



Appeal Decision

Site visit made on 23 July 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2024

Appeal Ref: APP/N0410/W/23/3334700

Meadow Springs, 82 Fulmer Road, Gerrards Cross, Buckinghamshire SL9 7EG

- 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 Minoli Design Ltd against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref is PL/22/3654/FA.
 - The development proposed is demolition of existing single-family dwelling and erection of 2 no. detached single-family dwellings with detached double garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant submitted a 'Landscape Plan' which was not before the Council and interested parties when the application was determined. The plan provides some detail of hard and soft landscaping to the development, but does not result in any substantial difference or fundamental change to the application. The Council has been able to comment on it as part of their appeal evidence, and having regard to the nature of the detail shown, I am satisfied that my consideration of the Landscape Plan would not prejudice the interests of any party. I have therefore taken it into account.
3. In its appeal statement, the Council raises concern about the style of the proposed dwellings. This was not specifically referenced in the reason for refusal, but it was raised in interested party representations on the proposal and the appellant has been able to address the matter as part of their appeal evidence.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on the integrity of the Burnham Beeches Special Area of Conservation.

Reasons

Character and Appearance

5. Development on Fulmer Road generally comprises large detached dwellings of diverse individual designs. The building line is not uniform and there is also some variety in the layout of plots, but dwellings are typically set back from the street within generous grounds. A few of the frontages contain outbuildings but most are open and spacing between buildings, particularly above ground-floor

level, is usually generous. Established vegetation along boundaries and within gardens is appreciable from the street and there is further dense vegetation to the east of Fulmer Road in the vicinity of the appeal site. While it is part of Gerrards Cross, I consider these qualities to provide for an attractive spacious and verdant character to the area around the site which is distinctive.

6. As part of the proposal, the appeal site would be subdivided to form two plots, each of which would accommodate a detached dwelling. The width of plots on Fulmer Road is not consistent, but the plots for the proposed dwellings would be some of the narrowest in the street, and much narrower than those on the closest stretch between St Huberts Close and Oak Wood Place.
7. Separation between the dwellings and the boundaries at their sides would also be fairly modest and they would occupy a significant proportion of the width of their relatively narrow plots. I note the appellant's analysis suggesting that the percentage would be similar or smaller to that on other sites on Fulmer Road. At my visit however, I saw that many of the examples highlighted are only single-storey for part of their width, and/or include first-floor sections that are set back from the front elevation and/or of lower height than the main roof which provides for greater spacing around the upper levels of the buildings. In contrast, the proposed dwellings would be two-storey in height across their full width. I consider the spacing between the dwellings and the boundaries at their sides would be noticeably slight against the generous separation to the sides of buildings at first-floor level and above that is usual nearby.
8. The proposal also includes garages to the front of the dwellings which would be positioned even closer to the common boundary. The garages would be detached, but would further increase the total width of development spreading across the plots at ground-floor level. I find as a result that there would be an uncharacteristically close relationship between the development on the site and its boundaries.
9. Furthermore, the dwellings themselves would be narrow relative to most nearby, with closely-spaced front dormers to the roof that would accentuate the impression and give a vertical emphasis to the buildings' front elevations. At the same time, they would be comparatively deep at two-storey level and while the flat crown roof sections may be smaller than others in the locality or that previously permitted as part of alterations to the existing dwelling¹, they would increase the size of the buildings' facades. In isolation, the resulting bulk and mass of the dwellings would not be atypical in the area, but I consider that they would appear excessively large when viewed sitting against the modest degree of spacing that would be provided around the development. While the presence of garages to the front of the dwellings would not be exceptional in the street, they would be somewhat unusual given the predominantly open frontages and would moreover further increase the extent of built form on the site relative to the spacing.
10. The Landscape Plan submitted with the appeal shows trees and shrubs to be retained as well as new planting, including hedging to flank boundaries alongside the dwellings. Even so, the hedging is indicated to a height of 1.8m which would be modest against the dwellings and from the information before me, I consider given the degree of spacing available that scope for landscaping

¹ Application ref PL/21/1875/FA

to offer significant visual relief around the buildings on the site would be limited.

