



Appeal Decision

Site visit made on 19 September 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/K0425/W/23/3315018

Harlow House, Harlow Road, High Wycombe, Buckinghamshire HP13 6AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Mark Oates on behalf of Property Matters (Albion) Ltd against Buckinghamshire Council.
- The application Ref 22/08020/FUL, is dated 21 November 2022.
- The development proposed is demolition of existing building and construction of a terrace of 7 x 3-bed dwellings with parking, landscaping and alterations to access from Harlow Road to create vehicular crossovers.

Decision

1. The appeal is dismissed and planning permission for demolition of existing building and construction of a terrace of 7 x 3-bed dwellings with parking, landscaping and alterations to access from Harlow Road to create vehicular crossovers is refused.

Main Issues

2. The Council has confirmed that if they had been in a position to determine the proposal then they would have recommended refusal of the application. In light of the three putative reasons for refusal set out within the Council's appeal statement, the main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area, including whether the proposal would preserve or enhance the character and appearance of the High Wycombe Conservation Area;
 - The effect of the proposal on the living conditions of the occupants of Nos 6 and 8 Queen's Road, with particular regard to outlook; and
 - Whether the proposed development would be at risk from flooding or increase flood risk elsewhere.

Reasons

Character and appearance

3. The appeal site comprises Harlow House, a currently vacant building formerly used by the NHS as offices and to deliver mental health services. Harlow Road itself is characterised by a mix of buildings, predominantly residential in use, including two-storey houses and three-storey flatted development.
4. The southern boundary of the appeal site abuts the High Wycombe Conservation Area (CA) at the Saffron Platt and London Road sub area. The site

is close to London Road, which the High Wycombe Conservation Area Appraisal 2011 identifies as the main historical approach to the town from the east which evolved as ribbon development during the 18th and 19th century.

5. The CA Appraisal notes that town houses of distinction were built on long, narrow plots along the northern side of London Road, with views to the south over open space and tree lined hillsides along The Rye which comprises a large flat area of former water meadow, now a public park. The northern side of the road is densely built up, with urban expansion beginning on the land behind the route from the mid-19th century onwards. The special interest of the CA is therefore derived from the town's historic expansion along this key route, the buildings of architectural interest within it, and its relationship to The Rye.
6. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. At paragraph 013 the Planning Practice Guidance indicates that heritage assets may be affected by direct physical change or by change in their setting. Due to its close proximity to the CA, there are views between the appeal site and the CA, including distant views of The Rye. A dwelling identified as a building of interest by the CA appraisal at the corner of Harlow Road and London Road is visible from the site. Therefore, there is a clear visual relationship between the appeal site and the CA and is therefore located within the CA's setting.
7. Harlow House is a large two-storey brick building with a slate roof which has been modified and altered through the addition of somewhat unsympathetic extensions. However, the modern extensions use similar materials to the original building and are set back from the front elevation of the original section of the building thereby reducing their visual prominence. The form of the original building remains clearly visible within the street scene.
8. In addition, many features of the original building are retained. Notably the appearance of the front elevation is dominated by the arrangement of the tall window openings with stone cills and flat arch brick headers and the half round window within a brickwork frame. In addition, the building's brick detailing, wide eaves, and lean-to side projection contribute significant visual interest.
9. There is disagreement between the parties regarding the age of the building. However, photographic evidence suggests Harlow House is contemporary with buildings in the CA, originally in use as an elementary school which served local residents. The building's larger scale and architectural detailing emphasises its community function in relation to the surrounding terraced dwellings. Therefore, there is a historic and cultural relationship between the appeal site and the CA, and the building is a relevant feature in understanding the CA's historic significance.
10. Whilst Harlow House is not designated as a heritage asset, it possesses architectural and historic interest which makes a positive contribution to the character and appearance of the setting of the CA.
11. The proposed dwellings would be arranged as two terrace rows of broadly identical 2.5 storey dwellings with front dormers to provide daylight and enable the roof space to be used as accommodation. Through a high density, compact form of development, the design of the scheme seeks to make efficient use of land and reflect the density of development in the local area.

12. However, whilst there are terraced dwellings nearby, the surrounding area generally includes a greater variety of house types, sizes and designs. Conversely, the proposed dwelling would have a uniform appearance, and the stepped roof line and flat-roofed dormers would appear out of keeping with the design of other buildings in the area. It is not the case that existing buildings within the area are ubiquitous in character; the CA appraisal provides description of traditional local building materials and styles relevant to the area.
13. The proposal would satisfy standards for on-plot parking. However, the dwelling frontages would appear dominated by hardstanding and parked vehicles and would not reflect the pattern of development in the area.
14. The proposed would appear out of keeping with the character of the area. The proposal would involve demolition of Harlow House which contributes positively to the setting of the CA. Therefore, the proposal would not represent a more appropriate scheme than the existing building. Moreover, the proposal would harm, and thus fail to preserve, the character and appearance of the setting of the CA.
15. The proposal would therefore conflict with policies CP9, CP11 and DM31 of the Wycombe District Local Plan 2019 (LP) which together give great weight to the conservation of a designated heritage asset's significance and its setting, and require development proposals to conserve the significance, special interest, character and appearance of heritage assets and historic landscapes. In addition, the proposal would conflict with LP Policy DM35 which requires all development to improve the character of the area.

Living conditions

16. The flank wall of the dwelling at plot no 7 would be positioned very close to the site's northern boundary with Nos 6 and 8 Queen's Road. Due to the modest depth of the gardens, the plot 7 dwelling would appear uncomfortably close to Nos 6 and 8.
17. The proposed dwellings would be set down slightly from the floor level of Nos 6 and 8 and the roof and eaves heights would be lower than those neighbouring dwellings. However, the blank side wall and gable of the plot 7 dwelling would be clearly visible above the height of the boundary treatment. Even taking into account the site's urban context, the proposed development would appear overbearing and imposing from Nos 6 and 8's rear gardens and rooms.
18. The appellant suggests that the ground floor of No 8 comprises non-habitable rooms. Whilst I have not been provided with a floor plan of existing dwellings, from my site visit it was evident that the rear elevation of Nos 6 and 8 include habitable rooms which would experience a loss of outlook as a result of the proposed development.
19. The proposal would therefore have an adverse effect on the outlook of occupants of 6 and 8 Queen's Road amounting to harm to living conditions. The proposal would conflict with LP Policy CP9, which requires development to achieve a high quality of design which contributes positively to making places better for people, and LP Policy DM35 which seeks to prevent significant adverse impacts on the amenities of neighbouring land and property.

Flood risk

20. The site is in Flood Zone 1 and therefore has a low probability of river or sea flooding. However, the Lead Local Flood Authority (LLFA) identifies the appeal site as being of high risk of groundwater flooding.
21. Paragraph 167 of the Framework sets out that when determining planning applications, it is necessary to ensure that flood risk is not increased elsewhere and where appropriate applications should be supported by a site-specific flood risk assessment. This includes land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.
22. The existing site is almost entirely hard-surfaced with impermeable hardstanding, and the appellant suggests the development would provide betterment in respect of flood risk on and off site. However, through the construction of dwellings, the proposal would introduce a more vulnerable use to the site.
23. The Surface Water Drainage Strategy fails to demonstrate that discharge rates from the site can be sufficiently controlled and that there is sufficient space on site to accommodate sustainable drainage. The LLFA has suggested a condition require the submission and approval of a surface water drainage scheme for the site, based on sustainable drainage principles. However, in the absence of such information it is not possible conclude that an otherwise unacceptable development could be made acceptable through the use of such a condition.
24. The proposal does not therefore include sufficient evidence to demonstrate that the proposed development would not be at risk from surface water flooding and would not increase the risk of flooding elsewhere. The proposal would therefore conflict with LP Policy DM39 which requires all development to reduce the causes and impacts of flooding both on and off-site.

Other Matters

25. The Council's statement erroneously describes the site as being north-west of Saffron Road. However, I am satisfied the statement provides assessment of the correct site. The appellant suggests that the Council's pre-application advice did not raise concerns in relation to the historic environment. However, such advice is not binding on the decision-maker.
26. In addition, the appellant suggests that the Council has not provided the full planning history for the site. However, I am satisfied that sufficient information regarding former uses of the site has been provided by the parties, and I was able to observe the extensions and alterations to the building during my site visit.

Heritage Balance

27. The proposed development would result in the demolition of a building which makes a positive contribution to the setting of the CA, and the design and layout of the proposed dwellings would have an adverse impact upon the character and appearance of the CA's setting. Therefore, the development as a whole would fail to preserve or enhance the setting of the CA and would further erode its historical context and have an adverse impact on its significance.

28. Noting that the character of the CA is broadly derived from the town's historic expansion along London Road, the buildings of architectural interest within the CA, and its relationship to The Rye, I consider that the proposed development would result in less than substantial harm to the CA.
29. Paragraph 200 of the Framework requires that any harm to the significance of a designated heritage asset, including from development within its setting, provide clear and convincing justification. Paragraph 202 of the Framework states that such harm should be weighed against any public benefits of the proposal.
30. Through sale of the site, the proposed development would provide financial benefit to a public body and fund investment to through the sale of the site which would support the provision of mental health services by the NHS in High Wycombe. The proposal would contribute to the supply of housing in the area, including the provision of three-bedroom homes, and in a location with good access to public open space, and would improve biodiversity through the introduction of street trees. Local economic benefits would be created through supporting the construction industry, and from future occupants who would generate additional spend in the area and support local services.
31. The development would utilise previously development land, which the development plan identifies as important to meeting the areas housing requirement. The scheme would make most efficient use of the land, through high density development.
32. The proposal would therefore deliver a range of public benefits to which I attach moderate weight. Paragraph 199 of the Framework instructs that great weight be given to a heritage asset's conservation. Therefore, the public benefits of the proposal are not sufficient to outweigh the identified harm.
33. The appellant suggests they intend to obtain prior approval to demolish the existing building. However, I have not been presented evidence that prior approval has been granted and therefore attribute limited weight to this as a potential fallback position.
34. The proposal would, therefore, fail to preserve or enhance the CA, and thereby the significance of, the designated heritage asset. This harm would not be outweighed by public benefits associated with the scheme and therefore the proposal would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

Conclusion

35. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed and planning permission be refused.

E Dade

INSPECTOR