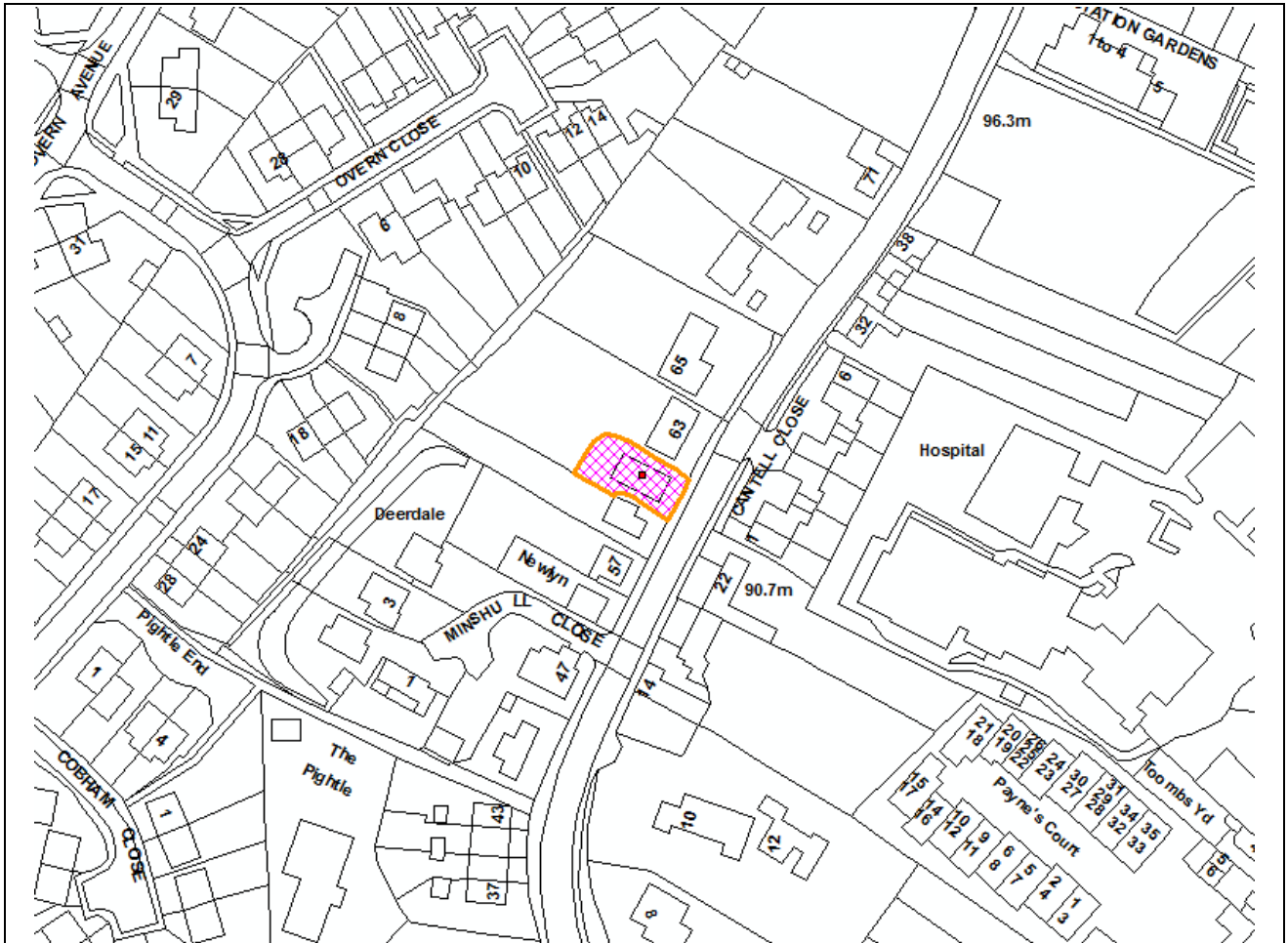


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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/00735/APP	BUCKINGHAM	26/02/19
DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF A 4-BED DWELLING	The Local Member(s) for this area is/are: -  Councillor T Mills	
61 MORETON ROADBUCKINGHAMBUCKINGHA MSHIREMK18 1JZ	Councillor S Cole	
SARAH MURDEN		
STREET ATLAS PAGE NO. 41		

#### 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 with regard to:

- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Promoting sustainable transport
- Supporting high quality communications
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change and flooding
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

c) Impact on residential amenity

The recommendation is that permission be **GRANTED**, subject to conditions

## CONCLUSIONS – THE PLANNING BALANCE

- 1.1 The application has been evaluated against the extant development plan, including the Buckingham Neighbourhood Development Plan (BNDP) and the Aylesbury Vale District Local Plan (AVDLP) and the National Planning Policy Framework (NPPF), and the report has also considered the application against the principles of the NPPF and whether the proposal would deliver sustainable development.
- 1.2 Paragraph 11 of the NPPF requires development proposals that comply with an up-to-date development plan to be approved without delay; or where there are no relevant development plan policies, or where the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or refuse development where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In this case, there are policies within the BNDP and AVDLP which are relevant, however the most relevant policies relating to replacement dwellings are non-existent. As such it is considered necessary to assess the principle of development against the principles of the NPPF.
- 1.3 As the proposal relates to a replacement dwelling, there would be no contribution to the Council's housing land supply as no additional dwellings would be created. However, the creation of a larger family dwelling would result in benefits to the local economy through the construction of the development itself and the resultant increase in population at the site. This is a matter which is afforded limited positive weight in the planning balance as it is tempered to the scale of development.
- 1.4 Buckingham is defined as one of the District's 5 'strategic settlements' in the Settlement Hierarchy Assessment (September 2017). Strategic settlements typically have the largest populations and greatest range of services and facilities. These strategic settlements also play an important role in supporting smaller rural settlements. The Settlement Hierarchy identifies that Buckingham has the second highest population in the District. Of particular note, Buckingham has an independent university and benefits from regular bus services to Aylesbury, Milton Keynes, Oxford and Cambridge. With specific regard to the application site on Moreton Road, the Neighbourhood Plan identifies this as falling within the Buckingham Settlement Boundary (figure 4.2) and more specifically, within the 'North Western Arc', just outside of the town centre (figure 2.9). As such the site is considered a sufficiently sustainable location for the development proposed and the occupiers of the development would have adequate access to facilities and services, including public transport options.
- 1.5 Compliance with some of the other planning principles of the NPPF have been demonstrated in terms of promoting healthy and safe communities, promoting sustainable transport, supporting high quality communications, making effective use of land, achieving well-designed places, meeting the challenge of climate change and flooding, conserving and enhancing the natural environment and conserving and enhancing the historic environment. However these matters do not represent benefits to the wider area, but demonstrate and absence of harm to which weight should be attributed neutrally.
- 1.6 Weighing all the relevant factors in the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP, BNDP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application be **APPROVED** subject to the following conditions:

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

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place above slab level on the building(s) hereby permitted until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

3. No development shall take place on the building(s) hereby permitted until details of the materials proposed to be used on the surfaces of the roads, footpaths, driveways have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

4. No development shall take place on the building(s) hereby permitted until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: To ensure a satisfactory appearance to the development and to comply with policies GP35 and GP38 of Aylesbury Vale District Local Plan, policy DHE5 of the Buckingham Neighbourhood Development Plan and the National Planning Policy Framework.

5. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies GP35 and GP38 of Aylesbury Vale District Local Plan, policy DHE5 of the Buckingham Neighbourhood Development Plan and the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no

windows, dormer windows, no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development, in accordance with policies GP8 and GP35 of the Aylesbury Vale District Local Plan, policy DHE6 of the Buckingham Neighbourhood Development Plan and to comply with the National Planning policy Framework.

7. Prior to the occupation of the development, the modified access shall be designed/constructed in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework.

8. Prior to the occupation of the development, space shall be laid out within the site for parking and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with the National Planning Policy Framework.

9. Works on site shall not commence until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage.

Reason: In order to ensure that the development is adequately drained and to comply with policies I3 and I5 of the Buckingham Neighbourhood Development Plan and the National Planning Policy Framework.

10. The windows at first floor level in the southern elevation and the rooflights in the northern elevation of the extension hereby permitted shall not be glazed or re-glazed other than with obscured glass to a minimum of level 3 and non-opening unless the parts of the window that can be opened are more than 1.7m above internal floor level.

Reason: To preserve the amenities of the occupants of the adjacent dwelling and to comply with policy GP8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

11. No development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority, with reference to fixed datum point. The building(s) shall be constructed with the approved slab levels.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

## INFORMATIVE(S):

1. In accordance with paragraphs 38 and 39 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, concerns were raised with the scale of the dormer and the proposed fenestration which has now been revised and the amended scheme is considered to be acceptable.
2. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information or apply online via Buckinghamshire County Council's website at <https://www.buckscc.gov.uk/services/transport-and-roads/licences-and-permits/apply-for-a-dropped-kerb/>  
  
Transport for Buckinghamshire (Streetworks)  
10th Floor, New County Offices  
Walton Street, Aylesbury,  
Buckinghamshire  
HP20 1UY  
01296 382416
3. It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
4. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.
5. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
6. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

## 2.0 INTRODUCTION

- 2.1 The application needs to be determined by committee as the town council has raised material planning objections. These comments are set out below in the report.

## 3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application site lies on the western side of Moreton Road (A413) to the north of the Buckingham settlement, between the Buckingham Town Centre and Maids Moreton to the north-east.

- 3.2 The plot size is generally small compared with some neighbouring plots and although a small single storey bungalow previously occupied the site, the building has since been demolished and the site is now open with only the concrete base retained.
- 3.3 Approximately speaking, the plot has a width of 10m and a depth of 22m.
- 3.4 Behind the houses to the opposite side of Moreton Road lies Buckingham Community Hospital, which also forms the northern boundary of the Buckingham Conservation Area. Whilst the application site does not fall within the conservation area, neighbouring properties on the opposite side of the highway (excluding Cantell Close) and to the south do fall within the Buckingham Conservation Area.

#### **4.0 PROPOSAL**

- 4.1 Full planning permission is sought for a replacement dwelling at No.61 Moreton Road, Buckingham. The original bungalow at the site has been demolished.
- 4.2 The proposed dwelling would be two storeys, albeit the first floor would also comprise part of the roof-space due to the low eaves. The proposed building measures to have a width of 7.9m which includes the single storey lean-to element, a depth of approximately 11.2m and would comprise a dual pitched roof with two gable ends, one to each of the front and rear elevations. The eaves height measures to be 4.9m and the ridge height measures 7.7m.
- 4.3 Part way along the roof-slope, there is a section of roof which is lower than the main part of the dwelling, and this part of the roof, together with the single storey element creates a cat-slide roof. This would include roof-lights which would serve a stairwell and landing.
- 4.4 At ground floor level, a lounge is proposed at the front of the building, with an open plan kitchen-diner located towards the rear. An entrance hall and staircase are located off the entrance to the property and a utility room would also be accessed from the kitchen. At first floor level, 4 bedrooms are proposed, one of which would be served by an en-suite whilst the other 3 would utilise the family bathroom. A master bedroom is shown as one of the 4 bedrooms, which would benefit from a small integral balcony to the rear facing elevation.
- 4.5 The submitted application form indicates that the walls of the dwelling would comprise of red facing brickwork and black vertical timber cladding; the roof would comprise slate tiles; and the windows would be a mix of either grey or black powder coated aluminium windows depending on whether they are sited in the areas of cladding or brickwork. The forms also indicate that timber fences would be retained to the boundaries, the driveway would be constructed of permeable brick pavers and the guttering and downpipes would comprise of black UPVC.
- 4.6 Parking for 3 vehicles would be provided for at the front of the dwelling, off of the highway.

#### **5.0 RELEVANT PLANNING HISTORY**

- 5.1 None relevant.

#### **6.0 TOWN COUNCIL COMMENTS**

- 6.1 Buckingham Town Council – Oppose the application as the front of the site is inadequate for parking three cars and no room for turning and exiting in a forward gear onto a busy road, on a steep hill, just above a bend and close to kerbside parking on the opposite side. The separation distance from No.59 is less than 1m and, given the additional storey proposed, would detrimentally affect the amenity of the neighbours.

#### **7.0 CONSULTATION RESPONSES**

- 7.1 Buckingham and River Ouzel Drainage Board – No comments to make.
- 7.2 Bucks CC Highway Authority – The highway authority is satisfied that the application would

not have a material impact on the safety and operation of the adjoining public highway. Parking spaces shown are in line with local and national guidance. Although a parking area off of an A road should provide an adjoining manoeuvring area, to allow vehicles to pull out in a forward gear, in this instance, the proposed layout is not materially different from the existing layout and so could not raise objections. Therefore there is no objection subject to 2 planning conditions and 5 informatives.

## **8.0 REPRESENTATIONS**

- 8.1 Three objections have been received from neighbouring properties on the grounds (as summarised):-
- 8.2
- Lack of manoeuvring space by creating three parking spaces
  - Inadequate visibility splays
  - Loss of privacy to neighbouring properties
  - Loss of light to No.63 due to the height of the proposed building
  - A proposed access the full width of the plot would be out of keeping with other properties

## **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. In this respect, Buckingham has a 'made' neighbourhood plan and so the relevant policies will be used in the assessment of this application.

### **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. Insofar 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 form part of that overall housing strategy, 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. RA13 and RA14 sought to take a protective approach to development and can only be given very limited weight when considering proposals within or at the edge of settlements



identified in Appendix 4. 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 11.

- 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 and GP38 - GP40.

#### Buckingham Neighbourhood Development Plan (BNDP)

- 9.5 The BNDP was adopted on 30 September 2015 and applies to the Buckingham Area outlined in figure 1.1 (page 6) of the BNDP. The plan is therefore a material consideration in determining planning applications which fall within the defined boundary. The plan contains a number of policies which range from housing to design, heritage and environment, culture, leisure and health, economy and education, infrastructure and developer contributions.
- 9.6 The BNDP also identifies the Buckingham Settlement Boundary as shown on figure 4.2. Whilst this boundary is intended to identify site suitable for housing development, such as allocated sites, it still provides guidance on where development should ideally be located. In other words, the settlement boundary seeks to avoid new development from being sited in the open countryside.
- 9.7 The policies of the BNDP relevant to this application include DHE1, DHE5, DHE6, I3 and I5.

#### 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 examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The Interim Findings have been set out by the Inspector, and consultation on modifications will be required before adoption can take place. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2019.
- 9.9 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can only be given limited weight in planning decisions, however the evidence 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) 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. These form part of the evidence base to the draft VALP presenting a strategic picture.

### *Housing supply*

- 9.10 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.11 Paragraph 60 requires that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 9.12 Where the Council cannot demonstrate a 5 year housing land supply (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, there is a presumption in favour of sustainable development in line with paragraph 11 of the NPPF. The absence of an NPPF compliant supply or delivery of housing would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.
- 9.13 The council has set out its approach in the published Five year housing land supply position statement. This is regularly updated and the latest version is dated 25 April 2019 to take account of the new planning permissions and completions up to the new base date of the 31 March 2018. It also updates the estimated delivery of sites based on the latest information. This statement concludes that the Council has a five-year housing land supply of 5.64 years (112%).
- 9.14 It is acknowledged that this 5 year housing land supply calculation does not include any element of unmet need, however at this stage it would not be appropriate to do so. 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. There are no up-to-date housing supply policies in AVDLP and therefore we still have to take into account the presumption in favour of sustainable development and apply the planning balance exercise in paragraph 11 of the NPPF. For neighbourhood plans which are considered up to date the starting point for determining such applications is to consider in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 14 of the NPPF as set out above is also relevant.

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

- 9.15 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 9.16 The NPPF comprises of a number of principles which says that planning should take

account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and seek to secure high quality design. In delivering sustainable development, the NPPF has a section on conserving and enhancing the natural environment and encourages the effective use of land by reusing land that has been previously developed (brownfield land) (paragraph 118).

- 9.17 As set out above in this report, Buckingham is defined as a strategic settlement, indicating that it is one of the most sustainable locations in the District for new development, in part, due to the services and facilities available. There are also a number of public transport options which are likely to improve/increase as part of the 'Brain Belt' development between Oxford and Cambridge.
- 9.18 More specifically, No.61 Moreton Road lies approximately 190m away, as the crow flies, from Market Hill/High Street which are shown as falling within the town centre character area in the Neighbourhood Plan. It is concluded that the site is within reasonable walking distance to services and facilities and could be accessed without the need for private motorised vehicles. It is also acknowledged that this application relates to a replacement dwelling with a 1-for-1 replacement so the principle of a dwelling is already established.

#### Delivering a sufficient supply of homes

- 9.19 Local planning authorities are charged with delivering a wide choice of, sufficient amount of, and variety of land, 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.
- 9.20 In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
- 9.21 There are no identifiable reasons why the site could not be delivered within the next five year period, but in any case would replace an existing dwelling and so there would not be any net increase in dwellings. Nonetheless, the proposal would add to the variety of housing mix within this part of Moreton Road. This is afforded neutral weight in the planning balance.

#### Building a strong, competitive economy

- 9.22 The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.23 It is considered that there would be economic benefits in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. It is considered that these benefits should be afforded limited positive weight in favour of the proposal, benefits that are tempered to the scale of development proposed.

#### Promoting healthy and safe communities

- 9.24 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 9.25 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.
- 9.26 In this instance, the number of units (one dwelling) proposed would not require contributions to be made in respect of the above facility provision. As such this matter is attributed neutral weight in the planning balance.

#### Promoting sustainable transport

- 9.27 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. In terms of the locational characteristics of the site, this has been briefly commented on above.
- 9.28 It is likely that shopping trips and supermarket shopping would involve the use of a private motor vehicle but there are no identifiable reasons why the other facilities and services located in the centre of Buckingham would require the use of a private car. The site is therefore considered highly sustainable. The fact that there is already a dwelling in this location (albeit now demolished) is also a material consideration. This aspect is attributed neutral weight in the planning balance.
- 9.29 In terms of the access onto Moreton Road, it is noted that a partial dropped kerb currently exists, as the site previously benefited from a single access point. It appears that previously, vehicles would have reversed onto the site from Moreton Road in order to egress again in a forward gear. Since the pre-application stage, the hedge at the front of the site has been removed and the bungalow demolished. This has effectively opened up the site allowing for multiple vehicles to park on site without manoeuvring/turning being required, nor a tandem arrangement being required. The submitted site plan indicates that each of the spaces would have a depth of 5m and a width of 2.4m which complies with the Council's Parking Standards.
- 9.30 Bucks CC as the Highway Authority have been consulted on the application. Whilst they note access onto an A road would typically require a manoeuvring area, however they note that the proposed arrangement is not dissimilar to the existing layout. As such the highway authority would not be able to substantiate an argument that the proposed development would have a sufficiently adverse impact upon the highway network. In this respect, paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As such, it is not considered that any impact resulting from the potential intensification would be severe that planning permission could reasonably be withheld on those grounds. Access onto the site is a matter to be attributed neutral weight in the planning balance as an absence of harm can be demonstrated.
- 9.31 The submitted plans indicate that the dwelling would comprise of 4 bedrooms. The Council's Parking Standards indicate that dwellings with 4 or more bedrooms should

provide 3 off-street parking spaces. In this case, the required number of spaces would be provided off-street and so would be acceptable. Again, this matter is afforded neutral weight in the planning balance.

#### Supporting high quality communications

- 9.32 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- 9.33 Given the location of the proposed development and the fact that there was already a single dwellinghouse on this site, it is considered that the proposal would not have any undue impact upon broadcast or electronic communication services. It is therefore considered that the proposal would accord with the guidance set out in the NPPF, and this factor is afforded neutral weight in the planning balance.

#### Making effective use of land

- 9.34 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 9.35 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should take into account the importance of the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 9.36 The creation of a dwelling on the site would be an acceptable use of land in planning policy terms, albeit it is acknowledged that the proposal relates to a replacement dwelling. It could be argued that the replacement would provide a more modern family sized dwelling compared with a relatively modest bungalow that previously occupied the site and there would be some limited benefits to the economy from the occupancy of the site. This matter is afforded neutral weight in the overall planning balance.

#### Achieving well-designed places

- 9.37 As mentioned above, policy GP35 of the AVDLP 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. 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.
- 9.38 Given the site's location on the A413, it is reasonable to suggest that the site does have a certain level of prominence for users of the highway. That being said, the dwelling would be viewed in the context of the surrounding dwellings in this part of Moreton Road. Having carried out a site visit, it is evident that the street scene is quite mixed in terms of the scale and height of dwellings as well as the design and use of materials. For example there are a number of bungalows on this side of Moreton Road to the north; the dwellings in Cantell Close appear as two storey dwellings but with front-facing dormers in the roof of the principal elevations. Other dwellings to the south of Moreton Road are two storey and are a mix of detached dwellings and terraces (No.37-43). There is even a thatched property at No.45 Moreton Road.

- 9.39 The existing bungalow (which can be seen on Google Street View), which has been demolished, was not considered to be of any particular architectural merit. Hedges at the front of sites are commonplace on this part of Moreton Road so the removal of the hedge at the front of the application site is regrettable. That being said, there are examples of properties which are entirely hard-surfaced to the front and so comprise of little or no soft landscaping, for example the adjoining neighbour at No.59. The plot size is generally small compared with the adjoining neighbours but the submitted location plan indicates that smaller plots do exist in this location, for example those in Cantell Close, Minshull Close and the estate to the west. The application site is therefore considered characteristic of the area.
- 9.40 The proposed dwelling would be two storey in height, but the first floor accommodation would be provided partly within the roofspace as a result of the reduced eaves height. The eaves height and ridge height have been carefully designed so as to result in a dwelling that would sit marginally lower than the adjoining neighbour at No.59. As shown on the submitted streetscene elevation plan, the proposed dwelling would create a staggered, albeit limited, row of dwellings, with the proposed building having a height somewhere in-between No.'s 59 and 63 Moreton Road. It is also noted that a planning application has been submitted in respect of No.63 which includes an increase in ridge height to that bungalow. Whilst this is still pending consideration, if permitted, it would create a more cohesive and even stagger of building heights in this row.
- 9.41 Turning more specifically to the design of the dwelling itself, it would feature a gable end to the principal elevation which would be characteristic of the area. It would feature some large glazed openings to the front elevation but again, it is noted that the street is quite varied with a mix of sash windows and more modern UPVC windows. So the glazing proposed would not be considered to result in an undue level of prominence. The dwelling would have a depth of approximately 22m however, it should be noted that this is not dissimilar from the depth of the original bungalow on site which is shown by a red outline on the submitted plans. Furthermore, it is considered that the proposed dwelling would be viewed in the same context as No.55 (Newlyn) and No.57 Moreton Road which both have a deep two storey form. The proposed dwelling would not therefore look out of place.
- 9.42 Although the depth of the proposed dwelling would be greater than that of No.55 and No.57, it is also noted that the dwelling has been designed so that the northern flank would have a single storey element thus creating a partial catslide roof. This, together with ground floor high-level windows, creates an interesting elevation opposed to an alternative stark appearance. The single storey element also helps to create a sense of space between the application site and the neighbour to the north.
- 9.43 The opposite flank elevation (south) would appear entirely two storey but there are two first floor windows which would effectively 'break-up' the elevation. This side is considered less sensitive as it would be partially disguised by the existing dwelling at No.59. The southern elevation is therefore less readily visible to users of the highway compared with the opposite flank which would be visible from highway users driving into Buckingham, which would be visible above the existing bungalow (No.63).
- 9.44 Turning to the proposed materials, the external walls themselves would comprise a mix of red facing brickwork and black vertical timber cladding. The roof would comprise of slate tiles, with windows either grey or black powder coated aluminium. As already set out above, the street scene is relatively mixed. There are examples of red facing brickwork in this part of Moreton Road and there are also examples of either slate, or dark coloured clay tiles. Whilst timber cladding is not a common feature of the street scene, No.'s 55-59 Moreton Road do comprise of dark coloured timber detailing. It is considered therefore that

the proposed materials to be used in the elevations of the building would not look out of keeping with the area. Whilst these materials are acceptable in principle, it is recommended that a planning condition is included in the decision to enable the local planning authority to view samples and ensure the proposal would satisfactorily integrate into the street scene.

- 9.45 When assessed against the Council's 'New Houses in Towns and Villages' Design Guide, the proposal has a proposed scale, shape, use of materials, roof form and parking layout that would comply with the guidance of that design guide. The proposal is considered to have been carefully designed to reflect the local characteristics and context of the area. The NPPF at para 124 states that the creation of quality buildings and places is fundamental to what the planning and development process should achieve. Moreover, para 131 of the NPPF states, among other things, that planning decisions should help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. For the reasons set out above, it is considered that the proposal would be acceptable.
- 9.46 Policy DHE6 of the BNDP states that new development must provide good quality outdoor space where people can spend quality time and enjoy their surroundings. The sub-text in paragraph 7.13 of the BNDP states that, with regard to family dwellings, the Town Council expect to see garden areas at least 10m in length, although it is noted that plot shape may allow for alternative distribution of equivalent amount of private space. The submitted site plan indicates that the depth of the rear garden would be 6.65m, whilst the width would be approximately 11.8m at its widest point. Although it is acknowledged, the depth does not comply with the sub-text of that policy, it is accepted that the arrangement is not dissimilar to the previous arrangement when a bungalow occupied the site and it is also noted that the plot is characteristic of the wider area in terms of size, depth and shape. As such, it is considered acceptable in this instance.
- 9.47 It is considered the proposal would have an acceptable impact on the visual amenities of the site and wider area, in accordance with policy GP.35 of the AVDLP, the Council's 'New Houses in Towns and Villages' Design Guide and the advice contained within the NPPF and this matter should be afforded neutral weight in the planning balance.

#### Meeting the challenge of climate change and flooding

- 9.48 The development site is located within Flood Zone 1 and is therefore considered to be at low risk of flooding. It is not considered that the proposed development would materially increase or exacerbate flood risk on the site. Although a taller building is proposed, the footprint is only marginally larger than that of the original bungalow.
- 9.49 As such, it is considered the proposed development would be resilient to climate change and flooding in accordance with the NPPF and this factor should therefore be afforded neutral weight in the planning balance.

#### Conserving and enhancing the natural environment

- 9.50 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. It is also reinforced by the Council's adopted supplementary planning guidance in the form of the New Houses in Towns and Villages Design Guide which encourages new development to recognise and respect landscape and local character. Policy GP35 as set out above is also of relevance.

- 9.51 As set out above, the proposed building would be taller than the original bungalow at the site, but would still sit lower in the street scene than the neighbour No.59. It is unlikely that the proposal would have an adverse impact upon biodiversity. Policy DHE1 of the BNDP requires development proposals to make provision for trees on site. Provision of new trees should include species and types of tree to ensure that the landscape retains its current character. Given the limitations of the site, with particular regard to the plot size, it is unlikely that an extensive landscaping scheme could be implemented. That being said, detailed information has not been provided so it is recommended that a planning condition is included in the decision to enable the local planning authority to work with the applicant and establish some soft landscaping commensurate with the scale of development proposed. It is considered that there are opportunities for soft landscaping to the rear of the site, and potentially to one side at the front of the site. This suggested condition would also enable the local planning authority to ensure the proposal would comply with policy DHE5 of the BNDP.
- 9.52 As such, it is considered that the proposal would be acceptable and would not have a sufficiently harmful impact upon local biodiversity, subject to a landscaping scheme to provide adequate mitigation. This aspect is attributed neutral weight in the planning balance.

*Conserving and enhancing the historic environment*

- 9.53 The nearest heritage assets to the application site are No.'s 14-22 Moreton Road (opposite side of highway to the south), and the Buckingham Conservation Area, the boundary of which encompasses these aforementioned listed buildings. The proposal is therefore to be considered on the impact of the setting of these heritage assets.
- 9.54 Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 place a duty on local planning authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of listed buildings, and preserving and enhancing the character or appearance of conservation areas. Recent cases in the High Court of Appeal have placed emphasis on local planning authorities ensuring that great weight is attached to these duties.
- 9.55 Given the separation distance of the application site to the listed buildings and conservation area, it is not considered that the proposal would have a significant impact upon their setting. However, the site does form part of the same street scene and so the proposal would still need to be carefully designed so as to preserve these heritage assets. For the reasons already set out above in this report, it is considered that the proposed dwelling would successfully integrate into the street scene and would not result in a level of prominence that could be considered harmful to the setting of those buildings. As such it is considered that the proposal would be acceptable and would preserve the setting of the nearby listed buildings and the nearby conservation area.
- 9.56 Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and that the setting of the listed building would be preserved and so the proposal accords with section 66 & 72 of the Act. In addition, no harm would be caused to the significance of the heritage asset in NPPF terms, and as such the proposal accords with the guidance contained within the NPPF. As an absence of harm can be demonstrated, this matter is afforded neutral weight in the planning balance.



### ***c) Impact on residential amenity***

- 9.57 AVDLP policy GP8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 9.58 The NPPF at paragraph 127, states that authorities should always seek to create places that are safe, inclusive and accessible... and secure a high standard of amenity for all existing and future occupants of land and buildings.
- 9.59 Having carefully considered the objections raised, it is noted that there are concerns relating to a potential loss of light to No.63 Moreton Road and a loss of privacy to neighbouring properties. Turning firstly to the loss of light, it is accepted that a taller dwelling than the previous bungalow would inevitably have a greater impact upon No.63. This is further created by the positioning of the proposed dwelling to the south of No.63. That being said, the two storey element would be set in 2.3m from the shared boundary and a further 1.3m between the boundary and No.63. It is noted however that the single storey element would only be 1.17m from the boundary. Although it is accepted two storey built form would have a greater impact, the proposed dwelling has been carefully designed so as to site the dwelling further back within the plot and contain the main bulk of the dwelling further to the south within the plot, compared with the previous bungalow. This has been demonstrated via the use of a red dotted line on the submitted site plan. As such, it is considered that the loss of light to No.63 would not be significant enough that the application could reasonably be refused. The use of a reduced ridge height and change of roof form approximately half way along the dwelling, also helps to reduce any sense of overbearing to this neighbour.
- 9.60 In terms of overlooking, the windows to the front elevation would look out onto the highway and then driveways on the opposite side of the highway. This outlook would be characteristic of the area and so are considered acceptable. To the northern elevation, there are a number of high-level windows at ground floor level which are not considered to result in overlooking. There is a pair of roof-lights within the catslide roof to this elevation which appear to serve a stairwell and landing. It is unclear whether the views from these roof-lights of No.63 would be acceptable and so it is considered essential to condition these windows to be obscure-glazed and non-opening below 1.7m to preserve the amenity of this neighbour.
- 9.61 To the southern elevation, two first floor windows are proposed and the submitted floor plans indicate that these windows would serve the family bathroom and an en-suite respectively. To preserve the amenity of No.59, it is also considered necessary to condition these windows to be obscure-glazed and non-opening below 1.7m. This would prevent someone being able to stand in the bathroom and look out towards No.59 Moreton Road and vice versa.
- 9.62 To the rear elevation, it is noted that a balcony is proposed. This balcony would be enclosed to the sides by the walls of the dwelling and so would predominantly provide views out towards the rear of the site. It is noted that the plot is not particularly deep and so views of land outside the ownership of the applicant would be inevitable. However this area appears to be extended curtilage of No.63 and it is likely, given the positioning and orientation of the proposed dwelling, that No.63 would retain a reasonable level of private amenity, being the area immediately adjacent to the rear elevation.

9.63 As such, it is considered that the proposed development would be in accordance with policy GP8 of the AVDLP and NPPF guidance. This factor would have a neutral weight in the overall planning balance.

Case Officer: Daniel Terry