



Appeal Decision

Site visit made on 10 October 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/N0410/D/23/3314845

Milestone Cottage, 82 Oxford Road, New Denham, Denham UB9 4DW

- 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 Bull against the decision of Buckinghamshire Council.
 - The application Ref PL/22/2332/FA, dated 5 September 2022, was refused by notice dated 11 November 2022.
 - The development proposed is construction of dropped kerb.
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Decision

1. The appeal is allowed and planning permission is granted for a vehicular access and hardstanding at Milestone Cottage, New Denham, UB9 4DW, in accordance with the terms of the application, Ref PL/22/2332/FA, dated 5 September 2022, subject to the following 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: 3288-SK1 rev B, 3288-02 rev B and 3288-03 rev B.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development permitted has been submitted to and approved in writing by the local planning authority. The development shall subsequently be carried out in accordance with the approved details.
 - 4) The scheme for parking and manoeuvring indicated on the plans shall be laid out prior to the first use of the development hereby permitted. Thereafter that area shall be used for parking and manoeuvring purposes only.

Preliminary Matters

2. The description of development set out in the banner has been taken from the application form. Although in Part E of the appeal form, it is stated that the description of development has not changed, a different wording has been entered. The plans and accompanying details indicate a proposal to construct a vehicular access and hardstanding. This reflects the description of the proposal stated on the appeal form and decision notice. For these reasons, the description of the development within the formal decision has been altered.
3. The appellant has requested that an amended proposed site plan be considered as part of this appeal. The Procedural Guide: Planning Appeals – England advises that if an appeal is made, the appeal process should not be used to

evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the LPA and interested parties at the application stage.

4. I am satisfied that the minor amendments which are proposed to the layout of the 'grass-crete' hardstanding within the site would not fundamentally change the proposal. However, I cannot be certain that no parties would be prejudiced were I to take the amendments into account. Therefore, this appeal has been determined based on the plans submitted in support of the application and upon which the Council's decision was made. I have had regard to the degree of engagement for all parties in coming to this view.

Main Issue

5. The appeal site is within the Green Belt. The Council has indicated that the proposal is not inappropriate development within the Green Belt. From the evidence, I have no reason to take another view. Against this backdrop, the main issue is;
 - the effect of the development on the significance and setting of the Grade II listed Milestone structures and the non-designated heritage assets at 80 and 82 Oxford Road.

Reasons

6. Within or just forward of the low boundary walls and fencing which separate Milestone Cottage from Oxford Road are 2 grade II listed milestones.
7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 199 of the Framework guides that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the grade II listed milestones, great weight should be given to the assets conservation.
8. Being historic navigation aids, the milestones have both cultural and historic significance. The setting of the milestones is partially informed by the grass verge forward of them and the houses and gardens to the rear. However, it is mainly informed by the road now known as Oxford Road as well as the walkway/cycleway alongside it, which has a direct link with the historic function of the milestones.
9. The pair of houses at numbers 80 and 82 Oxford Road (numbers 80 and 82), of which Milestone Cottage is one, are non-designated heritage assets. The significance of these buildings is in part due to their ornate and intricate detailing. The evidence shows that it is also due to their close association with the milestones.
10. The submitted plans do not include any alterations to either the listed milestones or the houses at numbers 80 and 82, and no compelling evidence has been presented from which to conclude that either the implementation or subsequent use of the proposed development would cause harm to these structures.
11. Albeit a snapshot in time, from my observations on site and the submitted evidence, it is clear that the grass verge to the front of the milestones is

informally used for the parking of vehicles. Such parking obstructs and interrupts views of the milestones from locations along Oxford Road.

12. The provision of a vehicular access at some distance from the milestones and the house at number 82, would enable vehicles to be parked to the rear of the milestones, and separated from them by a newly planted native hedge. Vehicles so parked would be less visible from vantages along Oxford Road than those parked on the grass verge. Any reduction in parking to the front of the milestones resulting from alternative parking provision being made would mean that the milestones, and their historic and cultural significance, could be better understood and appreciated, than at present.
13. The proposals also include the construction of a driveway which would cross the grass verge which would be surfaced in either a granite paving or flagstone. Subject to the detailed specification of the materials to be used being agreed by the Council, the driveway would relate well to that of the milestones.
14. The proposed use of a 'grass-crete' type surfacing for the parking and manoeuvring area would have a subtle and simple appearance which would not detract from the qualities and significance of the houses at numbers 80 and 82.
15. The simple design of the proposals, the hedgerow planting, and the distance between the access and the milestones, mean that the development would preserve the setting of these heritage assets. For these reasons, as well as those previously given, the proposed development would not cause harm to their significance. That being the case, the requirements at paragraphs 200 and 201 of the Framework are not engaged.
16. Consequently, the development proposals would not be harmful to the significance or setting of the Grade II listed Milestone structures or to the non-designated heritage assets at 80 and 82 Oxford Road. In respect of the main issue, the development would comply with policy CP8 of the South Bucks District Council Core Strategy Development Plan document 2011. Amongst other things, this policy requires development proposals to be of a high standard of design, to make a positive contribution to the character of the area, and to protect and where appropriate enhance the historic environment. The development would also comply with policy C6 of the South Bucks District Council South Bucks District Local Plan adopted 1999 and consolidated 2011. This policy indicates that where proposals are for alterations to listed buildings, such proposals should not detract from the intrinsic architectural interest, character or appearance of the building or its setting. In addition, the proposal would comply with the requirements at chapter 16 of the National Planning Policy Framework.

Other Matters

17. There are several other vehicular accesses onto Oxford Road within the area. Although a high frequency of traffic was witnessed on Oxford Road during my site visit, the Council's Highways Officer has raised no objection to the proposals. In the absence of cogent evidence to the contrary, the formation of an additional access serving a single dwelling in the location proposed would not cause demonstrable harm to highway safety.

18. Even if the appeal site benefits from an alternative vehicular access and parking provision to the rear of the property, I must assess the proposal that is before me.
19. In respect of the main issue, I have found that the proposed development would comply with the development plan. The allowance of this appeal would not therefore set a precedent for harmful developments on other sites.

Conditions

20. The statutory condition which specifies the time-period for the implementation of the development is imposed. For clarity, a plans condition is also imposed which identifies the plans to which the permission relates.
21. The wording of conditions suggested by the Council has been amended where appropriate. This is to meet the tests outlined within paragraph 56 of the Framework.
22. The Council has requested that a matching materials condition be imposed. However, given the nature of the proposals and the lack of similar development within the site, a condition is imposed requiring details of the proposed materials to be submitted to and approved in writing by the Council. To ensure the protection of the character and appearance of the area, and to prevent harm being caused to the heritage assets or their setting, this condition requires details to be submitted to and agreed by the Council prior to the commencement of the development.
23. A condition regarding the laying out of the access is not necessary because a plans condition is already being imposed. A condition preventing the hardstanding from being used for purposes other than for parking and manoeuvring purposes is imposed. This is in the interests of highway safety, to ensure that vehicles can enter and exit the site in forward gear.

Conclusion

24. For the reasons given, this appeal is allowed and planning permission is granted subject to the conditions outlined.

V Simpson

INSPECTOR