



Appeal Decision

Site visit made on 09 December 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/J0405/W/24/3343725

66 Penn Road, Aylesbury, Buckinghamshire HP21 8HN

- 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 Rogers Rental Ltd against the decision of Buckinghamshire Council.
 - The application Ref is 24/00635/APP.
 - The development proposed is single storey bungalow adjoining number 66.
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Decision

1. The appeal is allowed and planning permission is granted for single storey bungalow adjoining number 66 at 66 Penn Road, Aylesbury, Buckinghamshire HP21 8HN in accordance with the terms of the application, Ref 24/00635/APP, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site consists of a 2-storey end terrace dwelling and associated side and rear gardens, situated on a corner plot at the junction of Penn Road and Coxhill Way. Housing on Penn Road predominantly comprises 2-storey dwellings which have a general consistency in terms of form, size and positioning within their plots, with dwellings occupying corner plots generally retaining generous plot sizes. This pattern of development creates a pleasant sense of uniformity within the area. The sense of spaciousness the appeal site affords, together with other front and side gardens in the surrounding area, contributes positively to the character of the area.
4. The proposal relates to the erection of a single storey dwelling. Policy BE2 of the Vale of Aylesbury Local Plan (2021) (LP) states that development proposals should respect and complement the physical characteristics of the site and its surroundings. The development of the garden would result in a harmful loss of the sense of spaciousness that the site contributes to the area. The single storey dwelling would result in a form of development which would contrast markedly with the surrounding 2-storey built form, resulting in appreciable harm to the character and appearance of the area, contrary to the aims of LP policy BE2.

5. The appellant has drawn my attention to an existing planning permission for a side extension¹ at the appeal site. There is no dispute that this permission could be implemented, and the appellant has confirmed that there would be an intention of doing so if this appeal were dismissed. Thus, there would seem a greater than theoretical possibility that this alternative would take place. This permission shows an extension of a similar form and scale as the proposed dwelling and would therefore result in a similar impact on the character and appearance of the area. The extended parking area and proposed boundary treatment would have marginal visual difference when compared to the fallback position and the existing use of the site.
6. In this regard, whilst the proposal would be harmful to the character and appearance of the area, the fallback position would equally result in such harm. The fallback position is a material consideration which I afford significant weight such that in the particular circumstances of this case it outweighs the development plan conflict that I have found with regards to the effect of the appeal scheme on the character and appearance of the area.

Other matters

7. My attention has been drawn to a number of applications in the local area which it is stated have been dismissed at appeal. I have limited details before me regarding these decisions, the layout of these developments or their site settings and, there is no information before me regarding whether these proposals also had similar implementable fallback schemes. I therefore afford these considerations limited weight.

Conditions

8. I have had regard to the conditions suggested by the Council, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the National Planning Policy Framework and Planning Practice Guidance, without altering their fundamental aims.
9. Planning permission is granted subject to the standard 3 year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. In the interest of the character and appearance of the street scene, a condition is necessary to control the external materials of the development.
10. A condition relating to the construction of the access and parking area is necessary in the interests of highway and pedestrian safety. In the interests of biodiversity, a condition relating to biodiversity enhancement is necessary, which I have amended to include the requirement for a swift box also set out in the Council's recommended conditions.
11. Conditions relating to measures for the protection of the boundary hedge and the approval of boundary treatment are necessary in the interests of biodiversity and the character and appearance of the street scene. A condition which limits the hours of construction works is necessary to protect the living conditions of the occupiers of neighbouring properties.

¹ Application reference 22/01959/APP

12. The Council suggest conditions that would remove permitted development rights that allow alterations to the proposed dwelling. However, limited explanation has been provided on why this is necessary to make the development acceptable in planning terms. Therefore, these conditions have not been imposed.

Conclusion

13. For the reasons given above, I conclude that notwithstanding the conflict with the development plan, there are material considerations that outweigh the conflict and therefore the appeal should be allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) The development hereby permitted shall be begun within 3 years from the date of this permission.
- 2.) The development hereby permitted shall be carried out in accordance with the following approved drawings: 6604 A, 6602 A, 6601, PP-12833016v1.
- 3.) The materials to be used shall be as specified in the submitted application form received by the Local Planning Authority on 26th February 2024.
- 4.) No site clearance, preparatory work or development shall take place until a scheme for the protection of the boundary hedge shown on drawing 6601 has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained hedge shall be carried out as approved.
- 5.) No development hereby permitted shall take place above foundation level until there shall have been submitted to and approved in writing by the local planning authority a scheme for the enhancement of biodiversity on the site. The scheme shall include details of the proposed management of the site, biodiversity enhancement features (to include a swift box to be incorporated in the eaves of the dwelling) and a timetable for implementation. The development shall be carried out in accordance with the approved details.
- 6.) The development hereby permitted shall not be occupied until the means of access and parking have been constructed in accordance with the approved plans. These areas shall be retained thereafter for the life of the development.
- 7.) The development hereby permitted shall not be occupied until details of the positions, height, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before the building is first occupied.
- 8.) No construction works (including machinery operation) relating to the development hereby permitted shall take place outside the hours of 0800 -

1800 Monday to Friday and 0800 - 1300 on Saturday. No construction work shall take place on Sundays, Bank Holidays and Public Holidays.