



Appeal Decision

Site visit made on 11 January 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/X0415/W/23/3323589

**Honeysuckle Cottage, 34 High Street, Prestwood, Buckinghamshire
HP16 9ED**

- 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 John Snelling of John Snelling Construction Ltd against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/23/0054/FA, dated 8 January 2023, was refused by notice dated 27 April 2023.
 - The development proposed is a rear single storey extension and replacement side porch to existing cottage. Erection of new detached, two bedroomed dwelling to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 22 November 2023, all designated Areas of Outstanding Natural Beauty in England and Wales became 'National Landscapes'. However, the legal designation and policy status is unchanged. I have therefore proceeded on this basis and referred to the Chilterns National Landscape accordingly.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. However, the amendments therein do not alter the consideration of the main issues in this appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area including the Chilterns National Landscape;
 - the living conditions of the occupiers of Nos 34 and 36 High Street (No 34 and 36) with particular regard to outlook;
 - highway safety; and,
 - ecology and biodiversity.

Reasons

Character and appearance

5. The appeal site comprises the rear garden of No 34 and lies within the Chilterns National Landscape (CNL). The surrounding area consists primarily of one and

two storey residential properties. Whilst the form, appearance and density of the existing built form varies, the properties on the north side of High Street typically occupy well-proportioned plots, front the highway, and feature regular gardens to the rear. These characteristics provide a degree of regularity and sense of spaciousness which, together with the abundance of soft landscaping positively contributes to the character and appearance of the area.

6. The proposed additions to No 34, by reasons of their siting and scale would not dominate the appeal property or read as an intrusive addition to the street scene. Further, the use of sympathetic materials would ensure that they integrate well with the design and appearance of the appeal property and the surrounding area. As such, I do not consider that these alterations would be harmful to the character and appearance of the area.
7. Whilst the proposed external materials would be generally in keeping with the locality, the flat roof design of the proposed dwelling would be at odds with the hipped and pitched roof forms which predominate in the locality. Moreover, the proposed new dwelling would extend nearly the full width of the appeal site. The lack of lateral space combined with its positioning to the rear of the appeal property and the absence of any positive street frontage means that the development would read as a visual intrusion of built form and would disrupt the regularity of the development pattern and the sense of spaciousness. Accordingly, the proposal would be an incongruous and obtrusive form of development.
8. In coming to this view, I note that the development would be largely screened by the electric gates currently in situ. However, if they were ever removed, the appeal development would be much more prominent within the street scene. In any case, the discordant form of the proposal would still be visible from neighbouring development. Therefore, I am not persuaded that the gates would adequately mitigate the harm identified.
9. In determining the appeal, I am required to give great weight to conserving and enhancing the landscape and scenic beauty of the CNL. There is limited evidence before me concerning the landscape characteristics and qualities of the CNL. Nevertheless, I observed at my site visit that the area beyond Prestwood is largely characterised by unspoilt, gently undulating open fields, areas of woodland and attractive villages.
10. Whilst I have identified harm to the character and appearance of the area, the development would nevertheless be surrounded by existing built form and read in the context of the built-up area. For these reasons, and being mindful of the landscape character, I consider that the proposal would conserve the special landscape and high scenic quality of the CNL. It would therefore accord with Policies CS20 and CS22 of the Core Strategy for Chiltern District 2011 (Core Strategy) and saved Policy LSQ1 of the Chiltern District Local Plan 1997 (including Alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 (Local Plan).
11. In concluding this matter, I find that the appeal development in so far as it relates to the new dwelling would be harmful to the character and appearance of the surrounding area. Consequently, it would be contrary to saved Local Plan Policies GC1 and H3. Collectively, and amongst other aspects, these policies seek to ensure that development is designed to a high standard and relates well to the characteristics of the site and the form of adjoining buildings. The

proposal would also be inconsistent with the Framework where it seeks to secure the provision of high-quality development and visually attractive buildings which are sympathetic to local character.

