



Appeal Decision

Site visit made on 26 September 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2023

Appeal Ref: APP/J0405/W/23/3316984

14 Elm Farm Road, Aylesbury, Buckinghamshire HP21 7NT

- 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 Majid Syal against the decision of Buckinghamshire Council.
 - The application Ref 22/02979/APP, dated 23 August 2022, was refused by notice dated 20 October 2022.
 - The development proposed is demolition of side extension and erection of additional dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of side extension and erection of additional dwelling at 14 Elm Farm Road, Aylesbury, Buckinghamshire HP21 7NT in accordance with the terms of the application, Ref 22/02979/APP, dated 23 August 2022, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. During the course of this appeal, the Council submitted a five year housing land supply position statement¹ which states that the Council is no longer able to demonstrate a five-year supply of housing.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located within a predominantly residential area with many of the houses being of a similar appearance which creates a strong sense of rhythm and uniformity. The wider area is characterised by wide footpaths and grass verges which run through the majority of the area and gives the area an open character and appearance.
5. 14 Elm Farm Road (No 14) is part of a row of terraced houses which are uniform in appearance and design, however, No 14 has an unusually large plot size compared to others nearby. The proposal would be located next to No 14, in the place of a single storey side extension that is proposed to be removed. The design and appearance would be very similar to the other dwellings in the terrace and the Council raise no concern in this regard.

¹ AYLESBURY VALE AREA FIVE-YEAR HOUSING LAND SUPPLY POSITION STATEMENT September 2023

6. The proposed dwelling would be located close to the footpath on Mellstock Road, however end terraced houses in the area are mostly located close to the footpath and have modest plot sizes, as such the proposal would logically fit in this gap and not look out of place. The proposal would not extend further than the existing fencing that abuts the footpath and as such, the sense of openness the wide footpath and grass verge provides would remain and the proposal would not appear cramped and contrived.
7. The prominence of the proposal would be further mitigated by the large setback distance and retention of existing vegetation to the front as well as the proposed landscaping that could be secured by condition.
8. To the rear of No 14 is a row of garages and there is a parcel of grass immediately behind the appeal site. There is no dispute between the parties that the land is under the ownership of the appellant. However, while this may be the case, the parcel of land has the appearance of being an area of amenity space and does contribute to the open character of the wider estate.
9. The proposal includes two parking spaces which would be located on this area of grass. While this would result in the loss of this space, no built development is proposed within this area. Instead, the provision of parking areas would maintain the general sense of openness, particularly on approach from Elm Farm Road where the view of fencing with open space above would be similar.
10. I therefore conclude that the proposal would not harm the character and appearance of the area. I find no conflict with policy BE2 of the Vale of Aylesbury Local Plan 2013 – 2033 (LP) which amongst other things, seeks to ensure development respects and complements the local distinctiveness and vernacular character of the locality. I also find no conflict with paragraph 130 of the Framework which seeks to ensure development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Other Matters

11. I note that concerns have been received in relation to parking and disturbance during construction. However, the Council consider that adequate parking would be provided and the living conditions of future and neighbouring occupiers would be acceptable for which I have no reason to disagree with.
12. I understand that a tree has been cut down to the rear of the appeal site, however I note that the site is not within a Conservation Area and the tree was not protected by a Tree Preservation Order and no tree was present during my site visit.
13. The Council refer to policy NE8 of the LP which seeks to prevent adverse impact on trees and prevent the unacceptable loss of trees and hedgerows. However, the proposal does not include works that would impact trees or hedgerows and as such this policy is not relevant.
14. The Council cannot demonstrate a five year housing land supply. However, as I have not found conflict with the development plan, this material consideration does not need to be considered further.

Conditions

15. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
16. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt. Condition 3 would be necessary to ensure the satisfactory appearance of the development and to maintain the character and appearance of the area.
17. Condition 4 would be necessary to protect the privacy of future occupiers and neighbouring residents. Condition 5 is necessary to ensure satisfactory parking arrangements on the site. Conditions 6 and 7 are necessary in the interests of the character and appearance of the area.
18. Condition 8 is necessary in the interests of biodiversity. Condition 9 which relates to surface water runoff is also necessary to ensure satisfactory drainage.
19. I have imposed conditions 10 and 11 to ensure that the development complies with optional building control accessibility and water consumption standards in the interests of sustainable water management and adaptability.
20. I have not imposed a condition for electric vehicle charging points because this is a requirement of building regulations so is not necessary.

Conclusion

21. For the reasons set out above and having regard to the development plan as a whole and all other material considerations, I conclude the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall only be carried out in accordance with the details contained in the planning application hereby approved and drawing numbers drawing 3354-01 both received on 23.08.2022 and location plan (ref. OI1559516) received on 02.09.2022, and in accordance with any other conditions imposed by this planning permission.
3. The materials to be used in the development shall be as indicated on the application form and drawing 3354-01, both received on 23.08.2022.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), any first floor windows on the south west facing side elevation must be glazed with obscured glass to a minimum of level 3 and non-opening unless the parts of the window that can be opened are more than 1.7m above internal floor level.
5. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
6. No development shall take place above slab level on the building hereby permitted until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.
7. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.
8. No development shall take place above slab level on the building hereby permitted until details of biodiversity features of 2 swift box to be incorporated into the building along with hedgehog holes within the proposed fencing/boundary have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in

accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained.

9. The development hereby approved shall store all additional runoff within the site and either reuse it or release it into the ground through infiltration. Where the additional runoff is not to be re-used or on-site infiltration methods are not proposed, details of how the risk of flooding elsewhere will not be increased shall be submitted to and approved by the local planning authority prior to any development taking place. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.
10. The dwelling hereby approved shall be constructed to meet as a minimum the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010.
11. The residential dwelling hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation.

End of Schedule