



Appeal Decision

Site visit made on 16 July 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2024

Appeal Ref: APP/J0405/W/23/3328711

Land to the south of Park House, Pegasus Way, Haddenham HP17 8LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Ede (Tenens Ede Ltd) against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 23/00736/APP.
 - The development proposed is the erection of 4no. apartments, with associated alterations to access and parking arrangements at Park House, landscaping and other associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023 and therefore I have referred to that revised document in my determination of this appeal. I am satisfied that the parts of the Framework most relevant to this appeal have not substantively changed from the previous iteration.
3. The appellant has provided amended plans and some additional details with the appeal. These relate to the matters of drainage, landscaping and tree protection. They do not result in any fundamental change to the development proposal and I am satisfied that my acceptance of them would not result in procedural unfairness to anyone who has an interest in the appeal. I have therefore referred to these insofar as they are relevant to the main issues in dispute.

Main Issues

4. The main issues are:
 - (i) The effect of the proposal on the living conditions of the future occupiers of Park House with reference to light and outlook, and whether acceptable living conditions would be provided for the future occupiers of the proposed development with reference to the provision of outdoor amenity space
 - (ii) The effect of the proposal on the character and appearance of the area
 - (iii) Whether the proposal would provide an appropriate housing mix

- (iv) The effect of the proposal on trees

Reasons

Living conditions

5. Park House is a former office building which was granted prior approval for conversion into 22 residential apartments under reference 21/03125/COUOR. At the time of my site visit work was underway presumably, on the basis of the information provided by the appellant in their submissions, to convert the building to the approved residential use. The approved scheme will mean that the windows on the converted building will serve the living spaces and bedrooms of the new apartments. In the case of some of the windows serving apartments 7, 8, 17 and 18 of the approved development, these would face directly towards the blank side elevation of the appeal proposal.
6. The windows in question would be very close to this side elevation, with the windows serving the living areas of apartments 7 and 17 being the most centrally located in relation to the side elevation of the appeal proposal. The Council refers to those windows being approximately 3 metres in distance from the side elevation. This means that most views available from those two living spaces would be taken directly towards the wall. Because of the close proximity to the wall, this would give future residents a very restricted and oppressive outlook from their living areas and would fail to provide them with acceptable living conditions.
7. I have had regard to the drawing provided by the appellant which shows views taken diagonally from the living areas of apartments 7 and 17. These are not however the natural and normal outlooks that one would expect to rely on from a window. They would instead be a contrived outlook, which would be only partial in its scope and which would still be dominated by the side wall of the proposed development. Furthermore, there are a number of mature trees to the eastern boundary that are shown to be retained and thus there would be no real outlook available in that direction, even looking diagonally. Those views do not therefore compensate for the lack of outlook in general.
8. A Daylight, Sunlight & Overshadowing Assessment has also been provided with the appeal. However, even if it is the case that the sunlight and daylight levels in rooms served by the windows closest to the appeal development would not be so unacceptably limited as to result in harm to the living conditions of the occupiers of those apartments, this does not justify or overcome the oppressive outlook that would prevail from the windows I have identified.
9. The proposed development does not include the provision of any designated outdoor amenity space on the site to serve its future residents, nor would any of the proposed apartments be provided with balconies. Although the appellant refers to areas present on the wider Park House site which it is suggested could be shared with the appeal development, this lies outside of the red line and no details have been provided as to the extent of any area that might be made available. The open space at Tibbs Road recreation area and play park would provide an option for future residents but because of footpath connections in the area, it would not be so close or easily accessible so as to reasonably compensate for the absence of an on-site provision.

10. For these reasons, I find that the proposed development would fail to ensure that an acceptable outlook was retained for the future occupiers of apartments 7 and 17 at the adjacent Park House development and that it would fail to provide adequate outdoor amenity space to meet the needs of the future occupiers of the four proposed units. Consequently, the development would fail to accord with Policy BE3 of the Vale of Aylesbury Local Plan 2021 (LP) where it seeks to protect the amenity of residents. There would also be a conflict with section 12 of the Framework, in particular paragraph 135 where it seeks to create places with a high standard of amenity for existing and future users.

Character and appearance

11. The proposed development would be positioned immediately adjacent to the Park House building, between it and the access road leading to the adjacent industrial site to the rear. The surrounding area is mixed in its use and character, with other industrial and commercial units nearby along with a recently constructed housing estate on the opposite side of Pegasus Way. Notwithstanding the more industrial and commercial elements of the surroundings, the adjacent office building is a reasonably attractive building in terms of its design and appearance, and its car parking area is extensively and pleasantly landscaped.
12. The proposal would be a standalone building, with a lower eaves and ridge height than Park House. This would ensure that it would appear subservient to it, but it would also mean that its proportions relative to Park House would create an odd visual relationship between the two. This impact would be compounded by the fact it would sit to one side of Park House, sandwiched in awkwardly between it and the access road to the industrial unit, to which it would be very close. These factors would contrive to result in a building that would appear as an afterthought added to the site with the aim of providing additional accommodation, as opposed to being the result of any particular considered design rationale.
13. I acknowledge that some of the dwellings on Westland Close are sited very near to Pegasus Way, however their overall impact is different because their visual relationships to one another are not comparable to that which the appeal proposal would have with Park House. I also accept that in terms of the intended use of materials and in some aspects of its design, such as its window style and size, the appeal proposal would successfully reflect the design and appearance of Park House. However, these are not matters that would overcome the harm I have identified that would arise from the appeal proposal.
14. In conclusion, the proposal would result in significant harm to the character and appearance of the area because of its proportions and its positioning. It would therefore fail to accord with Policy BE2 of the LP where it requires that all new development proposed shall respect and compliment the physical characteristics of the site and its surroundings including the scale and context of the site and its setting. There would also be a conflict with the aims of section 12 of the Framework, in particular with paragraph 135 where it requires developments to add to the overall quality of the area and be visually attractive.

Housing Mix

15. In terms of the information provided, neither party has convincingly evidenced whether or not the proposed provision of one-bedroom flats would meet with the housing mix envisaged for Haddenham. The appellant sets out that since 2016 very few of the dwellings granted planning permission in Haddenham have been one-bedroom units, but they have not included prior approvals such as their own approval at Park House in that figure.
16. It would appear that factoring in those 22 dwellings would result in a figure that exceeds the 4% requirement for one-bedroom units set out in the development plan. Whilst Policy H6a of the LP expresses a possibility for negotiation, no reasoning as to why this would be appropriate in the context of the aims of the policy has been advanced by the appellant.
17. Therefore, on the basis of the information provided, it has not been demonstrated that the proposal would accord with Policy H6a of the LP where it refers to housing mix.

Trees

18. The proposal would result in the loss of one tree which is classed as a Category B tree of moderate amenity value in the Tree Survey Report. The amended block plan submitted indicates that the loss of this tree could be mitigated against by the replacement with a new tree, details of which could be secured as part of a landscaping scheme. This would be a proportionate solution in order to ensure that there would be no conflict with Policy NE8 of the LP, which seeks the replacement of trees if their loss is considered acceptable.
19. The amended plans also reposition the proposed surface water drainage infrastructure so to ensure that they and the permeable paving do not fall within the root protection areas of the existing trees. This therefore overcomes the concern in that regard too and likewise ensures that the requirements of Policy NE8 of the LP to ensure the protection of existing trees would be met.

Other Considerations

20. The proposal would deliver four new dwellings, which would make a contribution to the Government's objective of significantly boosting the supply of homes, in the context of the Council currently being unable to demonstrate that it has a 5 year housing land supply. It would do so in a settlement which is identified in the development plan as being sustainable and on land on which development is already present.
21. There would be economic and social benefits arising from jobs created during the construction period and in terms of future residents contributing to the ongoing vitality of Haddenham. Due to the scale of the proposed development, these are considerations which offer moderate weight in favour of the proposed development.

Paragraph 11d)

22. The Council has set out that they are unable to demonstrate a 5 year housing land supply. The absence of a 5 year housing land supply means that paragraph 11d) of the Framework is triggered. This states at paragraph 11d)ii) that planning permission should be granted unless any adverse impacts of

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

23. The harm to living conditions arising from the poor outlook and lack of outdoor amenity space would mean that the proposed development would fail to provide a high standard of amenity for its future occupiers and those at Park House, which is an aim set out in the Framework. The Framework further seeks to achieve well-designed and beautiful places and developments that add to the overall quality of the area, which the proposal would not do. I have also found that it has not been demonstrated that the proposal would provide the housing mix deemed necessary for Haddenham, although I afford a lesser weight to this consideration because of the housing supply situation.
24. The adverse impacts relating to living conditions and to character and appearance would be significant and long lasting in their impact, and they would significantly and demonstrably outweigh the benefits associated with the provision of four new dwellings. As such the presumption in favour of sustainable development set out in paragraph 11d) of the Framework does not apply.

Planning Balance & Conclusion

25. The development would fail to provide acceptable living conditions for future occupiers of both Park House and the proposed development, and it would cause significant harm to the character and appearance of the area. Consequently, it would fail to accord with Policies BE2 and BE3 of the LP. There would also be a conflict with Policy H6a of the LP in terms of the matter of housing mix, although I afford a lesser weight to that conflict because of the current housing land supply position. Nonetheless, I find that the proposal would fail to accord with the development plan taken as a whole.
26. Balanced against this it would provide the benefits I have outlined which collectively offer moderate weight in its favour. Those benefits do not outweigh the harm that would result and the conflict with the development plan. In conclusion therefore, I find that the other considerations in this case do not indicate that a determination should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR