



Appeal Decision

Site visit made on 25 September 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2023

Appeal Ref: APP/N0410/W/22/3308822

121 Holtspur Top Lane, Holtspur, Beaconsfield HP9 1BW

- 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 H. Kamyab against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/22/0128/FA, dated 12 January 2022, was refused by notice dated 27 April 2022.
 - The development proposed is described as the 'demolition of existing house and garage. Erection of two semi-detached dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 has been provided (S106 UU) as part of this appeal. It includes obligations relating to the Burnham Beeches Special Area of Conservation (SAC). This is discussed below.

Main Issues

3. The main issues in this case are:
 - the effect of the proposed development on the integrity of the Burnham Beeches SAC;
 - the effect of the development on the character and appearance of the surrounding area;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties, having particular regard to outlook; and
 - the effect of the development on highway safety.

Reasons

Burnham Beeches SAC

4. The appeal site is located within the 500m to 5.6km zone of influence around the internationally designated Burnham Beeches SAC (BBSAC). The SAC is an area of beech forest which contains many ancient pollarded beech and oak trees which are the main features of important for nature conservation. Its conservation objectives seek to maintain and restore the woodland, thereby ensuring the site integrity is maintained. In order to avoid any harm to the

woodland, suitable mitigation would be required for new housing within the zone of influence.

5. Natural England (NE) has advised that new housing within the zone of influence would, in combination with other plans and projects, have a significant effect on the protected sites through additional recreational pressures including dog walking which would be harmful to the BBSAC.
6. Accordingly, and when following a precautionary approach, the proposal for a new dwelling, in combination with other plans and projects, would be likely to have a significant adverse effect on the BBSAC. As such it is necessary to carry out an appropriate assessment as part of my decision.
7. The Council has adopted the Burnham Beeches SAC Mitigation Strategy (March 2020). This sets out that in order to avoid any such harmful effects, financial contributions from all net new development within the zone of influence towards a Strategic Access Management and Monitoring Strategy at the BBSAC will be required.
8. The appellants have indicated willingness to provide a planning obligation to make a financial contribution toward what they consider to be appropriate mitigation, however, the submitted legal agreement is in draft form, and is neither signed nor dated. No completed legal agreement or mechanism has therefore been submitted.
9. As such, the means of securing the necessary mitigation is not before me, and I cannot be certain that the development would avoid contributing to a significant adverse effect on the BBSAC.
10. Accordingly, I conclude that the proposal would adversely affect the integrity of the BBSAC. In these circumstances, Regulation 63(5) of the Habitats Regulations precludes the proposal from proceeding. The scheme would conflict with Policy CP9 of the South Bucks Local Development Framework Core Strategy (2011) (CS), which establishes that permission will be refused where development is anticipated to have an adverse impact upon nature conservation interests, unless appropriate mitigation measures are provided. This policy is consistent with paragraph 180 of the National Planning Policy Framework (the Framework).

Character and appearance

11. Holtspur Top Lane is a lengthy residential road located at the edge of the settlement of Beaconsfield, characterised mostly by detached two storey properties, however near to the appeal site there are also examples of semi-detached units and bungalows. The properties are mixed in appearance, with a variety of roof forms and design apparent, with front projecting gables, crown roofs, pitched roofs, hipped roofs and dormers visible.
12. The properties are set back from the road, with parking to the front and roadside landscaping, giving the street a verdant spacious character. Due to the land levels, on the appeal site side of the road the properties sit below road height with large gardens extending to the rear, up to the boundary with the Chilterns Area of Outstanding Natural Beauty (AONB).
13. The Supplementary Planning Document 'Chiltern and South Bucks Townscape Character Study' (2017) (SPD) describes the vicinity of the appeal site as

'Green Suburban Roads', defined as large, predominantly detached houses set in large typically regular plots with often consistent gaps between houses. The SPD notes the sensitive views of open countryside from this area, particularly towards AONB. I also note the SPD identifies newer houses with large areas of 'additional accommodation in the roof, which appear bulky compared to the existing character, and dwellings which have hard landscaped front gardens reducing the landscape character', as threats to its character.

