



Appeal Decision

Site visit made on 5 September 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 31 October 2023

Appeal Ref: APP/J0405/W/23/3317648

Adstock House, East Street, Adstock, Buckinghamshire, MK18 2HZ

- 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 J Stone against Buckinghamshire Council.
 - The application Ref 22/02809/APP is dated 9 August 2022.
 - The development proposed is the demolition of existing commercial buildings and associated hardstanding areas in order to erect 2No. 4 bed residential dwellings inclusive of associated works.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. An amended site plan has been submitted with this appeal which reduces the number of parking spaces allocated to Adstock House. Although the appeals process should not be used to evolve a scheme, I am satisfied that in this case, the changes would not prejudice other interested parties. Consequently, I have considered drawing 0044-PA-001-F in the determination of this appeal.
3. During the course of the appeal, the Council's 5 Year Housing Land Supply position changed, with the Council only able to demonstrate a 4.5 year supply. Both parties have been given the opportunity to comment on this matter and I have considered their comments in the determination of this appeal.

Background and Main Issues

4. This appeal was made on the basis of the Council's failure to determine the planning application within the statutory timescale. The Council has provided a statement explaining the reasons why it would have refused planning permission had it been able to do so. From the evidence I have before me, I consider the main issues to be as follows:
 - the effect of the proposal on the character and appearance of the area, having particular regard to whether the proposal would preserve or enhance the character or appearance of the Adstock Conservation Area and whether it would preserve the setting of the adjacent Grade II listed property, Adstock House.
 - the effect of the proposal on existing trees;
 - whether, having regard to local and national policy, the appeal site would be a suitable location for the proposed development;
 - whether the proposal would provide a satisfactory living environment for its occupants, with respect to privacy; and
 - whether the proposal would provide adequate parking provision.

Reasons

Character and appearance

5. Adstock is a rural settlement surrounded by open countryside. The neighbouring dwellings are set close to the street in a linear pattern of development with deep rear gardens extending back into the countryside. The appeal site comprises a disused commercial property set behind the front building line of the street while two further dilapidated outbuildings within a verdant plot to the rear are accessed via a gated drive. The land is open to the neighbouring property, Adstock House and contributes to the rural, edge of settlement character.
6. On inspection, the appeal site can be split into two distinct areas. The commercial property and front yard most closely relate to the street-fronting development while the area of open land with outbuildings is seen as part of the wider countryside surrounding the village. The boundary of the Adstock Conservation Area (CA) is reflective of this and bisects the appeal site to the rear of the commercial property.
7. The CA encompasses the historic core of the village and predominantly comprises dwellings set close to the road. It derives significance from the quality and mix of its built heritage assets, tight grain form, winding streets, high sided enclosure, and glimpsed countryside views. There is a visual unity in the immediate locality that results from consistency in scale and the use of local materials and detailing. The existing commercial building does not contribute positively to the CA however, it is set back from the road and does not interfere with the pleasant townscape scene along East Street and allows for glimpsed views across the site to open countryside beyond.
8. The appeal site also forms part of the setting of the adjacent Grade II listed building Adstock House. Insofar as is relevant to this appeal, the house derives significance from its verdant rural outlook as well as its architectural character and development over time.
9. The parties agree that although modern, the dwelling design for both plots would be acceptable in isolation. Further, there is agreement that Plot A would be of a similar form to the existing commercial property and consistent with the scale of the surrounding dwellings and would maintain the street fronting, linear pattern of development. In contrast, the backland development of Plot B, with a large, detached dwelling and associated features including areas of hardstanding would urbanise the site and significantly diminish the contribution that it makes to the rural, edge of settlement character.
10. Although there are existing buildings and areas of hardstanding in this location as well as within the rear gardens of the surrounding properties, they are submissive in scale and ancillary in nature. Whilst Plot B would not result in coalescence, due to its scale and backland position, Plot B would physically and visually intrude into the surrounding countryside.
11. The appellant contends that Plot B would not be visible within the public realm. However, there would be clear views from East Street along the access drive as well as glimpsed views from the public footpath towards the southwest. In addition, it would be a prominent feature when viewed from surrounding properties and gardens. Plot B would reduce views of the countryside from

within the CA and would appear incongruous when viewed within the context of the surrounding pattern of development, including Plot A. Consequently, the proposal would fail to preserve the character and appearance of the CA and as referred to in the National Planning Policy Framework (Framework), would result in less than substantial harm.

