



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: 13 October 2023

Appeal Ref: APP/N0410/W/22/3308956

123 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 R Patel against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/21/4834/FA, dated 17 December 2021, was refused by notice dated 27 April 2022.
 - The development proposed is described as 'demolition of existing building and erection of pair of semi detached dwellings'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and erection of pair of semi detached dwellings at 123 Holtspur Top Lane, Holtspur, Beaconsfield HP9 1BW in accordance with the terms of the application, Ref PL/21/4834/FA, dated 17 December 2021, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

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 considered later in this decision. The Council have stated that this addresses one of the reasons for refusal and that they therefore do not wish to contest this reason.

Main Issues

3. The remaining main issues in this case are:
 - 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;
 - the effect of the development on highway safety; and
 - the effect of the proposal on Burnham Beeches SAC.

Reasons

Character and appearance

4. 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, such as the appeal property. 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.
5. 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).
6. 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.
7. The appeal property is a bungalow, and as such appears slightly out of keeping with the predominantly two-three storey surroundings. The replacement semi-detached unit would, when viewed from Holtspur Top Lane, be two storey (with accommodation in the roof space). Whilst, given the additional height, this would result in a substantial increase in massing, this would be comparable to neighbouring dwellings and would not appear incongruous in this respect. Furthermore, I note that the scale and design of the building would be similar to a previously approved¹ replacement dwelling on this site, in addition to recently completed development for semi-detached units nearby at No 131².
8. 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 therefore are part of the established street scene. Given the presence of semi-detached units nearby, the two dwellings would not appear out of keeping. Given the variety on roof forms nearby, the proposed gabled roof elements and roof level glazing, which is also included in the previously approved scheme, would not appear overly bulky and would also sit comfortably within the street scene.
9. 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

¹ Application reference PL/19/3431/FA.

² Application reference PL/19/4396/FA

height of the building; I am satisfied that it would not harm the setting of the AONB.

10. 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 Policy CP9 of the South Bucks Local Development Framework Core Strategy (2011) (CS) 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

11. The replacement of the existing single storey property with a 2-3 storey building would result in the addition of substantial bulk massing to the site. However, as set out above, the existing separation distances to both adjacent neighbours would be maintained, and the resultant ridge height would be similar to No 125.
12. The proposed building would sit in line with these neighbouring dwellings. There would be a minimal projection past the rear elevation of No 125 above ground floor, and given the orientation of No 121, the proposed building would not extend past its rear elevation above ground floor. The single storey rear projection would, even with the dropping land levels and screening to its roof terrace, 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.
13. The existing open outlook from both neighbouring properties over the large rear gardens towards the countryside to the rear would remain, and I am therefore satisfied that the building would therefore not appear overbearing nor excessive in scale when viewed from either neighbouring property.
14. 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

15. 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 this is comparable to the neighbouring residential access point at No 121 and visibility for the access points for dwellings further to the north are compromised by the bend in the road.
16. 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.
17. 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 Councils highways officers did not object to the proposal.

18. 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 be no unacceptable impact on highway safety. I therefore find no conflict with LP Policy TR5 which, along with the National Planning Policy Framework, seeks to ensure that development is high quality and would not compromise highway safety.

Burnham Beeches SAC

19. 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 accordance with CS Policy CP9. In order to avoid any harm to the woodland, suitable mitigation would be required for new housing within the zone of influence.
20. 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.
21. 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 (AA) as part of my decision.
22. The Council has adopted the Burnham Beeches SAC Mitigation Strategy (March 2020) (BBSAC Mitigation Strategy). 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 (SAMMS) at the BBSAC will be required.
23. The appellant has agreed to make a financial contribution to SAMMS. The submitted UU (dated 23 June 2023) secures a payment of £2,023.87 for this which would accord with the requirements for a single additional dwelling set out within the BBSAC Mitigation Strategy.
24. This approach is supported by NE who have confirmed that these mitigation measures would be effective in addressing the likely significant effects arising from the development of this site when considered in combination with other plans and projects. I have no reason to reach a different conclusion. The submitted S106 secures the mitigation set out above. Based on the forgoing, I am able to ascertain, as the competent authority undertaking the AA that whilst the integrity of the SPA would be affected by the development, this could be overcome with the proposed mitigation.
25. The scheme would therefore comply with the Regulations.

Other Matters

26. I note that objections to the proposal have been submitted which raise several issues. This includes the issue of the effect of the development on the Holtspur Bank Nature Reserve, sited some 150m to the west. I have limited information about the reserve and the Council makes no reference to this. However, given

the distance and established residential character of the street, I am satisfied that the development would have no undue impact upon the reserve.

27. With regards to light, given the position of the proposed development and limited projection to the rear of the single storey level, the development would not harm sunlight or daylight reaching the rear elevation windows of either adjacent neighbour. The side facing windows of No 125 are limited to two small ground floor windows which receive limited light at present. As such, the additional height of the development would not have a detrimental impact upon light reaching the rooms served by these windows. The northern side facing windows of No 121 are secondary windows and as such, the rooms they serve would continue to receive adequate light.
28. 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.
29. It is inevitable that some noise and disturbance will result from building operations, but this would be for a temporary period and would not be sufficient reason to withhold permission. The impact of the build process on highway safety would also be temporary, and there is some existing space for parking off the highway.

