



Appeal Decision

Site visit made on 1 October 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Appeal Ref: APP/K0425/W/24/3339067

West Point, Grange Road, Hazlemere, Buckinghamshire HP15 7QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs G. Hills against the decision of Buckinghamshire Council.
 - The application Ref is 23/07081/OUT.
 - The development proposed is division of the existing plot, and construction of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - whether the proposed development would provide adequate living conditions for future occupiers with regard to sunlight and daylight,
 - whether the proposed development would harm the living conditions of neighbouring occupiers with regard to privacy, sunlight and the provision of private outdoor amenity space,
 - biodiversity, and
 - whether the proposed development would achieve zero carbon ready by design.

Reasons

Character and appearance

4. West Point is a detached bungalow located within a modest and irregular shaped plot. The area nearby is predominantly residential with a variety of house types, however, there is generally a loose grain of development with spacious gaps between the properties which results in an open character and appearance.
5. The proposal would include the demolition of a garage and outbuilding that are located to the side of West Point, in order to make room for the proposed development. However, even with the demolition of these structures, the resulting space is small, and the proposed dwelling would be very close to West Point and the neighbouring dwelling at Holly Cottage.
6. The proposal would be located in a much smaller plot than what is characteristic of the wider area, and due to the amount of built form that would be close to other properties, would result in the proposal appearing cramped and contrived within the plot. The proposal would therefore erode the open character and appearance of the area.
7. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Policies CP9 and DM35 of the Wycombe District Local Plan Adopted August 2019 (LP), Policy HAZNP1 of the Hazlemere Neighbourhood Plan 2023-2033 Referendum Version of the Plan August 2023 (NP) and guidance contained within the Residential Design Guidance Adopted June 2017 (Residential SPD). Amongst other things, these seek to ensure that development achieves a high quality of design which contributes to making places better and create positive and attractive buildings and spaces.
8. The Council have referred to conflict with Policy DM34 of the LP, however, this relates to delivering green infrastructure and biodiversity which is not directly relevant to this main issue.

Whether adequate living conditions would be provided for future occupiers

9. The small size of the plot would likely result in a small, irregular shaped garden for future occupiers. The garden would also be surrounded by built form through the proposed dwelling, Westpoint and neighbouring dwellings and would therefore unlikely have adequate sunlight and daylight to make it an attractive space for future occupiers to use.
10. I therefore conclude that the proposed development would not provide adequate living conditions for future occupiers with regard to sunlight and daylight. It would be contrary to Policies CP9 and DM35 of the LP, and guidance contained within the Residential SPD. Amongst other things, these seek to ensure that development creates positive and attractive spaces.
11. The Council have referred to conflict with Policy DM34 of the LP and Policy HAZNP1 of the NP, however, these relate to delivering green infrastructure and biodiversity and homes for first time buyers and downsizers which are not directly relevant to this main issue.

Living conditions for neighbouring occupiers

12. West Point has limited private garden space and the proposed development would take up a large proportion of this space, which is primarily located to the side of the dwelling. The remaining garden would therefore be limited to the small areas behind the house which would be unacceptably small for these occupiers.
13. The position of the proposed dwelling, next to West Point would also reduce the amount of sunlight received, which combined with the small size of the remaining garden would make it an undesirable space to use for these occupiers.
14. The proposed dwelling would be close to Westpoint, however, I am mindful that the design of the proposed development would be considered at reserved matters stage and that first floor windows could be controlled in order to avoid an unacceptable loss of privacy for the neighbouring occupiers of West Point.
15. Notwithstanding my findings on privacy, I conclude that the proposed development would unacceptably harm the living conditions of neighbouring occupiers with regard to the provision of private outdoor amenity space and sunlight. It would be contrary to Policies CP9 and DM35 of the LP which amongst other things, seek to ensure that development creates positive and attractive spaces and prevent significant adverse impacts on the amenities of neighbouring property.
16. The Council have referred to conflict with Policy DM34 of the LP and Policy HAZNP1 of the NP, however, these relate to delivering green infrastructure and biodiversity and homes for first time buyers and downsizers which are not directly relevant to this main issue.

Biodiversity

17. Policy DM34 of the LP requires development to protect and enhance both biodiversity and green infrastructure features and networks both on and off site for the lifetime of the development.
18. The Council's Biodiversity Net Gain SPD along with Policy HAZNP2 of the NP require that a 10% biodiversity net gain is achieved. Biodiversity net gains can be achieved off-site, however, it first must be demonstrated that on-site provision is not practical.
19. The appeal proposal was not accompanied by any details of a baseline assessment of biodiversity within the site, and due to the contrived nature of the site it is unclear how net gains could be achieved within the site. I also note that it is proposed to retain the existing trees and vegetation, however, the small size of the site is likely to result in pressure to cut or remove these trees and vegetation and there is very little room for any replacement planting.
20. In light of the above, and by taking a precautionary approach I cannot be sure that the proposed development would result in a biodiversity net gain. It would be contrary to Policy DM34 of the LP, Policy HAZNP2 of the NP and guidance contained within the Biodiversity Net Gain SPD.

Zero carbon ready by design

21. Policy HAZNP3 of the NP requires that new development is zero carbon ready by design. In particular, proposals should consider the efficient use of resources at the earlier design stage and demonstrate actions taken to reduce embodied carbon resulting from the construction and carbon emissions resulting from the use of the building over its entire lifetime.
22. I note the Council's concerns, particularly over the small size of the plot and position of the existing dwelling, West Point. However, the proposal is for outline permission with all matters reserved and as such there is scope to design the proposal and demonstrate during reserved matters stage that the required zero carbon ready by design can be achieved.
23. I therefore find that it has not been demonstrated that a zero carbon ready by design could not be achieved on site. I find no conflict with Policy HAZNP3 of the NP.

Other Matters

24. The appellant has referred to examples of other developments in an attempt to justify the appeal proposal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances of these. In any case, I have determined the appeal on its own merits, based on the evidence before me.
25. In regard to Holly Cottage, this located in a different position to the appeal before me and is located on a much larger plots which generally mirrors the pattern of the development in the area.
26. I also note reference is made to a disability home and the traffic caused as a result. While I do not have the details of this development, it is materially different from the dwelling proposed and issues of highway safety did not form part of the Council's reasons for refusal.
27. The proposal, due to its small size could be a good property for people over 55 or downsizers, however, there would be control through this appeal, or future reserved matters application as to who would purchase or occupy the property.
28. I note that only one neutral comment was received on the application and that the appellant talked to neighbours and the Parish Council before submitting the application. However, this does not outweigh the harm identified.
29. The appellant has raised concern in relation to the time that the Council took in dealing with the planning application, including their request to withdraw the application. However, I am only in a position to consider the planning merits of the case.

Conclusion

30. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR