



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: 29th July 2024

Appeal Ref: APP/K0425/W/23/3332129

The White Horse, West Wycombe Road, High Wycombe HP11 2LR

- 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 S Dadd (Streamdown Property Ltd) against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 23/05505/FUL.
 - The development proposed is the demolition of existing Public House and construction of 8 x 2-bedroom flats (C3) with associated hard and soft landscaping, undercroft parking, bin and cycle stores.
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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 submitted a further bat survey with the appeal. The Council consider that this addresses the second reason for refusal set out on the decision notice and I proceed on that basis. An updated Flood Risk Assessment and Drainage Strategy was also provided and has been subject to comment from the Lead Local Flood Authority (LLFA). I shall return to this later in my decision.

Main Issues

4. The main issues are:
 - (i) The effect of the proposed development on the character and appearance of the area
 - (ii) Whether the proposal would make adequate provision for surface water drainage
 - (iii) Whether the proposal would provide a biodiversity net gain

Reasons

Character and appearance

5. A previous appeal¹ against a refusal of planning permission on the site was dismissed in 2022. That was for a proposed development of 9 two-bedroom flats. In dismissing the appeal, the appointed Inspector found that what was proposed would have appeared as a prominent and overly dominant form of development and would have failed to adequately respond to its location and the design and appearance of surrounding buildings. It would have, as a result, introduced a form of development that would have appeared out of scale with surrounding buildings, therefore harming the character and appearance of the area. A copy of that appeal decision and the plans that were considered have been provided with this appeal.
6. The current appeal proposal has reduced the number of units down to 8 two-bedroom flats. In doing so some aspects of its massing, in particular to its rear elevation and its central section have been reduced. Pitched roofs and gables have also been introduced, which have served to improve its appearance. Even so, to all extents and purposes it would still be a building of significant scale and massing and there is only a relatively limited difference in those regards when compared to the previous appeal scheme. I was able to observe at my site visit that there appears to have been no material change in the character and appearance of the area as described by the previous Inspector, other than that the public house is vacant, or in the scale of the existing nearby development.
7. It remains therefore that the proposed development would be a prominent and overly dominant form of development and one that would be out of scale with surrounding buildings. Although some aspects of its height have been reduced to attempt to better bring it in line with the height of other buildings on West Wycombe Road and its rear projection would be lower, its imposing bulk and massing would still remain apparent from views taken towards the junction of West Wycombe Road with Oakridge Road and from views up Oakridge Road. It would not, overall, represent a betterment in comparison to the existing building even though its rear elevation would be set further from Nutfield Road. Whilst there have been some changes to the materials and the design is improved in comparison to the previous scheme, these do not overcome the harm that would be caused because of its scale and massing.
8. For these reasons, I find that the proposed development would cause harm to the character and appearance of the area due to its scale and massing. Consequently, it would fail to accord with Policies CP9 and DM35 of the Local Plan 2019 (LP), where they seek to promote high quality design and to protect character and appearance. There would also be a conflict with the aims of the Residential Design Guidance Supplementary Planning Document 2017 in the same regard, and with the Framework where it seeks to achieve well-designed and beautiful places.

Surface water drainage

9. The revised Flood Risk Assessment and Drainage Strategy proposes that surface water from the development would be discharged into the River Wye to

¹ APP/K0425/W/21/3287351

the south of the site. However, as the LLFA point out, this would appear to require the installation of the necessary infrastructure on third party land. There is no indication provided as to the likelihood of this being permitted and no alternative solution advanced if this proposal were not to be possible. Whilst there may be an option to drain to the combined sewer, which appears to have been the surface water drainage proposal for the previous scheme that was refused on appeal, the LLFA note that the peak discharge suggested is now higher than was previously accepted by Thames Water.

10. There is no comfort provided that the increased flow now proposed would be acceptable. In combination with the lack of clarity with respect to the third-party land and if that drainage solution would be feasible, I conclude that insufficient information has been provided to show that the proposal would comply with the aims of Policy DM39 of the LP, where it requires that matters relating to surface water drainage are addressed. There would also be a conflict with the aims of section 14 of the Framework where it seeks to meet the challenge of climate change, flooding and coastal change. As it has not been shown with reasonable certainty that there would be a surface water drainage solution, this is not a matter that could be addressed by way of a planning condition.

Biodiversity net gain

11. Policy DM34 of the LP sets out that amongst other requirements, development will deliver long lasting measurable net gains in biodiversity. Further guidance on how this policy requirement can be met is set out in the Biodiversity Net Gain Supplementary Planning Document 2022 (SPD). Although a Biodiversity Impact Assessment has been provided which suggests that a biodiversity net gain of 93% could be achieved, the Council's concern relates to the lack of detailed landscaping proposals and whether a net gain could actually be secured on site. To that extent, the appellant concedes in their Statement of Case that further biodiversity appraisals and subsequent off-setting measures may be required.
12. If off-setting is required then it would be necessary to secure this through a planning obligation which had been completed at the time planning permission was granted. There is nothing before me to suggest that the proposed development would meet with the exceptional circumstances set out in the Planning Practice Guidance² where the use of a planning condition to secure a planning obligation might be appropriate. As it has not been shown that on-site provision would be possible and as no planning obligation has been submitted to address the alternative, I cannot be sure that the biodiversity net gain required to ensure accordance with Policy DM34 of the LP and with the SPD would be achieved.

Other Matters

13. The proposed development would provide 8 new dwellings in a location that has good access to services and facilities and to public transport and would make a contribution to the Government's objective of significantly boosting the supply of homes. It would provide these as two-bedroom units which is said by the appellant to be the optimum mix set out in the Buckinghamshire Housing Needs Assessment 2017. Due to the quantum of development that is proposed,

² Paragraph: 010 Reference ID: 21a-010-20190723

these considerations collectively carry moderate weight in favour of the proposal.

14. Although now closed and acknowledging that matters relating to its retention have been addressed via the previous appeal and do not form a main issue in this one, I am not persuaded that the removal of the public house building would be a benefit of the proposed development. Notwithstanding its current state of repair, it remains a reasonably attractive building which sits well in the context of the site. I do not therefore concur with the appellant that its removal would be a benefit of the scheme or be necessary to support the regeneration of the wider town centre area. Instead, I ascribe this consideration neutral weight in the planning balance.
15. Reference is made to a fallback position, however that refers to a scheme to convert the public house to a House in Multiple Occupation. As such, although the appellant may be able to convert the public house to a residential use, this is not of any direct relevance to my consideration of the matters in dispute in this appeal.

Planning Balance and Conclusion

16. The proposed development would cause harm to the character and appearance of the area and the submission fails to demonstrate that an acceptable provision for surface water drainage could be made and that a biodiversity net gain could be achieved. Consequently, it would fail to accord with Policies CP9, DM34, DM35 and DM39 of the LP and with the development plan taken as a whole. 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.
17. 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