



Appeal Decision

Site visit made on 25 July 2017

by **David Cliff BA Hons MSc MRTPI**

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

Decision date: 17th August 2017

Appeal Ref: APP/K0425/W/17/3174433

Land adjacent to 32 Queen Street, High Wycombe HP13 6EZ

- 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 Ms Nicola Hodges against the decision of Wycombe District Council.
 - The application Ref 16/07194/FUL, dated 9 August 2016, was refused by notice dated 15 December 2016.
 - The development proposed is erection of a 4 bedroom semi-detached house with allocated parking and private garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are:
 - i) The effect upon the living conditions of the occupiers of 30 Queen Street, with particular regard to outlook,
 - ii) Whether the proposal would result in an increase in on-street parking and any consequent implications of this for highway safety,
 - iii) Whether the proposal would preserve or enhance the character and appearance of the Amersham Hill Conservation Area.

Reasons

Living conditions

3. The rearmost part of the new dwelling would extend significantly beyond an adjacent rear facing window of the neighbouring property (30 Queen Street) serving a dining room/study. An outdoor paved amenity area to No.30 is also located to the rear of this window, immediately adjacent to the side facing wall of the proposed dwelling house.
4. The effect of the proposal upon No.30 would be exacerbated by the difference in ground levels between the two properties, with the appeal site being higher than No.30. A separation distance of over 2m would be provided between the proposed side wall of the rear part of the proposed dwelling and the side boundary of the site. Nevertheless, given its considerable height and massing, this part of the proposed dwellinghouse would appear as being particularly dominant and visually overbearing when viewed from both the adjacent rear

facing window and outdoor amenity area of No.30. Although the neighbouring window faces eastwards the facing wall of the proposed development would be very prominent and visually intrusive when viewed from both the window and the adjacent amenity area.

5. I acknowledge that the proposal has been designed so as not to breach the Council's guidelines requiring that two storey developments do not breach a line of 45 degrees drawn from a neighbouring window. However, in this case whilst the relevant part of the development would be two storeys in height, its massing and consequent impact on No.30 would be increased due to the difference in height between the two properties. Furthermore, the impact would not only be upon the adjacent rear facing window of No.30 but also the paved amenity area. The harm upon outlook would therefore be substantial in this case, and I consider that it should be determined as an exception to the Council's usual guidance.
6. Given that the proposal would be to the north of No.30, I do not consider that it would result in any significant loss of sunlight. However, this does not override the harm I have found to result from the unacceptably overbearing impact that would result as set out above.
7. Therefore, the proposed development would result in significant harm upon the residential living conditions of the occupiers of 30 Queen Street. It would be contrary to the relevant amenity aims of saved policies G3, G8 and H17 of the Wycombe District Local Plan to 2011 ('the Local Plan'), policy CS19 of the Wycombe Development Framework Core Strategy July 2008 ('the Core Strategy') and the National Planning Policy Framework ('the Framework').

Parking and highway safety

8. The Council's objection in this regard concerns what it considers to be the displacement of parking from the site. Whilst the site has previously been used for residential parking for 32 Queen Street, it was clear from my site visit that this is no longer the case. From the evidence before me, the appeal site is now separate from 32 Queen Street and the former parking area has been removed. The proposed development would therefore not result in any reduced availability of off-street parking from the existing situation. The proposed development would also include satisfactory parking provision with two off-street spaces being provided.
9. Notwithstanding the current position and any ownership issues, it may theoretically be possible for the site to be utilised for parking in connection with 32 Queen Street, were the proposals for a new dwelling not able to be implemented. However, this makes little difference to my conclusions on this issue. This is because I am not persuaded that the additional on-street parking that has occurred since the sub-division of the site is likely to have resulted in any significant impacts upon highway or pedestrian safety. There is no compelling evidence that there are insufficient on-street residents' parking spaces available in the vicinity of the site. Furthermore, the road is not a particularly busy one, there is good visibility along it and I do not consider that any significant safety issues would be likely to arise from the small increase in on-street parking in this case.

10. I am not aware of the full circumstances relating to the previous appeal case cited by the appellant¹ though my findings on the parking displacement issue are generally consistent with that Inspector's decision. I have, in any case, considered the current proposal on its particular merits.
11. The proposed development would not result in the likelihood of any significant highway safety impacts. It would satisfactorily accord with the highway safety aims of policy CS20 of the Core Strategy.

