



Appeal Decision

Site visit made on 16 July 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2024

Appeal Ref: APP/K0425/W/24/3338254

Land Rear of 48 Rectory Avenue, High Wycombe, HP13 6HW

- 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 G Pond (Omnicrest Construction Ltd) against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 22/06938/FUL.
 - The development proposed is the erection of a 4 bed detached single dwelling with associated parking, access, amenity space and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided a Preliminary Ecological Appraisal, updated Landscape Strategy and Design Statement, and Tree Note with this appeal. The appeals procedural guide¹ makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. In this case, the additional information reflects the status of the site following completion of the consented tree removal works, and I am satisfied that it would not result in a fundamental change to the application.
3. The main parties have had the opportunity to comment on these details as part of the appeal process. As the appeal is being dismissed and since it would not affect the overall outcome, I have not sought further comments on the matters above from third parties. As such, I am satisfied that no prejudice would occur were I to consider the information in my determination of the appeal. I have proceeded on this basis.
4. My attention is drawn to a previous appeal decision² for the construction of one dwelling within the site. I have had regard to that decision only insofar as it is relevant to my assessment of the main issues in this case, but I have determined the appeal based on the evidence and the details of the proposal before me.

¹ Procedural Guide: Planning Appeals – England (2023)

² Appeal Ref: APP/K0425/W/19/3241116

Main Issues

5. The main issues are:

- whether the character or appearance of the Amersham Hill Conservation Area would be preserved or enhanced; and
- the effect on biodiversity.

Reasons

Conservation Area

6. The appeal site lies within the Amersham Hill Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. The significance of the Conservation Area (CA) derives, in part, from its spacious and heavily landscaped sylvan character that is defined by the regular linear rows of typically large dwellings often set within generously sized plots. The Conservation Area Appraisal (CAA) recognises the important contribution that the abundant good trees and hedges along the roads, within the spacious gardens and in wider views from across the valley, and from the valley bottom, make to the significance of the CA.
8. The appeal site is a parcel of land that is setback from Rectory Avenue that forms part of a wider development, South View, which comprises four other dwellings. The site accommodates mature trees and other vegetation positioned along its boundaries, in addition to a few trees located within its central area. The trees on site, together with those located within the South View properties, are covered by a Tree Preservation Order (TPO).
9. Since determining the planning application, the Council has permitted a TPO application pertaining to a pre-existing tree line. This included the removal of dead limbs on three trees retained within the site's central area and the felling of five trees. Such works have taken place. Irrespective of the key views identified within the CAA, the site makes an important contribution to the green backdrop presented in views from the far side of the valley and, therefore, to the significance of the CA. This is because of its undeveloped nature, presence of trees, and elevated position.
10. In order to facilitate the proposed development, the remaining few sycamore trees that formed part of the pre-existing tree line would be lost. The appellant's supporting Tree Note states that these are Category U trees. Nonetheless, irrespective of their condition, the trees have value as part of the collective unit of trees within the site, and their loss would have a negative influence upon how the area would be read and experienced.
11. Indeed, the importance of the pre-existing tree line in long-range views, including on those from The Rye, is depicted in the appellant's Landscape & Visual Impact Assessment (LVIA). In particular, viewpoints 15 and 16 show that, notwithstanding the presence of intervening planting to the site's southern boundary and surrounding built form, a substantial portion of the pre-existing inner tree line would have been perceived from The Rye.

12. The pre-existing tree line was therefore a significant and noticeable component of the local landscape that provided an important contribution to the character of the CA on wider views. The TPO consent requires the planting of a few trees in a position not more than 2 metres away from the trees that were felled, to provide meaningful mitigation planting in a similar position to the lost trees. In the long term, this would ensure continuation of the distinctive leafy character of the hillside and would strengthen the site's contribution towards the green backdrop to the existing built form and sylvan character of the CA.
13. Due to the siting of the dwelling, the proposed landscape strategy, on the other hand, directs new planting to the side and rear boundaries of the site, on lower ground levels. This would reinforce the vegetated interface with the wider townscape and a mix of semi-mature deciduous and evergreen trees would be planted to assist with assimilating the proposal into the wider landscape, like the neighbouring properties within South View.
14. However, the proposed landscape strategy would be markedly at odds with the TPO consent. Due to the location of the proposed planting, the landscape strategy would fail to reinstate the integrity of the wooded skyline. Consequently, the proposal would not offer the benefits to the sylvan character of the area that would be provided by the replacement planting as required by the TPO consent. As a result, I conclude that overall, the proposed landscaping scheme would not preserve the contribution made by the existing trees to the significance of the CA.
15. As such, the proposal would lead to less than substantial harm to the CA. The National Planning Policy Framework (the Framework) advises that where proposals would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
16. The benefits associated with the proposal would arise from the delivery of a family dwelling within an urban area that would contribute to the supply of housing within the borough. Moreover, future occupiers could support the local economy and the local community facilities in the area. Albeit temporary, there would be further benefits in terms of job generation and investment during the construction phase. However, because the proposal is for one dwelling, these benefits taken together attract limited weight and would therefore be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset.
17. In light of the above, the proposal would fail to preserve or enhance the character or appearance of the CA. The proposal would be contrary to Policies CP9, CP10, CP11, DM31, DM32, DM34 and DM35 of the Wycombe District Local Plan 2019 (LP), insofar as these policies require development to improve the character of the area and the way it functions, to protect and reinforce the positive key characteristics of the receiving landscape, conserve and enhance green infrastructure, and to conserve and enhance the historic environment. Further, the proposal would fail to accord with Objective GI4 of the Residential Design Guidance 2017, where it seeks to retain trees or tree groups that make a valuable contribution to the public realm.

Biodiversity

18. The PEA was undertaken considering the site's current condition. The Council asserts that prior to the tree works taking place the site should have been

considered as an 'Other Lowland mixed deciduous woodland', which is a Priority Habitat, albeit this stance is not based on robust evidence. While the appellant contends that the site would not have been a Priority Habitat, there is limited evidence within the PEA to demonstrate what would have been the best condition and distinctiveness of the habitats on site prior to the tree works. In the absence of a robust ecological assessment, I cannot fully assess the site's ecological value.

19. The proposal would comprise ecological measures, including bat boxes and new planting. Whereas these would be of benefit, without a full understanding of the ecological baseline of the site, I am unable to ascertain whether the proposal would protect and enhance its biodiversity value as required by LP policy DM34.
20. Without any certainty in relation to these matters, the proposal would be contrary to LP Policies DM13, DM14, CP10 and DM34, where these policies support development that protects and enhances biodiversity. It would also be contrary to the environmental objectives of the Framework in this regard.

Other Matters

21. I note the comments in support of the proposed development, which raise concerns with the plot being vacant in terms of anti-social behaviour. However, I am not persuaded that this proposal is the sole means to achieve site security.

Planning Balance and Conclusion

22. The Council states that it can demonstrate a five-year housing land supply, which is not disputed by the appellant.
23. The proposal would be acceptable in relation to other matters, including its external appearance and the living conditions of the adjoining neighbours. However, these are neutral factors that weigh neither for or against the development. Similarly, development making effective and efficient use of land is expected to occur and therefore is afforded neutral weight. Given the existing trees, the site makes an important contribution to the natural environment, so it is not under-utilised land.
24. On the other hand, the proposal would not preserve or enhance the character or appearance of the CA and there is no certainty regarding whether the proposal would protect and enhance biodiversity. These adverse effects would together be significant and would outweigh the limited benefits of the proposal.
25. The proposal conflicts with the development plan read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR