



Appeal Decision

Site visit made on 29 January 2025

by **Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/J0405/W/24/3353719

11 Dunsham Lane, Aylesbury, Buckinghamshire HP20 2ER

- 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 Bijal against the decision of Buckinghamshire Council.
 - The application Ref is 24/02070/APP.
 - The development proposed is first floor 1 bedroom flat with ground floor retail unit and rear car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal before me could not be constructed at present. For the proposed development to be fully implemented, one of the approved retail schemes located to the front of the proposal would need to be constructed first. Had I been allowing the scheme, I would have considered imposing a phasing condition to address this. Nonetheless, given I am dismissing the appeal for other reasons, this has not been necessary.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide satisfactory living conditions for future occupants, with particular regard to daylight; and
 - whether the proposal would provide satisfactory living conditions for existing and future occupants, with particular regard to refuse storage.

Reasons

Character and appearance

4. The appeal site comprises a single building consisting of a parade of shops with residential units above. The building is surrounded on three sides by modest two-storey houses and on the other by the Dairy Maid public house. There is parking to the front of the building and a service access to the rear.
5. The existing building has a coherent appearance with stepped, broadly proportional shopfronts, consistent materials, and a regular pattern of fenestration and similar features on the residential units above.

6. There are frequent vehicle movements along Dunsham Lane and Elmhurst Road, as well as pedestrian movements associated with the shops and public house. This gives the area a degree of vibrancy. The set back of the shops, public house and surrounding houses creates a feeling of spaciousness. Street trees and grass verges along Dunsham Lane, together with soft front boundary treatments of the surrounding houses add greenery to the street scene.
7. The proposal would extend the rear section of the building across two-storeys. It would replace an existing bin storage area and small incidental green space with a retail unit on the ground floor and a 1-bedroom residential unit above.
8. The proposal would be the same height as the existing building and both storeys would finish flush with the rear elevation. However, on the side elevation fronting Hilton Avenue, rather than finishing flush with the permitted retail units to the front of the building, to optimise space, the proposal would follow the edge of the incidental green space that it would be replacing. As a result, the shape of the proposal would include angles oblique to the highway. I saw on my visit that the ground storey flat roof canopy on the front of the existing building is also at an oblique angle to the highway. Nonetheless, with no point of reference once constructed, the proposal's resulting shape, especially across two storeys, would appear odd and not in keeping with the existing building.
9. The shopfront and entrance to the proposed retail unit would be significantly narrower than the other shopfronts to the front of the building. Thus, despite not being visible in views alongside the other shopfronts, it would appear contrived and would erode the coherent appearance of the building. It would be positioned within the angled section of the proposal, on the corner of Hilton Avenue with the entrance to the rear service access for the building. This would be quite a distance from the other existing and permitted shopfronts and would not follow the existing pattern of development. As a result, the proposed retail unit would appear separate and feel disconnected from the other shops in the parade. The proposed shopfront would also draw attention to the awkwardly shaped extension, exacerbating its incongruous form.
10. Overall, the proposal, by virtue of its form and the position and size of the proposed shopfront, would result in some moderate harm to the character and appearance of the area. It would conflict with Policy BE2 of the Vale of Aylesbury Local Plan 2013 – 2033 (2021) (Local Plan), which seeks to ensure that all new development respects and complements, among other things, the physical characteristics of the site and its surroundings, as well as the local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials.

Living conditions - daylight

11. The main living space in the proposed residential unit would comprise a kitchen/lounge room that would be served by a single moderate sized window. Although this window would be unobstructed and south facing, the kitchen/lounge room would be a reasonably large and deep room, and there is no substantive evidence before me to demonstrate that the room would receive sufficient daylight.
12. In the absence of any information to the contrary, I cannot be sure that the proposal would provide a satisfactory level of daylight to the kitchen/lounge room.

As the main living space, without sufficient levels of daylight, the proposal would result in a moderate degree of harm to the living conditions of future residents.

13. Accordingly, the proposal would conflict with Policy BE3 of the Local Plan, which seeks to ensure that all proposed development provides a satisfactory level of amenity for future residents.

Living conditions – refuse storage

14. The proposal would redevelop land currently used as a refuse storage area by the existing residents of the residential units above the parade of shops. The submitted plans do not show any alternative provision for this. Neither do they show any refuse storage for future occupants of the proposed residential unit.
15. It has been put to me by the appellant that these refuse bins would be relocated to the rear service area, where there is existing refuse storage. However, this has not been shown on the submitted plans and, although I saw on my visit that there was one large wheelie bin within the rear service area, there was no obvious designated bin storage area.
16. Moreover, there is nothing before me to demonstrate that there is sufficient space in the rear service area to provide a bin storage area of a sufficient size to accommodate the bins of existing and future residents. Neither is there anything to demonstrate that it would be in a convenient location for residents to access and close enough to an appropriate collection point for the bins to be emptied. In the absence of this information, I cannot be sure that the proposal would provide acceptable refuse storage facilities, and without them, the proposal would result in significant harm to the living conditions of existing and future occupants.
17. Accordingly, the proposal would also conflict with Policy BE3 of the Local Plan in this regard.

Other Matters

18. The proposal would provide a residential unit in an accessible location, close to local services and facilities, including public transport. The Council cannot demonstrate a five-year supply of deliverable housing sites. I have not been made aware of the extent and duration of the shortfall. The provision of any additional housing therefore carries significant weight. Notwithstanding this, the provision of a single residential unit, in this case, would only make a modest contribution to the Borough's housing supply.
19. The proposal would also have meaningful social and economic benefits resulting from the provision of a small retail unit, the construction of the proposal and the spending associated with the occupation of the residential unit. However, given the modest scale of the proposal, these benefits would also be limited.

Planning Balance and Conclusion

20. Given the shortfall in housing supply, paragraph 11d) of the National Planning Policy Framework (the Framework) falls to be considered. Permission should therefore only be withheld where any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of

land, securing well-designed places and providing affordable homes, individually or in combination.

21. The proposal would make an effective use of land, extending an existing building in order to provide a residential unit and retail unit in an accessible location. It would also result in social and economic benefits. Nevertheless, given the modest scale of the proposal, these benefits would be limited.
22. Against these benefits, I have found that the proposal would result in moderate harm to the character and appearance of the area. In the absence of evidence to the contrary, it would also result in moderate harm to the living conditions of future occupants with regards to daylight, and significant harm to the living conditions of existing and future residents in terms of refuse storage facilities. Given this, the proposal would conflict with Policies BE2 and BE3 of the Local Plan, and the development plan as a whole.
23. Policies BE2 and BE3 of the Local Plan are broadly consistent with the Framework's aim to create high-quality, beautiful and sustainable buildings and places by, among other things, being sympathetic to local character, including the surrounding built environment and creating places with a high amenity for existing and future users. This is considered fundamental to what the planning and development process should achieve, and paragraph 139 of the Framework advises that development that is not well designed should be refused.
24. Accordingly, when the proposal is assessed against the policies in the Framework taken as a whole, having particular regard to key policies, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. Thus, in this case, material considerations do not justify allowing the appeal.
25. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR