



Appeal Decision

Site visit made on 6 November 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/K0425/W/24/3340586

13 Chilterns Park, Bourne End, Buckinghamshire SL8 5LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Liaqat Hussain against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 23/06561/FUL.
 - The development proposed is an additional 3 bedroomed detached dwelling on the site of a retained existing 4 bedroom property, with a side extension to that property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the above banner heading has been taken from the original application form. The decision notice includes associated external alterations, and I have determined the appeal accordingly.
3. The location of development in the above banner heading has been taken from the original application form which also reflects that of the decision notice. The submitted plans however refer to the site as No 14 Chilterns Park (No 14) opposed to No 13. Based on the evidence before me and my own observations onsite, I find the reference to No 14 to be a more accurate description of the location of the site. I have therefore referred to the site as No 14 within my decision.
4. A screening direction was issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In exercise of the powers conferred by Regulation 14 (1) and 7 (5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development.
5. The appeal is supported by an Arboricultural Statement prepared by Arbtech Consulting Ltd and a Biodiversity Net Gain overview from Logika. The details relate to trees and biodiversity matters only and the contents are not considered prejudicial to any party. I have therefore taken these documents into account in reaching a decision. The Council has also had the opportunity to comment on this.
6. An updated Site Plan - CP2-ADP02C has also been submitted with the appeal which alters the car parking arrangements for both dwellings by moving two spaces out of the Root Protection Areas (RPA's) of the trees. I am aware of the Wheatcroft principles. However, the nature of the changes made to the

application are such that could potentially prejudice the interests of interested parties particularly as this impacts how parking can be achieved at the site. The suggestion of a hard and soft landscaping condition would not therefore be appropriate in this instance. Consequently, I have determined the appeal based on the plans the Council based its decision on.

7. The Council's statement of case refers to matters of privacy although this did not form part of the reasons for refusal as set out in the Council's decision notice. Given that I am dismissing the appeal on other grounds, I do not find it necessary for me to consider this matter further.
8. A draft Unilateral Undertaking has been submitted covering matters relating to the mitigation of adverse effects on the Burnham Beeches Special Area of Conservation (SAC) as a result of the development. I will return to this matter later.

Main Issues

9. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area; and
 - The effect of the proposed development on trees and biodiversity.

Reasons

Character and appearance

10. The appeal site relates to a parcel of land which currently forms part of the private garden area for No 14. It is located on the southern side of Chilterns Park, at the junction with Blind Lane. A linear row of trees are located towards the southern part of the site which are understood to be protected by a Tree Preservation Order. No 14 lies to the east of the plot which is a two-storey dwelling with other residential properties located along Chilterns Park. Immediately opposite the site on the other side of the road is another group of mature trees and these, coupled with those on the appeal site create a verdant character at the entrance to Chilterns Park. At my site visit, I observed that there was a clear sense of space and openness at the entrance to Chilterns Park with the properties located further back from the junction with Blind Lane.
11. The proposed development amongst other works, seeks planning permission for the erection of a two-storey dwelling equivalent to the height of the adjacent dwelling at No 14. Vehicle access would be taken via an existing access in the northwestern corner of the site with off street parking spaces created to serve the property. A new parking area would also be created to the western elevation of No 14 with a new vehicular access formed to facilitate the additional parking area.
12. The properties located along Chilterns Park comprise large, detached dwellings, set back from the road within large garden plots and whilst they are sited in close proximity to one another, they still occupy spacious and well landscaped plots with good levels of space to the front and rear. These aspects give a clear and consistent pattern of development. The arrangement and form of dwellings along with the existing levels of openness and space at the

entrance of Chilterns Park contributes positively to the character and appearance of the area.

13. I am aware of the planning history associated with the existing dwelling at No 14 which was approved as an infill dwelling. To this end, I understand that the retention of openness at the entrance point and the visually important line of trees along the southern boundary of the plot were key considerations in the determination of that scheme.
14. The proposed development would however result in the loss of the open plot to the west of the existing dwelling. It would occupy a large proportion of the plot of land and thus closing the gap between Blind Lane and Chilterns Park. The development would create two separate plots by subdividing the existing residential garden area which would indeed be smaller than those that are located along Chilterns Park. It would also result in large areas of hardstanding to accommodate parking leaving small amounts of amenity space to the rear of the dwellings. It would therefore appear as a cramped form of development which would sit closer to its front and rear boundaries when compared to the other dwellings nearby where there is a greater level of space. As a result, it would be out of keeping with the existing grain of development and would significantly detract from the existing open and verdant character of the surrounding area. This would still be the case even considering matters relating to its footprint, building lines, and spacing between buildings as the site-specific context is one which would not respond well to the proposed development.
15. I appreciate that the amenity area would be sufficient in size for amenity purposes and that the trees are shown to be retained which would extend above the dwellings. Such matters would not however negate the perception of overdevelopment on this site, eroding the existing pattern of development whilst significantly reducing the sense of openness and spaciousness at the entrance to Chilterns Park.
16. Whilst views of the site are restricted from Blind Lane depending on the direction of travel, the site is still highly visible when approaching the site from the north and in the more immediate area of the plot. I cannot agree that the appeal site and the adjacent dwelling is isolated from the main cul-de-sac as they form part of the same residential setting and urban grain. Other properties may not be readily visible given the bend in the road, but this would not justify harmful development. The existing substation and enclosure located between the appeal site and the entrance to Chilterns Park does not have the same visual effect as the proposed development despite the appellant's claims regarding its hard edge as it is significantly lower and more discrete. A two-storey dwelling would be more prominent and obvious in the street scene than the present built form.
17. Reference has been made to a previous approval for the erection of a detached garage and home office on the area where the new house is proposed. Even with a permeable parking area, this structure would not be comparable to that of a dwelling as its height would be far smaller and would appear as a domestic outbuilding opposed to a separate dwelling. The Council may have previously determined that the garage would be divorced from the main dwelling although this would not mean that the relationship for a further property would be welcomed as both schemes are completely different with a

