



# Appeal Decision

Site visit made on 17 October 2023

**by P Terceiro BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 November 2023**

**Appeal Ref: APP/K0425/W/23/3321762**

**The Pheasant, 99 London Road, High Wycombe, Buckinghamshire  
HP11 1BU**

- 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 Wellington Pub Company against the decision of Buckinghamshire Council.
- The application Ref 22/07430/FUL, dated 1 September 2022, was refused by notice dated 9 March 2023.
- The development proposed is the demolition of existing building and erection of 9 flats.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. As a part of their submission the appellant has provided amended plans which show a reduced parking area, increased communal amenity area, reconfiguration of part of the building and changes to the internal layout. The appeals procedural guide<sup>1</sup> makes it clear that 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 local planning authority (LPA), and on which interested people's views were sought.
3. Having regard to the principles established in *Holborn Studios Ltd*<sup>2</sup>, and acknowledging the comments of the appellant, the changes, as shown on the amended plans, are fundamentally different to what was considered by the LPA when it made its decision. Therefore, in the interests of fairness, this appeal must be determined based on the plans on which the Council made its decision, and which have been subject to consultation. To do otherwise could unacceptably prejudice the interests of other parties.

## Preliminary Matter

4. The Council's first reason for refusal relates to insufficient information being provided to demonstrate that the proposal would not result in the loss of a community facility for which there is an identified need. Subsequently, the appellant has provided further evidence in a Community Facilities Assessment which concludes that the proposal would not lead to an unacceptable deterioration in community facilities in Ryemead Ward. The Council has confirmed that it no longer wishes to pursue this reason for refusal. I see no

<sup>1</sup> Procedural Guide: Planning Appeals – England (2023)

<sup>2</sup> *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

reason to disagree and Policy DM29 of the Wycombe District Local Plan 2019 (LP), which relates to community facilities, has been satisfied.

## **Main Issues**

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area, including the significance of the non-designated heritage asset (NDHA);
- whether the proposal would create acceptable living conditions for its future occupants with regard to privacy, distinction between private and public realm and single aspect units; and
- the effect of the proposed development on ecology.

## **Reasons**

### *Character and appearance*

6. The appeal site is a prominent gateway site, located at the corner of Gordon Road with London Road, next to a roundabout. The buildings located around the perimeter of the roundabout are single storey or two storey with a modest scale. The limited scale of the buildings, together with the grass verges and siting set back from the road, create a spacious character to this area. The residential development in Gordon Road comprises a three-storey block of flats as well as a row of terraces. These buildings have shallow frontages and are set close to the road.
7. The appeal site comprises the Pheasant public house, a detached, two storey building comprising a front elevation in Arts and Craft style, built in red brick with decorative terracotta and lighter red brick detailing with a slate roof. A half rendered with decorative timbers stable/coach house of a similar date is located at the rear. The siting of the buildings set back from London Road, in combination with their limited scale, height and generous grounds, make a positive contribution to the spaciousness of this street scene. The Pheasant is identified by the Council as meeting the criteria for inclusion on the Bucks Local Heritage list due to its age and architectural interest.
8. The proposed building would front the roundabout junction and turn the corner running along Gordon Road. In doing so, the building would comprise a footprint formed by a series of awkward shapes and angles, thereby failing to successfully take the building around the corner. The proposed block of flats would be three storeys high and be significant in scale and bulk, in stark contrast with the more modest built form located around the perimeter of the roundabout. As such, the proposal would not create a focal point but would instead dominate this corner and result in a loss of spaciousness, thereby failing to sit comfortably in its receiving environment in London Road.
9. My attention is drawn to other residential developments on Gordon Road. During my site visit I observed that these developments have a linear pattern that accompanies the road. Part of the proposed block of flats would be visible in the context of these buildings and would run along Gordon Road in a similar arrangement. The appellant sets out that the proposal would not be as tall as one of these developments on Gordon Road. Although the proposal's scale and

height would integrate with the existing residential development in this road, this would not outweigh the harm identified above.

10. The perimeter of the roundabout is verdant, due to the presence of mature trees and grass verges which soften the built environment. The proposed layout would comprise an extensive area laid to hardstanding which, in combination with the block of flats, would leave limited space to provide soft landscaping, thereby appearing at odds with the character of London Road. Whereas it may be the case that nearby residential developments in Gordon Road have limited soft landscaping, this road has a markedly different character, as the buildings retain very little separation distance to the road and there are no generous grass verges.
11. The appellant has provided a Heritage Statement, which includes an evaluation of the building's significance. I have not been provided with the Council's formal assessment of the property's historic significance. The Pheasant was an important centrepiece of the area when it was built and played a part in the development of local history. However, its architectural quality has been compromised by the extensions to the rear, blank side elevation and internal changes, often connected with the integration of the cottage with the public house. As a result, the building does not have a unifying character that makes it appear a coherent whole. Therefore, in my judgement, the loss of the building would be outweighed by the benefit of providing additional residential accommodation.
12. The proposal would have a contemporary appearance that would not incorporate architectural features of the existing building. However, the surrounding built form is varied in terms of architectural design and materials. On this basis, a contemporary design approach would not detract from its surroundings. Although details of the external materials could be secured by planning condition if I were otherwise minded to allow the appeal, this would not overcome the harm to the character of the area that I have identified above.
13. I conclude that the loss of the NDHA would not be harmful and would accord with Policy DM31 of the LP, where this policy seeks to protect non-designated heritage assets. Nevertheless, overall, the proposal would detract from the character and appearance of the area because of the way that the building would address the perimeter of the roundabout. It would conflict with Policies CP9 and DM35 of the LP, which seek development to deliver a distinctive high-quality sense of place and improve the character of the area. The proposal would also be contrary to the Residential Design Guide Supplementary Planning Document 2017 (SPD), which supports high standards of design and layout.

#### *Living conditions*

14. The Council's SPD recommends that layouts with a predominance of single aspect flats are avoided. The proposed plans show that most of the units would be dual aspect, in line with the SPD's recommendation. Flat 2 would be both single aspect and face the street on the ground floor. However, flat 2 and the other ground floor flats would have defensible space, due to the building's setback from the footpath. Therefore, this arrangement would not amount to a poor living environment.

15. The balconies of flats 2 and 5 would be fully enclosed and, as such, there would be no overlooking into the bedroom window of flats 3 and 6. The balcony of flat 8 would not be fully enclosed, however the provision of an appropriate privacy screen to protect the privacy of the bedroom in flat 9 could be secured by condition, were I minded to allow the appeal.
16. The Council's third reason for refusal refers to a poor distinction between private and public realm. Many of the windows to the ground floor flats would face onto the highway at a relatively short distance. However, the proposed boundary treatments would clearly define the boundaries of public and private space.
17. In relation to this main issue, I therefore conclude that the proposal would create acceptable living conditions for its future occupants with regard to privacy, distinction between private and public realm and single aspect units. The proposal would accord with Policies CP9 and DM35 of the LP, where these policies support development that contributes positively to making places better for people and provides an appropriate level of privacy and amenity for future occupants.

### *Ecology*

18. There is disagreement between the parties as to whether the buildings on site would have 'negligible' or at least 'low' potential suitability for roosting bats. All bat species and their roosts are legally protected from damage or destruction whether occupied or not.
19. Dusk emergence / dawn re-entry surveys have not been carried out. However, the Preliminary Ecological Assessment (PEA) undertook a comprehensive assessment of the buildings and wider site in terms of their suitability for roosting bats. The PEA concludes that no bats or evidence of bats was found anywhere within the building and that the site is poor with regard to the habitats that it may provide for foraging bats. The Council has not provided any compelling evidence to demonstrate that bats or their roosts would be present on site. Therefore, I am satisfied that the proposal would not have an adverse impact on bats and habitats.
20. Although not included in reason for refusal four, the officer report sets out that the Small Sites Metric does not include the loss of trees on site and fails to provide a biodiversity net gain (BNG). The Ecologist Letter clarifies that the trees are considered to form part of the 'vegetated garden' and have therefore been inputted into the Small Sites Metric as such, rather than being separated out as 'urban trees'. The PEA sets out that the proposal would deliver a BNG, in accordance with Policy DM34 of the LP, which does not set a threshold for net gain.
21. Consequently, given the evidence before me, I conclude that the proposal would not be harmful to ecology, in accordance with Policy DM34 of the LP and Policy DM13 of the Delivery and Site Allocations Plan 2013. These policies seek amongst other things to protect and enhance habitats and biodiversity. There would also be no conflict with the provisions of the National Planning Policy Framework in relation to habitats and biodiversity.

## **Planning Balance and Conclusion**

22. The proposal would not be harmful in terms of heritage, living conditions of its future occupiers and ecology. However, it would cause harm to the character and appearance of the area, given the prominent siting and scale of the development proposed.
23. On the other hand, the appeal proposal would make an efficient use of land by re-developing a brownfield site. It would deliver nine new apartments close to the town centre, in a location that is served by public transport. The proposal would support the Government's objective of significantly boosting the supply of homes. The site is a small one so the redevelopment could be delivered quickly. These benefits attract moderate weight in favour of the appeal proposal, but do not outweigh the harm that I have identified.
24. In light of the above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

*P Terceiro*

INSPECTOR