



## Planning Committee

Date: 20 September 2017  
Time: 7.00 pm  
Venue: Council Chamber  
District Council Offices, Queen Victoria Road, High Wycombe Bucks

### Membership

Chairman: Councillor P R Turner  
Vice Chairman: Councillor A Turner

Councillors: Mrs J A Adey, M Asif, Ms A Baughan, S Graham, C B Harriss, A E Hill, D A Johncock, A Lee, N B Marshall, H L McCarthy, Ms C J Oliver, S K Raja, N J B Teesdale and C Whitehead

### Standing Deputies

Councillors H Bull, D J Carroll, M Hanif, M A Hashmi, A Hussain, M Hussain, M E Knight, Mrs W J Mallen and L Wood

**Fire Alarm** - In the event of the fire alarm sounding, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Please congregate at the Assembly Point at the corner of Queen Victoria Road and the River Wye, and do not re-enter the building until told to do so by a member of staff.

## Agenda

- | Item |   | Page  |
|------|---|-------|
| 1.   | <b>Apologies for Absence</b><br>To receive apologies for absence.   |       |
| 2.   | <b>Minutes of the Previous Meeting</b><br>To confirm the Minutes of the meeting of the Planning Committee held on 23 August 2017 (attached).  | 1 - 4 |
| 3.   | <b>Declarations of Interest</b><br>To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.<br><br>Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting. |       |

<b>Item</b>	<b>Page</b>
<b>Planning Applications</b>	
4. <b>Planning Applications</b>	
5. <b>16/06375/FUL - Land to North &amp; Rear of The Old Pigeons, Thame Road, Longwick, Buckinghamshire, HP27 9SU</b>	5 - 15
6. <b>17/06109/FUL - 1 Hilltop Cottages, Treadaway Road, Flackwell Heath, Buckinghamshire, HP10 9PX</b>	16 - 47
<b>Other items</b>	
7. <b>Pre-Planning Committee Training / Information Session</b>	48
8. <b>Appointment of Members for Site Visits</b> To appoint Members to undertake site visits on Tuesday 17 October 2017 should the need arise.	
9. <b>File on Actions Taken under Delegated Authority</b> Submission of the file of actions taken under delegated powers since the previous meeting.	
10. <b>Delegated Action undertaken by Planning Enforcement Team</b>	49 - 50
11. <b>Supplementary Items (if any)</b> If circulated in accordance with the five clear days' notice provision.	
12. <b>Urgent items (if any)</b> Any urgent items of business as agreed by the Chairman.	

**For further information, please contact Liz Hornby (01494) 421261, [committeeservices@wycombe.gov.uk](mailto:committeeservices@wycombe.gov.uk)**

## Planning Committee Mission Statement

The Planning Committee will only determine the matters before it in accordance with current legislation, appropriate development plan policies in force at the time and other material planning considerations.

Through its decisions it will:

- Promote sustainable development;
- Ensure high quality development through good and inclusive design and the efficient use of resources;
- Promote the achievement of the approved spatial plans for the area; and
- Seek to improve the quality of the environment of the District.

(As agreed by the Development Control Committee on 7 January 2009).

### Mandatory Planning Training for Planning and Regulatory & Appeals Committee Members

A new Member (or Standing Deputy) to either the Planning or Regulatory & Appeals Committees is required to take part in a compulsory introductory planning training session.

These sessions are carried out at the start of each New Municipal Year usually with a number of 'new Planning & R&A Members/Standing Deputies' attending at the same time.

All Members and Standing Deputies of the Planning and Regulatory & Appeals Committee are then, during the municipal year, invited to at least two further training sessions (one of these will be compulsory and will be specified as such).

Where a new Member/Standing Deputy comes onto these committees mid-year, an individual 'one to one' introductory training session may be given.

No Member or Standing Deputy is permitted to make a decision on any planning decision before their Committee until their introductory training session has been completed.

Members or Standing Deputies on the Committees not attending the specified compulsory session will be immediately disqualified from making any planning decisions whilst sitting on the Committees.

This compulsory training session is usually held on two occasions in quick succession so that as many members can attend as possible.

Please note the pre planning committee training / information session held on the evening of Planning Committee do NOT constitute any qualification towards decision making status.

Though of course these sessions are much recommended to all Planning Members in respect of keeping abreast of Planning matters.

Note this summary is compiled consulting the following documents:

- Members Planning Code of Good Practice in the Council Constitution;
- The Member Training Notes in Planning Protocol as resolved by Planning Committee 28/8/13; and
- Changes to the Constitution as recommended by Regulatory & Appeals Committee.

# Planning Committee Minutes

Date: 23 August 2017

Time: 7.02 - 9.09 pm

**PRESENT:** Councillor P R Turner (in the Chair)

Councillors Mrs J A Adey, M Asif, Ms A Baughan, S Graham, A E Hill, D A Johncock, A Lee, N B Marshall, H L McCarthy, Ms C J Oliver, S K Raja, N J B Teesdale and A Turner.

Standing Deputies present: Councillors Mrs W J Mallen.

Apologies for absence were received from Councillors: C B Harriss and C Whitehead.

## LOCAL MEMBERS IN ATTENDANCE

Councillor J A Savage  
Councillor D M Watson

## APPLICATION

17/05274/FUL  
17/05274/FUL

## 33 MINUTES OF THE PREVIOUS MEETING

**RESOLVED:** That the minutes of the Planning Committee meeting held on 26 July 2017 be approved as a true record and signed by the Chairman.

## 34 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 35 PLANNING APPLICATIONS

**RESOLVED:** that the reports be received and the recommendations contained in the reports, as amended by the update sheet where appropriate, be adopted, subject to any deletions, updates or alterations set out in the minutes below.

## 36 16/08400/FUL - THE SQUIRREL, SQUIRREL LANE, HIGH WYCOMBE, BUCKINGHAMSHIRE, HP12 4RZ

Following a tied vote and the Chairman exercising his Casting Vote, the Committee voted in favour of the motion to delegate authority to the Head of Planning and Sustainability to refuse the application for the following reasons:

- Impact on existing and proposed residents.
- The proposed loss of land allocated as a community facility, in this instance the loss and residential redevelopment of an area of pub garden and parking area, would be likely to prejudice the long term viability of the public house which was currently a valuable local community facility.
- Overdevelopment and impact on the character of the area. .

**RESOLVED:** that delegated authority be given to the Head of Planning and Sustainability to refuse the application based on the above reasons.

The Chairman explained that Councillor B Pearce was unable to attend the meeting but that he wished his written submission to be taken into account.

The Committee was addressed by Mr Tim Speechley in objection and Mr Nick Bowden, the agent on behalf of the applicant.

**37 17/05274/FUL - THE KINGS HEAD, CHURCH ROAD, LITTLE MARLOW, BUCKINGHAMSHIRE, SL7 3RZ**

The Committee voted in favour of the motion to refuse the application.

In the opinion of the Local Planning Authority, the proposal, by virtue of the limited number of parking spaces available for this premises, together with the configuration of these spaces, was considered to provide inadequate parking for the size of development proposed taking into account its unsustainable location and the reliance of the business to attract customers from outside the immediate locality. There was nowhere for displaced parking to be readily accommodated nearby and accordingly the proposal would lead to the loss of residential amenity and inconvenience for users of the highway. As such the development was contrary to Policies G8 (Detailed Design Guidance and Local Amenity) and T2 (On-Site Parking and Servicing) of the Adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced); and Policies CS19 (Raising the Quality of Place-Shaping and Design) and CS20 (Transport and Infrastructure) of the Adopted Core Strategy Development Planning Document.

**RESOLVED:** that the application be refused for the above reason.

The Committee was addressed by Councillors J Savage and D Watson, the local Ward Members.

The Committee was addressed by Mr William Northcroft on behalf of Little Marlow Residents Association and Parish Councillor P Emmett on behalf of Little Marlow Parish Council in objection and Mr Paul van Zijl, the agent on behalf of the applicant.

**38 17/05526/FUL - CHILTERN MANOR, NORTHERN HEIGHTS, BOURNE END, BUCKINGHAMSHIRE, SL9 5LE**

The Committee voted unanimously in favour of the motion to refuse the application.

In the opinion of the Local Planning Authority the proposed development by reason of its increased footprint, bulk and siting closer to the northern and western boundaries than that approved, would result in an unacceptable impact on the pleasant semi-rural character of the area and residential amenity. The proposed extensions would be sited 2.5m closer to the northern and western boundaries. This, coupled with the change in ground levels, would have a dominant and overbearing impact on the adjacent occupiers. Therefore the proposed development would be contrary to policies G8 (Detailed Design Guidance and Local Amenity) of the Adopted Wycombe District Local Plan To 2011 (as saved, extended and partially replaced) and policy CS19 (Raising the Quality of place Shaping and Design) of the Adopted Core Strategy DPD.

**RESOLVED:** that the application be refused for the above reason.

The Committee was addressed by Mrs Katherine Nash in objection and Mr Bob Berry, the agent on behalf of the applicant.

**39 16/08035/FUL - LAND ADJACENT 82 DAWS HILL LANE, HIGH WYCOMBE, BUCKINGHAMSHIRE, HP11 1PU**

The Committee voted in favour of the motion to approve the application.

**RESOLVED:** that the application be approved.

**40 PRE-PLANNING COMMITTEE TRAINING / INFORMATION SESSION**

The Committee noted that a request had been received from Bloor Homes to make a presentation regarding a proposal in Princes Risborough. This presentation would be held on Wednesday 20 September 2017 at 6.00pm in Committee Room 1.

**41 APPOINTMENT OF MEMBERS FOR SITE VISITS**

**RESOLVED:** That in the event that it was necessary to arrange site visits on Tuesday 19 September 2017 in respect of the agenda for the meeting on Wednesday 20 September 2017, the following Members be invited to attend with the relevant local Members:

Councillors: Mrs J A Adey, Ms A Baughan, S Graham, A E Hill, D A Johncock, T Lee, H L McCarthy, Mrs C Oliver, N J B Teesdale, A Turner and P R Turner.

**42 FILE ON ACTIONS TAKEN UNDER DELEGATED AUTHORITY**

The file on actions taken under delegated authority since the previous meeting was circulated for the Committee's attention.

**43 DELEGATED ACTION UNDERTAKEN BY PLANNING ENFORCEMENT TEAM**

The Delegated Actions undertaken by the Planning Enforcement Team were noted.

---

Chairman

**The following officers were in attendance at the meeting:**

Mr K Asif	Technical Planning Officer
Mr K Buckthorpe	Technical Planning Assistant
Mrs J Caprio	Principal Planning Lawyer
Mrs L Hornby	Senior Democratic Services Officer
Mr R Martin	Development Management Team Leader
Mr A Nicholson	Development Manager

Ms S Penney  
Mr J Smith

Principal Development Management Officer  
Divisional Environmental Health Officer (Control of  
Pollution)

# Agenda Item 5.

Contact: Emma Crotty DDI No. 01494 421524

App No : 16/06375/FUL App Type : FUL

Application for : Erection of a two storey 5-bed detached dwelling with associated vehicular shared access and parking

At Land to North & Rear of The Old Pigeons, Thame Road, Longwick, Buckinghamshire, HP27 9SU

Date Received : 23/05/16 Applicant : Ms S Muspratt

Target date for 18/07/16  
decision:

## 1. Summary

- 1.1. Permission is sought for erection of a detached 5 bed dwelling (shown on amended plans as 4 bedrooms and a first floor study) with on-site parking.
- 1.2. The dwellinghouse would be two storey in height. The proposal would benefit from 4 parking spaces to the front/side of the property and would be served by a shared access driveway.
- 1.3. The majority of the site is located within the defined Longwick settlement boundary, beyond the Green Belt.
- 1.4. The application as originally proposed was considered at Planning Committee in December 2016. A number of concerns were raised by Members regarding the scale of the property and therefore the application was deferred for Officers to seek amendments. In summary, the scheme has been reduced in its scale with the depth of the main section of the property reduced by 0.25m, the width reduced by 0.5m, overall height reduced by 0.3m and roof design amended to reduce the bulk which has resulted in plans now showing that there would be no accommodation in the roof space. The half hipped gable roof originally proposed has now been altered to a fully hipped roof.
- 1.5. It is considered that the amended proposal would be in keeping with the character and appearance of the surrounding area and would have an acceptable impact on the amenities of neighbours and future residents. The development is also considered satisfactory with regards to highways impacts and impact on trees. The proposal is therefore recommended for approval, subject to conditions.

## 2. The Application

- 2.1. The application site is situated behind a row of dwellings on Thame Road, Longwick with mainly open land beyond. The land can be described as being on the edge of the Longwick settlement with part of the site within the 'Walkers Road, Longwick Settlement Beyond the Green Belt'.
- 2.2. This is an amended scheme following consideration of an original proposal at Planning Committee in December 2016. Concerns were raised by Members resulting in the application being deferred for Officers to seek amendments, mainly to reduce the bulk, scale and mass of the proposed new dwelling.
- 2.3. The proposed detached property would now have a width of 9.5m (compared to 10m in the original scheme brought to Committee) and a two storey depth of 6.75m (compared with 7m previously); this scheme however now shows a two storey rear projecting element which would be 3.5m wide and 3m deep (increasing the maximum depth of the proposal to 9.25m). The property would sit under a fully hipped roof (in comparison with a half hipped roof previously shown), with a lower ridge height of



around 7.8m, compared with around 8.1m. Consequently, no accommodation nor roof lights are shown to be located in the roof slope. The property would be orientated to be perpendicular to properties along Thame Road. The majority of private amenity space would be located to the rear of the dwelling with parking for up to four cars at the front of the site. An area of woodland also within the applicant's control is located directly east of the site. The property would be served by an existing shared access driveway, exiting on to Thame Road.

2.4. The application is accompanied by:

- a) Arboricultural Report
- b) Wildlife Checklist
- c) Design and Access Statement

2.5. The County Highways concerns regarding visibility splays at the entrance to the access were raised with the agent. This resulted in the red edge line of the site being amended to include the visibility splay to the north and Notice being served on the County Highways Authority (as this land is within their ownership). In addition, an area of woodland to the rear of neighbouring property Mill Barn was removed from the red edge and included in a blue edge line instead (indicating ownership but not within the application site and therefore not within the residential curtilage of the proposal). Confirmation was received via a photograph that the visibility splay obstruction to the north of the access has been removed.

2.6. The Council has produced a Draft New Wycombe District Local Plan June 2016. The emerging policies may be referred to in the assessment of this application. However as this document has not been through Examination, the application of these draft policies holds limited weight.

### **3. Working with the applicant/agent**

3.1. In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
- by adhering to the requirements of the Planning & Sustainability Customer Charter

3.2. In this instance pre-application advice was sought. Following concerns during the course of the application, amended plans were submitted. The amended scheme was taken to Planning Committee in December 2016, however following concerns raised regarding the scale of the scheme, the application was referred back for amendments which has since been undertaken, with additional re-consultation as necessary. The amended plans are considered to overcome the concerns raised at Committee and thus this latest scheme is recommended for approval by officers subject to re-consideration by Members.

### **4. Relevant Planning History**

4.1. No recent planning history.

### **5. Issues and Policy considerations**

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

ALP: C9, C10

CSDPD: CS1 (Overarching principles - sustainable development), CS2 (Main principles for location of development), CS10

DSA: DM1 (Presumption in favour of sustainable development)

- 5.1. The proposal would be located on land with an unknown use although it is thought the land has been used at some point as a pub garden. Greenfield land such as this is not considered previously developed land and therefore is not the preferred option for redevelopment as per the National Planning Policy Framework (NPPF). This does not however preclude greenfield land for redevelopment, provided the proposal would be in keeping with the locality. Furthermore, Local Planning policy C10 supports limited infilling within clearly identifiable settlements where there would not be any adverse effects on the character of the area; in this instance, part of the land and indeed the land where the proposed dwellinghouse would sit, is within the 'Walkers Road Longwick Settlement Beyond the Green Belt', although it is noted that some of the private amenity space is outside of this area. The policy further states that the closing of gaps or enclosure of open areas which contribute to the open character of the area will not be permitted. Core Strategy Policy CS10 states that rural settlements and rural areas will be sustained by providing housing within Longwick (amongst other locations) as well as by other means. However, policy C9 clearly states that the expansion of Longwick will not be permitted beyond the defined settlement boundary.
- 5.2. Given that the settlement boundary dissects the site (but with the dwellinghouse within the settlement) and the siting of the proposal would be in keeping with the existing character and appearance of the area, it is considered that the principle of the proposal in this location is acceptable and in accordance with the general thrust of Development Plan policy.

### **Transport Matters and Parking**

ALP: T2 (On – site parking and servicing)

CSDPD: CS20 (Transport)

Buckinghamshire Countywide Parking Guidance

- 5.3. The Buckinghamshire Countywide Parking Guidance has recently been adopted by the County and therefore is of significant weight in the decision making process. Based on the size of the property, four parking spaces would be required which are shown on plans. The County Highways Authority is content with this.
- 5.4. Whilst it is noted that the access would be via a narrow access driveway with no/limited possibility of passing, the County Highways is also content that this is an acceptable situation. There was concern however regarding the visibility splay to the north. As a result, this visibility splay was included in the red edge of the application and Notice served on the owner, the County Highways Authority. The obstruction in the way of the visibility splay was a hedge which has since been cut back. County Highways are content that they have sufficient legal powers to ensure that this visibility splay remains and therefore have removed their objection to the scheme. Given that this visibility splay can be controlled by the County Highways Authority, it is not considered reasonable to include a condition on any potential forthcoming permission in this regard.

### **Raising the Quality of Place Making and Design**

ALP: G3 (General design policy), Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

- 5.5. The surrounding properties are of a wide ranging style, scale and design. The design of the proposed property is considered to include some character features reflective of the locality and nearby properties. The height of the proposal is considered to be in keeping with the area and given this as well as its set back position from Thame Road, would ensure it does not appear overbearing in the street scene. Therefore the proposal is considered to have an acceptable impact on the character and appearance of the area. It is considered reasonable to condition approval of materials and levels.

## **Trees and Ecology**

ALP: G3 (General design policy), G10 (Landscaping), G11 (Trees), Appendix 1  
CSDPD: CS17 (Environmental Assets), CS19 (Raising the quality of place shaping and design)

- 5.6. An Arboricultural report has been submitted. 5 trees are shown to be removed as a result of the proposal and within the revised red edge line. A further band of trees are also noted to be removed within the area now outlined in blue. Subject to the submission of an Arboricultural Method Statement and tree protection plan, the Council's Arboricultural Officer has no objections to the scheme.
- 5.7. With regards to ecology, there is no evidence of any protected species that would be adversely affected by this development.

## **Amenity of Existing and Future Residents**

ALP: G8 (Detailed design guidance and local amenity), H19 (Residents amenity space and gardens) Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

- 5.8 Considering the amenities of future occupiers of the site, the dwellinghouse is considered to be of an acceptable size, with an acceptable size garden, to preserve amenities. In terms of waste disposal, bin storage has been shown and it is accepted that the scheme could not comply with the 25m/30m carry distance guidance of bins. However, it is considered that this situation would be knowingly entered into by the future occupant and could be overcome by using a private waste contract company, if required. In any case, this is not considered to represent a reason for refusal, particularly as this is an existing situation for neighbouring property Mill Barn.
- 5.9 Considering the amenities of neighbours to the south-west, no windows are proposed on this side elevation and given the orientation of the property compared with properties along Thame Road (perpendicular to each other), the proposal is not considered to have a detrimental overlooking impact on these properties. Furthermore, considering the separation distance between the proposed dwellinghouse and existing properties, the scheme is also not considered to have an overbearing or loss of light impact on these properties.
- 5.10 Considering the impact on Mill Barn, a first floor window serving a study is proposed in the side elevation of the proposed property facing towards Mill Barn. However given the angle of the proposed property in relation to this neighbour as well as intervening woodland (albeit reduced in density), the scheme is not considered to result in a detrimental level of overlooking of this neighbour. The separation distance is considered to be sufficient to ensure that the scheme would not result in an overbearing or loss of light impact on this neighbour.
- 5.11 In summary, the proposal is considered to have an acceptable impact on neighbours' and future occupiers' amenity levels and would conform with planning policy.

## **Building Sustainability**

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

Living within our limits SPD

- 5.12 Policy CS18 requires development to minimise waste, encourage recycling, conserve natural resources and contribute towards the goal of reaching zero-carbon developments as soon as possible, by incorporating appropriate on-site renewable energy features and minimising energy consumption.
- 5.13 Policy DM18 requires that the development will be required to deliver a minimum of 15% reduction in carbon emissions on site through the use of decentralised and renewable or low carbon sources and achieve a water efficiency standard of 110

litres/person/day. It is considered that water efficiency could reasonably be secured by condition.

### **Infrastructure and Developer Contributions**

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

5.14 The development is a type of development where CIL would be chargeable.

### **Recommendation: Application Permitted**

- 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 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built and retained in accordance with the details contained in the planning application hereby approved and plan numbers 16/396/01 rev E unless the Local Planning Authority otherwise first agrees in writing.  
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 No additional windows, doors or openings of any kind shall be inserted in the side elevations of the development hereby permitted at first floor level or above without the prior, express planning permission of the Local Planning Authority.  
Reason: To safeguard the privacy of occupiers of the neighbouring properties.
- 4 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any construction works on the external finish of the building takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.  
Reason: To secure a satisfactory external appearance.
- 5 Drawings of the site identifying the following shall be submitted to and approved in writing by the Local Planning Authority before any development takes place;
  - a. Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).
  - b. The level of the road outside the site. (AOD).
  - c. The proposed levels on site following completion of the development (for each existing height a proposed height should be identified).
  - d. The location and type of any retaining structures needed to support ground level changes.
  - e. The Finished Floor Level for every building that is proposed.
  - f. Cross sections within the site taken up to the site boundaries. The information supplied should clearly identify if land levels are being raised or lowered.
  - g. In the case of residential development, sections showing the level of the proposed garden(s) and retaining structures.The development shall be carried out only in accordance with the approved details.  
Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways.
- 6 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.

Reason: In the interests of water efficiency as required by Policy CS18 of the Adopted Core Strategy and Policy DM 18 of the Adopted Delivery and Site Allocations Plan (July 2013).

- 7 No development shall take place until an arboricultural method statement (AMS) and tree protection plan are submitted and approved in writing by the Local Planning Authority; this should include a Construction Exclusion Zone. The development shall be carried out in accordance with the approved AMS.

Reason: To ensure that the retained trees, shrubs and hedgerows are not damaged during the construction process and in the long term interests of local amenity value.

- 8 The scheme for parking, garaging and manoeuvring 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.

#### INFORMATIVE(S)

- 1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
- by adhering to the requirements of the Planning & Sustainability Customer Charter

In this instance pre-application advice was sought. Following concerns during the course of the application, amended plans were submitted. The amended scheme was taken to Planning Committee in December 2016, however following concerns raised regarding the scale of the scheme, the application was referred back for amendments which has since been undertaken, with additional re-consultation as necessary. The amended plans are considered to overcome the concerns raised at Committee and thus this latest scheme is recommended for approval by officers subject to re-consideration by Members.

**16/06375/FUL**

## **Consultations and Notification Responses**

### Ward Councillor

#### **Councillor Clive Harriss**

Comments in respect of original submission: If minded to approve please bring to committee or at least allow this to be dealt with by "delch" as the neighbour has serious concerns as to the impact of a house of this scale on their amenity and the increase in traffic over a makeshift access unsuited to multiple vehicle movements.

No comments received in respect of amended scheme.

### Parish/Town Council Comments/Internal and External Consultees

#### **Longwick-cum-Ilmer Parish Council:**

Comments received on latest scheme: The Longwick-cum-Ilmer Parish Council recommends refusal of this application as it considers the proposal to be an overdevelopment of the site and has concerns that the dwelling is too large for the size of the plot. The plot does not sit within the building line. The proposed development is considered to be overbearing to the surrounding properties, particularly those at the rear. The Parish Council considers the proposal to be detrimental to the wildlife and unenvironmentally friendly if the trees are removed.

#### **County Highway Authority**

Comments (latest response received albeit in relation to the original scheme considered by Committee): You will recall that my initial response recommended refusal based upon insufficient internal parking/manoeuvring space and the intensification of an access with substandard visibility. Then my letter dated 19<sup>th</sup> July 2016 removed the former due to an amended site plan. Nonetheless, the issue of a third party boundary feature still appeared to obscure visibility to the right on exit from the site.

The applicant has now submitted photographs of the current access, demonstrating the work carried out to the hedgerow at No.1 Elm Cottages. I also note correspondence from Transport for Buckinghamshire's Local Area Maintenance Technician who confirms that the verge upon which the visibility splay in this direction falls is actually highway maintained at public expense.

As a result, the Highway Authority could potentially serve a notice upon the owner/occupier of No.1 under Section 154 of the Highways Act 1980 that would secure the pruning or clearance of the boundary feature on highway safety grounds. Therefore, even though the hedge is on third party land, the occlusion it causes over the public highway and the aforementioned visibility splay can be controlled by an extant legal provision.

Mindful of these comments, I hereby remove my remaining objection to the development and respectfully request that the following condition is attached to any permission granted (condition regarding parking and manoeuvring).

#### **Arboricultural Officer**

Comments (latest response received albeit in relation to the original scheme considered by Committee): No objections subject to appropriate tree protection before and during construction.

## Representations

### **Original Scheme considered by Committee:**

Comments received from 5 x neighbours and interested parties (3 x objecting, 1 x neutral and 1 x supporting scheme) summarised as follows:

- Impact on privacy of neighbours
- Letter from no. 1 Elm Cottages stating that they plan to reinstate damaged hedging
- Concern about noise given increase intensity of use of stone access track
- Notification that parties are held in rear garden of neighbour which could impact amenities of future residents
- Will provide accommodation for a local family
- Crosses neighbour's land
- Insufficient turning space along access especially for large vehicles
- Access driveway is very narrow and not wide enough for 2 vehicles to pass each other
- Visibility hazard onto Thame Road
- New property will dominate area
- Will impact on light levels to neighbour
- Fear wooded area could be cleared overtime, changing character
- Land to rear referred to as playing fields is not so and is within ownership of Mill Barn
- There is a drainage ditch through the site
- Would cause inconvenience to neighbour as fencing to enclose pet would now be required.
- Insufficient space on site for parking and turning of 4 cars.
- Insufficient numbers of parking spaces
- Concern that trees to be removed may damage neighbour's property
- Cramped development/ over-development

### **Latest Scheme**

Two additional letters received in relation to latest amended scheme, one objecting on the following grounds:

- the property is too large for the plot
- Inadequate manoeuvring space
- Inadequate single driveway, not suitable for increased usage, would result in dangerous manoeuvres and parking
- Would impact on privacy of neighbour at Mill Barn due to increased traffic
- Would cause inconvenience to neighbour as fencing to enclose pet would now be required.
- Fear wooded area in time would be cleared, impacting on character of area and exposing neighbouring property.

16/06375/FUL  
Scale 1/1250





# (Plans now under consideration)

**SITE PLAN 1:500**

**EXISTING PROPOSED**

**PROPOSED FRONT (South East) ELEVATION 1:100**

**PROPOSED REAR (North West) ELEVATION**

**PROPOSED SIDE (South West) ELEVATION**

**PROPOSED SIDE (North East) ELEVATION**

**AMENDED**

**141 25th Street**

**18358401 rev E**

**re form**

**Land to West of The Old Playhouse, The Old West, Cottage, Block, 1727 2017**

**141 25th Street**

**18358401 rev E**

**PROPOSED FRONT (South East) ELEVATION 1:100**

**PROPOSED REAR (North West) ELEVATION**

**PROPOSED SIDE (South West) ELEVATION**

**PROPOSED SIDE (North East) ELEVATION**

**Small Redwood plan only site**

**Open Walk, Natural timber framing**

**Open walk, low eaves**

**Arched-Mid gable windows**

**Strong, Covered Cornice**

**OP PLAN AS PROPOSED 1:50**

**PROPOSED AS PROPOSED**

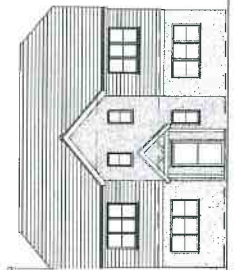
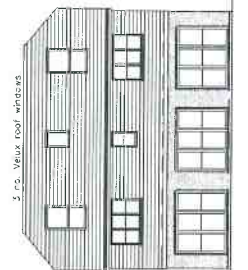
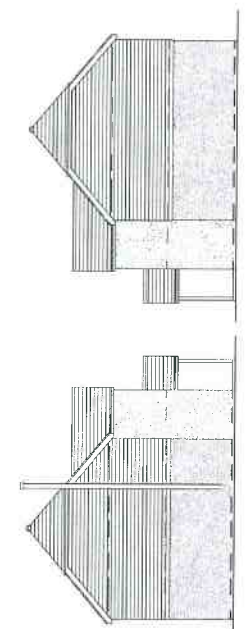
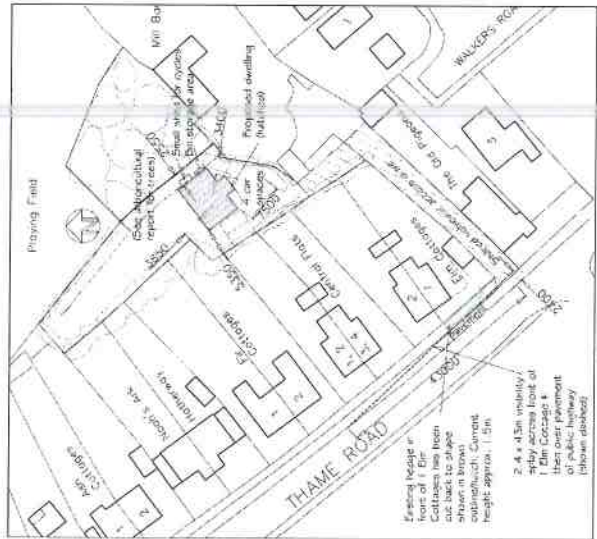
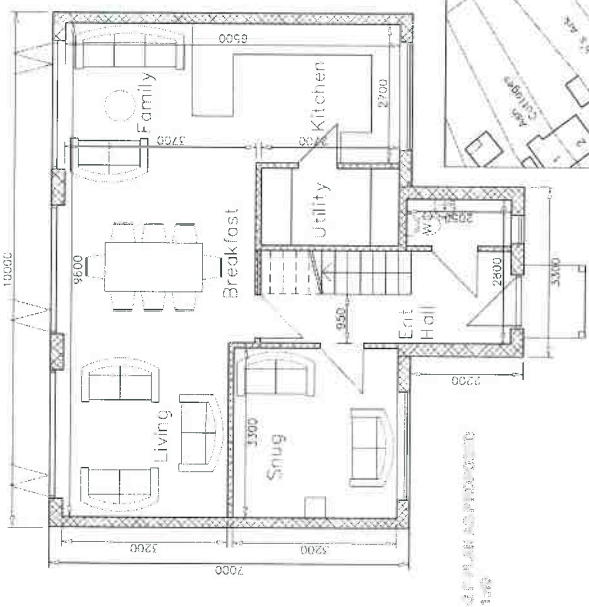
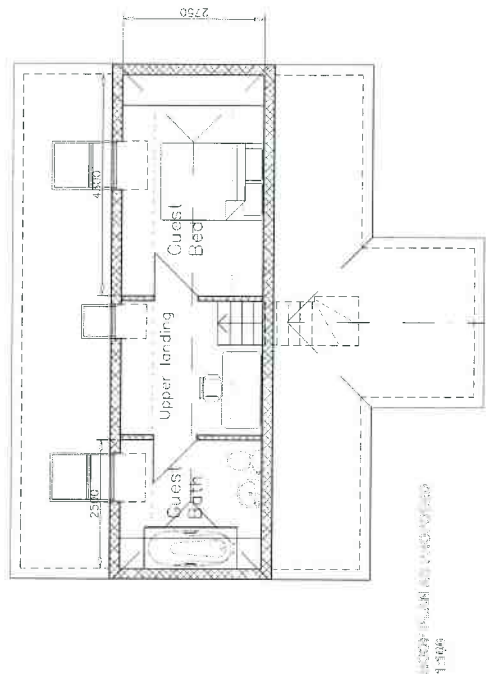
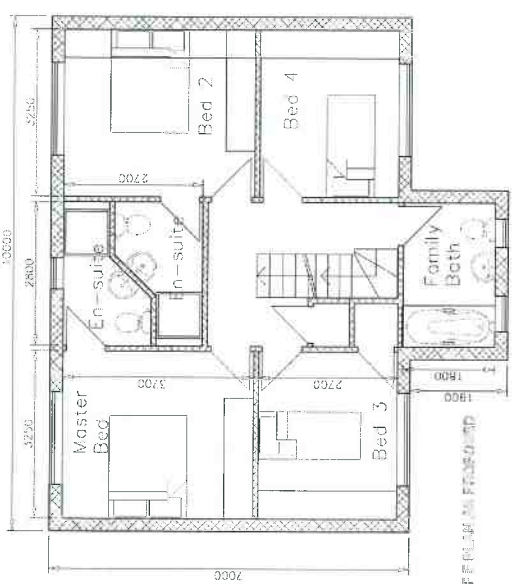
**LOCATION PLAN 1:1250**

# (Plans as originally considered)

**re form**  
ARCHITECTURE

Reform Architecture  
The Old Rectory  
110A Church Lane  
Epsom, Surrey  
Middlesex  
TW20 3EP  
Tel: 0181 871 2000  
www.reform-architects.co.uk

PROJECT: Listed as one of The Best Specialist  
Thames Road, Epsom, Surrey  
Architect: Reform  
Client: The Council  
Date: 11/01/03  
Drawing No: 1/5000/01



- Materials:
- Roof: Red/Brown plain clay tiles
  - Upper Walls: Natural timber boarding
  - Lower walls: brick render
  - Windows: Mid grey aluminium framed
  - Parking: Crushed Cobblestone stone

1/5000/01

# Agenda Item 6.

Contact: Gemma Davies DDI No. 01494 421632

App No : 17/06109/FUL App Type: Full Application

Application for : Householder application for retention of existing boundary fence with associated hedging (retrospective)

At 1 Hilltop Cottages, Treadaway Road, Flackwell Heath, Buckinghamshire, HP10 9PX

Date Received : 26/04/17 Applicant : Mr & Mrs Ekendahl

Target date for Decision 21/06/17 (agreed extension)

## 1. **Summary**

- 1.1. Full planning permission is sought for the retention of a side boundary fence with hedging to front at 1 Hilltop Cottages, Treadaway Road. This application follows a recent appeal decision for the retention of a previous boundary fence in a different position. The works have already been carried out and therefore this application is retrospective.
- 1.2. For clarification this application seeks planning permission for a different form of development than that considered as part of the 2014 planning application, enforcement notice and appeal decision. The fence subject to this application, although erected from re-used material is in a different position to that previously enforced against and therefore this is a materially different development. This approach is taken following the view of the Inspector in para. 42 of her appeal decision 'allowing for the use of the same materials, the relocated fence would be a new fence that forms no part of the breach of planning control'.
- 1.3. The development, subject to conditions would preserve the character and appearance of the Conservation Area in which it is set and would respect the overall character of the area. The development has no impact on the amenity of neighbour dwellings or highway safety and therefore the application is recommended for approval subject to appropriate conditions.

## 2. **The Application**

- 2.1. The application property is an end of terrace two-storey dwelling which is situated on the prominent corner junction of Treadaway Road and North Links Road. The site is situated within a Conservation Area.
- 2.2. Hilltop Cottages, together with the adjacent detached house, were built following a grant of planning permission in 2001. The approved development provided for small gardens to the front of the cottages, associated with a shared parking area, landscaping and a retained hedge along the Treadaway Road boundary. There was little space to the rear of the cottages.
- 2.3. Subsequently in 2003 planning permission enabled gardens to be provided at the back of the cottages, forming a boundary adjacent to North Links Road. In respect of both permissions planning conditions remove permitted development rights under the Town and County Planning (General Permitted Development) Order 1995 (the GPDO) (or any Order revoking and re-enacting that Order).
- 2.4. In August 2013 work was undertaken to lay an area of decking to the rear and side of the house and close boarded fencing was erected along the site boundaries. A wall of timber sleepers was created below the fencing along the Treadaway Road boundary. A small shed was erected on the decking in the back garden close to the boundary with number 2 Hilltop Cottages. As mentioned above retrospective planning

permission to retain these works was refused in 2013, as was an amended scheme in 2014. This new application seeks permission for a materially different form of development.

- 2.5. Following the 2014 appeal decision, and subsequent discussions with the Planning Authority, the original (and unacceptable) retaining 'sleeper' wall has been removed, as has the original fence and this has been replaced with a fence 1m back from the boundary of the site to allow the planting of a replacement hedge in this area to soften the appearance of the panelled fence.
- 2.6. The development plan for the area includes the Core Strategy Development Plan Document 2008 (the Core Strategy) and the Wycombe District Local Plan to 2011 (as saved, extended and partially replaced) (the Local Plan). The National Planning Policy Framework (the Framework) post-dates the Core Strategy and the Local Plan. The development plan policy requirements for a high standard of design are consistent with the Framework.
- 2.7. Since the determination of the last appeal the Council have produced a Draft New Wycombe District Local Plan June 2016. The emerging policies may be referred to in the assessment of this application. However as this document has not been through Examination, the application of these draft policies holds limited weight.

### **3. Working with the applicant/agent**

- 3.1. In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service,
  - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
  - by adhering to the requirements of the Planning & Sustainability Customer Charter
- 3.2. In this instance the applicant/agent was updated of any issues after the initial site visit, and as the application was considered to overcome the Inspectors previous reason for dismissing a similar appeal in relation to a fence, no further assistance was required.
- 3.3. As local members have requested to see the officers report as part of the Councils procedures for referral to Planning Committee an extension of time for determination of the application was agreed.

### **4. Relevant Planning History**

- 4.1. 01/06030/FUL - Erection of 1 x 4 bed detached dwelling and detached garage and 3 x 3 bed terraced dwellings and detached open barn garaging. Permitted and implemented.
- 4.2. 03/06026/FUL - Change of use of land to gardens associated with new dwellings permitted by PP 01/06030/FUL. Permitted and implemented
- 4.3. 13/07037/FUL - Householder application for construction of raised decking area, construction of new 1.8 metre high fence and shed (retrospective). Refused under delegated powers because the fence was deemed to be visually intrusive and thus detrimental to the Conservation Area.
- 4.4. 14/05445/FUL - Householder application for replacement fence and hedges and decking (retrospective). This application was recommended for approval but overturned and refused at Planning Committee on 19.11.2014. Following this refusal an enforcement notice was served requiring the fence and 'sleeper' wall to be removed. No enforcement action was taken against the decking or shed. The owners (the same applicants as this current application) appealed the enforcement notice

under grounds (a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended and the planning refusal. The appeals were subsequently dismissed and the notice upheld, but varied to extend the compliance period to 6 months (attached as appendix).

- 4.5. Two planning applications on the site to remove condition 10 on planning permission 01/06030/FUL (ref: 17/06111/VCDN) and condition 4 on planning permission 03/06026/FUL (ref: 17/06114/VCDN) which removed permitted development rights for this property for developments falling within Classes A, B, C, D & E Part 1 and Class A of Part 2 (which includes fencing) were recently refused. The reason given for removing these rights on both applications was to allow the Local Planning Authority the opportunity to properly consider the effect of any future proposals on the character and amenity of the locality. As this situation has not changed the applications were refused under delegated powers.
- 4.6. It should be noted that even if these applications were approved and the conditions on the historical applications were removed, the fence subject to this application would still require planning permission as it exceeds 1m in height adjacent to the boundary.

## **5. Issues and Policy considerations**

### **The impact of the development on the character and appearance of the Conservation Area and the surrounding area in general.**

ADLP: G3, G8, H17, G10, G11, HE6

CSDPD: CS17 & CS19

- 5.1. The application site is situated on the prominent corner junction of Treadaway Road and North Links Road and the site is also situated within a Conservation Area where development should preserve or enhance the surroundings. The main issue is the effect of the close boarded fence and sleeper wall on the character and appearance of The Common, Flackwell Heath Conservation Area. In respect of historic heritage, the Framework requires an assessment of the amount of harm to the significance of a heritage asset and the weighing of the harm against public benefits.
- 5.2. Policy G3(c) and (d) (General Design Policy) states that 'developments should be compatible with the immediate surroundings of the site and appropriate to its wider context by reference to street pattern and land levels, plot sizes, means of enclosure, proportion, scale, bulk, form and massing; and are sympathetic to the design and appearance of their surroundings, including building materials and profile, window pattern, architectural detail, landscape treatment and means of enclosure.'
- 5.3. The Conservation Area Character Survey dates to around 1995 and continues to be a very relevant reference document in identifying the significance of the designated heritage asset. The Conservation Area Character Survey advised that a significant view from within the Conservation Area is from the northern extremity of the Conservation Area, south westwards along Treadaway Road. It is noted that hedges make a large contribution to the area's character and hedges are generally preferred to walling and fencing as a boundary treatment within Conservation Areas. On this occasion, the hedge along the boundary of Hilltop on the Treadaway Road frontage is identified as a significant hedge on the Character Survey Map, although the hedge is not shown extending all the way to the North Links Road corner.
- 5.4. The original permission for the dwelling in 2001 allowed for the original hedge to remain along the Treadaway Road boundary and the importance of retaining the hedge was emphasised by the landscaping condition attached to the 2001 planning permission. It is therefore unfortunate that the works carried out in August 2013 led to the removal of the hedge. Regardless of whether there is a fence on the site, the original hedge has been lost and the applicants are now seeking to remedy this harm by planting a new hedge, which has been accepted by the Councils Conservation

Officer.

- 5.5. Within para. 23 of the 2014 appeal decision the Inspector makes it clear that it is the cumulative impact of the wall **and** fence along Treadaway Road that provided a 'harsh feature within the streetscene' and adversely impacted on the identified significant view along Treadaway Road. She continues... 'the visual harm is increased by reason of the height of the structure, the solid, close boarded form of the fence and its position on the back edge of a narrow footway'.
- 5.6. As mentioned above, this current application is materially different to that refused at planning committee in 2014 and subsequently dismissed at appeal. Not only has the original unauthorised fence been removed, but the new fence has been erected 1m back from the boundary of the site to allow a hedge to be planted along this boundary. In addition to this, and most importantly the 'sleeper' retaining wall has been removed which substantially improves the appearance of the boundary treatment within the street scene and results in a less dominant form of development.
- 5.7. Along with the removal of the sleeper wall, the deeper planting bed as illustrated on the submitted plans has allowed for planting that will, when mature, further soften the appearance of the fence in the street scene. It is appreciated that the hedge will take time to establish and grow but over time, this hedge would effectively screen most, if not all, of the fence as erected and would therefore preserve the Conservation Area, while maintaining the security of the rear garden area for the applicants.
- 5.8. As a result, the development is considered to comply with the development framework policies. The development preserves the character of the conservation area and does not result in demonstrable harm to the character and appearance of the street scene or the wider area in which it is set. The revised scheme is materially different to the previous 2014 scheme and the revised development overcomes the previous reasons for refusal.

### **Recommendation: Application Permitted**

- 1 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan number TR PA 01 Rev B, unless the Local Planning Authority otherwise first agrees in writing.  
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 2 If any part of the hedge hereby approved dies, becomes damaged, destroyed, diseased or dangerous, it shall be replaced during the following planting season by another healthy hedge of the same species, unless otherwise approved in writing by the Local Planning Authority. Thereafter, any such replacement planting shall be maintained or further replaced as necessary.  
Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity and to ensure a satisfactory visual appearance within the Conservation Area.

### INFORMATIVE(S)

- 1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service,
  - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,

- by adhering to the requirements of the Planning & Sustainability Customer Charter

In this instance the applicant/agent was updated of any issues after the initial site visit, and as the application was considered to overcome the Inspectors previous reason for dismissing a similar appeal in relation to a fence, no further assistance was required.

As the application was called to Planning Committee for determination an extension of time for determination of the application was agreed until the end of August.

**17/06109/FUL**

## **Consultations and Notification Responses**

### Ward Councillor Preliminary Comments

**Councillor David Johncock** – The application should be taken to Planning Committee for determination.

**Councillor John A Savage** - This is quite simple, the application should be refused as per the planning inspectors instructions when the original application was appealed, the WDC planning department have been negligent in not following through to ensure that the inspectors instructions were put in place at the site, expect therefore that the officers will now turn down this application but if they do not, it should come to the planning committee for determination as should the 2 other applications (17/06111/VCDN & 17/06114/VCDN). It seems that the applicant believes that conditions imposed under different planning advisories in the past should not stand, even though the conditions are meant to preserve the standards of development particularly in a conservation area and so if the planning officers are minded to approve any of these matters, they must come before the planning committee for determination.

### Parish/Town Council Comments/Internal and External Consultees

**Chepping Wycombe Parish Council** - We object most strongly to this application for the following reasons:

- This property is situated in the Conservation Area on a very prominent corner where any development is visually very intrusive.
- Such a harsh, unsightly feature is totally out of character in an area characterised by low hedges and fences.
- In her Decision Notice dated 16th March 2016, Planning Inspector Diane Lewis upheld WDC's refusal of the fence and made particular reference to that at the rear of this property, upholding WDC's Enforcement Notice for its removal. This has not been fully complied with and indeed the fence in this proposal appears to be part of the fence deemed inappropriate by the Inspector and which should have been removed.
- The proposed planting bed to support a hedge suitable to cover this fence is inadequate and given a perfectly acceptable hedge was removed and replaced by this inappropriate structure there would be no guarantee that such a hedge would reach maturity and indeed be retained permanently. In the likely event of the hedge not growing properly or not being retained the inappropriate, unsightly fence would be on public view marring the look of the Conservation Area, as it does at present.
- We also note the decking the Inspector felt should not be given permission for is still in situ contributing to the excessive height of the fence when viewed from the roadside. This clearly should have been removed to enable the possibility of a much lower fence.
- We also have concern that at least the part of this unsightly structure bordering Treadaway Road together with the lower fence which has been erected is outside the line of the old hedge and therefore outside the curtilage of this property, meaning its encroaching upon the public pavement and hence presenting a health and safety issue.

**County Highway Authority** – No objection in relation to highway safety and use

**Conservation Officer Spatial Planning:** The planting of the native hedgerow is appropriate as a boundary treatment within the conservation area and will screen the fence. Acceptable subject to a condition requiring the retention of the hedgerow.



## Representations

7 letters of objection received, including from Flackwell Heath Residents Association objecting on the following grounds:

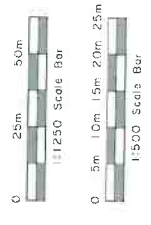
- The boundary treatment is highly visible;
- The fence is out of character with the conservation area;
- The fence is intrusive, unsightly and harsh;
- The height is out of character with the other low hedges and fences;
- The planting is in a small bed;
- The planting is very unlikely to completely cover the fence at maturity;
- The lower fence at the front should be behind the hedge, not in front