12. To facilitate the proposal, the appeal site would need to be separated from the wider curtilage of Adstock House with several additional parking spaces provided. These would be positioned behind the existing garage and would be enclosed by a 1800mm tall brick wall. Although the number of spaces provided has been reduced and the materials would be in keeping with the surrounding boundary treatments, the proposed brick wall would protrude past the northeast elevation of the garage, into the rear garden of Adstock House. The wall would be partially obscured by existing planting. However, due to its height and siting, it would harmfully reduce the open rear outlook and hence the setting of Adstock House, resulting in less than substantial harm to its significance.
13. My attention has been drawn to another appeal¹ within Adstock where the proposal extended into an open field. However, I note fundamental differences with the case before me including the positioning of neighbouring properties and their curtilages. As such, the context would differ substantially to that of the scheme before me, and so it does not lead me to a different view in this case.
14. Notwithstanding the above, as required by paragraph 202 of the Framework, where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. As I set out below, the public benefits of the scheme include the efficient use of previously developed land, two additional dwellings within an accessible location, minimised greenhouse gas emissions and water consumption, employment opportunities and ongoing support for local services. Overall, I find that the great weight I attach to the identified harm with respect to the designated heritage assets would not be outweighed by the benefits of the proposal and the proposal would conflict with the Framework.
15. Therefore, I conclude that the proposal would harm the character and appearance of the area and would fail to preserve the character and appearance of the CA and the setting of Adstock House. It would conflict with Policies BE1, BE2 and NE4 of the Vale of Aylesbury Local Plan (September 2021) (VALP). Amongst other things they require development to conserve heritage assets, respect the context of a site, carefully consider boundary treatments, and ensure that the development is not visually prominent in the landscape. The proposal would also conflict with the Framework where it requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.
16. The Council refer to VALP Policy C4 which seeks to protect public rights of way in their suggested reasons for refusal. Although the proposal would be visible from the public right of way to the southwest and would detrimentally affect the character and appearance of the area, it would not harm the integrity and connectivity of the footpath or its safe and efficient operation. In this case, the proposal would accord with Policy C4.

¹ Appeal Reference: APP/J0405/W/18/3204116

Existing Trees

17. The appeal site comprises numerous trees of varying age and quality with several mature trees located close to the site boundary. The proposal would require a number of trees within the appeal site to be removed as detailed within the Arboricultural Impacts and Method Statement (AIMS). Regardless of the retention categories of the trees, when viewed in combination, they form a considerable canopy which contributes to the verdant, rural character of the area.
18. Despite their contribution, due to the number of remaining trees on and adjacent to the appeal site, I am satisfied that a canopy of sufficient scale would remain. Therefore, the proposed removal of trees would not unduly harm the rural character of the area. Further, a suitably worded condition for a detailed landscape scheme would secure additional planting which would mitigate against the proposed losses.
19. I note concerns raised regarding the proximity of the proposal to adjacent off-site trees. However, I have no substantiated evidence before me to suggest that any harm would occur if the reasonable avoidance measures as set out in the submitted AIMS were followed.
20. Notwithstanding the above, T31, a prominent mature yew tree which contributes significantly to the open rural outlook from Adstock House would be positioned extremely close to the proposed Adstock House parking area and boundary wall. The AIMS reports a 15.8% incursion into T31's root protection area (RPA). Whilst I note that this level of incursion is accepted by BS 5837:2012, the AIMS does not reference the proposed brick boundary wall and I have no substantive evidence before me to indicate that it has been taken into account when evaluating the incursion on T31's RPA or its effect on the tree's longevity.
21. As such, I must take a precautionary approach and find that the proposal would result in significant damage to T31. Further, even if the tree could be retained whilst also installing the proposed boundary wall, due to the limited crown clearance of T31, significant limb removals would be required to provide adequate space for the proposed wall and parking area, to the detriment of its overall appearance and contribution that it makes to the rural character of the area.
22. Overall, I conclude that the proposal would unduly harm existing trees. It would conflict with policy NE8 of the VALP which outlines that development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees which make an important contribution to the character and amenities of the area will be resisted. The proposal would also conflict with the Framework where it seeks to retain existing trees wherever possible.

Location

23. VALP Policies S1, S2 and S3 are consistent with the Framework and outline the spatial strategy for the scale and distribution of housing development within the district, with development largely focussed on urban areas. VALP Policy S2 defines Adstock as a smaller village within the development hierarchy.

24. VALP Policy D4 supports development in smaller villages where it contributes to the sustainability of the village and is in accordance with all applicable policies within the VALP, subject to certain criteria. Amongst other things the criteria stipulate that the development must not adversely affect the character and appearance of the area. Further, VALP Policy S3 supports development in the countryside which would not compromise the character of the countryside between settlements. As described above, Plot B would be in a backland position and would harm the character and appearance of the area. Therefore, the proposal would not meet the criteria outlined by VALP Policy D4 or Policy S3.
25. Notwithstanding the above, the reuse of previously developed land is supported by VALP Policy S7 subject several criteria including, the consideration of the impact of the development on local character. I am satisfied that the appeal site has a commercial/residential history and I do not dispute that the entirety of the appeal site constitutes previously developed land as defined in the Framework. However, as noted above, the proposal would harm the character and appearance of the area.
26. I note the comments made in another appeal decision², regarding the suitability of Adstock as a location for development. However, there are fundamental differences to the appeal proposal, these include the location within the village the effect of the proposal on the character and appearance of the area and the relevant development plan. As such, the context differs significantly to that of the scheme before me, and so it does not lead me to a different view in this case.
27. Consequently, having regard to local and national policy, the appeal site would not be a suitable location for the proposed development. The proposal would conflict with Policies S1, S2, S3, S7 and D4 of the VALP which collectively outline the spatial strategy for the area by identifying where growth and development should be focussed and ensuring development relates well to the character and appearance of the area. The proposal would also conflict with the Framework where it requires development to be sensitive to its surroundings.

Living Conditions

28. Plot B would have two first floor windows on the north-west elevation. One window would be to a walk-in wardrobe and the other to a mezzanine library. Notwithstanding their orientation towards the rear garden of Plot A, the windows would be sufficiently separated from the garden and would only overlook the parking area of Plot B. Further, intervening boundary treatments and the proposed garden office in Plot A would help to obscure any potential views and ensure adequate privacy.
29. Therefore, I conclude that the proposal would provide a satisfactory living environment for its occupants, with respect to privacy. The proposal would accord with Policy BE3 of the VALP which seeks to ensure satisfactory levels of amenity for future residents. It would also accord with the Framework where it requires developments to create places which a high standard of amenity for existing and future users.

² Appeal Reference: APP/J0405/W/18/3204116

Parking Provision

30. VALP Policy T6 requires that all development provides an appropriate level of car parking in accordance with Appendix B. Appendix B sets optimum standards requiring 4-bedroomed dwellings to have 3 parking spaces, while 5+ bedroom dwellings require 3.5 parking spaces, equivalent to 3 spaces per dwellings plus one visitor's space for every two dwellings. In addition, Appendix B notes that first floor studies will be regarded as bedrooms.
31. Considering the above, Although the number of bedrooms within Adstock House is unknown, Adstock House and Plot B would have adequate parking provisions. In contrast, Plot A would only provide 2 parking spaces, falling below the requirement of 3.5 spaces. Nevertheless, the standards provided by Appendix B are optimum standards with provision given for specific local circumstances to justify deviating from them.
32. The Council contends that due to the close relationship and juxtaposition of the proposed dwellings to each other and Adstock House as well as the scale and location of Adstock as a village, a deviation should not be made. However, the Highway Authority has commented that sufficient off-street parking would be provided, and I have no substantiated evidence before me to suggest that the proposal would increase on-road parking to such a degree that highway safety would be detrimentally affected.
33. Consequently, I conclude that the proposal would provide adequate parking provision. It would accord with Policy T6 of the VALP which seeks to ensure that all development provides an appropriate level of car parking. The proposal would also accord with the provisions of the Framework which requires parking considerations to be integral to the design of schemes.

Other Matters

34. The parties agree that the Council can only demonstrate a 4.5-year housing land supply. However, the shortfall in supply is modest and I have no substantive evidence before me to suggest that the lack of supply is persistent.
35. The Framework seeks to boost the housing supply, whilst supporting development which makes efficient use of land and promotes the use of public transport. The proposal would make an efficient use of previously developed land, providing two additional dwellings within an accessible site and contribute towards the boroughs housing supply. However, two additional dwellings, would make little difference to the overall supply of housing and would be of limited weight.
36. The proposal would utilise energy efficient design and technologies and reduce water consumption. While this is commendable and would accord with the Framework where it supports the reduction of greenhouse gas emissions and water consumption, minimal details have been provided and I have limited evidence to indicate how the proposed design and technologies would be implemented. Therefore, these benefits attract limited weight.
37. Short term employment would be provided during the construction and in the long term the future occupiers would benefit the local economy and community by helping to sustain the vitality and viability of the existing settlement as well as contributing to Council tax. However, the social and economic benefits of two additional dwellings would be modest and would have limited weight.

38. I acknowledge that there have been no objections from the ecology and highways consultees. However, this is a neutral matter which neither weighs in favour of or against the proposal.

Planning Balance and Conclusion

39. The fact that the Council cannot demonstrate a 5-year housing land supply triggers the circumstances in paragraph 11 d) of the Framework. However, in this case, the application of policies in the Framework that protect designated heritage assets provide a clear reason for refusing the proposed development in accordance with paragraph 11d)(i). As such, the presumption in favour of sustainable development does not apply.
40. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan as a whole, and there are no material considerations, including the provisions in the Framework and the benefits of the proposal, which indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed and planning permission is refused.

K Allen

INSPECTOR