



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: 22nd October 2024

Appeal Ref: APP/J0405/D/24/3338573

Lower Boycott, Dadford Road, Stowe, Buckinghamshire MK18 5JZ

- 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 Gallagher against the decision of Buckinghamshire Council.
 - The application Ref 23/00564/APP.
 - The development proposed is demolition of outbuildings, relocation of garaging, stores and annexe.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of Outbuildings - Relocation of Garaging - Stores and Annexe at Lower Boycott, Dadford Road, Stowe, Buckinghamshire MK18 5JZ in accordance with the terms of the application, Ref 23/00564/APP and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposal upon the character and appearance of the area;
 - the effect of the proposal upon protected trees, and;
 - whether the proposal would provide appropriate parking provision.

Reasons

Character and appearance

3. The appeal site is a large, detached dwelling known as Lower Boycott. It is situated within generous grounds, which includes extensive areas of grassed lawn, ponds and areas of woodland. The site is accessed via a single set of gates which provide access along a private driveway which terminates at a sweeping area of gravel frontage. It is not disputed that the appeal site lies within an Area of Attractive Landscape ('AAL').
4. To the north of the dwelling is a garage building within a fenced yard, along with other structures, some of which are cut into the bankside as the land rises to the north. Beyond, and at a higher level are a tennis court and to the north-east, is a detached timber outbuilding and log store set at the edge of an area of woodland. A surfaced path provides a link between the outbuilding and the yard area of the main property.
5. The proposal would result in the demolition of the existing outbuilding and its replacement, providing a split-level structure incorporating a single bedroom

annexe with a living/dining/kitchen area and a bathroom. A separate element of the structure would incorporate a home office, conference room, kitchenette, toilet and shower. In addition, a double garage, a carport and a store would be incorporated into the upper level, along with a wood store, arranged around a courtyard area. The lower level, cut into the slope, would provide additional parking and storage areas.

6. The proposal would be a sizeable structure. However, it would be smaller than the existing dwelling and therefore subordinate to it. It would be located within the expansive grounds, which could acceptably accommodate a structure of the size proposed without resulting in any sense of overdevelopment, or competition with the existing building, even though it would be located forward of it. Furthermore, by being partially cut into rising land, the overall perceived scale of the building would not be excessive.
7. The relationship of the proposal to the main house would not be such that it would be physically attached. However, it would be located within close proximity and would share garden space. The travel from the existing dwelling to the proposal would be brief.
8. Nevertheless, there would be separation, and the proposal would be located at a position within the wider grounds where it would be read alongside and part of the overall complex of buildings formed by the dwelling and existing outbuildings. This grouping of buildings means that the proposal would not result in urban sprawl into the wider countryside, nor erode the existing rural character where groups of buildings within their grounds or farmland are not unexpected. The design of the proposal would complement the character of the existing property. Moreover, the proposal would be located close to an area of woodland, and in many wider views from the closest road, would be substantially screened and generally recessive.
9. I therefore conclude on this main issue that the proposal would not harm the character and appearance of the area. It would be in accordance with Policies BE2 and NE4 of the Vale of Aylesbury Local Plan ('VALP') which together, and amongst other factors, state that new development should respect and complement the physical characteristics of the site, local distinctiveness and vernacular character of the locality, as well as the natural qualities and features of the area. Furthermore, these policies state that development within AALs should minimise visual amenity, be located to avoid the loss of important on-site and off-site views towards important landscape features, respect local character and distinctiveness, be of carefully considered design, minimise the impact of lighting and not be visually prominent.
10. The proposal would also align with advice within the National Planning Policy Framework ('the Framework') in relation to achieving well-designed buildings and spaces.

Effect on protected trees

11. The proposal would result in the removal of a number of trees from a wider area of woodland within the appeal site. I understand that the woodland became subject to a Tree Protection Order ('the TPO') following the submission of the planning application, and that the TPO has since been confirmed. The process and rationale involved in imposing the TPO is not within the scope of

this appeal. As the TPO exists, I am required to have regard to it in reaching my decision.

12. I saw that the woodland appears to have been subject to a low level of management and maintenance, with a number of small specimens of limited amenity value, particularly in the area furthest from the road, which is where the proposal would be located.
13. The arboricultural report identifies that a number of specimens within the TPO group would require removal in order to facilitate the development. These would include a mix of Ash, Willow, Sycamore and a single Oak tree, all graded as being of Category C (low) quality and value.
14. The wider woodland group clearly has overall amenity value and contributes positively to the character of the area and wider landscape. However, this is predominantly derived from the larger and higher quality trees located closer to the road. Therefore, while the proposal would result in the loss of a number of smaller and lower quality trees on the edge of the TPO group, as those lost would be those furthest from the appeal site boundary, the proposal would not unacceptably compromise the overall quality or value of the group.
15. It is suggested that the proposal could lead to future additional pressure upon the group, and I accept that this can be the case where development is undertaken in close proximity to existing trees. However, the arboricultural report is clear in identifying specimens where future growth could lead to pressure for future tree works or removal, and these specimens are included within the initial proposed removals. I therefore consider that it is unlikely that the proposal would lead to unreasonable pressure upon the remaining TPO group in the future.
16. The woodland area has some biodiversity value at present, both in the trees themselves, but also the understorey and deadwood. Without mitigation, the proposal would reduce this biodiversity value. The previous level of tree planting within the appeal site undertaken by the appellant has been highlighted, along with an acknowledgement that this is likely to continue in the future. Therefore, replacement trees for those lost to the development could be secured by means of planning condition. In the longer term, such measures would offset any loss of biodiversity that would result from the loss of trees in order to facilitate the proposal.
17. It is highlighted by the Council that developers should retain a buffer of 100 metres, with a natural buffer of 25 metres around woodland. This is set out within VALP Policy NE8, but is indicated as an aspiration rather than a minimum requirement. By being located so close to the existing woodland, the proposal would fail to meet this aspiration.
18. Nevertheless, I have otherwise considered the effect of the proposal upon the wider woodland area and its biodiversity value, and as set out above, found it to be acceptable. Accordingly, the failure of the proposal to meet the stated aspiration is not a determinative factor in this case.
19. The proposal would not lead to unacceptable harm to protected trees. It would therefore be in accordance with VALP Policy NE8 which states that development which would result in the unacceptable loss of trees will be resisted, and that where the loss of trees is acceptable, that adequate replacement provision is provided.

Parking provision

20. VALP Policy T6 states that developments must provide an appropriate level of car parking in accordance with the standards set out in Appendix B. However, Appendix B makes no specific reference to additional car provision for residential extensions or annexes to existing properties. It does, however, indicate that even for dwellings with more than 5 bedrooms, that the optimum level of parking provision would be no more than 3.5 parking spaces. Appendix B also states that the optimum level of provision should be met unless specific local circumstances can justify a deviation from it.
21. The provided plans indicate that the proposal would provide two single garages on the lower floor, with a further double garage and a double car port provided at the upper floor level. It is not disputed that Lower Boycott currently provides garage accommodation for three vehicles. I also saw that the existing outbuilding provides some storage for garden equipment.
22. The appellant has sought to clarify that although spaces are indicated as garages on the provided plans, not all would be used to accommodate cars and that some would be used for storing equipment associated with the smallholding.
23. An existing storage building would be demolished in order to facilitate the proposal. Therefore, the current storage space that it provides would be lost. The specified storage space within the proposal would not provide a storage area of equivalent size, unless some of the specified garages were also used for this purpose. On this basis, the contention of the appellant that not all of the indicated garages would be used for storing cars and would instead be used to house garden and smallholding equipment, including driveable machinery is reasonable.
24. The appellant acknowledges that there are currently 6 vehicles associated with the property, but there is only garaging for three. The property has ample space for storing numerous vehicles within the grounds, whether in garages or otherwise. While the proposal would provide additional covered and secure parking for six vehicles, it does not follow that this would lead to overprovision of parking, such that it would serve to discourage the use of sustainable modes of travel, as it is likely that further vehicles could be stored at the site in any event.
25. Furthermore, the appeal site is located in a rural location, where car ownership and usage is expected. Paragraph 109 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
26. Therefore, while the level of parking provision within the proposal would exceed the optimum maximum level of provision for residential developments set out within Appendix B, I find that local circumstances indicate that deviation from the optimum standards would be appropriate in this case.
27. With regard to this main issue, I conclude that the proposal would make appropriate provision for parking. It would therefore accord with VALP Policy T6, the content of which I have set out above.

Other Matters

28. The appeal site is situated close to, although not within, Stowe Conservation Area ('the CA') and Stowe Registered Park and Garden ('the RPG'). The significance of the CA is derived, insofar as is relevant to this appeal, from the composition of the extensive landscaped gardens at Stowe, which also form the RPG, along with listed buildings within the estate.
29. The significance of the RPG is derived from the influential design of the extensive and complex pleasure grounds and park, carried out in the 17th, 18th and 19th centuries by eminent landscape architects, including Charles Bridgeman, Sir John Vanbrugh, James Gibbs, William Kent and Lancelot Brown.
30. Lower Boycott and its own associated grounds form part of the setting of Stowe CA, and the RPG. The Council has raised no concern in relation to the effect of the proposal upon either of these designated heritage assets. However, concerns have been raised by The Gardens Trust.
31. The location of the proposal would be such that it would be largely screened from the CA and RPG by an existing area of trees, the integrity of which, as set out above, would be largely retained following the development. Therefore, the visual relationship between the heritage assets and the proposal would be extremely limited, and where it would be seen in views and at night, its effect, having regard to the extensive size of the RPG and CA, would be no more than neutral. As a result, I conclude the proposal would not lead to harm to the significance of designated heritage assets.