14. The appeal property is a two storey detached dwelling, like its neighbours set back from the highway, however, set at an angle from the road. The replacement building would sit more in line with the established building line and would be more in keeping in this respect.
15. The replacement semi-detached unit would, when viewed from Holtspur Top Lane be two storey, comparable in scale and ridge height to the neighbouring dwellings. Furthermore, I note that the scale and design of the building would be similar to a previously approved¹ replacement dwelling on this site and, in terms of scale, a recently completed development for semi-detached units nearby at No 131².
16. Whilst I note that the development at No 131 was not approved at Committee, the decision of the Council was to grant planning permission, and they have been constructed and are part of the street scene. Given the presence of semi-detached units nearby, the two dwellings and their garden areas would also not appear out of keeping. Given the variety on roof forms nearby, including the unusual contemporary design of the previously approved replacement dwelling on this site, the proposal would not appear overly bulky and would sit comfortably within the street scene.
17. The development would retain the existing (albeit limited) separation gaps to both adjacent neighbours, and whilst the existing landscaping to the frontage would be reduced, there would remain space for some planting, which would maintain the characteristic verdant roadside. The lengthy rear gardens would remain and given the limited visual impact of the development and appropriate height of the building, I am satisfied the development would not harm the setting of the AONB.
18. I therefore conclude that the proposed properties would not harm the character and appearance of the surrounding area. The proposal would therefore comply with Policies EP3 and H9 of the South Bucks District Local Plan (1999) (LP) and CS Policy CP9 which collectively require development to be compatible with the character and amenities of the site and locality, and conserve and enhance the Chilterns AONB and its setting.

Living conditions

19. The replacement of the existing single storey property with a 2-3 storey building would result in the addition of substantial bulk and massing to the site. However, as set out above, the existing separation distances to both adjacent neighbours would be maintained, and the ridge height would be similar to No 119.

¹ Application references PL/19/2138/FA & PL/22/2327/FA.

² Application reference PL/19/4396/FA

20. The proposed building would sit in line with these neighbouring dwellings; however, it would project to the rear, at 2-3 storey level, past the existing rear elevation of both adjacent neighbours.
21. However, with regards to No 119, the projection is limited in depth, and given the remaining separation distance between the two properties, any overbearing impact on the nearest rear facing windows of this property or its garden would not be significant. Similarly, the proposed ground floor projection, which would extend further to the rear, would be of a limited height, even with the falling land levels, and would also not be sufficient in height or depth to result in an overbearing impact on the outlook from the rear of either neighbouring dwelling or from their rear gardens. The building would therefore not appear overbearing nor excessive in scale when viewed from this neighbour.
22. The projection past the rear elevation of No 123 is also limited, and I am satisfied that the existing outlook from this property over the extensive rear garden would remain, and again, the building would therefore not appear overbearing nor excessive in scale when viewed from this neighbour.
23. As such I conclude that there would be no conflict with the protection of amenities goals of LP Policies EP3, EP5 and H9.

Highway safety

24. The addition of a second dwelling on this site would naturally intensify the frequency of use of the access to the site. Whilst visibility to the south is somewhat compromised by the brow of the hill, I observed that visibility for the access points for dwellings further to the north are similarly compromised by the bend in the road.
25. This part of Holtspur Top Lane characterised by a number of access points to dwellings, and drivers would consequently pay close attention to the possibility of cars manoeuvring and exercise due care and caution. The speed of drivers would also be limited by the speed bumps in this location.
26. The proposed access would be wider and easier to enter and exit than the existing access point, and as such, there is less likely to be awkward manoeuvring or chances of conflict. I note the third party letter of objection regarding possible precedent and impact upon highway safety, however each case is considered on its own merits. It is noteworthy that the Council's highways officers did not object to the proposal. The Council have accepted that the development would provide sufficient and usable parking spaces, and based on my observations and what has been submitted, I have no reason to conclude otherwise.
27. As such, I am satisfied that proposed development would not result in an unacceptable increase in the potential for conflict between users of the highway. There would therefore be no unacceptable impact on highway safety. I therefore find no conflict with LP Policy TR5 which, along with the Framework, seeks to ensure that development is high quality and would not compromise highway safety.

Other Matters

28. The proposal would result in an additional unit of accommodation which would contribute to addressing this shortfall and to the Government's broader

objective of significantly boosting the supply of homes, as supported by Framework paragraph 60.

29. The proposal would also result in a short-term economic benefits arising from the construction process. Further economic and social benefits are likely to arise from the occupation of the new dwelling. However, given the quantum of development in this case, I give this matter limited weight.

Conclusion

30. The proposal would adversely affect the integrity of the BBSAC. Because of the provisions of the Habitats Regulations, this is an overriding consideration, notwithstanding any benefits the proposal may bring. Overall, it would be contrary to the development plan and there are no other material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should not succeed.

B Phillips

INSPECTOR