



Appeal Decision

Site visit made on 15 January 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/N0410/W/24/3345058

2 Westfield Road, Beaconsfield, Buckinghamshire HP9 1EG

- 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 Garner of Zafiro Homes against the decision of Buckinghamshire Council.
 - The application Ref is PL/23/3675/FA.
 - The development proposed is the demolition of the existing dwelling and the erection of 7no. apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the catchment of the Burnham Beeches Special Area of Conservation (SAC). Although not a reason for refusal, it is incumbent upon me as the competent authority to consider whether the proposed development would be likely to have a significant effect on the integrity of the SAC. Unilateral Undertakings (UUs) were submitted by the appellant as part of the appeal and the Council have had the opportunity to comment upon their contents. Therefore, I have taken them into account as part of my determination of this appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would be likely to have a significant effect on the integrity of the Burnham Beeches SAC with particular regard to recreational disturbance; and
 - the effect of the proposed development on the character and appearance of the area, including the Residential Area of Exceptional Character (the RAEC).

Reasons

Integrity of the SAC

4. The nature conservation interest of the Burnham Beeches SAC results from the quantity and quality of the trees within it and the associated species it supports. These habitats are vulnerable to pressures resulting from an increase in the number of visitors to the area. Such pressures include the demand on space for parking, refreshment facilities and amenities, in addition to direct impacts from visitors. The latter includes trampling and erosion, contamination, fly-tipping,

vandalism and fires, amongst others, which can threaten the nature conservation interest or qualifying features of the designated site.

5. As the proposed development would lead to a net gain in dwellings it would also increase the number of people accessing the area for recreational purposes, placing further pressure on the SAC. Therefore, when taken both in isolation and cumulatively with other projects, the appeal scheme would have a significant adverse effect on the integrity of the SAC. Consequently, it is necessary for me, as the competent authority, to conduct an Appropriate Assessment concerning this effect.
6. The submitted UUs obligate the appellant to pay a financial contribution to the Council prior to the commencement of development, in accordance with the Burnham Beeches SAC SAMMS SPD¹. The financial contribution corresponds with the amount per net dwelling set out within the SPD to fund projects for visitor access management, monitoring and education measures. As such, the provisions are necessary to make the development acceptable in planning terms and are directly, fairly and reasonably related in scale and kind to it. Therefore, it meets the tests for planning obligations, as required by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and reiterated in the National Planning Policy Framework (the Framework).
7. However, although their contents are identical, the counterpart UUs have been signed by different signatories; one by the Owner of the appeal site (the appellant) and the other on behalf of the Mortgagee. As a public law document and therefore entered on the planning and local land registers, a planning obligation should be conveniently available as a single document executed by all the relevant parties². Whilst there may be exceptional circumstances where counterpart obligations are the only practical option, no reasons for the submission of separate UUs have been presented to me. Nor do the UUs include a clause confirming that while the deed may be executed in counterparts, with each deemed to be an original, that when taken together, they shall constitute one and the same agreement.
8. Additionally, although signed, dated and certified by a professional, the certification stamp refers to a photograph representing a *true likeness of the person referred to* within the document. Given this and the provision of counterpart UUs, I have significant concerns regarding the ability of these documents to be relied upon by the Council to secure the necessary contributions.
9. I conclude that the proposed development would result in an adverse effect on the integrity of the Burnham Beeches SAC, contrary to the Habitat Regulations³ and in conflict with Policy CP9 of the South Bucks Core Strategy (the Core Strategy) in this respect.

Character and appearance

10. The appeal site is located within the Gregories Road to Burkes Road RAEC, designated within Policy H10 of the South Bucks District Local Plan (the Local Plan). Whilst this policy does not normally permit the conversion of single dwellings into flats, such development is not unacceptable in principle, provided it

¹ Strategic Access Management and Monitoring Strategy Supplementary Planning Document (the SPD)

² As set out within the Governments *Planning Obligations: good practice advice*

³ Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations)

retains the important features of the site or the street scene and maintains a consistency of built form siting and spacing.

11. Although comprising predominantly residential development, there is limited consistency between the built form, with no clear building line or regular relationship between the dwellings and the roads in the immediate surroundings to the site. Furthermore, the space between neighbouring properties, the orientation of the built form and the use of materials and vernacular styles varies considerably throughout the RAEC. Instead, it is the scale and individual designs of the properties, often set within equally substantial plots, which are key features of the area. Despite the scale of the properties, the localised changes in topography, landscaped gardens, mature trees and lush hedging which spread into the street scene combine to influence the overall verdant and spacious character of the area.
12. The proposed development would replace the existing dwelling on the site with a more substantial building over three levels plus a parking basement. However, in comparison to the more substantial properties which are characteristic to the area, the existing part single storey, part two storey dwelling is far more modest in scale, particularly in relation to the size of the site. Furthermore, although set forward of the façade of the existing dwelling, a generous gap between the front elevation of the proposed development and the Westfield Road pavement would be retained, thereby maintaining the verdant and spacious character of this *woodland road*⁴.
13. With a single front entrance, underground parking and symmetry in its elevational details, the proposed development would be appreciated as a substantial detached dwelling not dissimilar to many neighbouring properties. To the rear, the distance between the built form and the site boundary, with substantial trees and planting between, would prevent the proposed development dominating the street scene or diluting the key characteristics of the RAEC identified above. Whilst vehicular access would be provided off Burgess Wood Road, the provision of allocated basement parking and limited driveway area restricts the number of cars that would be evident in views from the road.
14. I conclude that the proposed development would not harm the character and appearance of the area, including the RAEC within which it is located. It would, therefore, accord with Saved Policies H9, H10 and EP3 of the Local Plan and Policy 8 of the Core Strategy. In combination, these policies resist proposals which do not reflect or contribute to the prevailing character and pattern of development in the area, amongst other provisions.

Other Matters

15. The proposed development would provide social and economic benefits from the construction and occupation of the apartments, resulting in the net gain of six dwellings. This supports the Framework's objective of significantly boosting the supply of housing by making a positive contribution to the Council's housing needs and the efficient use of a small windfall site. As such, these social and economic benefits would be moderate in scale.
16. Various environmental features are proposed as part of the appeal scheme, including the compliance with the latest energy efficiency and Lifetime Homes standards, dedicated recycling facilities, electric vehicle charging points and the

⁴ A character typology defined in the Chiltern and South Bucks Townscape Character Study

use of permeable hard surfaces. However, many of these provided limited improvements over and above standard requirements in new developments. Although the Design & Access Statement⁵ submitted with the application indicates the use of renewable technologies, such as air source heat pumps and photovoltaics, the appropriateness of these has not been investigated. The environmental benefits which would be derived from the appeal scheme are, therefore, modest.

17. The evidence before me indicates an application for the demolition and replacement of the existing dwelling on the site has recently been approved⁶. Irrespective of my decision on this appeal, there is a greater than theoretical possibility this approved scheme would be implemented. However, as it comprises a replacement dwelling, there would not be an increase in the number of homes within the SAC's zone of influence. As a result, a replacement dwelling would be less harmful than the proposed development and, consequently, does not weigh in favour of a grant of planning permission for the appeal scheme.
18. The evidence before me indicates that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. However, at paragraph 11di, the Framework states that the presumption in favour of sustainable development does not apply where the application of policies therein that protect areas of particular importance provide a strong reason for refusing the development. This includes habitat sites (footnote 7) such as SACs.
19. Having regard to my findings that the development would be likely to have a significant effect on the integrity of the Burnham Beeches SAC, the application of the Framework's policies regarding the protection of habitat sites provides a clear reason for refusing the development. Consequently, the presumption in favour of sustainable development does not apply in this case and paragraph 11dii of the Framework is not engaged.

Planning Balance and Conclusion

20. Whilst I have concluded that the proposed development would not harm the character and appearance of the area, including the RAEC, this does not outweigh the harm I have found with regard to the integrity of the SAC.
21. Therefore, I conclude that the proposed development is contrary to the development plan as a whole and material considerations, including the provisions of the Framework, do not indicate that the proposed development should be determined other than in accordance with it.
22. For the reasons set out above, having had regard to all relevant matters raised, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR

⁵ Prepared by DP Architects

⁶ Council ref: PL/23/1476/FA