



## Report to Buckinghamshire Council – (Central Team) Planning Committee

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<b>Application Number:</b>	22/01432/APP
<b>Proposal:</b>	Householder application for removal of existing conservatory and erection of single storey flat roofed rear extension
<b>Site location:</b>	82 Aylesbury Road, Bierton, Buckinghamshire, HP22 5DL
<b>Applicant:</b>	Mr & Mrs N Ward
<b>Case Officer:</b>	Mr Naim Poptani
<b>Ward affected:</b>	ASTON CLINTON & BIERTON
<b>Parish-Town Council:</b>	BIERTON
<b>Valid date:</b>	5 May 2022
<b>Determination date:</b>	30 June 2022
<b>Recommendation:</b>	Approval subject to conditions

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### **1.0 Summary & reason for Planning Committee Consideration**

- 1.1 This application seeks householder planning permission for the removal of an existing conservatory and erection of a single storey flat roof rear extension. The extension would project 6 m from the rear wall of the host dwelling.
- 1.2 The application site lies within the residential area with part of the access to the site also within the designated Bierton Conservation Area.
- 1.3 This application has been considered with regards to the adopted Development and it is concluded that the development is acceptable in terms of its impact on the wider area, the historic environment, residential amenity and parking and would comply with Policies BE1, BE2, BE3 and T6 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework 2021.
- 1.4 The application is referred to the Planning Committee because the applicant is an elected member of Buckinghamshire Council and in accordance with the Council's Scheme of Delegation, planning applications submitted by Councillors must be determined at the relevant Area Planning Committee to ensure openness and transparency.
- 1.5 Overall, having regard to the Development Plan and the NPPF, the application is recommended for conditional approval.

## **2.0 Description of Proposed Development**

- 2.1 The application site is located on the north-east side of Aylesbury Road in the residential area of Bierton and comprises a two-storey detached dwelling.
- 2.2 To the south-east and south-west are residential dwellings. To the north-west are allotment gardens and running parallel with its north-east boundary is an area of open space.
- 2.3 Part of the access lies within the designated Bierton Conservation Area although the dwelling itself does not. No changes to the access are proposed.
- 2.4 This application seeks the removal of an existing conservatory and erection of a single storey flat roof rear extension.
- 2.5 It would project from the rear wall of the current lounge to create an enlarged open space living/ kitchen area and would measure 7 m in length, 4.75 m in width and including the roof lantern would have a maximum height of 3.25 m.
- 2.6 The application is accompanied by an ecology and trees checklist.

## **3.0 Relevant Planning History**

### **3.1 Reference 03/00455/APP**

Development: Erection of two detached dwellings and conversion of existing dwelling and extensions to form 2 No. dwellings together with garaging and a new vehicular access

Decision: Refused but allowed at Appeal

Decision Date: 21 November 2022

### **3.2 Reference: 04/00456/APP**

Development: Erection of two detached dwellings and conversion of existing dwelling and extensions to form 2 No. dwellings together with garaging and a new vehicular access – amendment to 03/00455/APP allowed on appeal

Decision: Approved

Decision Date: 19 April 2004

## **4.0 Consultation Responses and Representations**

### Ward Councillor

Comments: No comments received at the time this report was written.

### Bierton Parish Council (Verbatim)

Comments: At the Parish Council meeting on 16<sup>th</sup> May 2022, it was resolved that the Parish Council have No comments and No Objections.

### Archaeology Officer (Summarised below)

Comments: The nature of the proposals on previously disturbed grounds is such that they are unlikely to significantly harm the archaeological significance of any assets. We therefore have no objection to the proposals and do not consider it necessary to apply a

condition to safeguard archaeological interest.

### Representations

Comments: None received at the time this report was written

## **5.0 Policy Considerations and Evaluation**

### **5.1 The Development Plan**

Vale of Aylesbury Local Plan (VALP), adopted 15<sup>th</sup> September 2021 (Carries full weight)

- Policy BE1 Heritage Assets
- Policy BE2 Design of New Development
- Policy BE3 Protection of Amenity of Residents
- Policy T6 Vehicle Parking

### Neighbourhood Plan

There is no 'made' neighbourhood plan for Bierton

### Design Advice Leaflets & Guidance Notes

Residential Extensions

Conservation Area Appraisal

### National Policy

National Planning Policy Framework 2021

## **6.0 Principle and Location of Development**

- 6.1 The application site lies within the built up settlement of Bierton, where there would be no objection to the intensification of the residential use of the site, subject to all other material planning considerations being acceptable and in accordance with the Policies of the Vale of Aylesbury Local Plan (VALP) and the National Planning Policy Framework 2021.

## **7.0 Transport matters and parking**

- 7.1 Policy T6 emphasised the need to ensure all development provide an appropriate level of car parking, in accordance with the standards set out in the VALP.
- 7.2 As a result of the extension, there will be no change to the number of bedrooms within the host dwelling nor will it affect the existing car parking layout, and as such it would not affect the existing levels of parking provision.

## **8.0 Raising the quality of place making and design**

- 8.1 Policy BE2 of the VALP indicated that development proposals shall respond appropriately to the site and surrounding, as well as the character, architecture, and natural qualities of the area. It also highlighted that development should allow for visual interest.
- 8.2 The proposed single storey rear extension would measure 7 m in length, nevertheless it would measure approximately half the width of the host dwelling, would be single storey with its height set significantly below the main two storey element, reducing its bulk and together with the significant size of the plot and its set in from the mutual and rear boundary would represent a subordinate addition to the host dwelling.

It would be sited to the rear of the application site, reflecting the south-west flank building line of the original dwelling and therefore it would not be visible from the public domain and would not have a negative impact on the street scene and area.

The proposal is considered to accord with the Policies BE2 of the Vale of Aylesbury Local Plan and the NPPF 2021.

### **9.0 Impact on Heritage Assets and Archaeology**

- 9.1 Policy BE1 of the VALP highlighted that proposals for development shall contribute to heritage values and the impact must be assessed in proportion to the significance of the heritage asset.
- 9.2 As aforementioned, the access part of the application site lies within the designated Bierton Conservation Area. The proposed extensions would be located to the rear of the application site and it would not be visible from any key vistas or views from within the Conservation Area. As such it is not considered to impact the character and appearance of this Heritage Asset.
- 9.3 The application site lies within a Archaeological Notification Area. The Councils Archaeology Officer was consulted and commented the nature of the proposal on previously disturbed ground is unlikely to significantly harm the archaeological significance of any assets.
- 9.4 The proposal therefore complies with Policy BE1 of the Vale of Aylesbury Local Plan and National Planning Policy Framework 2021.

### **10.0 Amenity of existing and future residents**

- 10.1 Policy BE3 of the VALP seeks to ensure that development proposals do not cause an adverse impact on residential amenity.
- 10.2 With the mutual boundaries marked by 1.8 m high close boarded fencing and tall dense hedging the new openings would not give rise to loss of privacy.
- 10.3 Although it would project 7 m from the rear wall of the original dwelling it would be set in from the mutual boundaries, it would be single storey and set significantly below the main two storey element of the house. In addition, the rear elevation of the host and neighbouring properties are south facing and therefore the windows in this elevation receive a significant amount of light throughout most of the day. It is therefore considered the proposal would not significantly affect the amenity of the neighbouring properties in terms of loss of light and overshadowing.
- 10.4 The rear extension would be single storey, set significantly below the main two storey element and set in from the mutual boundary and therefore would not appear overbearing and intrusive.

### **11.0 Flooding and drainage**

- 11.1 The application site does not lie in a designated flood zone or critical drainage area.
- 11.2 The proposal is not considered to exacerbate the risk of fluvial and surface water flooding

and would accord with Policy I4 of the AVDLP.

## **12.0 Ecology**

- 12.1 The site lies in a Red Impact Zone for Great Crested Newts. Therefore, an informative would be added, advising the applicant of the procedure that should be followed if a Great Crested Newt is encountered during the works.

## **13.0 Weighing and balancing of issues / Overall Assessment**

- 13.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 13.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 13.3 As set out above it is considered that the proposed development would accord with development plan policies BE1, BE2, BE3 and T6 of the Vale of Aylesbury Local Plan.
- 13.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent].

## **14.0 Working with the applicant / agent**

- 14.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 14.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 14.3 In this instance the application was acceptable as submitted and no further assistance was required.

## **15.0 Recommendation**

- 15.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that planning permission

be **GRANTED** subject to appropriate conditions, to include the following:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved and plan numbers; Proposed Extension [2205-02] received by the local planning authority on 19<sup>th</sup> April 2022 & Site Location Plan [2205/03A] & Block Plan [2205/04A] received on 5<sup>th</sup> May 2022 and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Planning Authority.

3. The materials to be used in the development shall be as specified on the application form.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework 2021.

## **INFORMATIVE(S)**

### **Great Crested Newts (European Protected Species)**

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a EPS mitigation licence from Natural England or the district licence distributed by Buckinghamshire Council. If a great crested newt is encountered during development, works must cease and advice should be sought from a suitably qualified ecologist.

## **Appendix A: Consultation Responses and Representations**

## **Appendix B: Site Location Plan**

## **APPENDIX A: Consultation Responses and Representations**

### Ward Councillor

Comments: No comments received at the time this report was written.

### Bierton Parish Council (*Verbatim*)

Comments: At the Parish Council meeting on 16<sup>th</sup> May 2022, it was resolved that the Parish Council have No comments and No Objections.

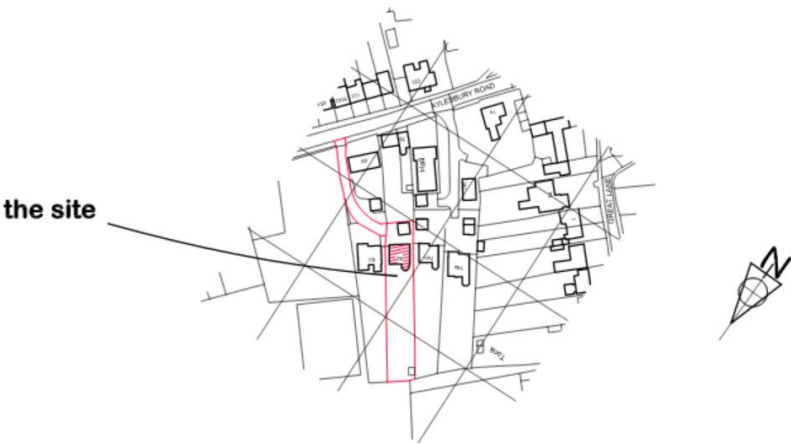
### Archaeology Officer (*Summarised below*)

Comments: The nature of the proposals on previously disturbed grounds is such that they are unlikely to significantly harm the archaeological significance of any assets. We therefore have no objection to the proposals and do not consider it necessary to apply a condition to safeguard archaeological interest.

### Representations

Comments: None received at the time this report was written

**APPENDIX B: Site Location Plan**



**site location plan 1 : 2500**