11. Having regard to the cumulative factors noted above which would occur across two adjacent plots, the proposal would result in an uncharacteristically intense form of development that would appear unduly cramped on the site and I find that it would cause a significant erosion of the characteristic spacious and verdant qualities of the area. In reaching this view, I note that there is a recent development on Oak Wood Place adjacent to the site, but from my observations at my visit, those buildings visible from Fulmer Road maintain more spacious plots relative to the buildings than would be the case in the appeal before me.
12. The proposed dwellings would also be of very similar albeit mirrored designs to one another, with differences to the front elevations largely limited to slight variations in the form and fenestration to the front bays. There may be no specific development plan policy requiring mixed designs and individually, I have no firm reason to find that the appearance of the dwellings would be unsatisfactory or inappropriate in this area. Nevertheless, the resulting consistency in the appearance of the pair would be somewhat conspicuous in the context of Fulmer Road where buildings are generally of diverse individual designs. I consider this would further compound the development's failure to integrate sympathetically with its surroundings.
13. Vegetation to the site frontage would provide some screening but this would not be complete and in my judgement, the development would be incongruous and dominant in the Fulmer Road street scene.
14. I acknowledge that the site is not part of a designated 'Residential Area of Exceptional Character' ('RAEC'), but that does not mean effects on character and appearance are unimportant. I also note that saved Policy H9 of the South Bucks District Local Plan 1999 ('the SBLP') seeks full and effective use of land, and I do not dispute the importance of this objective, particularly given Green Belt, National Landscape, Conservation Area and RAEC designations that are likely to constrain opportunities for development within the Council's area. However, the requirement within Policy H9 is for as full and effective use of land as possible while remaining consistent with all other policies in the Plan, and it is balanced and qualified alongside provisions seeking to ensure development that is compatible with local character.
15. For the reasons set out above, particularly when taken cumulatively, I consider that the proposal would not achieve those aims. I conclude that the proposal would cause significant harm to the character and appearance of the area and it would conflict with saved Policies EP3 and H9 of the SBLP and Core Policy 8 of the Core Strategy 2011 ('the CS'). Together and amongst other things, these broadly seek a high standard of design and development that is compatible with the character of the surrounding area including in respect of layout, design and scale.
16. The Council has also referred to the Chiltern and South Bucks Townscape Character Study 2017 ('the TCS') which indicates that the site is part of a 'Green Suburban Roads' typology area where threats to character are identified as including buildings that are spaced close together. The TCS is not part of the development plan and the appellant indicates that it has not been adopted as a supplementary planning document or guidance, limiting the weight that should

be afforded to its provisions. In any event, the TCS does not alter my assessment above of the appeal proposal having regard to its specific context.

