



REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/03970/APP	AYLESBURY The Local Member(s) for this area are: -	16/10/17
ERECTION OF DWELLING WITH ASSOCIATED ACCESS AND LANDSCAPING 3 NEWELL CLOSE AYLESBURY HP21 7FE MR & MRS MCANDREW	COUNCILLOR BARBARA RUSSEL COUNCILLOR WAHEED RAJA	
STREET ATLAS PAGE NO.116		

1.0 The Key Issues in determining this application are:-

- a) The planning policy position and the approach to be taken in the determination of the application.
- b) Whether the proposal would constitute a sustainable form of development.
 - Build a strong competitive economy
 - Promoting sustainable transport
 - Deliver a wide choice of high quality homes
 - Good Design
 - Meeting the challenge of climate change and flooding
 - Conserving and enhancing the natural environment
- c) Impact on residential amenities.

The recommendation is that permission be **REFUSED**.

CONCLUSIONS – THE PLANNING BALANCE

The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposals deliver sustainable development. Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.

It is accepted that the development would make a contribution to the housing land supply and choice of housing which is a significant benefit to be attributed limited weight in the planning balance, as it is tempered due to the scale of development that is proposed. There would also be economic benefits in terms of the construction of the development itself and those associated with

the resultant increase in population on the site to which limited positive weight should be attached.

Compliance with some of the other core planning principles of the NPPF has been demonstrated in terms of impacts on sustainable transport, landscape, residential amenity and flood risk. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.

However the proposed development would harm the character and appearance of the street scene and locality contrary to AVDLP policy GP35 and these matters of harm significantly outweigh the benefits of the proposal.

REFUSED subject to the following reason:-

The proposed erection of a detached dwelling on this site would result in a cramped and over intensive form of development that would be visually incongruous, intrusive and out of keeping with the surroundings. It is therefore considered that the proposals would unacceptably detract from the character and appearance of the area. The development would fail to achieve good design, a key planning principle of the NPPF, and would be contrary to policy GP35 of the Aylesbury Vale District Local Plan and contrary to the advice on design in AVDC Design Guide: New Dwellings in Towns and Villages and to the advice contained in the NPPF and PPG.

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, no pre-application enquiry had been undertaken. However, the agent was informed that the proposal did not accord with the development plan, and no material considerations are apparent to outweigh these matters of principle.

2.0 INTRODUCTION

2.1 The Local Member has requested that the application be considered by the Committee for the reason that it raises an important issue with respect to garden development on this site.

3.0 SITE LOCATION AND DESCRIPTION

3.1 The site area comprises the part of the garden of No.3 Newell Close, immediately to the north-east of the existing dwelling; an area approximately 34m long and 10m wide.

3.2 To the immediate south-west of the site is No.3 Newell Close. To the north-east is Turnfurlong Lane. To the east is 33a Plested Court, a 2-storey house facing north served by a cul-de-sac to the east. The flank wall is approximately 1m from the site boundary. To the rear are the gardens of houses facing Ligo Avenue. The houses themselves are 12m from the site boundary.

4.0 PROPOSAL/DESCRIPTION OF DEVELOPMENT

4.1 The application proposes the erection of a detached dwelling.

4.2 The proposed dwelling would be located to the north-east of No.3 within the existing garden area and would largely replicate its form in terms of design.

4.3 The dwelling would measure a maximum of 11.8m in depth x 9.8m width. The dwelling would have a 2 storey forward projecting gable element, measuring 5.5m wide. The proposed height would be 4.9m to eaves and 7.7m to ridge,.

4.4 The interior layout of the proposed house is set out with 4 bedrooms to the first floor above the ground floor living space.

4.5 Externally, to the proposed house there is a garden to the front and rear, with a parking area to the front of the site and integral garage. Access to the site would be to the north-west via a private driveway.

4.6 Materials would be red brick with and plain tiles to the roof.

5.0 RELEVANT PLANNING HISTORY

5.1 None of relevance

6.0 TOWN COUNCIL COMMENTS

6.1 No objection

7.0 CONSULTATION RESPONSE

7.1 Highways: Raise no objection

8.0 REPRESENTATIONS

8.1 1 letter of objection has been received which can be summarised as follows:

- Proposal would spoil the symmetry of Turnfurlong "Row"
- Would increase the housing density of the estate
- Would increase traffic through Webster Road

9.0 EVALUATION

a) The planning policy position and the approach to be taken in the determination of the application

9.1 The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.

The Development Plan

9.2 The overall strategy of the Aylesbury Vale District Local Plan (AVDLP) is to seek to concentrate the majority of growth (65% housing and employment) at Aylesbury with the remaining 35% in the rural areas. The latter was to be concentrated at a limited number of settlements. In so far as this overall strategy is one which is based on the principle of achieving sustainable development, it is considered that this is still in general conformity with the NPPF.

9.3 Policies RA13 and RA14 relating to the supply of housing district wide, are now out of date given that these identified housing targets for the plan period up to 2011 and the evidence relating to the districts need has changed significantly since these policies were adopted, and are not consistent with the NPPF policies to significantly boost the supply of housing based on up to date evidence. Development proposals on sites are to be considered in the context of policies within the NPPF which sets out the presumption in favour of sustainable development at paragraph 14.

9.4 A number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP8, GP24, GP35, GP38 - GP40. In respect of policies for the supply of housing, as set out above, these are now out of date. In addition, the NPPF (at para 49) advises that relevant policies for the supply of housing should not be

considered up-to-date if the local planning authority cannot demonstrate a five-year housing land supply.

- 9.5 In terms of housing supply, figures for August 2017 (from the updated Buckinghamshire HEDNA) show that there is currently a 9 year supply of housing land. This uses the (October 2016) figure for Aylesbury Vale as the requirement figure (965 dwellings per annum), and doesn't include any element of unmet need at this stage.
- 9.6 However, it is acknowledged that this continues to be an interim position as no element of unmet need that the Authority will be asked to accommodate in Aylesbury Vale is included. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a 'policy on' figure for the purposes of calculating a 5 year housing land supply for Aylesbury until the "policy on" figures and general policy approach has been examined and found sound.
- 9.7 This means that paragraph 49 of the NPPF is no longer engaged. However there are no up-to-date housing supply policies in AVDLP and therefore we still have to apply the planning balance exercise in paragraph 14.

Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

- 9.8 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2018.
- 9.9 Currently this document can only be given limited weight in planning decisions as it is still too early in the planning making process, however the evidence base that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment September 2017. The Housing and Economic Land Availability Assessment (HELAA) (January 2017) The HELAA is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. It also only applies to potential sites of five or more dwellings. The site is too small to be included in the HELAA. These documents form part of the evidence base to the draft VALP presenting a strategic picture.

a) *Whether the proposal would constitute a sustainable form of development*

- 9.10 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 18 to 219 of the NPPF, taken as a whole (paragraph 6). It is only if a development is sustainable that it would benefit from the presumption in paragraph 14 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits associated with the issues together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.
- 9.11 The site is located within the urban extent of Aylesbury Town, which is the principle settlement of the district. It is therefore considered to be a sustainable location and is capable of accommodating the level of growth proposed in the application. However it remains necessary to consider that application against the sustainability tests of the NPPF as a whole and not just locational characteristics.

Building a strong competitive economy

- 9.12 The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 9.13 It is considered that there would be economic benefits in terms of the construction of the dwellings itself and the resultant increase in population contributing to the local economy which should be afforded limited positive weight in the scheme's favour given the small scale of the development proposed, in that it comprises just one dwelling.

Promoting Sustainable Transport

- 9.14 It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF.
- 9.15 The site is located close to a local centre and local facilities and schools, with a regular bus route to the town centre, bus and train stations. The site would provide for three parking spaces for the one dwelling, in accordance with AVDLP policy GP24 and SPG1: Parking Guideline, and would have a safe access as amended.
- 9.16 The proposed access is considered acceptable from a highways point of view, providing it is carried out in accordance with the necessary standards. The highways engineer has confirmed that there would be no severe transport impact from the development proposed, and it would as such accord with the advice in the NPPF.
- 9.17 The SPG1: parking Guidelines sets out the maximum parking standards that can be required for developments, and it requires that dwellings with up to four bedrooms provide three spaces within their curtilage. The development would provide adequate parking for the development comprising hard standing and an integral garage, which would meet the requirements set out in AVDLP policy GP24 and the guidance in SPG1: Parking Guidelines. The parking situation for the existing dwelling would remain unaltered.
- 9.18 It is considered overall that there would be a neutral transport impact.

Deliver a wide choice of high quality homes

- 9.19 Local planning authorities are charged with delivering a wide choice of high quality homes and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development (paragraphs 47-49). The housing supply position has been discussed above.
- 9.20 The provision of a 4-bedroom dwelling would add to the housing stock for the District.
- 9.21 There is no known reason that the site could not be delivered within the next five year period (and this has been indicated in the DAS), making a contribution to housing land supply which would be a significant benefit to which limited positive weight should be given, owing to the scale of the development and its limited contribution.
- 9.22 In respect of affordable housing the scheme does not meet the thresholds for securing such provision on site as outlined in AVDLP policy GP2 which refers to the provision of 25 dwellings or more or a site area of 1ha or more.

Requiring good design

- 9.23 In requiring good design, the NPPF states that development should add to the overall quality of the area, respond to local character and history and to reflect the identity of local surroundings. This aim is reflected in Policy GP35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the

surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines.

- 9.24 In respect of Context the Design Guide on New dwellings in Towns and Villages states: "Houses which provide local identity in a settlement often exhibit a family likeness in form, shape and siting relative to roads, spaces and to each other. Aggressively positioned buildings can erode the quality and character of towns and villages. The retention of existing walls, hedges and trees helps to assimilate new development by maintaining continuity."
- 9.25 The proposed dwelling would be located on an area of garden land to the north-east of No.3. The dwelling would occupy a significant proportion of this land particularly in width, and taking into account the overall size and massing of the dwelling proposed when considered in the context of the site area, it is considered that the site as a result would appear overdeveloped and cramped. The proposal would be an intrusive form of development that would represent an overdevelopment of the site.
- 9.26 In terms of its impact on the wider area the proposed dwelling would project significantly beyond the established building line of the immediate area. The dwelling would be especially visible in views along Turnfurlong lane to the north-east as it would protrude forward and beyond what is an established building line by 10m and therefore appear particularly prominent and imposing in its context. Thus, the proposal would conflict with Policy GP35 of the AVDLP.
- 9.27 Overall, it is considered that the development by virtue of its scale, massing and positioning would harm the character and appearance of the street scene and would fail to respect and compliment the physical characteristics of the site and surroundings, and the building tradition, ordering and form of the locality, contrary to AVDLP policy GP35. Therefore the development would fail to secure good design, and would fail to accord with the core planning principles and advice in the NPPF and PPG and this matter should be afforded significant adverse weight in the planning balance.

Meeting the challenge of climate change and flooding

- 9.28 Paragraph 103 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere. The site is located within Flood Zone 1 and therefore considered to be at 'low risk' of flooding.
- 9.29 The proposed dwelling would be required to be constructed to modern standards of design and sustainability to accord with current building regulations.
- 9.30 It is not considered that the proposed development would materially increase or exacerbate flood risk on the site nor in the wider locality. Therefore, the proposed development would be resilient to climate change and flooding in accordance with the NPPF. This matter should therefore be afforded neutral weight in the planning balance.

Conserving and enhancing the natural environment.

- 9.31 Regard must be had as to how the proposed development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. In addition, GP35 requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines.

9.32 In terms of the impact on the landscape, the site is within the built up area of the settlement and would not have wider landscape impacts. It is not considered that the development would adversely affect biodiversity. This absence of harm is afforded neutral weight in the planning balance.

b) Impact on residential amenities.

9.33 Policy GP8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings.

9.34 Given the positioning of the proposals and their relationship relative to the existing neighbouring properties in terms of scale, position of windows and orientation etc, and distances between, it is considered that the proposal would not have any significant adverse impacts upon their amenities. The relationship between the two proposed dwellings is also considered to be acceptable. The existing dwelling (No.3) would also retain an adequate level of private amenity space. The proposals therefore accord with policy GP8 of the AVDLP and the NPPF and this matter should be afforded neutral weight in planning balance.

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