17/06109/FUL  
Scale 1/1250





1:1250 LOCATION PLAN



No	Date	By	Contents
Revisions			

Drawing Title  
**Location Plan & Site Plan**

Project  
 Retention of existing boundary fencing  
 with associated hedging

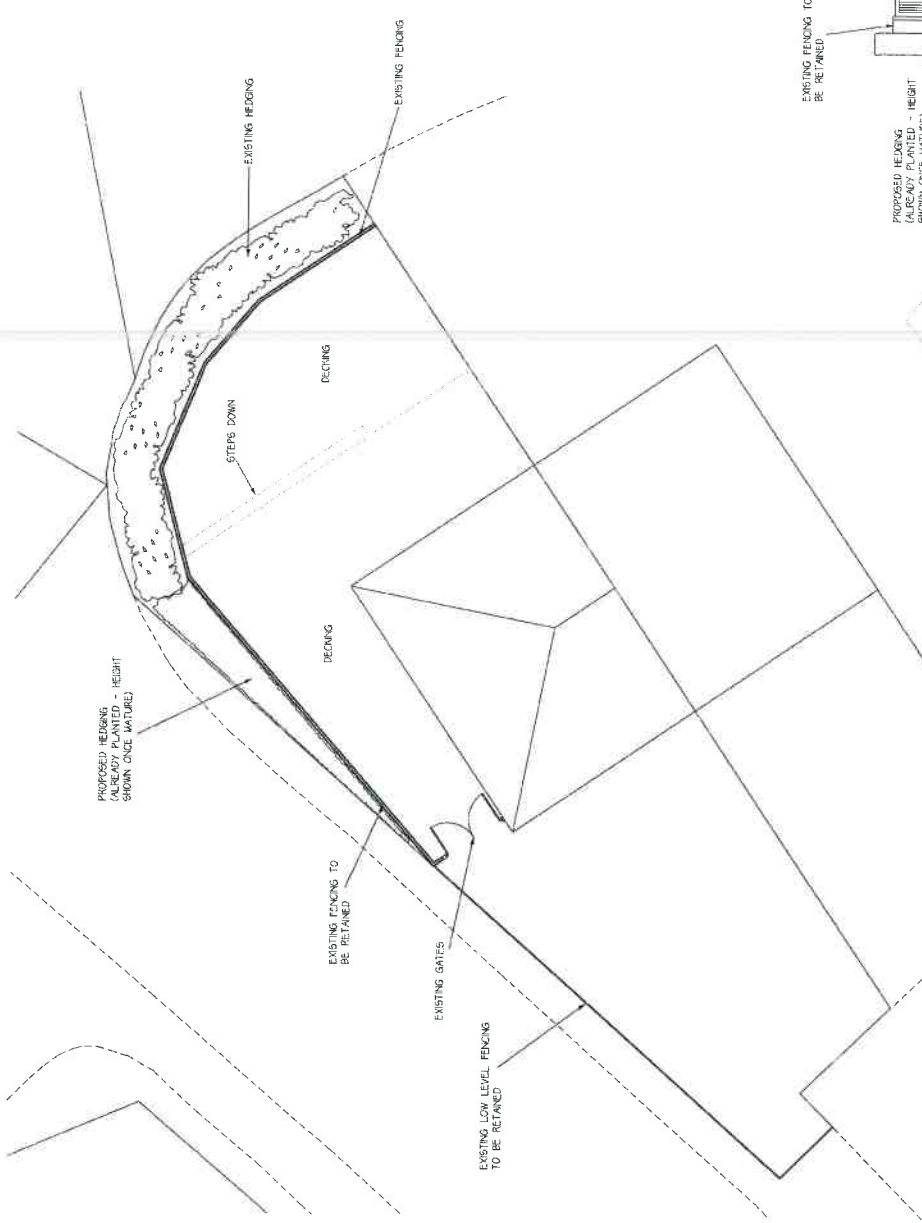
Scale  
 As stated

Date  
 April 2017

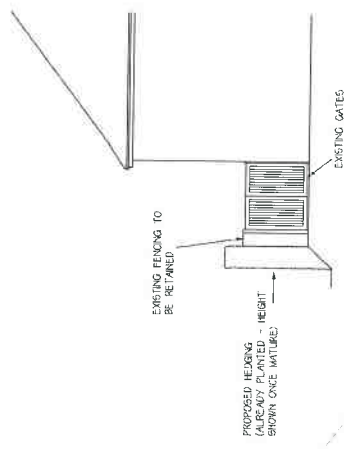
Drawn by  
 SD

Client Details  
 Mr & Mrs Ehendahl  
 1 Hilltop Cottages  
 Treadaway Road  
 Finchwell Heath  
 HP10 9PX

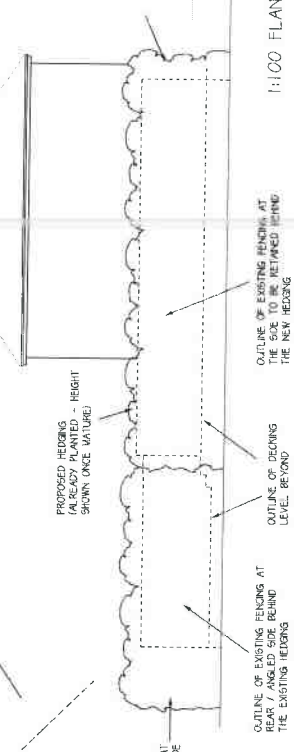
Dig No. TR PA 01 Rev. B



1:100 SITE PLAN

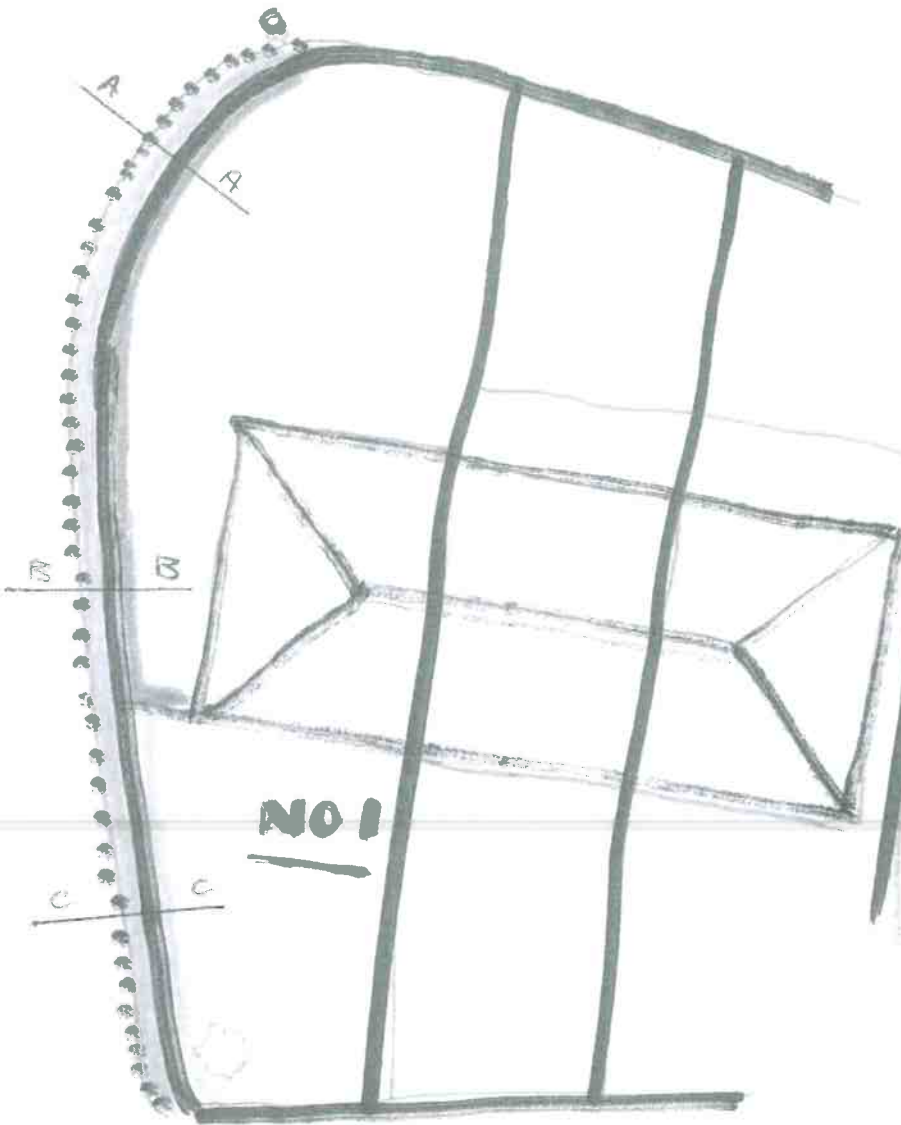


1:100 PART FRONT ELEVATION



1:100 FLANK ELEVATION

HILLTOP COTTAGES PLAN REVISED AUGUST 2014



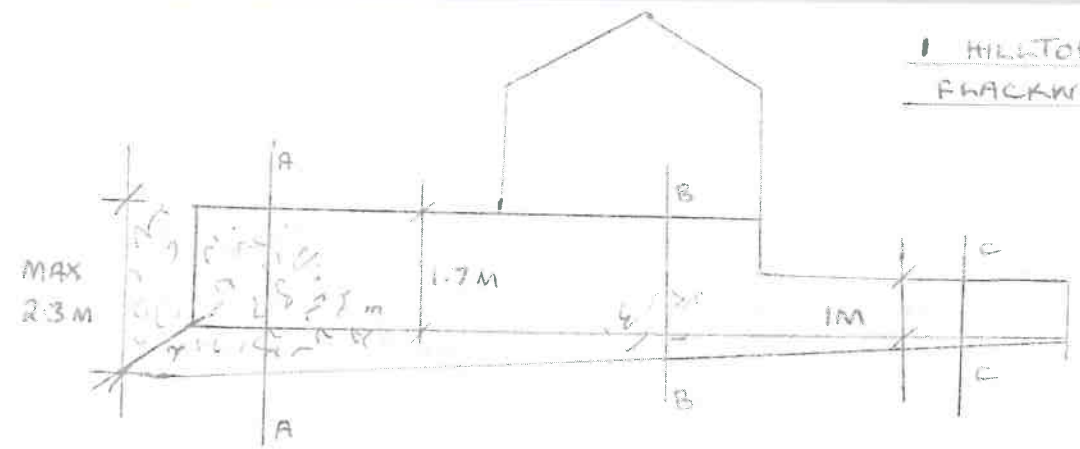
Ref: 14/05445 / FUL  
 AMENDED

PLANNING  
 19 AUG 2014  
 WYCOMBE DISTRICT

- LINE OF EXISTING FENCE AND SLEEPERS TO BE REMOVED.
- NEW HEDGE TO BE PLANTED.
- LINE OF RELOCATED FENCE 1.7 M HIGH ABOVE DECKING.
- LINE OF RELOCATED FENCE 1.0 M HIGH ABOVE GROUND LEVEL.

THE NEW FENCE LINE IS TO BE SET BACK 800 MM FROM THE FRONT LINE OF THE REMOVED SLEEPERS.

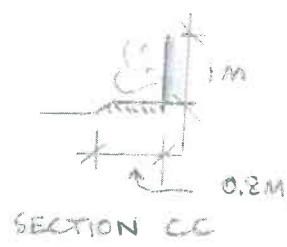
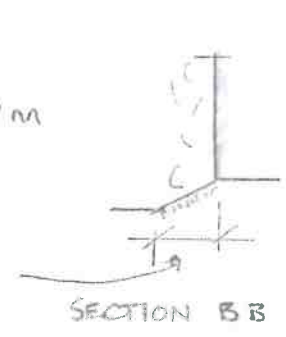
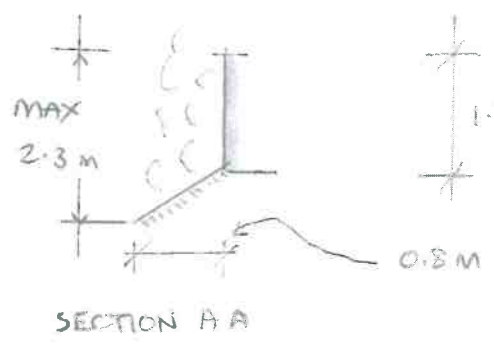
HILLTOP COTTAGES,  
FRACKWELL HEATH.



ELEVATION AS SEEN FROM TREADAWAY ROAD  
NEW HEDGE TO BE PLANTED FOR FULL LENGTH AND  
GROWTH OF HEDGE WILL MASK THE FENCE

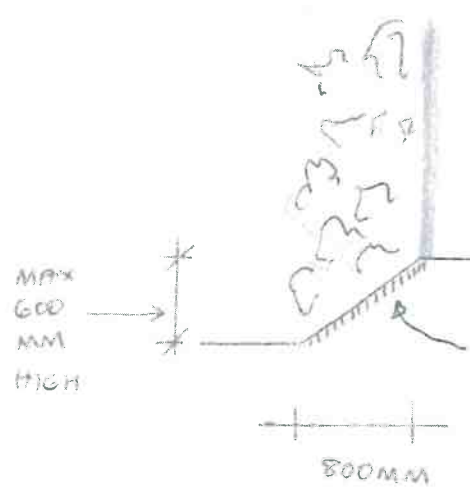
SECTIONS  
SCALE 1:100

PLANNING  
 19 AUG 2016  
 WYCOMBE DISTRICT



Ref: 14 / 05445 / FUL  
 AMENDED

TYPICAL SECTION SCALE 1:50



DECKING

THE SOIL IS TO BE RESTRAINED BY MESH AND HEDGE PLANTING



**APPLICATION NO: 14/05445/FUL**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**Town and Country Planning (Development Management Procedure) (England) Order,**  
**2010**

Applicants Details :

Mrs Helen Ekendahl,  
1 Hilltop Cottages,  
Treadaway Road,  
Flackwell Heath,  
Buckinghamshire, HP10 9PX.

In pursuance of its powers under the above-mentioned Act and Orders the Wycombe District Council as Local Planning Authority hereby REFUSE PERMISSION for:

**Householder application for replacement fence and hedges and decking.**

**AT: 1 Hilltop Cottages Treadaway Road Flackwell Heath Buckinghamshire**

In accordance with your application received on 21.02.2014 and the plans and particulars accompanying it.

The reasons for refusing your application are:

- 1 In the opinion of the Local Planning Authority, the close boarded fence, by reason of its height and appearance results in a visually incongruous form of development which has a detrimental impact upon the character and appearance of the street scene and conservation area when viewed from Treadaway Road.

The proposal is therefore contrary to policies HE6 (New Development in Conservation Areas & Conservation Area Character Surveys) G3 (General Design Policy), G10 (Landscaping), G11 (Trees and Hedgerows), H17 (Extensions and Other Developments within Residential Curtilages) of the Adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced) as well as policies CS17 (Environmental Assets) and CS19 (Raising the Quality of Place-Shaping and Design) of the Core Strategy DPD (Adopted July 2008) together with the Conservation Area Character Survey: The Common, Flackwell Heath.