different overall effect. I have had due regard to the changes made to the scheme including the reduced height and layout of the parking areas although this would not alter my findings as the development would still result in overdevelopment of the land.

18. For the above reasons, I conclude that the proposed development would unacceptably harm the character and appearance of the site and surrounding area. It would therefore be contrary to Policies CP9 and DM35 of the Wycombe District Local Plan, 2019 (LP) which together, amongst other matters, requires development to evidence a thorough and holistic understanding of the functions, qualities, and character of the proposed development's natural and built context and demonstrate a positive response to this context.

Trees and biodiversity

19. The submitted plans show that the proposed development would be constructed well within the RPA's of the row of protected trees to the southern part of the site. The Arboricultural Statement also accepts that works will take place within the RPA's. This would likely cause damage to their health and well-being. Although some mitigation/working methods are provided within the statement, it does not contain sufficient evidence with regards to how such a large development within the RPA's would affect the longevity of these trees or how the development will have no adverse impact including the loss and damage to smaller feeder roots. Such roots lie beneath the surface and play a major role in the health and well-being of the trees. The full extent of the harm and the trees overall health and wellbeing is unclear with the statement focusing on how the development could be erected without felling these trees opposed to the full extent of the harm and the overall health and wellbeing of the trees including their longevity. I am not therefore sufficiently convinced based on the evidence before me and my own observations onsite, that the development would have no adverse impact or that such matters could be adequately dealt with by planning conditions.
20. As set out earlier, the trees play an important role in the character of the area and have significant visual amenity value and there is no evidence to support their loss. The close proximity of the proposed dwelling to the mature trees would also likely result in pressure from future occupiers to remove or reduce the size of these trees. As such, this proposal would not only impact upon the trees health and well-being but could also adversely impact the verdant character of the surrounding area and the biodiversity opportunity that the trees provide.
21. Although the trees are shown to be retained, I am not sufficiently convinced that the proposed development would not have an impact upon their health and well-being. As such, the biodiversity opportunities that the trees provided could also be adversely affected or lost. As I cannot be sure that the existing trees could be retained then I am not satisfied that sufficient biodiversity opportunities, net gains, compensation, or mitigation could be achieved. In coming to these findings, I have considered the information put forward regarding biodiversity enhancements integrated within the development, but this would not bring me to a different conclusion as this is on the basis that trees would be retained which I cannot be certain of as per my findings above.
22. Although the development may not be subject to mandatory biodiversity net gains given the date in which the application was made, it would still need to

comply with Policy DM34 of the LP. This 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. For the reasons given, I cannot be certain that the development would achieve the requirements of the policy for the lifetime of the development or that this could be adequately controlled by a planning condition.

23. I therefore conclude that the proposed development would harm the health and well-being of the trees located onsite and the biodiversity opportunities they provide. It would therefore be contrary to Policies DM34 and DM35 of the LP relating to delivering green infrastructure and biodiversity in development and placemaking and design quality.

Other Matters

24. The appeal site may not be located in the Green Belt or in an Area of Outstanding Natural Beauty or Conservation Area. The site may also not be at risk of flooding, and I do not dispute that there is demand locally for the proposed development. Such matters would not alter my findings in relation to the above main issues nor would energy and sustainability matters including compliance with building regulations. I am aware that the appellant wishes to make full use of this site in a sustainable location to deliver new housing although given the small-scale nature of the scheme, the extent to which this would be beneficial is limited and would not weigh in favour of the appeal.
25. The appeal site is situated within the Zone of the SAC. It is understood that without mitigation measures, the development is likely to have a significant effect upon the integrity of the SAC. In order to mitigate against such impacts, the Council has adopted a Strategic Access Management and Monitoring Strategy (SAMMS) which requires the proposal to pay a contribution towards the SAMMS.
26. However, notwithstanding the submitted draft Unilateral Undertaking, there is no need for me to undertake an Appropriate Assessment because the scheme is unacceptable for other reasons.

Conclusion

27. Bringing everything together, I conclude that the proposed development would unacceptably harm the character and appearance of the site and surrounding area. It would also harm the health and well-being of the trees located onsite and the biodiversity opportunities they provide. The proposed development therefore conflicts with the development plan and there are no material considerations which would outweigh this conflict.
28. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR