



Appeal Decision

Site visit made on 5 June 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th June 2025

Appeal Ref: APP/J0405/W/24/3354000

2 Eastfield Road, Aylesbury, Buckinghamshire HP20 1PA

- 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 T Sakhi against the decision of Buckinghamshire Council.
- The application Ref is 24/01825/APP.
- The development proposed is detached 3 bedroom dwelling with separate drop kerb access from public highway.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;
 - highway safety;
 - biodiversity; and,
 - the Chiltern Beechwoods Special Area of Conservation (SAC).

Reasons

Character and appearance

3. The appeal site comprises the rear portion of the garden of 2 Eastfield Road, which is a semi-detached, two-storey dwelling within a large corner plot in a predominately residential area. The site is not within a conservation area nor within the curtilage of a listed building, although most properties within the surrounding area comprise two-storey semi-detached, traditional pitched roof dwellings. The site is fairly overgrown and includes a dilapidated single garage and some areas of hardstanding. Along Narbeth Drive there is an existing gated access set within the tall boundary wall that contains the site along the roadside and there is some more significant vegetation toward the rear boundary of the plot, with part of Narbeth Drive wrapping round at the rear.
4. Despite the boundary wall enclosing much of the appeal site along Narbeth Drive, due to the large undeveloped area of the plot, it provides a welcome open character to the surrounding area along Narbeth Drive, continuing the open form of the small green area further along the road in front of 125-135 Narbeth Drive. The introduction of a two-storey dwelling within the appeal site would add built form that would harmfully reduce the open aspect on views along the road. As a result, the proposed dwelling would appear as an incongruous feature within the street scene.

5. Even though the proposed dwelling would be of an innovative, contemporary design, as endorsed by the Council's Design Supplementary Planning Document (SPD), by virtue of its scale, design and siting, it would appear anomalous within the street scene. Despite that high quality materials are proposed, the overall design and form of the dwelling would not be characteristic of that typically found in the local area. Furthermore, due to its proposed separation from No 2 and position, considerably forward of the dwellings which are set back behind the green area in Narbeth Drive, it would appear isolated and overly prominent within the street scene. Consequently, the proposed dwelling would not harmonise with the surrounding form and character of the local area.
6. The proposed dwelling would have a reasonable sized plot and garden amenity space and, the host property would also maintain a large garden plot as part of the proposal. Therefore, it would not appear as an overly cramped form of development. Additionally, the new dwelling would have a presence within the street, despite its location to the rear of another dwelling. However, even though local and national policy provides support for infill dwellings, which promote the effective use of land in sustainable locations and the appeal site is underutilised garden, the proposed dwelling would fail to adhere to the prevailing character and form of dwellings found in the surrounding area, due to its design and siting.
7. There are other examples of back land development within the local area, including at 82A Narbeth Drive and 11A Northfield Road, positioned within the rear gardens of neighbouring properties, and 125A Narbeth Drive to a side garden area, but fronting onto a road. However, these examples are dwellings of different designs to that proposed and are, in different locations and do not share the same site context as the appeal site. As a result, from my site observations, these examples sit more comfortably within the street scene, between neighbouring dwellings either side of them and so, they do not appear isolated and overly prominent within their surroundings.
8. In view of the above, the proposal would have a harmful effect on the character and appearance of the surrounding area, in conflict with Policy BE2 of the Vale of Aylesbury Local Plan (VALP) (adopted September 2021), which requires all new development to respect and complement the physical characteristics of the site and its surroundings, including scale and context of the site and its setting and the local distinctiveness and vernacular character of the locality.
9. Although, in terms of density, the proposal would promote the effective use of land and I have no significant evidence that the plot size and density of the proposed development would be significantly at variance with that of other dwellings found in the local area. Therefore, it has not been demonstrated that the proposal would conflict with Policy BE4 of the VALP.

Highway safety

10. The appeal site is directly opposite to a primary school, including a main vehicular and pedestrian entrance to the school along Narbeth Drive. I carried out my site visit during the school morning arrival time and, although a snapshot in time, observed there was congestion and significant on street parking taking place, including some indiscriminately on grassed areas, pavements and corners of the nearby road junctions. Also, representations received from local residents set out

that on street parking related to the school causes particular problems in the local surrounding area.