These policies are considered to be consistent with the National Planning Policy Framework.

REFULZ PCWY 14/05445/FUL

**A Quality Accredited Organisation**



INVESTOR IN PEOPLE

**This document is available in larger print on**

**Page 27 of 27**



INVESTOR IN PEOPLE

## INFORMATIVE(S)

- 1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service,
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
  - by adhering to the requirements of the Planning & Sustainability Customer Charter.
- In this instance, following consideration at Planning Committee the agent was provided with the opportunity to submit amendments to address the specific issues raised by members. The agent responded by submitting amended plans.

Dated: 20 November 2014

*Penelope Tollitt*

PENELOPE TOLLITT  
Head of Planning and Sustainability  
For and on behalf of the Council

## FURTHER INFORMATION:

**The plans & details considered include:** WDC1A and WDC2A.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision to refuse planning permission for a **Householder Application** and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN . Tel: 0303 444 5000, e-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

2

REFULZ PCWY 14/05445/FUL

**A Quality Accredited Organisation**

**This document is available in larger print on**

**Page 28**



### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.





This document is certified to be a true copy of the original, (which has been endorsed as above.)

14.06.15  
S. J. L. L.  
Secretary,  
Wycombe District Council,  
District Council Offices,  
Queen Victoria Road,  
High Wycombe,  
Bucks, HP11 1BB.

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990**

(as amended by the Planning and Compensation Act 1991)

**ENFORCEMENT NOTICE**

**ISSUED BY: Wycombe District Council ("the Council")**

1. **THIS NOTICE** is issued by the Council because it appears to it that there has been a breach of planning control within paragraph (a) of Section 171A(1) of the above Act, at the land described below. The Council considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

**2. THE LAND TO WHICH THE NOTICE RELATES**

Land at 1 Hilltop Cottages, Treadaway Road, Flackwell Heath, Buckinghamshire, HP10 9PE, shown edged red on the attached plan ("the Land").

**3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the erection on the Land of a timber sleeper wall and close boarded fence, the construction of a raised timber decking area, and the siting of a storage shed.

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years.

In the opinion of the Council, the retention of the sleeper wall together with the close boarded fence, by reason of its height and appearance, results in a visually incongruous form of development which has a detrimental impact upon the character and appearance of the street scene and conservation area when viewed from Treadaway Road.

The proposal is therefore contrary to policies HE6 (New Development in Conservation Areas and Conservation Area Character Surveys), G3 (General Design Policy), G10 (Landscaping), G11 (Trees and Hedgerows) and H17 (Extensions and Other Developments within Residential Curtilages) of the adopted Wycombe District Local Plan to 2011 (as saved, extended and partially

replaced) as well as policies CS17 (Environmental Assets) and CS19 (Raising the Quality of Place-Shaping and Design) of the Core Strategy DPD (adopted July 2008) together with the Conservation Area Character Survey: The Common, Flackwell Heath.

These policies are considered to be consistent with the National Planning Policy Framework.

The Council do not consider that planning permission should be given, because conditions could not overcome these objections to the development.

## **5. WHAT YOU ARE REQUIRED TO DO**

Remove from the Land the unauthorised sleeper wall and close boarded fence (shown edged blue on the attached plan).

## **6. TIME FOR COMPLIANCE**

Within three months of this Notice taking effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 23 February 2015 unless an appeal is made against it prior to that date.

Issued: 12 January 2015

Signed  .....

District Solicitor  
Democratic, Legal and Policy Services

On behalf of

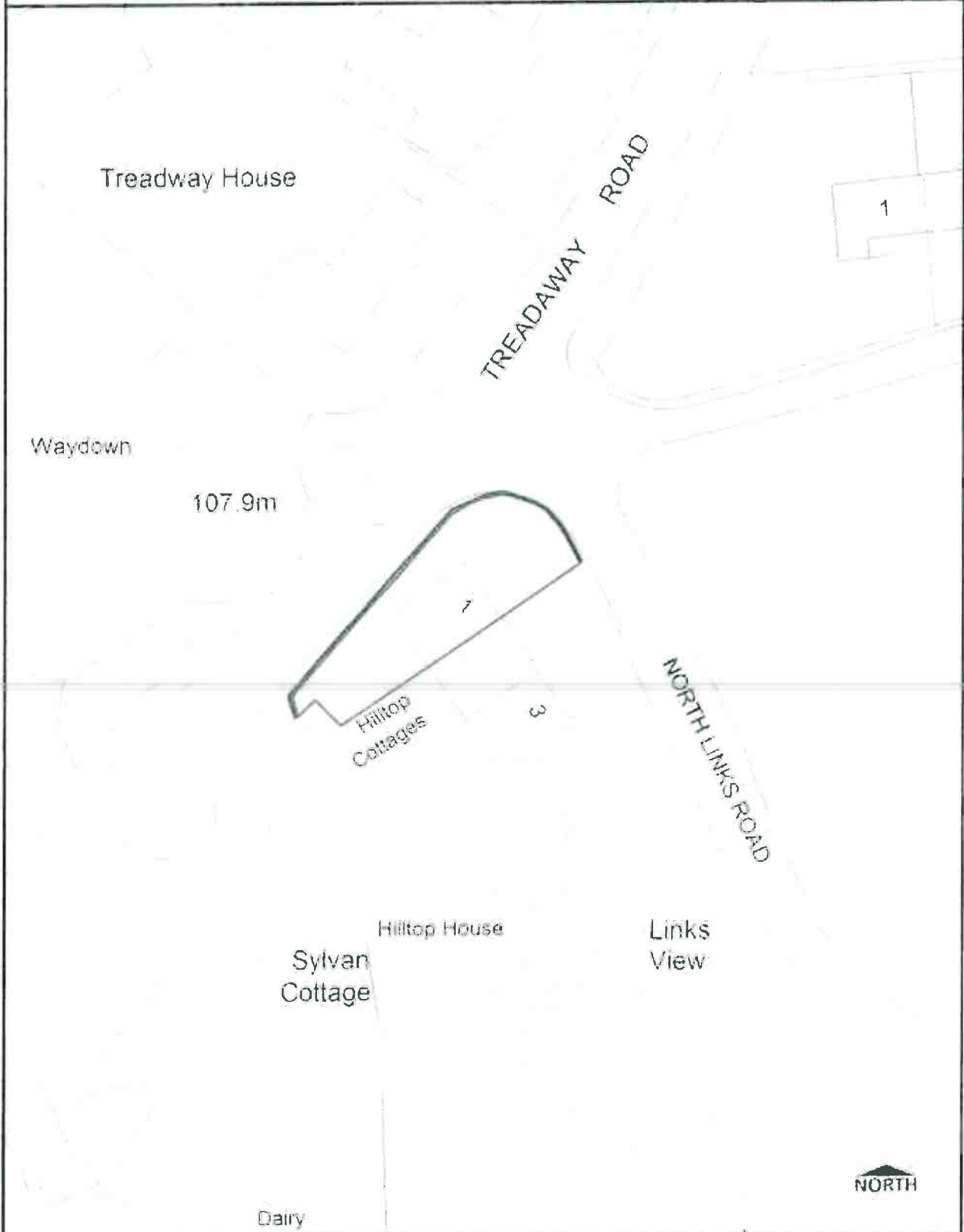
WYCOMBE DISTRICT COUNCIL  
Queen Victoria Road  
High Wycombe  
Bucks HP11 1BB

**LIST OF THOSE SERVED WITH  
A COPY OF THE ENFORCEMENT NOTICE**

- Nico Elodie Ekendahl, 1 Hilltop Cottages, Treadaway Road, Flackwell Heath, Buckinghamshire HP10 9PE
  - Helen Sandra Ekendahl, 1 Hilltop Cottages, Treadaway Road, Flackwell Heath, Buckinghamshire HP10 9PE
  - The Occupier(s), 1 Hilltop Cottages, Treadaway Road, Flackwell Heath, Buckinghamshire HP10 9PE
  - Lloyds Bank PLC (Co. Regn. No 2065) of Registrations, Secured Assets, Barnet Way, Gloucester, GL4 3RL
-



1 Hilltop Treadaway Road Flackwell Heath Buckinghamshire HP10 9PE



Statement of Purpose:  
Site Plan for Council Business Use Only

Map produced in MapInfo GIS by: ENF 3172 13/03/15/OP	Scale: 1:500	Date: 05/01/2015
---	-----------------	---------------------

Saved as Layout in WordSpace PathName:

OS Mapping © Crown Copyright and database right 2011 Ordnance Survey 100023306  
Print for the public. You are not permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form.  
Aerial Photo Imagery 2010 and 2006 © Getmapping plc www.getmapping.com

Spatial Information Management  
ICT Business Systems  
Queen Victoria Road  
High Wycombe Bucks HP11 1BB  
  
[www.wycembe.gov.uk](http://www.wycembe.gov.uk)



---

## Appeal Decisions

Site visit made on 11 February 2016

by **Diane Lewis BA(Hons) MCD MA LLM MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 March 2016

---

### **Land at 1 Hilltop Cottages, Treadaway Road, Flackwell Heath, Buckinghamshire HP10 9PE**

**Appeal A Ref: APP/K0425/C/15/3005246**

**Appeal B Ref: APP/K0425/C/15/3005247**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeals are made by Mr Nico Ekendahl and Mrs Helen Ekendahl against an enforcement notice issued by Wycombe District Council.
  - The Council's reference is ENF 3172.
  - The notice was issued on 12 January 2015.
  - The breach of planning control as alleged in the notice is: Without planning permission, the erection on the Land of a timber sleeper wall and close boarded fence, the construction of a raised timber decking area and the siting of a storage shed.
  - The requirements of the notice are: Remove from the Land the unauthorised sleeper wall and close boarded fence (shown edged blue on the attached plan).
  - ~~The period for compliance with the requirements is three months.~~
  - Appeal A by Mr Nico Ekendahl is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
  - Appeal B by Mrs Helen Ekendahl is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
- 

### **Appeal C Ref: APP/K0425/W/15/3004603**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Helen Ekendahl against the decision of Wycombe District Council.
- The application Ref 14/05445/FUL, dated 17 February 2014, was refused by notice dated 20 November 2014.
- The development proposed is replace existing fence and hedges; lay decking at ground level.

### **Application for costs**

- The applications for costs made by Mr Nico Ekendahl and Mrs Helen Ekendahl against Wycombe District Council are the subject of separate Decisions.
- 

## DECISIONS

### **Appeal Refs: APP/K0425/C/15/3005246, 3005247**

1. The appeals succeed on ground (g) only and it is directed that the enforcement notice is varied in paragraph 6 by the substitution of six months as the time for compliance.
-

2. Subject to this variation the appeals are dismissed and the enforcement notice is upheld, and in respect of the appeal by Mrs Ekendahl (ref 3005247) planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

**Appeal Ref: APP/K0425/W/15/3004603**

3. The appeal is dismissed.

**REASONS**

**Appeal site**

4. 1 Hilltop Cottages is the end property of a short terrace of three, two storey cottages. The site is a corner plot at the junction of Treadaway Road and North Links Road and is located within The Common, Flackwell Heath, Conservation Area.
5. Hilltop Cottages, together with the adjacent detached house, were built following a grant of planning permission in 2001. The approved development provided for small gardens to the front of the cottages, associated with a shared parking area, landscaping and a retained hedge along the Treadaway Road boundary. There was little space to the rear of the cottages. Subsequently in 2003 planning permission enabled gardens to be provided at the back of the cottages, forming a boundary adjacent to North Links Road. In respect of both permissions planning conditions remove permitted development rights under the Town and County Planning (General Permitted Development) Order 1995 (the GPDO) (or any Order revoking and re-enacting that Order).
6. The appellants purchased their home in May 2007. In August 2013 work was undertaken to lay an area of decking to the rear and side of the house and close boarded fencing was erected along the site boundaries. A wall of timber sleepers was created below the fencing along the Treadaway Road boundary. A small shed was erected on the decking in the back garden close to the boundary with number 2.

**Appeals A and B against the enforcement notice**

**Ground (d)**

7. The ground (d) appeals relate only to the fence along the North Links Road boundary, referred to as the back fence. The main issue is whether the erection of the back fence was substantially complete on or before 12 January 2011.
8. In the grounds of appeal, the appellants maintained that the back fence has been in place since at least 2007 when they bought the property. In the subsequent appeal statement further information was provided that identified two different and separate sets of work to the back fence, first in 2007 and then in 2013 as part of the project that included laying the decking and the erection of fencing along Treadaway Road. I agree with the Council that the later submissions introduced arguments more appropriate to a ground (c) case, that there has not been a breach of planning control. I will consider all the matters together.
9. The site layout plan for the 2003 permission indicates the planting of a traditional mixed species hedge, the location of picket gates and the retention



of an existing grass verge along the rear boundary of the three cottages. The probability is that a similar form of treatment was put in place because at the time of my visit 2 and 3 Hilltop Cottages have trimmed hedges and picket gates. Low chain link fencing is visible within the hedges, which would have been a typical type of fencing erected at the outset. The appellants stated that the rear fence in situ when they bought the property was permitted under the planning permission but this was not supported by documentary evidence. Therefore in the absence of such evidence I accept the Council's statement that no planning permission was granted for a fence in this location and no application was made for a lawful development certificate.

10. The appellants' case is that in 2007 they replaced the posts of an existing fence and inserted new panels between them, work which did not involve relocating the position of the then existing fence. When the fencing and associated works took place in August 2013 the panels of the back fence were replaced but retaining the same fence posts that were replaced in 2007. The works since 2007 were said to amount to maintenance and improvement of the rear fence which had the benefit of planning permission.
11. There is nothing that details the schedule or specification of works undertaken by the contractor in 2013 to support the appellants' description. This is significant because of the contrary evidence. A photograph submitted by the Council and dated to around 2008 shows that there was a low rear fence behind a hedge, although the copy of the photograph does not enable identification of the type of boards or panels. The appellants have not disputed the authenticity or date of the photograph. By comparison, the existing back fence is significantly higher than that shown in the Council's photograph. On the site visit it was possible to see that the posts are roughly equivalent in height to the new fence, a fact which is not consistent with retention of posts erected in 2007 for a much lower fence. Photographs taken by the Council of the work in 2013 indicate a consistent form of fence erected around the boundaries of the garden, again a feature that was clearly seen on the site visit. This evidence makes the appellants' version of events less than probable. The probability is that a new back fence was erected in August 2013.
12. Under Class A, Part 2 of Schedule 2 of the GPDO the erection, construction, maintenance, improvement or alteration of a gate, fence wall or other means of enclosure is permitted development. This is qualified by A.1 which sets out when development is not permitted by Class A. However, the key factor is condition 4 attached to the 2003 planning permission which removed permitted development rights for development falling within Class A of Part 2. Therefore permission from the local planning authority would be required for the back fence, whether newly erected or even if the work could be considered as maintenance or improvement of an existing fence. Consequently the only way the appellants could succeed on a legal ground of appeal is to demonstrate on the balance of probability that the back fence was substantially complete on or before 12 January 2011. On the appellants' own evidence this was not the case.
13. In conclusion, the appeals on ground (d) do not succeed.

**Ground (a) (Appeal B only)**

*Main issue and policy context*

14. The deemed planning application is derived directly from the description of the breach of planning control and is for the operational development that has been carried out.
15. The main issue is the effect of the close boarded fence and sleeper wall on the character and appearance of The Common, Flackwell Heath, Conservation Area.
16. The development plan for the area includes the Core Strategy Development Plan Document 2008 (the Core Strategy) and the Wycombe District Local Plan to 2011 (as saved, extended and partially replaced) (the Local Plan). The policies relied on in the reasons for serving the notice are policies HE6, G3, G10, G11 and H17 of the Local Plan and policies CS 17 and CS 19 of the Core Strategy. The Conservation Area Character Survey: The Common, Flackwell Heath is a consideration of significant weight and in accordance with policy HE6 the document is to be used in assessing proposals in the Conservation Area.
17. The National Planning Policy Framework (the Framework) post dates the Core Strategy and the Local Plan. The development plan policy requirements for a high standard of design are consistent with the Framework. In respect of historic heritage, the Framework requires an assessment of the amount of harm to the significance of a heritage asset and the weighing of the harm against public benefits.

*Effect on Conservation Area*

---

18. The Conservation Area Character Survey dates to around 1995 and continues to be a very relevant reference document in identifying the significance of the designated heritage asset. The Conservation Area is focused on the hamlet that grew up as a cluster of late 18<sup>th</sup> and earlier 19<sup>th</sup> century cottages on the east side of The Common. The later 19<sup>th</sup> century development saw small scale expansion on the west side of The Common, with later additions in the 20<sup>th</sup> century that filled out the built development. Architecturally interesting individual buildings and the way buildings front, define and enclose private spaces add to the quality and attractiveness of the area.
19. An essential characteristic is the triangular plan of the road pattern, allowing a small green to be formed at the widest point. The War Memorial was sited to occupy the green and provides a focal point in local views. Another significant view is from the northern extremity of the Conservation Area, south westwards along Treadaway Road. Hedges make a larger contribution than specimen trees to the area's character. The hedge along the boundary of Hilltop on the Treadaway Road frontage is identified as a significant hedge on the Character Survey Map, although the hedge is not shown extending all the way to the North Links Road corner.
20. The Hilltop Cottages development replaced a pre 1850 building in the north east corner of the Conservation Area. The planning permissions, the attached conditions and the approved plans indicate that care was taken to ensure the scheme was in keeping with the character and appearance of the Conservation Area. The scheme allowed for the existing hedge to remain along the Treadaway Road boundary and the importance of retaining the hedge was

emphasised by the landscaping condition attached to the planning permission. Nevertheless subsequently the hedge would not benefit from specific protection applying to trees in Conservation Areas.

21. The external works carried out in August 2013 led to the removal of the hedge and the erection of a close boarded fence and a sleeper wall on the Treadaway Road boundary. Near the corner with North Links Road the sleeper wall and fence is over 2 metres in height, stepping down in height towards the site entrance<sup>1</sup>. As discussed above, close boarded fencing continues along the rear boundary of the property.
22. The site is on a prominent corner position within the Conservation Area, albeit it is a little way from the War Memorial. The Character Survey advises that special care must be taken to ensure that views looking into and out from the hamlet are not spoilt. Hedges will generally be preferred to walling and fencing as a boundary treatment.
23. The wall and fence along Treadaway Road provides a harsh feature within the streetscene and adversely impacts on the identified significant view along Treadaway Road. The visual harm is increased by reason of the height of the structure, the solid, close boarded form of the fence and its position on the back edge of a narrow footway. The sense of enclosure is oppressive and over dominant. The treatment is also a stark contrast to the typical means of enclosure on frontages in the Conservation Area, where hedges and low fences predominate.
24. The high, close boarded back fence is not so prominent in local views and the hedge provides some softening, more particularly when in leaf. However, the fence is visible and by reason of its height is out of keeping with the treatment to the neighbouring terrace houses. In the event the hedge was reduced in height, cut back or removed the fence would become a much more dominant feature and detract significantly from the soft edge to the development as a whole.
25. The appellant put forward planning conditions requiring an approved colour treatment for the fence and for details of screen planting or hedging to be approved. Whilst there may be a possibility of softening the appearance of the Treadaway Road boundary to a small degree, the position of the fence and the lack of space for planting are major constraints. An acceptable boundary treatment sympathetic to the Conservation Area would not be achieved. To require the retention of the boundary hedge along the North Links Road boundary as a permanent solution would be unreasonable and go beyond what is normally required through landscape conditions, where replacement planting is generally secured for a period of five years.
26. Turning to other considerations, the close boarded fence in an elevated position round the property at the junction of Swaine's Lane and Treadaway Road is outside the Conservation Area and is in a different, much less enclosed environment. The fence does not provide any justification for the development at 1 Hilltop Cottages.
27. With reference to Local Plan policy G8, the boundary fencing provides privacy to the garden of the property, especially the rear and side amenity space. A

---

<sup>1</sup> The Council say the total height of the enclosure rises from 1.3 m at the southern end to 2.43 m at its northern end.

benefit identified by the appellants is that it allows the rear garden to be useable amenity space. However, the use of close boarded fencing is unlikely to be the only way of safeguarding a reasonable level of privacy. A similar observation applies to security of the home. Therefore the privacy and security argument of the appellant has little weight.

28. In conclusion, the boundary treatment comprising the close boarded fence and the sleeper wall fails to achieve a high standard of design and reinforce locally distinctive qualities of place. Insufficient regard was given to local views and an existing significant hedgerow. For these reasons the development is contrary to criteria 1 and 2 of policy CS 19 of the Core Strategy and policy G3 of the Local Plan. The boundary treatment failed to take adequate account of retaining an existing hedgerow, which was an important element in the character and appearance of the site and wider area. There is conflict with policies G10 and G11 of the Local Plan. In addition the development adversely affects the appearance of the dwelling and the terrace known as Hilltop Cottages and the appearance of the surrounding area. Therefore it should not be permitted under policy H17(1) (a) and (b) of the Local Plan. In sum, the development fails to preserve or enhance the special character and appearance of the Conservation Area, contrary to policy HE6 of the Local Plan and policy CS 17(6) of the Core Strategy.
29. The boundary treatment results in less than substantial harm to the significance of the designated heritage asset. This harm has considerable weight because of the prominence of the site and the objectives for the Conservation Area. No public benefits have been identified from the development to weigh against the identified harm. Therefore the boundary treatment is not supported by national policy in the Framework to conserve and enhance the historic environment.

*The decking and the shed*

30. The deemed planning application is for all the matters included in the breach of planning control described by the enforcement notice. Neither the Council nor the appellants addressed the decking and the shed in any detail in their appeal representations. The reasons for issuing the notice do not refer specifically to them and in fact the Council has decided to under enforce these aspects of the unauthorised development<sup>2</sup>.
31. The decking covers the entire back garden and extends round the side of the property, up to the short section of fencing on the line of the front elevation of the house. Steps have been formed where there is a change in level of the decking in the back garden.
32. The decking is within the private garden to the dwelling but I am not satisfied that it is able to be totally divorced from and has no implications for the boundary treatment. The decking is not in keeping with the soft landscaped garden setting to the Cottages and because the decking extends up to the boundary fencing it prevents any soft landscaping. It is not a type of surface material encouraged by the Character Survey, which seeks surfacing of an informal nature. In the absence of ground levels before and after development

---

<sup>2</sup> The enforcement report noted that the decking and storage shed were not referred to in the reasons for refusal of application 13/07037/FUL and the officer's report stated there was no objection to the retention of the decking and the shed. Taking account of the fact that the decking and shed are within the rear garden and therefore the private space of the dwelling, they were found to be acceptable and a decision was made to under enforce.

or any description of ground works it is not possible to assess exactly how the introduction of the decking has affected ground levels within the site. The site inspection indicated that the decking required the base of the fence to be set at a higher level, which in turn would increase the height of the fence as seen from the public domain. I also note in the appeal documentation that at one point it was envisaged that the decking would have to be set back about 1 m from the Treadaway Road boundary and reduced in height to allow for the planting of a hedge. In June 2014 the appellant proposed reducing the level of the decking and adjacent garden to help the stability of the bank. Therefore the decking extends over too large an area of the garden and the probability is that it adversely affects the height of the boundary fences.

33. In earlier correspondence on the planning application the decking was stated to have been installed for ease of movement of the appellant's father who relies on a wheelchair. Even so, this would not necessarily account for the extent of the decking or the choice of this particular type of hard surface treatment.
34. Weighing up all considerations I conclude that the decking is not of a high standard of design that reflects its local context and therefore it is contrary to policy G3. In addition the development adversely affects the character of the original property and is not supported by policy H17(1) (a) and (b) of the Local Plan. The decking probably has not resulted in the direct removal of the hedge but the work has not allowed for the incorporation of appropriate landscaping on the Treadaway Road boundary. There is not full compliance with policy G10. All matters considered the decking fails to preserve or enhance the character and appearance of the Conservation Area and the development is contrary to policy HE6.
35. The shed is a small structure in the rear corner of the back garden that rests on the decking. It has no effect on the character and appearance of the Conservation Area.

#### *Conclusions*

36. The timber sleeper wall and the close boarded fence along the western and rear boundary of the site are not in accordance with the development plan or the Framework, are unacceptable and should not be approved.
37. The construction of a raised timber decking area by reason of its coverage of all the rear and side garden probably has adversely affected the height of the boundary fences and I am not satisfied planning permission is justified. The siting of a storage shed is acceptable. In the circumstances the most appropriate course is not to grant planning permission for part of the development, taking account of the fact the Council decided to under enforce against the decking and the shed.
38. The appeal on ground (a) does not succeed.

#### **Ground (f)**

39. The issue is whether the steps required to be taken are excessive, taking into account the purpose of the notice.
40. The Council decided to under-enforce in respect of the decking and the shed and the side fence along the boundary with 2 Hilltop Cottages. The requirement is directed only at the sleeper wall and the close boarded fence

around the outer perimeter of the site. The Council explained that no modification of the existing means of enclosure was considered to overcome the identified harm and therefore the requirement was to remedy the breach of planning control by securing the removal of the boundary treatment.

41. The appellants put forward alternative steps that would result in:

- the removal of the sleeper wall and the close boarded fence along Treadaway Road;
- the relocation of the fence 0.8 m inwards along the boundary of the property;
- a reduction in the height of the relocated fence to a maximum of 1 m from ground level;
- a requirement to remove the relocated fence within 5 years of the notice taking effect.

42. The intention was to safeguard the privacy and security of the appellants and their family by allowing time for a newly planted hedge to become established. However, even allowing for the use of the same materials, the relocated fence would be a new fence that forms no part of the breach of planning control. I agree with the Council that the proposed steps would in effect be granting a temporary planning permission for an alternative form of development, an outcome that is outside the remit of an appeal on ground (f). Furthermore, the steps do not include the planting of a hedge and therefore there would be no control on this aspect of the proposal. The back fence is not addressed.

43. As considered further in the Costs application, the appellant was concerned the notice was not drafted to take account of the householder appeal (Appeal C). In view of the statutory framework on the content of enforcement notices and the provisions in relation to appeals, I am satisfied that it is not necessary to address the householder appeal in the requirements. In any event I intend to dismiss that appeal.

44. It seems to me that the only way forward in securing a new long term acceptable form of boundary treatment is through the submission of a new planning application and a grant of planning permission. The accommodation of this approach in the compliance period is a matter for consideration in the ground (g) appeals.

#### **Ground (g)**

45. The issue is whether the compliance period of three months is reasonable.

46. The side and rear boundaries require appropriate boundary treatment and to date an acceptable solution has not been proposed. Understandably the appellants are anxious to ensure their property is secure and their privacy is respected. However the property enjoys a location within a conservation area and full account must be taken of the public interest of protecting its character and appearance, a statutory duty with great weight.

47. The appellants' sought a period of 6 months primarily to allow for the householder appeal to run its course. No other justification was put forward for an extension to the period. In the event the enforcement and the householder appeals are being determined together. However, the appeals have not been

successful and it is reasonable to allow a period of six months for a new proposal to come forward and be considered by the Council. Accordingly the appeals on ground (g) succeed.

## **Appeal C**

### **Proposal**

48. The planning application was made with a view to remedying a breach of planning control. The application related to the close boarded fence and sleeper wall along the Treadaway Road boundary and did not include the rear fence. Initially, the proposal was to move the close boarded fence back 0.6 m from the edge of the property in order to incorporate a planting bed for a replacement hedge.
49. Subsequently the proposal was amended to remove the sleeper wall, to move the fence back a further 0.2 m, reduce the height of the fence at the front of the property to 1 m above ground level and to reduce the height of the fence to the rear and side of the property from 1.8 m to 1.7 m from the decking level. I will determine the appeal on the basis of the amended scheme, because that was the proposal before the Council when it made its decision.
50. The main issue is the effect of the proposal on the character and appearance of The Common, Flackwell Heath, Conservation Area, taking into account the security, privacy and amenity of the property.

### **Conservation Area**

51. The essential characteristics of the Conservation Area are described in the Character Survey and are outlined above in respect of the deemed planning application. The designated area is tightly defined and covers a small compact area. The site at Hilltop is not immediately next to the principal grouping and architectural focus of the War Memorial but the property is prominently located and the Treadaway Road boundary helps to define an identified significant view. The hedgerow along that boundary was a positive contribution to local character and the soft edge provided suitable enclosure, individuality and a rural feel to the Conservation Area.
52. The redevelopment of Hilltop with the associated landscaping responded to the history and domestic architecture of the designated heritage asset. Hard surfacing within the curtilage was informal and confined to the parking court enabling small gardens to be provided to the front of the cottages. The gardens at the back were not part of the original scheme and the subsequent permission for the change of use reinforced the cottage style of the development.
53. The close boarded fence would be set back some 0.8 m from the edge of the footway. The highest length of the fence would be elevated and the Council has estimated that it would have a maximum height of 2.3 m above the footway at the north east end. The fence would be very visible in the early years and even with the successful establishment of a hedge the presence of the fence would be noticeable. No mechanism has been identified for ensuring the hedge is retained at a height to screen the fence.
54. A close boarded fence is not a form of boundary treatment that is in keeping with the character and appearance of the Conservation Area where generally

- boundaries to the frontages are hedges, low open types of fencing or low walls. I agree with the Council that close boarded fencing is a blank, characterless, solid, suburban type of fence and it is unsuited to the distinctiveness and special identity of the Conservation Area. The elevated position, the length of the boundary, the height of the fencing and the prominent location of the site are all factors that would result in the fence being particularly intrusive and harmful to the street scene.
55. The proposal allows for the planting of a new hedgerow in a bed some 0.8 m on the edge of the footway and in front of the fence. The amended plans include sections of the planting bed (plan WDC2A) and indicate that the soil is to be restrained by mesh and hedge planting. The appellant has proposed a planning condition stating the type and spacing of the plants. However, there is no specification of works, schedule of planting or programme of maintenance. Having inspected the boundary on the site visit, I have concern about the stability of the bank, especially after the removal of the sleeper wall, the ability to retain the soil and to create a planting bed of sufficient depth along the full length of the boundary. This is a case where the detail is critical to demonstrate the proposal would have a good chance of success but such detail is lacking.
56. In summary the proposed hedge in time may soften the appearance of the fence to some extent, although that is by no means certain for the reasons outlined above. More fundamentally the fencing by reason of its form, height, position and extent would not preserve the character and appearance of the Conservation Area. Even if the hedge became established, the harm would not be fully addressed and no reliability could be placed on its screening effect into the future.
57. Therefore the proposal does not incorporate appropriate landscaping, contrary to policy G10. The proposal fails to achieve a high standard of design that reflects the local context and reinforces locally distinctive qualities of place. For these reasons the development is contrary to criteria 1 and 2 of policy CS 19 of the Core Strategy and policy G3 of the Local Plan. The development within the residential curtilage would have an adverse effect on the character and appearance of the property and the surrounding area and fails to comply with policy H17. In sum, the proposal fails to preserve or enhance the special character and appearance of the Conservation Area, contrary to policy HE6 of the Local Plan and policy CS 17(6) of the Core Strategy.
58. The stated purpose of the proposal is to ensure that the amenity space is sufficiently private and secure. The retention of a fence is said to be particularly important to ensure children and dogs are safely contained in the rear garden and to prevent easy access for criminals at the rear.
59. Local Plan policy G8 aims to protect living conditions. A reasonable expectation is that privacy and security were taken into account when planning permissions were granted for the developments in 2000 and 2003. At the time a boundary hedge was considered adequate to provide the necessary safeguards to occupiers' amenity. There is no evidence that leads me to conclude a different solution is required now.
60. The removal of the boundary hedge by the current occupiers has brought about a change in circumstances. The solution for my consideration is the amended proposal. As noted in the ground (a) appeal it is unlikely to be the only



acceptable way of securing the privacy and safety of the property. To date no alternative forms of fencing or enclosure appear to have been investigated. Furthermore, in the ground (f) appeal a much reduced height of fencing was being proposed along the whole side boundary for a temporary basis.

61. In conclusion, there is no conflict with policy G8 but in the particular circumstances compliance with the policy does not weigh heavily in favour of the proposal.
62. The development would lead to less than substantial harm to the significance of the designated heritage asset. Even so, in the context of the distinctiveness and qualities of the Conservation Area, I consider this harm has considerable weight. The benefits that have been identified are primarily private benefits for the current occupiers of the property, not public benefits. Whilst the appellant has suggested that the proposal would be important for the amenity of future occupiers of the property, the evidence indicates that the changes to the outdoor space and the boundary treatments that were undertaken in 2013 may have been in response to particular family circumstances and needs of the appellant. Moreover, the appellant acquired the property some 6 years before. Also, as shown by the occupation prior to 2007, such a high degree of enclosure is not necessary to enjoyment of the property and there is no suggestion that it is justified to secure the residential use in the future.
63. Therefore the harm to the significance of the designated heritage asset is not outweighed by public benefits of the proposal. It follows that the proposal does not comply with policy in the Framework to conserve and enhance the historic environment.
- 
64. The Council raised no objection to the decking. Nevertheless, paragraphs 31 to 34 above explain why I consider the decking should not be granted planning permission and the same reasoning applies to this appeal.

### **Conclusion**

65. For the reasons given above the proposal is not in accordance with the development plan and is not supported by policy in The Framework. Having taken account of all other matters raised I conclude that the appeal should be dismissed.

*Diane Lewis*

Inspector



# Agenda Item 7.

## 1. Pre-Planning Committee Training/ Information Sessions

Officer contact: Ray Martin

DDI: 01494 421524

Email: ray.martin@wycombe.gov.uk

Wards affected: All

### PROPOSED DECISION OR RECOMMENDATION TO COUNCIL

1.1 The Committee note that the next pre-committee training/information session is scheduled for 6.00pm on Wednesday 18 October in Committee Room 1.

1.2 Jonathan Crowhurst, one of our Urban Design Officers, will make a presentation on the recently adopted Residential Design Guidance Supplementary Planning Document.

### Corporate Implications

1.3 Members of both the Planning Committee, and the Regulatory and Appeals Committee, are required to complete a minimum level of planning training each year.

### Sustainable Community Strategy/Council Priorities - Implications

1.4 None directly.

### Background and Issues

1.5 The pre Planning Committee meeting gives an opportunity for member training or developer presentations.

1.6 The Residential Design Guidance SPD provides guidance that will be used for considering residential development proposals. The guidance relates to a range of issues that are relevant to considering whether a proposal is acceptable or not.

### Options

1.7 None.

### Conclusions

1.8 Members note the recommendation.

### Next Steps

1.9 None.

**Background Papers:** None

## Agenda Item 10.

For Information: Delegated Action Authorised by Planning Enforcement Team

Between 08/08/2017-04/09/2017

Reference	Address	Breach	Date Authorised	Type of Notice
14/00533/OP	Field Off Of Blind Lane Flackwell Heath Buckinghamshire	Without planning permission the erection of boundary fence with a height exceeding 1 metre adjacent to the highway	01-Sep-17	Enforcement Notice
16/00704/OP	Home Farm City Road Radnage Buckinghamshire HP14 4DW	Retention of an outbuilding in breach of condition 4 of planning permission ref: 11/06829/FUL (other extensions should have been demolished prior to construction)	08-Aug-17	Enforcement Notice
16/00640/MS	108 Wycombe Lane Wooburn Green Buckinghamshire HP10 0HH	Without planning permission the erection of decking area to act as steps down from an existing rear door	10-Aug-17	No Material Harm
17/00295/CU	248 Micklefield Road High Wycombe Buckinghamshire HP13 7HT	Without planning permission a material change of use to a mixed use site comprising residential use and commercial car repairs	14-Aug-17	Planning Contravention Notice
17/00387/OP	Stocken Farm Main Road Lacey Green Buckinghamshire HP27 0PL	Without planning permission the erection of a detached dwelling	29-Aug-17	Planning Contravention Notice
17/00158/OP	Lauds Wood Monkton Wood Hampden Road Speen Buckinghamshire	Without planning permission, the erection of structures and the placement of a secure storage unit/container and associated paraphernalia	29-Aug-17	Enforcement Notice

Reference	Address	Breach	Date Authorised	Type of Notice
17/00115/OP	The Paddocks Chinnor Road Chinnor Buckinghamshire	Without planning permission the erection of detached outbuilding(s)	14-Aug-17	Planning Contravention Notice
16/00592/OP	35 Inkerman Drive Hazlemere Buckinghamshire HP15 7JW	Without planning permission the erection of detached outbuilding to house pool equipment	31-Aug-17	No Material Harm
17/00243/CU	Finings Farm Finings Road Lane End Buckinghamshire HP14 3LP	Without planning permission the material change of use of the Land from equestrian to a mixed use comprising of equestrian and residential use by virtue of the siting of a mobile home on the Land for residential occupation	01-Sep-17	Enforcement Notice
17/00099/OP	1 Turners Drive High Wycombe Buckinghamshire HP13 7PA	Without planning permission the erection of rear boundary wall	04-Sep-17	No Material Harm
15/00210/OP	Land Adjacent Craycraf Nash Lee Road Terrick Buckinghamshire HP17 0TQ	Without planning permission the importation and laying of hard core Without planning permission the formation of a bund	22-Aug-17	Enforcement Notice