Character and appearance

12. Whilst the heights of properties in Queen Street are broadly consistent, there is a mixture of different external designs in the vicinity of the appeal site, including detached, semi-detached and terraced properties of varying age. The gaps between existing properties also vary, and the separation distance proposed to No.30 would satisfactorily safeguard the character and rhythm of the streetscene.
13. Several of the existing dwellings in the vicinity of the site within the Conservation Area are narrow fronted and of a simple design. No. 30, however, is a considerably wider property. The proposed side entrance would still be visible from the road, the new dwelling has some differences in its elevation design to No. 32 and I therefore do not consider that the proposal along with No.32 would be read in the streetscene as a single dwellinghouse. The lack of a front facing doorway is not such a significant factor to result in any harm to the character or appearance of the Conservation Area. Given the context of the streetscene in general, possessing such a variety of building forms, I do not consider in this case that the proposal needs to copy other buildings in the Conservation Area in order for it to preserve its character and appearance.
14. Given the positioning of the adjacent properties, I am not persuaded that the depth of the dwelling would be read as being out of keeping with other houses in the road. The main roof of the proposed dwelling has been stepped down from the main ridge of the existing dwelling at No.32. The Council's Conservation Area Character Appraisal guards against front dormer windows. However, in this case the proposed dormer window would be small and, given the variety of other existing roof forms in the streetscene, it would not appear as being incongruous or harmful in the context of the surrounding townscape.
15. There are a variety of materials in use at different properties in the streetscene. Notwithstanding this, materials used in the Conservation Area should be of a suitably high quality, and this matter would have been able to be resolved by condition should the appeal have been allowed.
16. Front landscaping is not a strongly important aspect of this particular part of the Conservation Area on Queen Street. The front hedging proposed to be removed is not of a high value in landscape terms and its loss would not be harmful in this case. The proposed plans show an opportunity for some replacement landscaping adjacent to the front boundary and the proposed driveway would not be of such a size or prominence to appear as obtrusive in this location.

¹ APP/K0425/A/14/2224567

17. I am therefore satisfied that the proposed development would not appear as incongruous within the streetscene. It would preserve the character and appearance of the Conservation Area. The proposal would accord with the relevant design and heritage aims of policies G3 and HE6 of the Local Plan, policies CS17 and CS19 of the Core Strategy and the Framework.
18. Whilst the appellant's Design and Access Statement makes no reference to the Conservation Area, there is sufficient information before me based on the entirety of the appeal documents to conclude as I have on this issue.

Other matters

19. Despite the contribution of a single family dwelling, I have found significant harm to result to neighbouring living conditions and consequently the development is contrary to the development plan when read as a whole.
20. The parties agree that the Council is not able to demonstrate a five year supply of housing land and therefore relevant policies for the supply of housing should not be considered up to date, in accordance with paragraph 49 of the Framework.
21. The Council's Five Year Housing Land Supply Position Statement December 2016 states that the Council can demonstrate a 4.91 year supply. Although it goes on to state that full weight should not be attached to the objectively assessed need as significant planning and environmental constraints exist. It also highlights close working with other Buckinghamshire Councils which would improve the Council's position. However, such evidence has not been tested by this appeal. The appellant draws attention to the contribution made towards the housing supply of small sites including single dwellings. Even so, even in the worst case scenario on the Council's housing land supply position, I consider that the contribution of one dwelling arising from this proposal would be a very modest one.
22. The Council's policies in respect of the protection of the residential amenity are generally consistent with the relevant aim of the Framework set out in paragraph 17 requiring that a good standard of amenity is sought for all existing buildings. Such policies need not be a constraint on the supply of housing as good design can usually overcome amenity issues. These policies therefore carry significant weight.
23. Matters regarding the purchase price of the adjacent property (30 Queen Street) and land ownership carry minimal weight in my determination of this appeal which I have based on the main planning issues highlighted above.

Conclusion

24. The contribution of one house would be a modest one whilst significant harm would result to neighbouring amenity. I therefore find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits in this case. The proposal would not therefore amount to sustainable development.
25. Therefore, having had regard to all other matters, I conclude that the appeal should be dismissed.

26. I acknowledge that the planning application was recommended for approval by the planning case officer. Nevertheless, I have come to a different view based on my consideration of the relevant issues and evidence before me including the Development Plan and all other material considerations.

David Cliff

INSPECTOR