Conditions

30. A list of suggested conditions has been provided that the Council and/or the appellants consider to be appropriate. I have considered these in light of the PPG and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
31. In addition to the standard time limit condition, and those stated above, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
32. Given the sloping land levels, a condition requiring details of the finished floor levels are necessary to ensure the proposed building is appropriate in height. Conditions requiring details to be submitted of protection measures for the onsite trees and vegetation to be retained, and a method statement for the safeguarding of protected and notable species, are necessary to ensure the adequate protection of the verdant qualities of the site and biodiversity. These three conditions are required to be pre-commencement to ensure that all details are appropriate, finalised and secured prior to development starting on site.
33. Conditions requiring details of materials are necessary to maintain the character and appearance of the street scene. A condition requiring details of landscaping is necessary to ensure that these elements, both soft and hard landscaping, are appropriate to the surroundings.
34. Conditions requiring the side elevation windows to be obscure glazed, and the side screens to the ground floor terrace are erected on site, are necessary to maintain the privacy of both adjacent neighbours.
35. Conditions ensuring that the parking areas and access are in place at an appropriate time are necessary to ensure that occupiers have access to these features and there is no harm to highway safety.

36. A condition requiring the existing access point to be stopped up and the footway and dropped keep reinstated is appropriate, given the detrimental visual impact of both access points being in place.
37. The Council recommend a condition removing permitted development rights, both for fenestration at first floor level and above, and general extension or alteration. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The PPG advises that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. In this case I find that the Council has not provided clear justification that the exercise of such rights would be harmful to the character and appearance of the area or the living conditions of nearby occupiers. As such I find that such conditions are not reasonable in this case.

Conclusion

38. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of 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: 1906 – P1A, 1906 – P2A, 1906 – SP1B, 1906 – SUR, 1906 – TOPO.
3. Prior to the commencement of development (other than demolition and site clearance), details of the proposed finished floor levels of the dwellings; and of finished ground levels in relation to the surrounding land; taken from a fixed datum point; shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and retained in accordance with these approved details.
4. Prior to the commencement of development (including for the avoidance of doubt any works of demolition) a tree constraints plan and method statement (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction' or any replacement thereof or EU equivalent) shall be submitted to and approved in writing by the local planning authority. The method statement shall provide, as required, details of a no dig driveway; phasing of demolition and construction operations; siting of work huts and contractor parking; areas for the storage of materials and the siting of skips and working spaces; the erection of scaffolding. Protective fencing detailed in the method statement shall consist of a vertical and horizontal scaffold framework, braced to resist impacts, with vertical tubes spaced at a maximum level of 3m. On to this, weldmesh panels shall be securely fixed with wire scaffold clamps. The fencing shall be erected to protect existing trees and other vegetation during construction and shall conform to British Standard 5837:2012 'Trees in Relation to Construction' or any replacement thereof or EU equivalent. The approved fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without prior written agreement from the local planning authority.
5. Prior to the commencement of development (including any demolition, ground works, site clearance) a method statement for the safeguarding of protected and notable species (bats, nesting birds, amphibians, reptiles, badger and hedgehog), and securing specific biodiversity measures during construction shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - a. purpose and objectives for the proposed works;
 - b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c. extent and location of proposed works shown on appropriate scale maps and plans;
 - d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e. persons responsible for implementing the works;
 - f. initial aftercare and long-term maintenance (where relevant);
 - g. disposal of any wastes arising from works.The works shall be carried out

strictly in accordance with the approved details and shall be retained in that manner thereafter.

6. No above ground development shall take place until details or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
7. Prior to first occupation of the dwellings hereby permitted, written details and plans of the following landscaping works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. This scheme shall include: a) positions, height, species, design, materials and type of boundary treatment(s); b) soft landscaping, including all new and retained planting c) hard surfacing materials (which shall be constructed in a permeable material); Development shall be carried out in accordance with the approved details and shall be maintained thereafter. All tree planting shall be carried out in accordance with BS 8545:2014 and the details approved prior to the occupation of any part of the development or in accordance with the timetable agreed with the local planning authority. If within a period of 5 years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of same size and species shall be planted at the same place, in the next available planting season or sooner.
8. Prior to the first occupation of dwellings hereby approved, the above ground floor windows on the side elevations of the development shall be fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
9. Prior to the first occupation of dwellings hereby approved, the walled screens enclosing the proposed rear terraces shown on the plans hereby approved shall be erected and they shall remain in place at a minimum height of 1.7 metres above the floor level of the terraces thereafter.
10. Prior to the first occupation of dwellings hereby approved, the parking and turning spaces shown on the approved plans shall be made available for the sole use of the occupants or visitors, and thereafter kept available for that use.
11. Prior to the first occupation of dwellings hereby approved, the new access to Holtspur Top Lane shall be provided in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access within Highway Limits" 2013 and retained as such.
12. Within one month of the new access being brought into use, all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the

footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.

End of Schedule