11. Additionally, there is a bus stop directly in front of the appeal site in Narbeth Drive, which has a regular bus service. There are zig-zag parking restrictions along part of the road frontage of the school, preventing parking at certain times of the day. However, directly opposite the appeal site and where the proposed access would be, on street parking can and was taking place, even after the arrival time of the school had finished. There are no parking restrictions along Narbeth Drive on the appeal site roadside, although no parking was taking place along this part of the road, as otherwise this would likely block the road and access to the school.
12. The proposed scheme would replace an existing dropped kerb access to the appeal site with one further along, nearer to the bus stop. Even though, as asserted by the appellant, the position of the existing bus stop and the hardstanding area related thereto would be unaffected by the proposed dropped kerb and new access crossover, there would be times when buses stop in front of the proposed access to allow passengers on and off the bus. Additionally, there would be passengers standing near to the proposed access while waiting for buses. This would likely cause conflict between the use of the proposed access and bus stop, including the access and egress from the proposed access, buses stopping and obscuring the access and pedestrians waiting for buses, leading to harmful highway safety issues for vehicles and pedestrians.
13. It is undisputed by the main parties that the appeal site is in a sustainable, accessible location. Although, the existing access and parking area serving the host property, 2 Eastfield Road, would be lost as a result of the proposed development. This would displace parking onto the highway, even though the proposed dwelling would have sufficient parking provision to meet the Council's relevant standards. Furthermore, while off-street parking could be provided at the front of the existing house, this does not form part of the appeal proposal before me. Therefore, in view of the existing on street congestion and parking issues related to the nearby school, the proposal would place additional undue pressure on on-street parking in the surrounding area. Consequently, this would likely cause harm to highway safety.
14. The evidence provided shows that there has only been 1 traffic incident opposite the appeal site in a number of years. However, the revised position of the proposed dropped kerb and vehicular access would be closer to the school entrance and bus stop, and it is likely that there would be enhanced use of the proposed access from Narbeth Drive compared to the existing vehicular access. Also, due to the lack of manoeuvring space proposed within the site, vehicles associated with the new dwelling would be unable to turn round within the appeal site and leave in forward gear or need to reverse onto the driveway. Such factors, together with the likely increased on-street parking demand, due to the displaced parking of the host property, the proposal would cause unacceptable harm to highway safety.
15. Having regard to the above, the proposed development would have a harmful effect on highway safety, in conflict with the National Planning Policy Framework and guidance contained in the Buckinghamshire County Council Local Transport Plan 4 (March 2016-2036), the Buckinghamshire County Council Highways Development Management Guidance document (July 2018) and the Buckinghamshire County Council, Buckinghamshire Countywide Parking Guidance (September 2015). These

documents, amongst other matters require new development to provide safe and suitable access for all users and ensure appropriate parking in the right places.

Biodiversity

16. Policy NE1 of the VALP requires new development to provide a net gain in biodiversity (BNG), furthermore after the 2 April 2024 all minor development are required to provide a 10% BNG. While the appellant asserts that the proposal includes a sedum green roof and that they would be willing to enter into a planning obligation to secure 10% biodiversity net gain off-site, no such mechanism has been provided for such. Furthermore, based on the evidence provided, no substantive details have been provided about the including pre-development biodiversity value of the site and a completed metric calculation for BNG.
17. In addition, the Council sets out that the site is within a Great Crested Newt Red impact zone and neighbours have highlighted that there is a bat roost close to the site. Therefore, known protected species and/or their habitats could likely be affected by the proposal. Although, no ecological surveys have been provided to establish whether or not the proposal would cause harm to any protected species.
18. In view of the above, insufficient information has been provided to demonstrate that the proposal would not have an adverse effect on biodiversity. Therefore, the proposal would conflict with Policy NE1 of the VALP, which sets out, amongst other matters, that internationally or nationally important protected sites and species will be protected and that where development proposals would lead to an individual or cumulative adverse impact on such, will be refused unless exceptional circumstances can be demonstrated. It further sets out that, sufficient information must be provided for the council to assess the significance of the impact against the importance of the Protected Site and its component habitats and the species which depend upon it.

Chiltern Beechwoods SAC

19. The appeal site is within 12.6km linear distance of the Ashridge Commons and Woods Site of Special Scientific Interest within the Chiltern Beechwoods Special Area of Conservation (SAC).
20. Based on the evidence provided, the proposal would have a likely significant effect on the integrity of the SAC, due to increased recreational pressure caused by new housing within the zone of influence. Therefore, as confirmed by Natural England, mitigation measures would be required to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development. The importance of maintaining the integrity of the SAC and need for mitigation is undisputed by the appellant. Furthermore, they are willing to enter into a legal agreement to secure such mitigation, although no such agreement has been provided.
21. As no mechanism is in place to ensure appropriate mitigation, the proposed development would adversely affect the integrity of the SAC, and so, having regard to the Conservation of Habitats and Species Regulations 2017, as amended (the Habitat Regulations), permission should not be granted.
22. Notwithstanding the above, as I have found the proposal would be unacceptable for other reasons, including the harm caused to the character and appearance of the surrounding area, highway safety and biodiversity, significant enough to dismiss the

appeal, it is not necessary for me to consider any harm and/or mitigation further as the competent authority.

23. In view of the unacceptable adverse effect on the integrity of the SAC the proposal would conflict with Policy NE1 of the VALP and would fail to adhere to the Habitat Regulations, which require development to safeguard designated and protected sites.

Other Matters

24. The principle of residential development in the area where the appeal site is located is not in dispute by the main parties. It is a built-up area, in a sustainable and accessible location in Flood Zone 1. The proposal would provide a 3-bedroom family dwelling, where local evidence demonstrates there is demand for such size of dwellings. Additionally, the Council cannot demonstrate a 5 year housing land supply, which at the time of the Council's decision, was at 4.7 years. Furthermore, the proposal would provide some social and economic benefits during its construction and occupation. Although, in view of the small scale of the development, I only give moderate weight to these considerations.

Planning Balance and Conclusion

25. The Council cannot demonstrate a deliverable 5 year supply of housing land. As such, in line with paragraph 11d of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, in view of my findings in relation to the SAC, paragraph 11d) i applies and so, provides a strong reason for refusing the development proposed in this instance.
26. In conclusion, I find that the proposal conflicts with the development plan taken as a whole and material considerations do not indicate a decision should be made other than in accordance with it.
27. Accordingly, the appeal should be dismissed.

C Billings

INSPECTOR