



Appeal Decision

Site visit made on 7 November 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2023

Appeal Ref: APP/X0415/D/23/3327264

37 Forge Close, Holmer Green, Buckinghamshire, HP15 6PY

- 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 Leigh Castle against the decision of Buckinghamshire Council.
 - The application Ref PL/23/1460/FA dated 3 May 2023, was refused by notice dated 10 July 2023.
 - The development proposed is double car port on the front drive (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the determination of the application, and the submission of this appeal, a revised National Planning Policy Framework 2023 (the Framework) was adopted on 5 September 2023. The refusal reason generically references the Framework however, it is not considered that this impacts upon the determination of this appeal given the main changes to the Framework.

Main Issues

4. The main issues are the impact of the proposal upon i) the character and appearance of the locality and ii) protected species.

Reasons

Character and appearance of the locality

5. The appeal site is located on a corner plot on Forge Close where a small cul-de-sac splits off from the main cul-de-sac of Forge Close as can be seen from the submitted location plan. At the time of my site visit I noted that build form, regardless of the construction type, is not a characteristic feature of dwellings within the vicinity as the area is characterised by open frontages. It should be kept in mind that character and appearance are separate matters. Appearance is the outward, visible, qualities whereas character is the sum of all the qualities which distinguish an area.
6. At the time of my site visit I viewed the appeal site approaching from the North, the East as well as within the small-cul-de-sac itself. The hedge, seen in figure 7 of the appellant's statement, had been trimmed and the tree on the driveway had lost its leaves. As a result of this I found that the roof of the car

port structure (the structure) protruded above the hedge and was visibly notable in views from this direction. In a similar manner, when stood at the bottom of the cul-de-sac looking south towards the appeal site (with no leaves on the tree and reduced coverage from the adjacent bush) I found the horizontal slats to be visually prominent. This was also likely exacerbated by a 4 x 4 vehicle being parked partly under the structure with the front (wing mirrors forward) protruding from the structure which I find resulted in it being visually prominent. This is a contrast to figure 6 of the appellant's statement which was taken at a different time of year where I acknowledge that, comparatively, the side slats were more visually obscured by vegetation. From within the cul-de-sac, to the southwest, the hedge trimming and lack of leaf coverage did, I find, mean that the roof of the structure is visually notable over the hedge to the rear viewed from that direction.

7. Overall, I find that there are likely times of the year, when the hedge is a little taller and there are leaves on the adjoining bush and tree, where the visual impact of the proposal is partly mitigated which would reduce its impact upon the appearance of the area. Despite this, this is not the case all year around and I found the proposal to impact upon the appearance of the area from several viewpoints within the street scene. I would also add that without the hedge the proposal would be visually alien and even more prominent and, based upon plan SP 01 (also included as figure 4 in the appellant's statement) and the evidence before me, it would appear that the hedge is potentially outside of the appellant's control and is located on the neighbouring property. It cannot, therefore, be relied upon as a feature to contribute to the proposal being visually acceptable in terms of the appearance of the area.
8. The proposal is noted to not result in any impact to residential amenity. Based upon the above I find that the proposal would have unacceptable impact upon the character and appearance of the locality as a result of such proposals, on the driveway of properties in the vicinity, being uncharacteristic as well as being visually prominent for much of the year from several points within the street scene when adjacent vegetation is not in full leaf. I have considered the imposition of a landscaping condition; however, this would only potentially assist in relation to appearance and would not overcome the fact that the structure would be uncharacteristic for the area even considering the open-sided design of the proposal.
9. The proposal would be contrary to Chiltern District Local Plan 1997 (consolidated 2007 and 2011) (LP) Policy GC1 which requires that development relates well to the characteristics of the site on which it is to be located, LP Policy H15 which requires the siting of the extension to relate well to the adjoining street scene and should not be obtrusive and LP Policy H20 which requires that other policies in the Local Plan would be complied with. The proposal would also be contrary Core Strategy for Chiltern District 2011 (CS) Policy CS20 which requires that all new development be of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness.

Protected species

10. The appellant has clarified that the hardstanding, under the structure, which is the actual subject of this appeal, was completed some years ago (2016) and that it replaced an existing area of lawn and ornamental planting with the

driveway surfacing which was visible at the time of my site visit. I note the Council state that the appeal site stands within a red impact zone for Great Crested Newts (GCN), a GCN opportunity zone and a Bug life Area but, as stated, the driveway surfacing appears to have been completed for a not insubstantial amount of time with the appeal site being utilised as part of the driveway (regardless of the car port structure).

11. Whether or not the associated surfacing is unlawful development (as stated in informative one within the decision notice) it is direct importance to note that the driveway surfacing does not form part of the proposal, as submitted and described on the application forms and documents, but it would appear that the Council have assessed the proposal upon the basis of its inclusion none the less. The Council are required to take into account potential impact upon protected species, however, based upon the facts of the case and taking into account the nature of the structure itself and its construction requirements I do not find that a lack of ecological information could reasonably be utilised as a reason for refusal. If the appeal failed, the site area in question would still more than likely be utilised to park cars with broadly similar impacts to GCNs and bugs respectively – additional information would unlikely add any value to the documentation considered.
12. Had I found the proposal acceptable in all other regards a condition could have been applied to enhance biodiversity with an informative as to the appellant's legal responsibilities in relation to GCNs should they be encountered on site. Subject to conditions the proposal would be consistent with CS Policy CS24 which seeks to ensure that where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest and the objectives of the Framework.

Other Matters

13. I note, within the application form, the circumstances surrounding the need for the structure in relation to one of the residents. Despite this I do not find that this, on this occasion, outweighs the concerns I have outlined with regard to character and appearance. The storage of construction materials for a landscaping business, and their visual impact, is also noted but such storage (without formal permission) should in any case be limited overall as a driveway of a residential dwelling – the appellant's comments on this point, within paragraph 3.17 of their statement, are noted.
14. The Council's refusal reason references LP Policy GC4, however, I find this policy to be of limited relevance to the proposal which is before me taking into account the actual proposal and no other matters on site as is the correct approach already discussed above.

Conclusion

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR