



Appeal Decision

Site visit made on 26 November 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2025

Appeal Ref: APP/K0425/W/24/3343786

4 Roundhill Cottages, Kimblewick Road, Kimblewick, Buckinghamshire HP17 8TB

- 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 Philip Stiles against the decision of Buckinghamshire Council.
 - The application Ref is 22/07668/FUL.
 - The development proposed is extension to residential curtilage. Erection of dwelling and creation of associated parking and amenity areas.
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Decision

1. The appeal is allowed and planning permission is granted for extension to residential curtilage. Erection of dwelling and creation of associated parking and amenity areas at 4 Roundhill Cottages, Kimblewick Road, Kimblewick, Buckinghamshire HP17 8TB in accordance with the terms of the application, Ref 22/07668/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Buckinghamshire Council against Philip Stiles. This application is the subject of a separate decision.

Preliminary Matters

3. On submission of the appeal scheme the appellant provided a Preliminary Ecological Appraisal dated 19 April 2024. The appraisal has sought to provide clarification on protected species in order to address the Council's second reason for refusal. The appraisal was available when the appeal was submitted, and the Council had the opportunity to comment. The appraisal provides clarity rather than any significant changes to the proposed scheme. Accordingly, no one would be prejudiced were my decision to have had regard to the appraisal.
4. In December 2024 a revised National Planning Policy Framework (the Framework) was published. However, in respect of the main issues for consideration in this appeal, the revised Framework has not changed Government Policy and so the cases for the appeal parties have not been prejudiced. I shall consider the appeal accordingly. In respect of the paragraphs submitted that are no longer correct, I have considered the most relevant paragraph in the current Framework.

Main Issues

5. The main issues are the effect of the proposed development on:

- the character and appearance of the area, and
- protected species.

Reasons

Character and appearance

6. The appeal site is an open parcel of land located in an isolated position within the open countryside. There is a large, detached dwelling next to the appeal site which has been recently constructed. The wider area mostly consists of open fields lined with dense hedgerows and vegetation with development being sporadic and mostly consisting of small clusters of housing or large single houses that occupy significant plots. The area therefore has an open and verdant character and appearance.
7. The appeal site, and neighbouring site previously contained a pair of semi-detached dwellings until planning permission was granted for the erection of two detached dwellings. The permission has been implemented in part through the demolition of the existing dwellings and erection of the dwelling next to the appeal site.
8. The proposed dwelling would be a similar design and use similar materials to the dwelling next to the appeal site. However, while it would have a similar depth it would be wider and therefore occupy a larger proportion of the plot.
9. I note that the Council consider that the proposed dwelling would unbalance the pair of properties, however, symmetrical dwellings are not characteristic of the area with most being independent in character and sporadically spaced apart. Notwithstanding this, while the proposed dwelling would be wider than the dwelling next to the appeal site, its similar height, materials and style would still make it appear as a generally similar dwelling in the wider context and would therefore not unbalance the plot.
10. The appeal site is generally well screened from the road by dense hedgerows, vegetation and trees that line the road. Some long-distance views are possible due to the open landscape, but this would generally not diminish the open and rural character and appearance of the area due to how well spaced and sporadic development is within the area. The existing screening, and further landscaping which could be secured by an appropriately worded condition would also screen the area of hardstanding to the frontage.
11. I therefore conclude that the proposed development would not harm the character and appearance of the area. I find no conflict with Policies CP9, DM35 and DM44 of the Wycombe District Local Plan Adopted August 2019 (LP) and Policy KIM2 of the Great & Little Kimble-Cum-Marsh Neighbourhood Plan 2013-2033 Sustaining the special rural character of our countryside parish June 2021. Amongst other things, these seek to ensure that development achieves a high quality of design and improves the character of the area.
12. The Council have referred to conflict with Policy DM36 of the LP which relates to extensions and alterations to existing dwellings, however, no extensions or alterations to an existing dwelling are proposed.

Protected species

13. The appeal site is located within 100m of a pond and in this regard, a preliminary ecological appraisal (PEA) has been submitted with the appeal. The PEA outlines that the appeal site provides poor suitability for Great Crested Newts, however, the presence of commuting newts could be possible.
14. I am mindful that based on the information contained within the PEA, and subject to suitably worded planning conditions that the proposed development would not harm protected species.
15. I therefore conclude that the proposal would not harm protected species and I find no conflict with Policies DM13 of the Adopted Delivery and Site Allocations Plan for Town Centres and Managing Development July 2013 and DM34 of the LP. Amongst other things, these seek to ensure that the highest level of protection will be given to species of international and national importance and development protects and enhances both biodiversity and green infrastructure features.

Other Matters

16. I note that an interested party has requested that the house is set further back than proposed, however, I am only in a position to consider the scheme before me which does not propose the requested setback which I have found to be acceptable.
17. The Council have referred to an appeal decision in an attempt to justify the appeal proposal. I do not have the full details in respect of such example so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
18. However, in respect of the appeal decision for 14 Shelley Road¹ the Inspector outlined that it is not the purpose of the appeal process to evolve a scheme and that it is important that what was considered is essentially the same as what was considered by the Council. However, in the appeal referred to, the Inspector is referring to an alternative scheme, which included a reduction in the raising and levelling of the garden along with the erection of boundary fencing. This was clearly an attempt to evolve the scheme and differs from the Preliminary Ecological Appraisal submitted as part of the appeal before me which provided clarification instead of any changes to the scheme.

Conditions

19. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the Framework and the Planning Practice Guidance.
20. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt.

¹ APP/K0425/C/22/3312287

21. Condition 3 is required to protect existing landscaping features in the interests of the character and appearance of the area. Conditions 4 and 5 require details external and surfacing materials in order to ensure that the development has a satisfactory appearance. Condition 6 is required in order to ensure the scheme for parking and manoeuvring is implemented in the interests of highway safety.
22. Conditions 7 and 8 are required in order to ensure that a detailed landscaping and planting scheme is submitted and implemented in the interests of the character and appearance of the area. Condition 9 requires details of all screen and boundary walls, fences and any other means of enclosure in order to protect the living conditions of neighbouring occupiers.
23. Conditions 10 and 11 require details of drainage and surface water run off in order to protect controlled waters and ensure that the development does not increase the risk of flooding elsewhere. Conditions 12, 13 and 14 are required in order to ensure that the proposed dwelling maximises efficiency opportunities, reduces carbon emissions and to ensure that the dwelling is constructed to be accessible and adaptable for future occupiers.
24. Conditions 15, 16 and 17 are required in order to ensure that legally protected and priority species are not negatively impacted and that the proposed development results in a biodiversity net gain.
25. I have not imposed a condition for electric vehicle charging points because this is a requirement of building regulations so is not necessary.

Conclusion

26. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers BC1 – Location Plan, BC2 V2 – Site Plan, BC3 V2 – Floor Plan and BC4 V2 – Elevation Plan; unless the Local Planning Authority otherwise first agrees in writing.
3. Protective fencing and/or other protective measures shall be erected around each tree and hedge to be retained in accordance with a scheme which must first be submitted to and approved in writing by the Local Planning Authority (i.e. an Arboricultural Method Statement and Tree Protection Plan to British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations) before any site clearance works or development commence, and before any machinery or equipment has been allowed on site. The scheme shall show the type, height and position of protective fencing to be erected around each tree(s) or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall be in accordance with clause 6.2 "Barriers and ground protection" of the British Standard 5837:2012. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in these areas: 1. there shall be no changes in ground levels, 2. no materials or plant shall be stored, 3. no buildings or temporary buildings shall be erected or stationed, 4. no materials or waste shall be burnt; and, 5. no drain runs, trenches or other excavation shall be dug or otherwise created, without the prior written approval of the Local Planning Authority.
4. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
5. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
6. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

7. A fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any development, above damp proof course, takes place. The scheme shall include provision for: * Additional tree planting to maximise tree canopy cover on the site * Native trees to reflect the rural context of the site The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
9. Details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course takes place. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. The screen and boundary walls, fences and any other means of enclosure which are part of the approved scheme shall thereafter be retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.
10. Prior to the first occupation of the development, hereby permitted, details of the method of non-mains drainage shall be submitted to and approved in writing by the Local Planning Authority (LPA). The details shall show compliance with paragraph 020 (Reference ID: 34-020-20140306) of the National Planning Policy Guidance (NPPG) titled 'Are there particular considerations that apply in areas with inadequate wastewater infrastructure?' Should anything other than a package treatment plant be chosen, the applicant will need to submit a drainage assessment to the LPA in accordance with the NPPG. Thereafter, the scheme shall be implemented in accordance with the approved details.
11. The development hereby approved shall release all surface water run off, via the proposed soakaway and permeable paving into the ground through infiltration. Where the additional runoff cannot be infiltrated thorough the proposed soakaway, details of how surface water will be managed so that the risk of flooding elsewhere will not be increased shall be submitted to and approved by the local planning authority prior to the occupation of the dwelling hereby permitted. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.

12. The dwelling hereby approved shall be constructed to meet as a minimum the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010.
13. The dwelling shall not be brought into use until details of the provision of renewable technologies within the development (such as heat pumps and photo voltaic cells) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall not be occupied until the scheme has been fully implemented in accordance with the approved details.
14. The dwelling hereby permitted shall be designed and built to meet the standards set out in Building Regulations Approved Document M4(2), unless otherwise first agreed in writing by the Local Planning Authority.
15. The development hereby permitted shall be implemented in accordance with the recommendations contained within Table 6 of the Preliminary Ecological Appraisal (Arbtech, final update April 2024), with any variation to the recommendations having first been agreed in writing with the Local Planning Authority before any such change is made. The condition will be considered discharged following a written statement from the ecologist, acting for the developer, testifying to the plan having been implemented correctly.
16. Prior to any construction above foundation level, an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include specifications for all ecological enhancements and an annotated plan of the site including example images showing the locations for enhancements. The ecological enhancement plan shall also include clear management and maintenance actions which are required for the enhancements to continue to be ecologically beneficial. The development shall only be constructed in accordance with the agreed enhancement plan.
17. The development hereby permitted shall be implemented in accordance with the mitigation plan for amphibians and great crested newts (Preliminary Ecological Appraisal, 4 Roundhill Cottages, Section 4 [Amphibians] April 2024, Arbtech). Any variation to the plan shall be agreed in writing with the Local Planning Authority before any such change is made. The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.