



Appeal Decision

Site visit made on 6 September 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/N0410/W/23/3314726

Brookdale, Bells Hill, Stoke Poges, Buckinghamshire SL2 4ED

- 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 Graham Bryant (Bryant Building & Development Ltd) against the decision of Buckinghamshire Council.
 - The application Ref PL/22/3362/FA, dated 22 September 2022, was refused by notice dated 29 November 2022.
 - The development proposed is redevelopment of part of site to provide 2 semi-detached dwellings with associated parking and landscaping (partial amendment to planning permission PL/19/1470/FA).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the planning application the appellant submitted an amended proposed site plan (22/BBH/05D) and additional information in the form of a swept path analysis plan (2921-001_BOUND). These plans make some substantial changes to the proposal, and I cannot be certain that all interested parties have had the opportunity to consider them. In these circumstances, I do not consider it appropriate to accept these plans as it could deprive those who were entitled to be consulted on the application of the opportunity to make any representations that, given the nature and extent of the changes proposed in the aforementioned plans, they may have wanted to make.
3. Amended and additional plans were also submitted with the appeal (drawing references 22/BBH/01A, 22/BBH/05F, 22/BBH/02/1B, 22/BBH/02B, 2921-002). These make some substantial changes to the proposal, and I cannot be certain that all interested parties have had the opportunity to consider them. As the appeal process should not be used to evolve the design of a scheme, I have therefore determined the appeal on the basis of the plans considered by Buckinghamshire Council.

Main Issues

4. The appeal site is in Stoke Poges. The Council have not expressed concern with respect to the principle of residential development in this location. Therefore, the main issues are:
 - i) the effect of the proposal on highway safety;
 - ii) whether there would be an overbearing effect on the occupiers of 31 Penn Meadow; and

iii) the effect of the proposed development on the integrity of the Burnham Beeches Special Area of Conservation (SAC).

Reasons

Highway safety

5. The appeal site comprises land which is accessed off Bells Hill. Bells Hill is a secondary distributor road which links Slough with the residential areas to the north and is the subject of a 30mph speed limit. The west side of the road is lined by a footpath and grass verges. There are no parking restrictions on Bells Hill close to the appeal site. Consent has been granted for the erection of 4 detached dwellings and plots 2-4 of that development have been constructed. These dwellings are accessed via a private driveway off Bells Hill and contain parking to the sides of the dwellings. There is boundary treatment at the site frontage and a hedge both of which obscure visibility of the highway and the public footpath.
6. At the time of my mid-morning site visit there was a steady flow of vehicles using the road and a light flow of pedestrians using the path in both directions. Whilst this is a snapshot in time, nonetheless there is nothing in the evidence before me which indicates that these findings are atypical of the area.
7. The appeal proposal seeks consent for the erection of a pair of semi-detached dwellings on part of the site shown as plot 1 on the existing permission. The proposed dwellings would be located in a similar position to the approved dwelling and would use the existing access off Bells Hill, which is located approximately 70 metres from the proposed dwellings. Based upon the plans upon which the Council made its decision, parking would be located to the front and sides of the properties.
8. The proposed dwellings would be provided with adequate car parking and refuse collection for the proposed dwellings would be from the kerbside of Bells Hill. The 2 dwellings would be accessed via the existing driveway which measures 4.8 metres in width. Whilst this would allow for smaller vehicles to pass in both directions, such movements would be difficult if there are vehicles parked on the access road or if encountering a larger delivery or emergency service vehicle. The risk of such encounters with delivery vehicles would be high, in particular given the frequency with which they typically visit residential properties. These encounters may result in vehicles reversing onto Bells Hill as a matter of convenience, in particular given the difficulties and inconvenience of reversing around a bend to the parking and turning area.
9. Furthermore, it has not been adequately demonstrated, in relation to the proposed layout and parking arrangements subject of the Council's decision, that there would be adequate space for larger vehicles including delivery and emergency service vehicles, to manoeuvre within the site. In such circumstances, larger vehicles would be likely to reverse out of the site onto Bells Hill as a matter of convenience.
10. Reversing from the proposed dwellings' parking spaces and along the private drive would result in a situation where the driver's visibility would be limited. Given the distances involved this would be hazardous to road users and pedestrians using the private driveway shared with plots 2,3 and 4. Vehicles reversing onto the junction with Bells Hill would be particularly hazardous to

other road users using Bells Hill and pedestrians using the footpath, given the restrictions to driver visibility during such manoeuvres. These conditions would increase the risk of accidents with vehicles and other road users travelling along Bells Hill. Therefore, the proposal would introduce an increase in potential for conflict between road users and pedestrians which constitutes an unacceptable impact upon highway safety.

11. Therefore, I conclude that the proposal would have a harmful effect on highway safety. Thus, the proposal conflicts with those aims of Policy TR5 of the South Bucks District Local Plan (1999) (LP) which state that in considering proposals involving the generation of additional traffic, the Council will have regard to the effect on, amongst other matters, safety. I find conflict with Buckinghamshire Council Highways Development Management Guidance: Managing the transport and travel impact of new developments (2018) and Buckinghamshire's Local Transport Plan 4 (2016) which seek to ensure that new developments provide safe and suitable access and should be designed to cater for the additional needs of the vehicles that may use them, including providing adequate space for goods and emergency vehicles to manoeuvre easily, and the Buckinghamshire Countywide Parking Guidance (2015) which states that parking design should consider its impact on the carriageway particularly on the turning movements of larger vehicles. There is also conflict with the National Planning Policy Framework (The Framework) insofar as it seeks to ensure that development does not have unacceptable impacts on highway safety.

Living conditions

12. The appeal site is bordered by residential properties. The Council raised no concerns regarding overlooking of nearby residential properties, or regarding loss of light or overbearing impacts on the occupants of Nos 19-29 Decies Way. Based on the information before me and my observations on site I see no reason to take a different view.
13. The side elevations of Plot 1a would be located between 4.1 and 5.7 metres from the boundary shared with 31 Penn Meadow and would be located in a similar position to the approved dwelling¹. 31 Penn Meadow has been extended and has a small side and rear garden. Based on my observations on site, the submitted proposed site plan appears to accurately show the extension to this property and the extent of its garden.
14. The ridge height of the proposed dwellings would be consistent with the height of the approved dwelling. The eaves height would be approximately 0.9 metres higher than that of the approved dwelling and would be taller than the height of the intervening boundary treatment. Nonetheless, given the separation from the site boundary, the modest nature of this increase and the proposed roof design, it would not add significantly to the bulk or massing of the dwellings when viewed from 31 Penn Meadow and its associated amenity space. Additionally, whilst the proposed dwellings would be approximately 3 metres deeper than the approved dwelling, this increase in depth would be stepped in from the site boundary where the visual impact of the resultant increase in bulk and massing would not be perceptible.

¹ Application reference PL/19/1470/FA

15. Therefore, it appears that there is a previous permission that permits a similar effect on the living conditions of the occupiers of 31 Penn Meadow that was found to be acceptable when planning permission was granted. Based on my observations on the similarities between the proposal and the approved plans, there is no clear reason, in these particular circumstances, to find that something previously found to be acceptable in this location is no longer acceptable.
16. In light of the above, I conclude that the proposal would not have an overbearing effect on the occupiers of 31 Penn Meadow. Therefore, it would accord with those aims of LP Policies EP3 and H9 which state that proposals should not adversely affect the amenities of any nearby properties. Whilst referenced by the Council I find no conflict with Policy CP8 of the South Bucks Core Strategy (2011) (CS) which provides guidance on the historic environment and standards of design.

Impact on the Burnham Beeches SAC

17. The appeal site is located within the 5.6km buffer zone of the Burnham Beeches Special Area of Conservation (SAC). In such circumstances, the Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document (2020) requires that any additional residential development will need to provide a financial contribution towards Strategic Access Management and Monitoring (SAMM) of £2,023.87 for each net home.
18. The appellant has put forward financial contributions to SAMM as mitigation to address the effects on the SAC and a Unilateral Undertaking (UU) dated 16 May 2023 has been submitted with the appeal which includes a mechanism to contribute towards (SAMMS) of £2,023.87 per dwelling.
19. Following the receipt of this UU, the Council states that the proposal would make an appropriate contribution to acceptable avoidance and mitigation measures and therefore they no longer contend that the related reason for refusal should apply. Nonetheless, in light of the existing permission, the appellant has queried whether it is appropriate to require a contribution in respect of 2 dwellings, as it is stated that any additional disturbance to the SAC would be from the occupants of the one additional dwelling.
20. With regards to the above, I need to be satisfied that the proposal would provide adequate mitigation measures to avoid additional recreational impacts from net increases in development in order to be able to conclude that there would be no adverse effects on the integrity of the SAC. I note that this proposal would result in a net increase of one dwelling if the previous scheme were fully implemented. Nonetheless, that dwelling has not been built and that is not the proposal before me. This is a standalone proposal for 2 dwellings and that is the scheme that would require mitigation. Therefore, a contribution for 2 dwellings appears to be appropriate.
21. In light of the above, I conclude that if the appeal were otherwise to be allowed, it would be capable of providing appropriate mitigation to prevent adverse impacts on the integrity of the SAC. Therefore, I find no conflict with Core Policy 9 of the CS which states that the highest priority will be given to the conservation and enhancement of the Burnham Beeches SAC. I also find no

conflict with Section 15 of the Framework which seeks to prevent significant harm to biodiversity from development.

Other Considerations

22. The proposal would meet the relevant local and national planning policies in terms of the design of the dwellings and the external living environment. However, compliance with policy in these regards is a neutral factor.
23. Additionally, I have found that the proposal would not result in harm to the living conditions of neighbouring residents. Nonetheless, a lack of harm in this regard, and the contribution to acceptable avoidance and mitigation measures in the SAC set out in the UU, is a neutral matter in the overall planning balance as it would be required in any case.

Planning Balance

24. The Council has confirmed that it is not able to demonstrate a five-year supply of deliverable housing sites. I have no reason to take an alternative view. As the proposal involves the provision of housing, Footnote 8 of the Framework indicates the most important policies for determining the appeal are deemed to be out of date and paragraph 11. d) ii. of the Framework is engaged requiring that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the Framework lists habitats sites as one such asset of importance.
25. The completed UU makes an appropriate contribution to acceptable avoidance and mitigation measures in the SAC. Consequently, the development would not have an adverse effect on the integrity of the SAC. Therefore, the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed.
26. I have found that the proposal would result in harm to the safety of highway users. Therefore, the proposal conflicts with LP Policy TR5. Good design, including consideration of the effects on highway safety, is also a key aspect of sustainable development. Given the consistency between the policies with which a conflict has been identified and the Framework I give substantial weight to this conflict.
27. Turning to the scheme's benefits, the proposal would make a small contribution towards the area's housing supply. This would contribute to the Government's objective to significantly boost the supply of homes. This factor weighs in favour of the scheme. There would be short-term economic benefits associated with construction and Council tax revenues in the longer term. Given the limited scale of the development I attach limited weight to the development's positive contributions to the social and economic objectives of the Framework.
28. Having considered the benefits and adverse impacts of the scheme that is before me, I conclude that the harm I have identified to highway safety would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Moreover, the proposal

conflicts with the development plan taken as a whole and material considerations including the Framework do not lead me to a decision otherwise.

Conclusion

29. For the reasons given above, the appeal should be dismissed.

Nichola Robinson

INSPECTOR