Conditions

32. I have considered the use of conditions in line with the guidance set out in the Framework and Planning Practice Guidance. Where necessary, I have sought the appellant's agreement to pre-commencement conditions.
33. I have attached conditions relating to the timescale for implementation and detailing the approved plans in order to provide certainty. A condition requiring the use of the stated materials is required in the interests of the character and appearance of the area.
34. Tree protection measures are required in order to adequately protect retained trees, and as such protection would be required from the outset, this condition is pre-commencement. Conditions relating to the provision of replacement tree planting and the replacement of any subsequent failed replacement specimens are required in the interests of the character and appearance of the area and to provide sufficient biodiversity mitigation.
35. As the provided Preliminary Ecological Assessment identified that protected species may be present close to the appeal site, conditions relating to great crested newt mitigation are required, as are conditions requiring the implementation of biodiversity mitigation, including details of any future external lighting and adherence with a construction environmental management plan.
36. The Council considers that the occupation of the annexe could not be controlled by means of planning condition due to issues of enforceability and that the occupation of the proposal as a separate dwelling would be unacceptable. However, it has included such a condition within its list of suggested conditions.

37. The proposal is described as an annexe and on the basis of the specification proposed, I acknowledge that it is possible that the proposal could be occupied as a separate dwelling, and there is no apparent intrinsic reason for any occupants of it to be reliant upon facilities within the existing house. However, it does not automatically follow that it would be occupied in such a manner, nor that an annexe should provide only a minimal level or size of accommodation in order to prevent such a use.
38. Nevertheless, given these factors, I consider that a condition is required in order to ensure that the proposal is occupied in the terms set out and remains ancillary to the main dwelling. I am satisfied that the fact that the annexe would be located within private grounds would not render such a condition unenforceable, and that it would meet the relevant tests set out in the Framework.

Conclusion

39. The proposal would accord with the development plan when read as a whole, and there are no other considerations which would outweigh this finding. For the reasons given, I therefore conclude that the appeal should be allowed, and planning permission granted.

C Harding

INSPECTOR

****SCHEDULE OF CONDITIONS****

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the details contained in the planning application and the following drawing numbers:

22-18-101-P Site Plan – Topographical Survey
22-18-102-P Detail Site Plan
22-18-04-105 P Lower and Upper Floor Level
22-18-04-201-P South Elevation
22-04-18-202-P West Elevation
22-04-18-203-P North Elevation
22-04-18-204-P East Elevation
22-04-18-301-P Section A-A
ART247.03.0 Tree and Ground Protection Plan
3. The materials to be used for the external surfaces of the development hereby approved shall be as specified on the submitted application form and Material Schedule.

4. No works or development (including for the avoidance of doubt any works of demolition/site clearance) shall take place until the tree protective measures as specified on the approved Tree and Ground Protection Plan (drawing number ART247.03.0) have been installed. Thereafter, the development shall be implemented in accordance with the Tree and Ground Protection Plan (TPP) and Arboricultural Method Statement contained within the Arboricultural Report (document reference ART247.100.0) by Artemis Landscape Architecture Ltd dated June 2023.
5. No felling shall take place until such time as a scheme has been submitted to and approved in writing by the local planning authority for replacement tree planting. Such a scheme shall include details of the species, size, quantity, specification of stock and location of replacement planting. The felled trees shall be replaced in accordance with the approved details during the first planting season following the tree felling works hereby permitted.
6. Any retained trees or new trees forming part of the approved tree planting scheme which within a period of five years from the completion of the development are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. The development hereby permitted, including site clearance and during the construction phase, shall be implemented in accordance with the measures detailed in Section 5 Potential Impacts and Recommendations of the Ecological Impact Assessment (Ecology by Design, August 2023). All other measures shall have been provided prior to first occupation of the development hereby permitted and shall thereafter be retained.
8. No development shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Lower Boycott: Impact Plan for great crested newt District Licensing (Version 1)" dated 7th November 2023.
9. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence'), and works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
10. Prior to the installation of any external lighting within the development hereby permitted, details of the lighting shall be submitted to and approved in writing by the local planning authority. Such details shall include location, height, type and direction of light sources and intensity and timing of illumination. The external lighting shall thereafter be installed and retained in accordance with the approved details. Any lighting which is so installed shall not thereafter be altered other than for routine maintenance which does not change its details.
11. The development hereby permitted (including demolition, ground works, vegetation clearance) shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) contained within the

Ecological Impact Assessment (Ecology by Design, August 2023) received by the Local Planning Authority on 22 August 2023. The CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

12. The development hereby permitted shall only be used in connection with and ancillary to the main dwellinghouse: Lower Boycott, Dadford Road, Stowe, Buckinghamshire, MK18 5JZ. The building shall at no time be converted into or occupied as an independent dwelling or planning unit or rented out as overnight accommodation.

****END OF SCHEDULE OF CONDITIONS****