Living conditions

12. The proposed 2 storey extension would not extend beyond the rear elevation of the neighbouring extension. By reasons of its scale and siting, it would not result in an overbearing appearance for neighbours or indeed a harmful loss of light. Further, the proposed openings would be positioned such that there would be no material loss of privacy. Consequently, this element of the proposal would not be harmful to living conditions.
13. Turning to the proposed dwelling, the submitted plans indicate that the existing plot would be subdivided, and a modest garden would be provided to the rear of No 34, enclosed by a timber fence. No 36 comprises a detached dwelling set within a spacious plot. The shared boundary with the appeal site consists of a panelled timber fence and landscaping. Immediately to the rear of the property, and adjacent to shared boundary lies a private space which appeared to be used for leisure and socialising. The proposal would extend right up to, and along a notable section of this shared boundary.
14. Notwithstanding the flat roof structure and building height, the proposal would exceed the height of the boundary fences nonetheless and would extend almost the full width of the appeal site. The extent of site coverage combined with the proximity to the neighbouring properties means that the proposed dwelling would be overly dominant and unduly prominent when viewed from the rear windows and garden area of No 34 and 36. This would have a significant enclosing effect on outlook, particularly from the rear garden areas which would be to the detriment of their usability and enjoyment.
15. The appellant would continue to occupy the appeal property. However, there is no mechanism before me to guarantee that this would be the case in perpetuity. Therefore, I cannot be sure that suitable living conditions would be maintained for any future occupiers of No 34.
16. Accordingly, I find that the proposed development would be harmful to the living conditions of the occupiers of No 34 and 36 with particular regard to outlook. The proposal would therefore conflict with saved Policy G3 of the Local Plan which amongst other aspects seeks to protect the amenities enjoyed by the occupants of neighbouring properties. It would also conflict with the Framework where it seeks to secure a high standard of amenity for existing occupiers.

Highway safety

17. Access to the proposed development would be via the existing access off High Street – a main route through the settlement. There was a reasonably high volume of traffic passing the appeal site at the time of my visit, and whilst only a snapshot in time, I have no reason to believe that my observations were misrepresentative of the highway conditions and movements. Double yellow lines prohibit on-street parking along the section of the road immediately adjacent to the appeal site whilst parking in the wider area is also controlled by double yellow lines and time restricted parking bays.

18. The submitted plans demonstrate that adequate visibility splays would be provided, and provision would be made for the parking of 2 vehicles within the respective plots. Having regard to the Council's parking standards¹ and scale of accommodation, I consider that the number of spaces provided would be acceptable. Consequently, the evidence does not suggest that the proposal would significantly exacerbate parking pressure on nearby roads.
19. Having regard to the Manual for Streets 2 guidance and my observations at my site visit, I am unconvinced that a vehicle associated with the appeal property could manoeuvre within the space shown without undertaking a significant number of movements, particularly if the other space was already occupied. Similarly, the ability to leave the site of the proposed dwelling in a forward gear would be dependent upon the other parking space being vacant at the time of entry or exit. Where both spaces to be occupied at the same time, there would be insufficient turning space available within the site. These scenarios do not account for other vehicles entering the site including visitors or deliveries.
20. Given the space limitation, I find that drivers would be less likely to complete the turning manoeuvres within the respective sites resulting in reverse manoeuvres on the highway. A vehicle reversing into the site would have to slow, stop, and turn off the busy road which would be of detriment to the free flow of traffic. Moreover, a driver reversing out of the site, on to the road would have limited visibility of approaching traffic and pedestrians. This too would be hazardous to highway safety.
21. Accordingly, the proposed development would result in dangerous manoeuvres which would have a harmful effect on highway safety. The proposed development would therefore conflict with Policies CS25 and CS26 of the Core Strategy. Collectively, these policies seek to manage the impact of new development and ensure that proposals do not adversely affect road safety. The proposal is also inconsistent with the highway design and safety objectives set out within the Buckinghamshire Council Highways Development Management Guidance document 2018 and the Framework.

Ecology and Biodiversity

22. The proposed development includes extensions to the existing dwelling and erection of new dwelling within the rear garden area. It appeared to me that the appeal site has been cleared of some vegetation. Given that these works have already occurred, the extent to which biodiversity on the site may have been affected is unknown.
23. No ecological survey, biodiversity net gain assessment or landscaping report have been submitted with the appeal. Therefore, it has not been established what habitats may be present on site, including those of protected species. The presence of protected species is a material consideration, and it is therefore essential that the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, is established before any planning permission is granted.
24. Policy CS24 of the Core Strategy makes it clear that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity. In the

¹ Buckinghamshire Countywide Parking Standards September 2016

absence of an ecological survey, I cannot conclude with any degree of certainty that the appeal development would not have any adverse effect on the biodiversity of the site, including protected species and on what basis that might be. Furthermore, whilst additional planting including the sedum roof, bird and bee boxes would provide opportunities for biodiversity, it is not clear whether these would specifically address any net loss to date or provide necessary mitigation measures.

25. Consequently, I find that the proposal would conflict with Policy CS24 of the Core Strategy, which amongst other aspects seeks to ensure that development proposals safeguard biodiversity. It would also be inconsistent with the Framework's biodiversity objectives.

Other Matters

26. The proposed development would contribute to the supply and mix of housing in the area. However, I find that the benefits would be relatively limited given the scale of the development proposed. Consequently, this would not outweigh the harm I have identified or the conflict with the development plan.

Conclusion

27. The appeal proposal would conflict with the development plan as whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

H Wilkinson

INSPECTOR