Burnham Beeches Special Area of Conservation

17. The Burnham Beeches Special Area of Conservation ('SAC') is designated for the importance of its qualifying habitats of Atlantic acidophilus beech forests with *Ilex* and *Taxus* in the shrub layer and Beech forests on acid soils. The Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document 2020 ('the SAMMS') highlights that the SAC is vulnerable to the effects of recreation, and identifies a zone of influence within which most visitors to the SAC are identified as originating from.
18. As the proposal would provide an additional dwelling within the zone of influence area, it could result in additional visitors, increasing recreational pressure on the SAC. This pressure, particularly when taken in combination with other plans and projects, could lead to an adverse effect on the integrity of the SAC.
19. The SAMMS provides a strategy intended to avoid and mitigate adverse impacts on the integrity of the SAC. The strategy which is supported by Natural England includes seeking financial contributions towards specified projects from new residential development within the zone of influence.
20. The appellant has provided a Unilateral Undertaking ('UU') under section 106 of the Town and Country Planning Act 1990 (as amended) which includes provision for a financial contribution in connection with the SAC. The Council comments that the UU does not acknowledge that the mitigation measures secured will ensure compliance with the Conservation of Habitats and Species Regulations 2017 and that the contribution is required by the SAMMS to mitigate adverse ecological impacts. It also raised concern that there are no covenants to submit a notice of commencement; to submit any reimbursement claim no later than 12 months from the expiry of planning permission; or indicating that no interest will be due on any sums held.
21. However, 5.5 of the UU sets out that the owner may request the Council to repay 'the Contribution' in circumstances including where permission expires without having been implemented. Such circumstances would not be dependent on a commencement notice, and the definition of 'the Contribution' does not include interest. The points raised by the Council would improve the clarity of the UU and what is required, but I consider their omission would not be so fundamental to the effectiveness of the obligation overall in securing what is intended that it should be disregarded. Moreover, the appellant indicates that a contribution has already been paid. The Council indicates that it was overpaid, and the difference would need to be reimbursed. This is unfortunate, and insofar as the overpayment amount would not be necessary to make the development acceptable in planning terms, this portion of the contribution would not meet the tests for obligations set out at Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Nevertheless, I am satisfied given the above that mitigation to address adverse effects of the proposal on the SAC would be suitably secured.

22. On that basis, I conclude that the proposal would not harm the integrity of the SAC and would accord with Core Policy 9 of the CS insofar as it seeks the conservation and enhancement of the SAC.
23. Had I found the proposal to be otherwise acceptable, I would need to formally consider effects on the integrity of the SAC and the potential for mitigation within the framework of an 'Appropriate Assessment'. However, as I am dismissing the appeal for other reasons, I have not pursued this matter further as it could not be determinative.

Planning Balance

24. The Council is unable to demonstrate a 5-year supply of deliverable housing sites, with both main parties referring to a supply position of 1.3 years in the South Bucks area.
25. Paragraph 11 d) of the National Planning Policy Framework ('the Framework') is therefore relevant. Given my findings on the second main issue, policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. Paragraph 11 d) therefore indicates that 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.
26. The appeal would provide for a net gain of one dwelling on a small site which the appellant suggests could be built out quickly. The current shortfall in identified housing supply is substantial, and the Council has not disputed the appellant's evidence that a shortfall has persisted for many years. Nor do I have firm evidence to show there is a realistic prospect of a strategy to address the shortfall coming forward in the short-term. As a result, I consider the housing supply position to be extremely bleak. In this context and noting the objective within the Framework to significantly boost the supply of housing, I afford substantial weight to the benefit of the additional dwelling on the site. However, the contribution that a single dwelling would make to the overall supply picture and effect on reducing the shortfall would be very limited. While that does not diminish the weight that I give the contribution, it does restrict the extent of the benefit. Social and economic benefits including those associated with the construction phase and spending by future occupiers of the development would also be very small given its scale.
27. On the other hand, I consider that the proposal would cause significant harm to the character and appearance of the area, contrary to saved Policies EP3 and H9 of the SBLP and Core Policy 8 of the CS. Despite their age, it seems to me that the relevant provisions of these policies are broadly consistent with the Framework, and I find no compelling reason to reduce the weight that I afford to the ensuing conflict with them. The harm would also be contrary to principles within the Framework that seek to ensure high quality design and development that is sympathetic to local character and context. I give these matters significant weight.
28. I acknowledge support for increasing densities and making the best use of land within the development plan and Framework and that the proposal would accord with elements of many policies of the development plan. However, it is not unusual for policies to pull in different directions. In this case, the development would unacceptably harm the character and appearance of the

area in conflict with policies that require high quality design and development that is sympathetic to local character such that I find there would be conflict with the development plan when it is read as a whole.

29. In my judgment, the adverse impacts of the proposal would significantly and demonstrably outweigh the modest benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework. Nor are there material considerations which, applying section 38(6) of the Planning and Compulsory Purchase Act 2004, would be sufficient to justify a decision otherwise than in accordance with the development plan.

Conclusion

30. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR