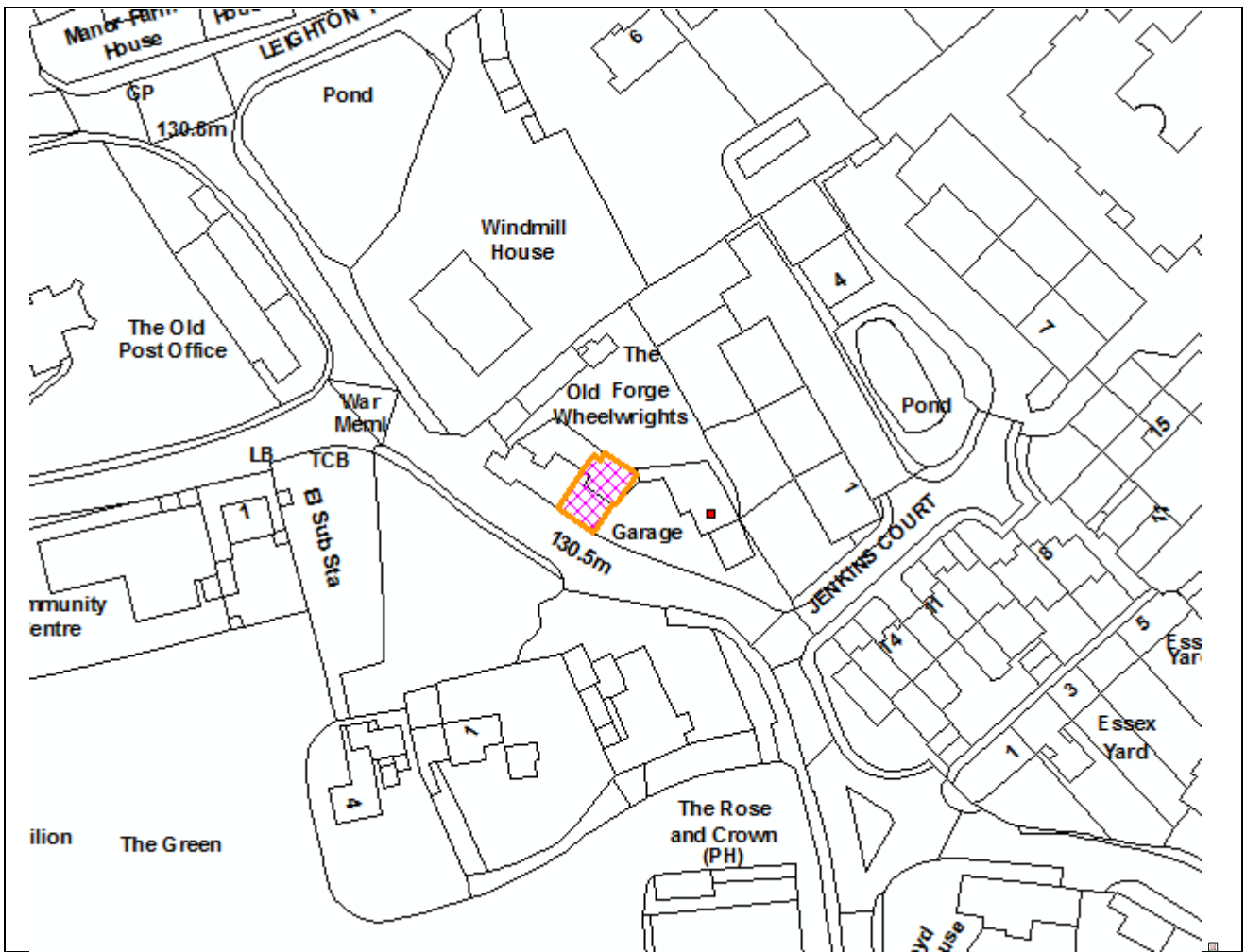


18/03719/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/03719/APP	WINGRAVE WITH ROWSHAM	06/11/18
CHANGE OF USE TO NEW DWELLING, INTERNAL AND EXTERNAL ALTERATIONS, ERECTION OF SINGLE STOREY REAR EXTENSION AND BOUNDARY FENCE. THE GARAGE THE GREEN HP22 4PD MISS P MARCHANT	The Local Member(s) for this area is/are: - Councillor P Cooper	
STREET ATLAS PAGE NO. 89		

**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 having 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 amenities**

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

## **2.0 Conclusion and Recommendation**

- 2.1 This application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the planning principles of the NPPF and whether the proposals deliver sustainable development. In this case the Wingrave and Rowsham Development Plan (WRNP) is an up to date neighbourhood plan that contains policies relevant to the determination of this application. It is part of the development plan, and S38(6) requires that the development plan is the starting point in decision making, where applicable.
- 2.2 In addition, NPPF paragraph 52 is also relevant: it states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. In this case the proposal falls within the settlement boundary and the relevant policy 1 of the WRNP states that proposals for new housing development will be supported. As such, Paragraph 11 of the NPPF is not triggered and a weighted balance assessment is not required. Notwithstanding this, the proposed development would still need to accord with adopted plan policy and be acceptable with regard to all other material planning considerations. In this instance, the proposed development is considered to accord with Policies 1 and 5 of the WRNP and policies GP8, GP24, GP35 GP.53 and RA8 of the AVDLP. Other relevant policies and VALP policies will be referred to in the application specific report.
- 2.3 The development would make a contribution to the housing land supply delivering a new residential dwelling. There will be economic benefits in terms of the construction of the development itself and benefits associated with the resultant increase in population. There will also be social benefits arising from the uplift in the population and the role in the community.. Whilst Highways concerns have been raised, the location of the dwelling is considered sustainable with provision of local services and public transport and the situation is no worse than the previously implemented consent which provides a similar parking layout and access and therefore the scheme is deemed acceptable in this regard. Whilst the unauthorised works to the listed building have caused irreparable harm to the building, it is considered that the proposed rebuild is sensitive to the original design of the building, being very similar to 2015 listed building consent on the building. The proposals therefore would amount to less than substantial harm to significance of the heritage asset which would be weighed against the public benefits of the proposal. The public benefits of the proposal include restoring the buildings historic form, the need for the building to have a new function in order for it to survive, improving the buildings appearance on the Conservation Area and the settling on the adjoining listed building and the delivery of a new housing unit and associated economic benefits, it is therefore judged that the proposals are acceptable in this regard.
- 2.4 Compliance with some of the other sections of the NPPF have been demonstrated in terms of promoting healthy communities, the design of the development, biodiversity, flood risk, and residential amenity.
- 2.5 Therefore, having regard to the made Wingrave and Rowsham Neighbourhood Plan, the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance and the emerging VALP, it is considered that the development would accord with policy 1 and 5 of the WRNP and the saved policies of the AVDLP, emerging policies of the VALP and the NPPF and there are no identified harms of an unacceptable nature occurring that would warrant refusal to take place.
- 2.6 Given the above assessment, it is recommended that the application be APPROVED subject to conditions set out below:

- 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 The development hereby permitted shall only be carried out in accordance with the approved plans, Amended Site Location Plan reference 0789/LCN01A, Amended Plans, Elevations and Sections drawing number 0789/01N, Amended Certificate of Ownership dated 14.08.2019, Window/Door Details drawing number 0789/PL03B, Windows Details drawing number 0789/PL04A, Amended Site Observations/ Timber Elements Schedule - drawing number 5040-SK01 Rev A (01/02/19), Amended Roof Sections Drawing number 5040-SK02 rev A

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.

3. Brickwork detail - No work permitted by this consent shall take place until details of the proposed brick bond, mortar mix specification and pointing technique have been provided to the Local Planning Authority by means of a sample panel (which shall remain on site for the duration of the development and the Local Planning Authority has given written approval of those details. The development shall be carried out using the approved details.

Reason: To ensure that the proposed works can be effected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

- 4 Bricks - The bricks which have been taken from the existing building will be set aside and reused on this building and the balance to be made up of matching bricks.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

- 5 Roof - The peg tiles and slates which have been stripped from the roof shall be set aside and reused on this building and the balance to replace those unsuitable for re-use shall be made up with matching tiles.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

- 6 Rainwater goods - No work shall be carried out to the rainwater goods (or the replacement rainwater goods) in accordance with this consent until details of the colour which it is proposed that they shall be painted has been submitted to and approved in writing by the Local Planning Authority. All rainwater goods shall be of cast iron or cast aluminium depending on the agreed type upon rise - and - fall brackets. The development shall be carried out using the approved details.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

- 7 Rooflights - The rooflights hereby permitted shall be conservation type and flush fitting.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

8 Flue and Vents - Prior to the installation of any new flues, vents or extracts to be fitted externally to the building full detailed plans shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out using the approved details.

8. Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

9 The scheme for parking indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other 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 policy GP24 of the AVDLP and the National Planning Policy Framework

10 The dwelling will not occupied until an acoustic report, produced by an independent acoustic consultant, has been submitted to, and approved in writing, by the Local Planning Authority. The report will assess the site in accordance with the provisions of BS4142:21 04, including vehicle movements on the forecourt, and will demonstrate that with appropriate mitigation the rating level will be a maximum of 5dB above the background level in the grounds of the new property. The report will also determine any mitigation required to ensure that internal noise levels in the dwelling do not exceed the levels specified in table 4 of BS8233:2014. Any mitigation required to meet the above standards will be installed prior to occupation and thereafter maintained.

Reason: To protect residential amenity of future occupants of the dwelling and the commercial interests of the existing garage.

### Informatives

1) It is advised that prior to occupation of the dwelling a sign advising that no smoking or naked flames, due to the presence of the petrol vents pipes, shall be installed in the rear amenity area and shall be retained in perpetuity thereafter. The development will be required to conform to all relevant health and safety legislation.

## **3.0 WORKING WITH THE APPLICANT/AGENT**

3.1 In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

AVDC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- 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 discussions have taken place with the Applicant / Agent who responded by submitting amended plans which were found to be acceptable and approval is recommended.

## **4.0 Introduction**

- 4.1 Councillor Peter Cooper (Wingrave Ward) objects to the application and wishes to speak at committee. The objection to the application relates to: the damaging works which have taken place to the listed building and that important parts of the listed building have been removed - full restoration should be incorporated into design before application is considered; that the parking is inadequate and is over a garage forecourt, parking on the village green area is heavily over subscribed and that there are concerns over close proximity to fuel store.
- 4.2 In response to the Councillor's comments the planning department consider that, in relation to the works to the listed building, whilst the unauthorised works to the listed building have significantly harmed the heritage asset, this application cannot require any enforcement action to be taken but seeks to remedy the harm caused to the building. It is considered that the proposed works to the building will help restore the building and secure its long term survival. The works proposed are extremely alike, almost identical, to the 2015 listed building application which was approved – although it is acknowledged that this application did not involve the unauthorised demolition. Therefore it is considered that the application will help preserve the building for the future and will have a positive impact on the conservation area and adjoining listed building when viewed in context of the existing situation
- 4.3 The parking and access to the site, whilst not considered to an ideal arrangement, is viewed in context of the previously implemented planning consent 90/01279/APP which is a material consideration when determining the application. This application also had 1 parking space and utilised the same access path as proposed scheme. Wingrave is also considered to be a larger village in the Council's Settlement Hierarchy Assessment which notes that Wingrave has 8 key services, with good employment provision and an hourly bus service; with the site being located within 50m of a bus stop.
- 4.4 It is considered therefore in view of the previous consented scheme and the other aforementioned material circumstances that the parking and access arrangements are acceptable. The Councillors comments relating to parking elsewhere in the village are noted however as mentioned above the parking arrangements are considered acceptable.
- 4.5 The proximity to fuel stores is noted however this would be covered under separate legislation from the planning act.

## **5.0 Site Description**

- 5.1 The site is located towards the centre of Wingrave off Dark Lane and relates to a derelict workshop extension that formed part of an earlier building known as Wheelwrights. The building is grade II Listed and located within the Wingrave Conservation Area and the Quinton-Wing Hills Area of Attractive Landscape. The workshop is sited to the west of the

garage on the corner of Dark Lane/Jenkins Court and is opposite an area of open space with car park beyond that provides parking for the community centre.

5.2 The listing for the property describes it as:

*House and workshop. Late C18 and C19 alterations to older building. Left bay has timber frame to left side and rear, C19 brick to front. 2 centre bays are of late C18 chequer brick with plinth and moulded eaves, and have central chimney. Old tile roofs, hipped to left over small shop extension. Late C19 2-bay extension to right is of red brick with dentil eaves and tiled roof. Centre bays are of 2 storeys with C20 barred wooden casements and off-centre C20 half-glazed door. Ground floor openings have segmental heads with narrow stone or rendered keyblocks. Diaper in blue headers to left of door. Left bay is of one storey with 2 irregular barred wooden casements. C19 bays to right are of 2 storeys with C20 3-light windows to ground floor and barred horizontal sliding sashes to first floor.*

## **6.0 PROPOSAL/DESCRIPTION OF DEVELOPMENT**

6.1 The proposal seeks to rebuild the building as a dwelling following the partial demolition including the removal of the roof and front façade. A rear extension has also been partially built which also forms part of the application. The dwelling is to have painted timber casement windows to the ground floor front elevation, with 'Yorkshire side sash' windows to the first floor to match the original style. In the side elevation (south east) the existing first floor side elevation window is to be retained and painted and the existing side elevation ground floor garage door frame and door to be retained with one side opening door.

6.2 To the rear the first floor windows are side sashes to match the original. To the ground floor rear there is to be single storey mono-pitched extension, which has been partially built. The extension is 1.9m deep, 6.1m wide, 2.7m to the ridge and 2.1m to the eaves with 2 rooflights to the roof and a casement window and patio doors. All of the alterations are very similar in appearance to approved listed building consent 15/01321/ALB

6.3 Materials from the original building are to be reused such as the purlins which were retained on site, also some of the rafters, 12, will be re-used with new structural timber. In addition 1400 face bricks and a similar number of three quarter and half bricks will be retained to reinstate the front elevation of the building. The main roof is to be clay tiles as per the original, with slates to the single storey projection

6.4 Internally the building will have a lounge, W/C and dining kitchen area at ground floor and 3 bedrooms (one ensuite) and a bathroom at first floor level.

6.5 Access to the rear parking is via the garage forecourt to the southeast of the dwelling, leading to the rear of the dwelling providing one parking space, 2 cycle spaces and an area for bins.

## **7.0 RELEVANT PLANNING HISTORY**

7.1 85/01165/AV - CONVERSION OF PREMISES TO FORM 2 DWELLINGS - APPROVED

7.2 85/01166/AV - CONVERSION OF PREMISES TO FORM 2 DWELLINGS WITH MINOR ALTERATIONS - APPROVED

7.3 90/01279/APP - CONVERSION OF WORKSHOP TO FORM 2 DWELLINGS (RENEWAL OF AV/1165/85) - APPROVED

7.4 94/00906/ALB - ERECTION OF 2 DWELLINGS - RENEWAL OF APP/00813/89 - APPROVED

7.5 99/00626/APP - Erection of 2 dwellings - Renewal of 94/0906/APP - APPROVED

7.6 05/00902/APP - Erection of two semi-detached houses - REFUSED

7.7 05/02749/ACL - Mixed use of site for two dwellings, workshop and associated garage uses

- APPROVED
- 7.8 15/01321/ALB - Internal and external alteration and single storey rear extension – APPROVED
- 7.9 18/02053/APP - Single storey rear extension, internal and external alterations and erection of boundary fence (Part Retrospective) - Withdrawn
- 7.10 18/02054/ALB - Single storey rear extension, internal and external alterations and erection of boundary fence (Part Retrospective) – Pending Consideration

## 8.0 PARISH/TOWN COUNCIL COMMENTS

8.1 Wingrave with Rowsham Parish Council - **object** to the application on the grounds that:

- There is insufficient parking allocation for a dwelling, especially a 3 bedroom one
- The proximity to both the fuel stores and vent pipes is a major concern
- The building is listed and no application has been received from Heritage
- Internal proportions of this site are too small for modern living
- Concerns over how the building has been treated.

8.2 Councillor Peter Cooper (Wingrave Ward) – **Objects** and wishes to speak at committee:-

- Damaging works have taken place to the listed building and important parts of the listed building have been removed. Full restoration should be incorporated into design before application is considered
- Parking is inadequate and is over a garage forecourt
- Parking on the village green area is heavily over subscribed
- Concern over close proximity to fuel stores

## 9.0 CONSULTATION RESPONSES

9.1 Buckingham & River Ouzel Internal Drainage Board – No Comments

9.2 AVDC Ecology – No objection

9.3 AVDC Highways – The parking space is tight, 2 spaces should be provided as proposal is for 3 bed dwelling. Notes rights of way to be resolved.

9.4 BCC Archaeology – No objection

9.5 AVDC Heritage Comments - Consider that the proposed works to the building amount to less than substantial harm and the maintenance of the building's historic external form and the need for the building to have a new function in order for it to survive are relevant positive factors. Application to be approved subject to conditions.

9.6 AVDC Environmental Health – Dwelling directly adjacent to an operational service station/garage is likely to be subject to some level of noise disturbance from the adjacent commercial activities. It is important that adequate protection from noise from the commercial activities has been provided at this time to protect both the new residents and the ability of the garage site to continue to operate without significant restrictions. A condition requiring an acoustic report to be submitted has been suggested..

## 10.0 REPRESENTATIONS



10.1 1 letter of objection to this application has been received, 3 letters corresponding listed building

- Appears to be no application for Listed Building Consent.
- The living areas for the dwelling are small and are unrealistic
- Application should be revised to 1 bed dwelling which would resolve parking issues
- The parking area shown is for only one car which is inadequate for three bedrooms. The parking
- Cars will be parked in the public car park on the green
- Conditions relating to sash windows on previous applications should be proposed
- Yorkshire sash windows should be used
- Joinery details to be approved by the conservation officer
- Support the re- construction of the Old Workshop building in its original style as soon as possible.
- Concerns with location of fence
- property should be referred to as 'The Garage Cottage' and not The Garage
- Concerns over boundary
- Concerns whether car can fit into space
- Concerns over visibility
- Concerns over use of parking space
- Neighbouring garage has right of way over land to the south west of the building
- Considerations over use of space to the rear
- Concerns over smoking and BBQ's close to fuel tank vent pipes -high risk of fire or even explosion.
- With appropriate amendments to the access gate and fence we would very much like to see the development completed as soon as possible
- Property currently an eyesore and impacting on neighbouring businesses

## 11.0 EVALUATION

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

11.3 The overview report appended to this report sets out the background information to the policy framework when making a decision on this application.

#### Wingrave with Rowsham Neighbourhood Plan (WRNP)

11.4 The Wingrave with Rowsham Neighbourhood Development Plan 2013-2033 (WNP) was 'made' on 30th September 2016 and is a material planning consideration. Given the Council currently have a 5 year housing supply and the WRNP is the most up to date plan it should be given full weight. The following paragraphs of this report set out the policies of the WRNP which are of particular relevance to this case.

11.5 Policy 1: A Spatial Plan for the Parish

11.6 The Neighbourhood Plan designates a Wingrave Settlement Boundary, as shown on the Policies Map within which proposals for new housing development will be supported.

11.7 Rowsham will remain a hamlet in the open countryside without a defined settlement boundary where new infill housing will be supported subject to other policies in this Plan.

11.8 The policy includes provision for identification of additional or reserve site housing development land that could be developed should the sites allocated in Policies 2, 3 and 4 not deliver a sufficient number of dwellings to meet updated assessment of housing need. The neighbourhood plan will be reviewed in line with VALP Draft Plan Policy securing development through neighbourhood plans (or its successor/replacement) to find a suitable additional / reserve site within a year of the adoption of VALP.

11.9 The supporting text to policy 1 states:

No such (settlement) boundary is proposed for Rowsham. However, the Parish Council is aware of the desire of many Rowsham residents to secure both new housing development and a green space for recreation in the hamlet. In reviewing the Neighbourhood Plan in future years, the Council will consider proposing a new spatial plan for Rowsham to achieve those objectives provided they are supported by the Rowsham community.

Policy 5: Design

11.10 The scale, massing, layout and design of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and the topography and setting of the site to be developed.

11.11 The layout and plot coverage will provide open views and glimpses from within the village to the countryside. It will seek to avoid closing in development. Facing materials and finishes must be in keeping with those used in neighbouring properties and should, where appropriate, include reclaimed vernacular materials.

11.12 External lighting should not be visually intrusive nor create adverse light pollution.

11.13. This will be considered below.

#### Aylesbury Vale District Local Plan (AVDLP) – The Development Plan

11.14 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 particular relevance are GP8, GP24, GP35, GP53 and RA8.

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

11.15 The overview report sets out the current position with regards to VALP. A number of policies within the VALP following the main modifications consultation which started on the 5th November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those policies of particular relevance are BE1 (Heritage Assets), BE2 (Design of new development), BE3 (Protection of the amenity of residents), NE4 (Landscape character and locally important landscapes), T6 (vehicle parking) and S3 (settlement hierarchy and cohesive development). The weight to be given is considered in the paragraphs below.

11.16 The majority of the above policies (not mentioned in the below paragraph) can be given moderate weight meaning that where there are objections and the Inspector

has requested main modifications and therefore objections can be regarded as being “resolved”. The context being that the Inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed that he is reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far.

- 11.17 Policy BE3 has been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and this policy can be given considerable weight. The remainder of these policies have been the subject of objections and the Inspector requested main modifications and confirmed that he is satisfied they remedy the objection so these can be given moderate weight. These do not fundamentally change the position established through the made neighbourhood plan and saved AVDLP policies.

#### National Planning Policy Framework (NPPF)

- 11.18 The most up to date national policy is set out in the NPPF published in February 2019 superseding the earlier July 2018 version. At the heart of the NPPF is the presumption in favour of sustainable development (paragraph 11) in both plan making and decision taking.
- 11.19 The NPPF states at paragraph 8 that there are three objectives to sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 11.20 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area (paragraph 9).

#### **b) Principle of development**

- 11.21 The Government’s view of what ‘sustainable development’ means in practice is to be found in paragraphs 7 to 211 of the Framework, taken as a whole (paragraph 3). The Framework has a presumption in favour of sustainable development.
- 11.22 The Council’s Settlement Hierarchy Assessment 2017 identifies Wingrave as larger village having a population of 1,389 and 8 key services and states that Wingrave has a ‘*Fairly large population but poorly connected to a large service centre (nearly 6 miles to Aylesbury or Leighton Buzzard). Has good employment provision and an hourly bus service, and eight of the key services.*’
- 11.23 The site is located within the settlement boundary identified in the WRNP, which states that ‘*The Neighbourhood Plan designates a Wingrave Settlement Boundary, as shown on the Policies Map within which proposals for new housing development will be supported.*’
- 11.24 Consent has also previously been granted for the conversion of the building to a residential dwelling with the conversion of the subject building and the attached building into 2

dwelling being granted consent in 1985 under planning applications 85/01165/AV and 85/01166/AV. Under these permissions the subject building was to be converted into a 3 bedroom dwelling with lounge kitchen and dining area on the ground floor. The permission 85/01165/AV was subsequently renewed in 1990 under planning reference 90/01279/APP. A certificate of lawful development was received in 2005 where confirmation on whether the 1990 (90/01279/APP) consent had been lawfully implemented or not. The report stated the following:

- 11.25 *Evidence - In 1995 the applicants sought to renew application 90/00279/ APP relating to the conversion of garage house & attached workshop into 2 dwellings. The forms and submitted application fee (cheque) were subsequently returned at that time, under cover a comp slip from a Planning Officer, stating that permission was not required. This followed a telephone conversation between the two parties whereby the planning officer had pointed out that the separation of the 2 properties constituted a start to the development and that renewal was not therefore required. Despite reference on the compliment slip to a letter to follow confirming this there is no evidence/copy to be found of such a letter. An inspection of the site clearly shows/proves that the other half of the original property has been separated/converted to form a dwelling.*

#### CONCLUSION

- 11.26 *"I consider that the site is authorised for the use sought in this application - i.e. mixed use of the site for two dwellings, workshop and associated garage uses."*
- 11.27 The issued lawful development certificate under 05/02749/ACL therefore confirmed that planning consent 90/01279/APP (which was a renewal of 86/01165/AV) has been implemented and as stated in the report 'has therefore been kept alive in perpetuity'. However, whilst the 1990 consent had previously considered to be implemented, due to relatively recent partial demolition of the building, it is no longer considered capable of completing this previous consent for conversion of the building. The previous consent therefore is no longer considered to be capable of completion; however it is still a material consideration in the determination of the planning application.
- 11.28 Overall the development is located within the settlement boundary where proposals for new housing development will be supported by the WRNP and located within a larger village and therefore it is considered that the site is in principle acceptable for housing. The previous consents affirm this view.

#### **Delivering a sufficient supply of homes**

- 11.29 Local planning authorities are charged with delivering a wide choice, 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.
- 11.30 The Five Year Housing Land Supply Position Statement (April 2019) sets out that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. The updated overview report attached sets out the detailed clarification and background information on the HEDNA position, the new Housing Delivery Test and the approach to not include any element of unmet need.

- 11.31 Consideration is given to whether each development proposal provides for a mix of housing based on current and future demographic trends, markets and community needs, of an appropriate size, type and tenure including the provision of affordable housing, as required by the NPPF.
- 11.32 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 1 ha or more.
- 11.33 The application seeks provision of a dwelling and so would add to the housing stock. There is no reason that the site could not be delivered within the next five year period 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 development and its relatively limited contribution. This aspect is therefore a matter which weighs in favour of the application

### **Building a strong competitive economy**

- 11.34 Consideration is given to whether the development would support the aims of securing 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.
- 11.35 Paragraph 83 of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 11.36 It is considered that there would be economic benefits arising from the provision of residential accommodation on this site in terms of the provision of the dwelling and the resultant increase in population contributing to the local economy.

### **Promoting healthy and safe communities**

- 11.37 Decisions should aim 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. It will therefore be necessary to consider how each scheme addresses these issues.
- 11.38 Policies GP.86-88 and GP.94 of the AVDLP 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.
- 11.39 The proposal would be below the threshold requiring any financial contributions towards the above services.
- 11.40 The dwelling is located within close proximity of meeting places for people to interact, such as the Wingrave Community Centre and the Rose and Crown PH and therefore there are plenty of opportunities for the occupiers of the new dwelling to interact with the local community. As such the proposal would not conflict with the overall aims of paragraph 91 of the NPPF.

## **Promoting sustainable transport**

### *Sustainable Location*

- 11.41 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 guidance in the NPPF.
- 11.42 Paragraph 108 of the NPPF requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 11.43 Paragraph 109 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.
- 11.44 The promotion of sustainable transport is an important principle of the NPPF and patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 11.45 The site, as stated above, has access to 8 key services including a food store, public house, post office, community building, children's play equipment and combined school. Whilst it is noted by the settlement hierarchy that Wingrave is poorly connected to a large service centre, it is noted that it has good employment provision and an hourly bus service, with a bus stop located around 50m from the site.. The WRNP also supports housing within the within the settlement boundary and the site also has a also previously been granted consent to be used as a dwelling.
- 11.46 It is therefore judged that the site is a sustainable location for the limited housing proposed.

### *Parking and Access*

- 11.47 AVDC's parking policy GP24 of the AVDLP requires that new development accords with published parking guidelines. SPG1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. Policy T6 of VALP can be given moderate weight and states that all development must provide an appropriate level of car parking in accordance with the standards set out in Appendix B of the plan.
- 11.48 The proposals provide parking for 1 space to the rear of the property behind a sliding gate with access to the space proposed from the side.
- 11.49 It is noted by the officer that the parking arrangement is not ideal, with the AVDLP guidelines stating that for 3 bedroom dwellings a maximum of 2 spaces are to be required, 1 within the curtilage. However, as stated above in 17.5, the site is considered a sustainable location for the limited housing proposed, given the key services provided and bus service. Whilst the parking space is noted as being tight, it does provide the adequate space set out in the guidance.
- 11.50 The access to the rear parking space utilises the 5m of the existing forecourt access for the garage and whilst a fence had been proposed diving the land from the dwelling and the garage this has been removed from the scheme. The access does have relatively poor

visibility to the highway however the previous consent was to use the same access and it also serves a garage and petrol station and highways do not consider a reason for refusal could be sustained and therefore is considered to be acceptable for use by 1 vehicle in line with the parking provision.

- 11.51 As such it is considered that the proposals are in line with policy GP24 of the AVDLP, SPG1, emerging Policy T6 of VALP and the NPPF.

### **Supporting high quality communications**

- 11.52 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.
- 11.53 Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of this development, and therefore it is considered that the proposal would accord with the guidance set out in the NPPF.

### **Making effective use of land**

- 11.54 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Planning decisions should take into account the identified need for different types of housing and other development, local market conditions and viability, infrastructure requirements, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 11.55 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 suitable land to accommodate it.
- 11.56 The site is brownfield land, located within the Wingrave settlement boundary and has previously has consent for the use of the site as a dwelling. It is therefore considered that it is an effect use of the land in accordance with the NPPF.

### **Achieving well designed places**

- 11.57 Policy 5 of the WRNP states that the scale, massing, layout and design of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and the topography and setting of the site to be developed. The layout and plot coverage will provide open views and glimpses from within the village to the countryside. It will seek to avoid closing in development. Facing materials and finishes must be in keeping with those used in neighbouring properties and should, where appropriate, include reclaimed vernacular materials.
- 11.58 Policy GP.35 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.

The Council's adopted supplementary planning guidance in the form of the 'New Buildings in the Countryside' Design Guide is also relevant in this respect. This policy is in general conformity with the NPPF (2019) which states in paragraph 124 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 126 states that visual tools such as design guides and codes provide a framework for creating distinctive places, with a consistent and high quality standard of design.

- 11.59 Policy BE2 of VALP can be given moderate weight and states that all new development proposals shall respect and complement the following criteria:
- The physical characteristics of the site and its surroundings including the scale and context of the site and its setting
  - The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials
  - The natural qualities and features of the area, and
  - The effect on important public views and skylines.
- 11.60 The scheme is almost identical to an approved Listed Building application 15/01321/ALB which granted listed building consent for '*Internal and external alteration and single storey rear extension*'. The new front ground floor casement windows would replace the former shop style windows with new 'Yorkshire side sash windows' to be inserted at first floor level – these replicate the original style windows which were noted as an interesting feature for the building. To the side the existing window is to be restored and the existing side elevation ground floor garage door frame and door are to be retained with one side opening door.
- 11.61 To the rear the first floor windows are side sashes to match the original. To the ground floor rear there is to be single storey mono-pitched extension, which has been partially built. The extension is 1.9m deep, 6.1m wide, 2.7m to the ridge and 2.1m to the eaves with 2 rooflights to the roof and a casement window and patio doors.
- 11.62 Materials from the original building are to be reused such as the purlins which were retained on site, also some of the rafters, 12, will be re-used with new structural timber. In addition in respect of facing bricks, three quarter and half bricks will be retained to reinstate the front elevation of the building. The main roof is to be clay tiles as per the original, with slates to the single storey rear projection.
- 11.63 The works will reuse historic fabric and use materials to match the existing build, respecting the historic character and appearance of the building – essentially being a rebuild. This is in line with policy 5 of the WRNP which states that development proposals '*will be required to reflect the architectural and historic character and scale of the surrounding buildings and the topography and setting of the site to be developed.*' And that '*facing materials and finishes must be in keeping with those used in neighbouring properties and should, where appropriate, include reclaimed vernacular materials*'. The rear extension remains subservient to the host and is respectful in its style to the main building - it is almost identical to the single storey rear extension granted listed building consent under 15/01321/ALB.
- 11.64 Internally the proposals are similar to the previous consent, 90/01279/APP, with 3 bedrooms, 2 bathrooms, 1 en-suite, with open plan sitting room and kitchen dining room at ground floor. Whilst it is noted that the dwelling will be small for a 3 bed property, with 2 small bedrooms and little circulation space it is not considered that it will have a detrimental impact on future occupiers and will provide an acceptable quality of accommodation with adequate daylight and ventilation, being dual aspect, and would also be larger than the previous scheme with the rear extension. The amenity space is limited, however; the



Wingrave recreational ground is located 50m as the Crow flies from the site, which assists in providing an area of amenity space for the occupants, although it is noted that this is not private amenity space which is shared with parking. It is judged that whilst the proposals provide limited private amenity space that location of a recreational ground nearby and that the previous consent provided a similar level of space that this is considered allowable.

- 11.65 It is considered that the proposal is respectful of the buildings character and appearance and is in line with previous approvals. It is therefore considered that the proposals are in line with WRNP policy 5, AVDC policy GP.35, emerging VALP policy BE2 and the NPPF.

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

- 11.66 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 11.67 Specifically with regard to flood risk, it is stated that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 11.68 The application site falls within Flood Zone 1 and is therefore considered to be at very low risk of flooding and in addition, the proposed dwelling is unlikely to result in exacerbating flood risk elsewhere including adjoining land.

### **Conserving and enhancing the natural environment**

- 11.69 Consideration is given to how the development proposals contribute to and enhance the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains and preventing any adverse effects of pollution.
- 11.70 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 11.71 Policy GP.35 of the AVDLP 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. This policy is considered to be consistent with the NPPF.
- 11.72 Policy RA.8 of the AVDLP states that development proposals within Areas of Attractive Landscape should respect their landscape character and development in these areas which adversely affects this character will not be permitted.

- 11.73 NE4 of VALP (moderate weight) states that development must recognise the individual character and distinctiveness of particular landscape character areas set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place.
- 11.74 Whilst the site is located within the Quanton-Wing Hills Area of Attractive Landscape, the property is located within the built up area on a residential street and has an urban context. It is not therefore considered that the proposals will cause any harm to the AAL and therefore the proposal would comply with RA8 of the AVDLP and policy NE4 of the emerging VALP.
- 11.75 There is no natural landscaping to the rear of the building and therefore the proposals would have no impact on any habitat.
- 11.76 It is considered that the proposals would not cause any harm to the natural environment and are therefore considered compliant with policies GP35 and RA8 of the AVDLP, policies NE1 and BE2 of the emerging VALP and the wider objectives of the NPPF.

### **Conserving and enhancing the historic environment**

- 11.77 Policy GP53 of the AVDLP requires new development in Conservation Areas seeks to preserve or enhance the special characteristics of the conservation area; not cause harm to the character or appearance of the Conservation Areas, their settings or any associated views of or from the Conservation Area; must respect the historic layout, scale and form of buildings, street patterns, open spaces and natural features in the Conservation Area that contribute to its character and appearance; and that proposals for alterations, extensions and changes of use must respect and complement the character, materials and design details of the structure and site concerned and its neighbours. Policy GP.53 of the AVDLP is to be given limited weight as it is inconsistent with the language of the NPPF by failing to incorporate the balancing test contained in paragraph 196 of the NPPF.
- 11.78 Policy BE1 of the emerging VALP (moderate weight) states that All development, including new buildings, alterations, extensions, changes of use and demolitions, should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible.
- 11.79 Paragraph 193 of the NPPF states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. With paragraph 194 stipulating that any harm to or loss of the significance of a designated heritage asset must be supported by a "clear and convincing justification". In the case of heritage assets, permission for the substantial harm to or loss of the significance of these assets would only be granted in exceptional circumstances. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 11.80 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Listed Buildings. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving or 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.

- 11.81 Development took place on the site to convert the building to a residential dwelling however the development went beyond works granted consent in 2015 under 15/01321/ALB. The works in question being the removal of the original roof structure and first floor structures as well as a substantial portion of the road-side elevation of the building having been taken down along with the entire opposite flank wall contrary to the scheme as approved.
- 11.82 This loss of the roof and first floor structures and the removal of much of the building's original flank walling has clearly constituted a very great loss of original fabric /historic features very much to the diminishment of the overall significance of this designated heritage asset. That said the applicant has retained the original bricks from the sections of walling taken down both on the road-side elevation of the building (where there had already existed a large ground floor window opening) and from the elevation (north-eastern) that faces away from the road where the whole of the original walling has been taken down when works were stopped the external walls to the previously approved single storey side extension for the kitchen/diner had been built along with a rebuilt first floor wall.
- 11.83 This application and the accompanying listed building consent 18/02054/ALB (*Single storey rear extension, internal and external alterations and erection of boundary fence (Part Retrospective)*) seeks to address the works undertaken without the benefit of consent and seeks to continue to complete the development essentially to the design that was previously given consent for in 2015 (15/01321/ALB), albeit with a new first floor and roof structures and a rebuilt road-side elevation to the modified form previously approved.. Internally it is noted that is now being proposed to enlarge the opening between the living room and the new partially built kitchen extension. As this internal alteration would not result in any further loss of historic fabric the change as such would not have any impact on the significance of the building. The previously approved fence has also been removed and a smaller fence has been erected to the rear of the building, 1.55m high, separating the parking and amenity area from the adjoining Wingrave Garage.
- 11.84 In the case of this particular building, whilst arguably the works undertaken without the benefit of consent have greatly eroded the value of this heritage asset, it is however now believed that the building's significance lies in its relationship to the adjoining listed property, The Old Wheelwrights, and its visual contribution to the Wingrave Conservation Area. As such given that consent has previously been given to convert the building to a dwelling it is considered important to ensure the rebuilding of the road-side elevation is achieved in a way to ensure the rebuilt and new elements of this elevation seamlessly match in with the existing brickwork that remains along the bottom of this elevation and towards the corners. To that end it is judged the works to rebuild the road-side elevation would need to be an element of the works that needs special attention to ensure a satisfactory outcome and as such it is recommended that a condition requiring a sample panel of walling to be produced to ensure the bricks, mortar mix and colour, brick bond and mortar joint size and finish are correct.
- 11.85 Further details were provided throughout the course of the application in relation to elements of the rebuild:

#### Roof Timbers

- 11.86 Drawing 5040-SK01 (rev A - 1/2/19) was submitted confirming the reuse of the existing purlins which were retained on site. It also confirms some rafters will be re-used - subject to condition and quality. Following this it has been confirmed from the builders inventory

check of the materials retained on site that historic rafters will be reused, albeit with new structural timber along side. In addition it was confirmed there are face bricks, three quarter and half bricks retained to reinstate the front elevation of the building. This should be constructed using an appropriate mortar, bricks bond and pointing as per the wall prior to its collapse.

### Windows

- 11.87 The side sliding sash windows whilst initially retained, were reported stolen from the site – a crime reference number was provided. Revised drawings (0789/PL03B and 0789/PL04A) have been submitted detailing single glazed windows with integral glazing bars, also clearly annotating the proposed windows to the elevation drawing. These documents also confirm replications of the side sash windows will be inserted to the first floor windows to the front.

### Fence

- 11.88 The height of the proposed boundary gate and fence has been lowered to 1.55m and will be located along the rear boundary with the property and the abutting Wingrave Garage.
- 11.89 The Council's Heritage officers have worked closely on the application to ensure they were satisfied with the level of information provided and the rebuild. Following the further information provided they are satisfied with the proposals and have no objections subject to conditions being imposed on any approval. They conclude that the proposals would preserve the architectural external form of the listed building and as such the character and appearance of the conservation area and note that whilst substantial harm has been caused to the significance of the designated heritage asset in relation to the unauthorised demolition works, the works proposed themselves amount to less than substantial harm. It is considered that the maintenance of the building's historic external form and the need for the building to have a new function in order for it to survive are relevant factors.
- 11.90 It is therefore considered that whilst substantial harm to the significance of the designated heritage asset has already been caused by the unauthorised works, the works proposed themselves amount to less than substantial harm. which would be weighed against the public benefits of the proposal as set out in paragraph 196 of the NPPF. The public benefits of the proposal include restoring the buildings historic form, the need for the building to have a new function in order for it to survive, improving the buildings appearance on the Conservation Area and the settling on the adjoining listed building. Special attention has also been paid to the statutory test of preserving or enhancing the character or 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 as 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.

### **d) Impact on residential amenities**

- 11.92 AVDLP policy GP8 indicates that proposals will be granted if the development does not unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.
- 11.93 Policy BE3 of VALP (considerable weight) seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.

- 11.94 Paragraph 127 of the NPPF seeks to ensure that development create places with a high standard of amenity for all existing and future occupants.
- 11.95 The development would not result in any impact on privacy or loss of light issues to neighbouring properties, the building will be replicating the built form of the original building.
- 11.96 Concerns have been raised by the councils environmental health officers regarding the use of the building for residential purposes and impact the exiting garage will have on the occupiers of the proposed residential accommodation with regards to noise, recommending a acoustic report be completed before occupation. The garage provides services for motor vehicles, MOTs and has a single petrol and diesel pump for vehicles. A condition requiring the submission of an acoustic report which will include the impact of vehicle movements on the forecourt, and will demonstrate that with appropriate mitigation the rating level will be a maximum of 5dB above the background level in the grounds of the new property. The report will also determine any mitigation required to ensure that internal noise levels in the dwelling do not exceed the appropriate levels. This condition will be recommended as part of any approval
- 11.97 The adjoining property would also benefit from the proposed dwelling, as the original use of this area as a workshop would likely have a negative impact due the party wall being the only separation between the 2 units. This would have been a consideration when both, the neighbouring property and the application site, were to be converted under the original consent. It is not considered that any neighbouring properties or the host property will be unduly affected as a result of the proposals and it would accord with GP8 of the AVDLP BE3 of the emerging VALP and NPPF.

#### **Other Matters**

- 11.98 Enforcement – An enforcement investigation was carried out by enforcement officers in relation to the unauthorised works. Enforcement proceedings cannot be considered as part of this planning application.
- 11.99 Fuel Stores – Concerns have been raised regarding smoking and lighting BBQ's near the fuel pump vents. Whilst this is covered under separate legislation an informative will be placed on any consent to advise of this.
- 11.100 Rights of way – The applicant has confirmed that they have an easement over the land to access the rear of the property by vehicle.

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