that the cumulative effect of allowing smaller sites can make an important contribution to housing supply. However, the benefits of housing delivery, to which I have attached significant weight, are still tempered by the fact that the provision of one additional unit would make little difference to housing supply.
20. The proposal would support the creation of jobs directly and indirectly during construction and future occupiers would support the local economy and contribute to Council tax. It would also provide acceptable outdoor amenity space and living conditions for future occupiers, landscaping and result in a high energy efficient dwelling.
21. In this instance, the adverse impacts on the living conditions of neighbouring occupiers would significantly and demonstrably outweigh the very modest benefits and as such the proposal would not constitute a sustainable form of development in terms of the Framework.
22. Consequently, when assessed against the policies in the Framework when taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

23. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

D Wilson

INSPECTOR