



Appeal Decision

Site visit made on 22 July 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2024

Appeal Ref: APP/J0405/W/24/3338890

38 High Street, Winslow, Buckinghamshire MK18 3HB

- 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 O Singh against the decision of Buckinghamshire Council.
 - The application Ref 22/03391/APP, dated 3 October 2022, was refused by notice dated 12 October 2023.
 - The development proposed is Change of use from B8 Storage to E(a) Offices with change of existing flat roof to pitch roof and adjoining façade.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form describes the proposed use of the building as "E(a) Offices", whereas the Council has referred to "E(g)(i) Offices" in its decision notice. Class E(a) of the Town and Country Planning (Use Classes Order) 1987 (as amended) relates to the use of a building for the display or sale of retail goods, rather than offices, which fall, as identified by the Council, within Class E(g)(i). Despite this discrepancy, as it is possible to move uses within Class E without the need for further permission, I have considered the appeal on the basis of it simply comprising a Class E use.

Main Issues

3. The main issue is the effect of the proposal upon the character and appearance of the area, including the significance of Winslow Conservation Area, in terms of its effect upon existing trees.

Reasons

4. The appeal site relates to a brick-built storage building located at the edge of a public car park in Winslow. It is located outside of, but adjacent to, Winslow Conservation Area ('the CA'). To the east of the site is a mature woodland belt which forms the western edge of a public park and the grounds of Winslow Hall and is within the CA.
5. The CA is focused around the centre of the town, and its significance insofar as it relates to this appeal, is derived from the historic street pattern and narrow plot widths of properties fronting High Street and surrounding streets, along with the varied historic architecture that is prevalent. The heavily wooded Tomkins Park, which also lies within the CA, provides a verdant visual buffer between the historic core and more modern housing development to the east. This aids the understanding of the character of the CA.

6. In addition to protection afforded by its location within the CA, the woodland belt is subject to a Tree Protection Order identified as Group W1. Given the maturity and size of some specimens along with the density of the tree belt, this group is of significant positive value to the character of the area, providing a substantial green edge to the public park and the boundary of the CA.
7. The arboricultural assessment ('the AA') identifies that 12 trees are located within 15 metres ('m') of the site. All are assessed as being of category B (moderate) quality, with a likely remaining lifespan of beyond 40 years. The assessment concludes that two sycamores would require cutting back by 3m in order to facilitate the development, while the other trees would remain unaffected.
8. However, I saw that trees close to the appeal site appear to have been subject to relatively recent pruning work, and this is acknowledged by the appellant. The Council alleges that this work was undertaken without the required consent and goes beyond the works set out in the AA and has led to large wounds that are unlikely to occlude, potentially resulting in rot and destabilisation which could lead to premature failure. The appellant states that the fact the trees have been cut back means that there would be no effect as a result of the proposed development.
9. Whether or not these works were authorised is a matter that falls outside the scope of this appeal. These works, do however, render moot the potential effect of the identified 3 metre crown reductions. I am also unable to fully understand the condition of the relevant trees before the work. What is clear is that works to at least one of the sycamores has led to a specimen with a significantly raised crown.
10. The proposal would include a pitched roof with large roof lights to the east and west roof slopes. The building would also have a largely glazed southern elevation. This roof structure, even following the pruning works, would sit beneath the canopy of adjacent trees which are agreed to be between 13 and 15 metres high. The rooflights would be subject to significant levels of overshadowing as a result. While some secondary light to the upper floor of the building would be available from the southern elevation, the overshadowing by the canopy, along with associated sap and leaf drop would be likely to result in ongoing pressure to prune overhanging trees.
11. Furthermore, it is not disputed that sycamore trees are subject to significant levels of epicormic regrowth, grow quickly and that it is likely that a number of regrowth failures could occur following pruning work. This is a further factor which would be likely to lead to pressure for ongoing tree works or removal.
12. Overall, I consider that even if tree works that have already taken place means that the proposal would not lead to harm to the amenity value of the relevant trees in the short term, subsequent longer-term harm through pressures to carry out further periodic pruning or potential removal would remain. Although the trees concerned form only a few specimens within a much larger group, they are of a significant size and prominence, and inappropriate works to them would erode the value of the group as a whole. Consequently, the proposal would lead to less than substantial harm to the significance of the CA.
13. Paragraph 208 of the National Planning Policy Framework ('the Framework') states that where a development would lead to less than substantial harm to a heritage asset, that this harm should be weighed against the public benefits of the proposal.

14. The proposal would provide additional Use Class E floorspace close to the town centre and it is not disputed that it could deliver two full time and two part time jobs. These would be economic benefits of the proposal. There would also be a temporary economic benefit during construction works. Given the scale and nature of the proposal, I afford these benefits minor weight.
15. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I therefore afford great weight to the less than substantial harm that I have found, and this is not outweighed by the benefits of the scheme that have been identified.
16. The proposal would lead to harm to the character and appearance of the area, including the significance of Winslow Conservation Area, in terms of its effect upon existing trees. It would therefore be contrary to Vale of Aylesbury Local Plan Policies NE8 and BE1, and Policy 13 of the Winslow Neighbourhood Plan. Together, and amongst other factors, these policies state that the historic environment will be preserved or enhanced, and that development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees, or woodland which make an important contribution to the character and amenities of the area will be resisted. It would also be contrary to Chapters 15 and 16 of the Framework which relate to conserving the natural and historic environments.

Other Matters

17. The appellant has made references to the Framework in relation to quality of design and viability. Reference has also been made to additional living space and living conditions of existing and future occupiers. These matters appear to be of very limited relevance to the proposal before me and the main issue that I have identified, so have not been determinative in my considerations. Even if I were to agree that an acceptable level of parking provision would exist, this would be a neutral factor which would not weigh in favour of the proposal.
18. I am aware that Staniford House, a Grade II listed building, is situated to the south-west of the appeal site. There is no dispute between the parties as to whether the proposal would preserve the special interest of the listed building. Due to the level of separation and intervening buildings between the proposal and the listed building, I have no reason to find that it would harm the special interest of this designated heritage asset. As I am dismissing the appeal for other reasons, no harm in this regard could arise from my decision.

Conclusion

19. The proposal would harm the character and appearance of the area, and lead to less than substantial harm to a designated heritage asset, as set out above. It would conflict with the development plan as a whole.
20. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan in this case. For the reasons given, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR