

Contact: Stephanie Penney DDI No. 01494 421823  
App No : 17/08094/FUL App Type : FUL  
Application for : Demolition of existing garage block and construction of a detached 3 bed dwellinghouse  
At Garages and Access Road, The Cottages, Bricks Lane, Beacons Bottom, Buckinghamshire, HP14 3XG  
Date Received : 28/11/17 Applicant : Mr Stewart Martin  
Target date for decision: 23/01/18

## 1. Summary

- 1.1. It is considered that the principle of development is considered acceptable given the site's location in the Built-Up Area and the site being previously developed land. The proposed dwelling would not significantly harm the character or openness of the Green Belt or Chilterns AONB nor harm the amenities of adjoining occupiers. The proposal would not harm highway safety nor impact on the Public Footpath.

## 2. The Application

- 2.1. This application seeks permission for demolition of the existing single storey garage block and erection of a detached three bed dwelling.
- 2.2. The site is located within the Beacon's Bottom built up area in the Green Belt and Chilterns AONB. A public footpath (no. 66) shares the proposed access which currently serves the garages to the rear. The site is located to the rear of a row of terraced dwellings. The finished floor level of the proposed dwelling is approximately 2.2m higher than the ground level of number 3 Bricks Lane. The window to window distance between number 3 and the proposed dwelling is approximately 20.5m. The levels then rise by 4.2m at the site boundary to the north.
- 2.3. The proposed dwelling is not a conventional two storey dwelling, but is purpose designed due to the change in levels and the need to preserve the amenity of the adjoining occupiers and impact on the Green Belt and AONB. The accommodation is provided over two floors with three bedrooms, a study and two bathrooms on the ground floor and an open plan room at first floor accommodating a living room, snug, dining and kitchen area. This first floor is within the roof space.
- 2.4. From 16 October 2017 the emerging policies of the Wycombe District Local Plan (Regulation 19) Publication Version will also be material. The weight to be given to individual policies will be assessed in accordance with paragraph 216 of the NPPF.
- 2.5. Weight is of course a matter for the decision maker but the NPPF says:  
Para 216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
  - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

### **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 The agent was requested further information to satisfy Highways and the PROW team at BCC. This information was received and the application progressed.

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

- 4.1. 15/06336/FUL. Demolition of existing terrace of cottages and rear garage block and erection of a terrace of 5 x 4-bed cottages with bin/cycle stores & 4 bay car port to rear with associated parking (alternative scheme to p/p 14/08217/FUL). Application permitted.
- 4.2. 14/08217/FUL - Demolition of existing terrace of cottages and rear garage block and erection of a terrace of 5 x 3-bed cottages with bin/cycle stores & 4 bay car port to rear with associated parking. Application approved
- 4.3 These application have not been implemented but essentially approved two and a half storey dwellings on the site frontage and parking to the rear which included a single storey car port / garage structure.
- 4.4 Reference is made to an application that was refused and dismissed on appeal in 1988. However, policy has evolved somewhat in relation to developing on previously developed land in the Green Belt.

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

#### **Principle and Location**

Adopted Local Plan (ALP): G8 (Detailed Design Guidance and Local Amenity), GB4 (Built-Up Areas in the Green Belt)

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

DSA: DM1 (Presumption in favour of sustainable development),

Housing Intensification Supplementary Planning Document (HISPD)

Emerging Local Plan (Regulation 19) Publication Version: CP1 (Sustainable Development) Policies, CP3 (Settlement Hierarchy), CP9 (Sense of Place), DM211: (The Location of New Housing) DM35 (Placemaking and Design Quality), DM42 (Managing Development in the Green Belt)

- 5.1. The site is located in the built up area of Beacons Bottom. Accordingly the principle of development, in this instance, will only be acceptable in the case of limited infilling. Infilling is defined as building on undeveloped land within the Built-Up Area and represents the closing of an existing small gap in an otherwise built up frontage. Infill development will be of a scale and form comparable to the adjoining development and must not adversely affect the character of the area. This issue will be considered later in the report.
- 5.2. The consideration of infill, within policy GB4, is consistent with the NPPF. Para 89 of the NPPF states that limited infilling within villages is considered an exception to inappropriate development within the Green Belt. The saved policy is also consistent with the emerging policy of the Wycombe District Local Plan (Regulation 19) Publication Version. Para 6.214 of the Emerging Local Plan states, "Limited infilling is

defined as at most on detached or one pair of semi-detached dwellings in an existing small gap between other buildings in the built up area, and only where the siting would also be appropriate with regards to settlement pattern and the grain and morphology of the village.” Further guidance is given on the size of the building and plot size. The paragraph concludes that suitable infilling pots can be created by the subdivision of larger residential gardens (or other previously developed land) but not by the artificial sub-division of agricultural fields, or paddocks, or similar land that has not been previously developed, where this is likely to result in incrementalism.

- 5.3. This site does not necessarily follow the pattern of existing residential development which is road frontage. However, in this instance the principle is considered acceptable given that the site is previously developed. Given that the site is previously developed land, it is also worth noting under paragraph 89 of the NPPF, that the redevelopment of PDL is not inappropriate as long as it would not have a greater impact on the openness of the Green Belt.
- 5.4. Therefore this proposal is considered acceptable in principle, subject to other material considerations, detailed further below.

### **The impact of the development on the character and appearance of the Chilterns Area of Outstanding Natural Beauty, Green Belt and rural street scene**

ADLP: Policies GB4 (Built-Up Areas within the Green Belt); L1 (Chilterns Area of Outstanding Natural Beauty), G3 (General Design Policy), G8 (Detailed Design) and G11 (Trees and Hedgerows)

CSDPD: Policy CS7 (Rural settlements and the Rural Areas); CS9 (Green Belt); CS17 (Environmental Assets) & CS19 (Raising the Quality of Place-Shaping and Design)

Emerging Local Plan (Regulation 19) Publication Version: CP8 (Protecting the Green Belt); CP9 (Sense of Place); CP10 (Green Infrastructure and the Natural Environment) DM30 (The Chilterns AONB) and DM42 (Managing Development in the Green Belt)

#### Impact on the Green Belt

- 5.5. Development is considered acceptable under GB4 providing that the development does not adversely affect the character of the area. This is assessed in relation to the effect on the open character of the Green Belt.
- 5.6. It is considered that whilst the dwelling is 3.2m higher than the existing garages the impact on the openness is minimal due to the increase in levels to the north of the site and given that the dwelling has been purpose designed to consider the built form. Whilst the accommodation is over two floors, the ridge height is not extensive at only 6.8m high and the southern elevation appears as single storey due to the pitch and slope of the roof. It is therefore considered that the impact on openness is minimal.

#### Impact on the Chilterns AONB

- 5.7. Policy L1 of the Adopted Local states that developments should ‘conserve the scenic beauty and wildlife interest within the AONB’, furthermore policy G3 (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.’ Additionally, the National Planning policy framework gives great weight to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- 5.8. Any new development proposed within the Chilterns AONB will require special attention to be paid to the conservation of its scenic beauty and to any existing wildlife

interest. Development will not be permitted if it is likely to damage the special character, appearance or natural beauty of the landscape or the future public enjoyment of the area. Where new development is considered to be acceptable for such a location, it should be of the highest quality, with its design being in sympathy with the local landscape and locally traditional building styles and materials.

- 5.9. Dealing with the layout of the site first, the new dwelling would be located on the footprint of the existing garages. It does however extend out towards the east (3m max) and west (0.7m max). There is a greater separation distance however between the dwellings south of the site. The garages are 13.5m from the rear of no. 3, whereas the proposed dwelling is 17.5. The dwelling does not extend into the embankment to the north of the site.
- 5.10. Turning to the scale and appearance, the proposed dwelling has been purpose designed to take into account levels, adjoining residents and the character of the AONB. Whilst the accommodation is over two floors the height of the dwelling is only 6.8m high. The materials comprise predominantly of timber boarding, flint and handmade clay tiles for the roof. This is therefore characteristic of the Chilterns AONB.
- 5.11. The scale of the dwelling is considered relatively modest in comparison to the existing footprint of the garages and height of adjoining properties. It is acknowledged that due to the levels of the land, the ridge would appear higher than the existing dwellings, however given the separation distance between properties and the design of the dwelling, it is not considered that the scheme would damage the special character.
- 5.12. Whilst the site is on an elevated position the wider views are considered important. However, the main view is from the south of the site on the public footpath. Due to the increase in levels, views would be looking down into the site. Accordingly the dwelling would be visible. However, due to the design and the benefit in replacing undesirable flat roof garages, the scheme is not considered to harm the scenic beauty. The view to the north is considered negligible due to the embankment.
- 5.13. In conclusion, it is considered that the proposal would not harm the rural character and appearance of the Chilterns Area of Outstanding Natural Beauty, the openness of the Green Belt or the open countryside in which it is set.
- 5.14. An Arboricultural Assessment has been submitted with the report. There is no Tree Preservation Order on site therefore any removal of trees did not require consent.

#### **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)

Housing intensification SPD

Emerging Local Plan (Regulation 19) Publication Version: DM 35 (Placemaking and Design Quality)

- 5.15. The application site is at a higher level than the dwellings fronting Bricks Lane. The dwelling is not considered to have detrimental impact on the occupiers of The Cottages. There is a minimum window to window distance of 17.5m from the rear projection of no. 3 The Cottages. No. 4 the Cottages is approximately 17m. No. 2 the Cottage is approximately 22m, but not directly in line with the proposed dwelling.
- 5.16. Whilst the distance do not meet the minimum distance of 25m, the only first floor window on the southern elevation would be to the dining area and would be obscure glazed, as indicated on the submitted plans. In addition given the separation distance and the fact that the proposed dwelling is positioned further from the dwellings than the existing garages, the proposed dwelling would not result in overlooking or an unneighbourly impact on existing occupiers. Concern has been

raised regarding overlooking to the east. However the first floor windows (kitchen / utility) would overlook the rear most section of the adjacent occupiers' garden and are sited a minimum of 4.8m from the eastern boundary.

- 5.17. In terms of the amenity of future occupiers, amenity space has been provided and the positioning of the windows will ensure that the habitable rooms will be afforded sufficient natural light.

### **Carbon Reduction and Water Efficiency**

Adopted Delivery and Site Allocations Plan (DPD): DM18 (Carbon Reduction and Water Efficiency)

DSA: DM18 (Carbon Reduction and Water Efficiency)

- 5.18. Following the Adoption of the Delivery and Site Allocations Plan (July 2013) and in particular policy DM18 (Carbon Reduction and Water Efficiency) it would have normally been considered necessary to impose a condition to secure the required 15% reduction in carbon emissions as well as reducing future demand for water associated with the proposed dwelling. However, this will be superseded in October 2016 by ministerial policy to transfer the issue to Building Regulations. It is considered necessary to condition the water efficiency.
- 5.19. The principle assessment of this application falls under policy DM18 of the Adopted Delivery and Site Allocations Plan July 2013. This plan will remain and 'sit alongside' the new Local Plan. Accordingly policy DM18 will still apply.

### **Infrastructure and Developer Contributions**

Adopted Local Plan (ALP): G19, G23;

Core Strategy Development Planning Document (CSDPD): CS20, CS21;

Developer Contribution Supplementary Planning Document (DCSPD)

Emerging Local Plan (Regulation 19) Publication Version: CP7 (Delivering the Infrastructure to support Growth)

- 5.20. The site is located within CIL charging zone A.

### **Transport matters and parking**

ALP: T2 (On – site parking and servicing), T4 (Pedestrian Movement and Provision)

CSDPD: CS16 (Transport)

DSA: DM2 (Transport requirements of development sites)

Buckinghamshire Countywide Parking Guidance

Emerging Local Plan (Regulation 19) Publication Version: DM 35 (Placemaking and Design Quality)

- 5.21 The proposed dwelling requires three on-site parking spaces, which have been provided. In addition, as the use of this access is not being intensified, no objection is raised.
- 5.22 A public footpath (no. 66) shares the proposed access which currently serves the garages to the rear. A shared surface should allow pedestrians priority, where they will be able to stop without feeling intimidated by motor traffic. The minimum width for vehicles is 2.75m and the minimum width for pedestrians is 2m, the overall width should therefore be 4.75m which has been proposed. The shared access is therefore considered acceptable.
- 5.23 Concerns have been raised regarding the erection of a close boarded fence and gate effecting the public right of way. However, this is matter of enforcement for Buckinghamshire County Council.
- 5.24 The application site is in separate ownership to the existing dwellings fronting Brick Lane. The Design and Access Statement submitted with the application states that the site is vacant and unrelated to The Cottages. No evidence has been submitted to

contradict this statement. There is an informal parking area opposite the Cottages which appears utilised for parking, although it's legal position is not known. Therefore, there is no objection to the loss of parking currently provided at the application site.

### **Weighing and balancing of issues – overall assessment**

- 5.25 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.26 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a) Provision of the development plan insofar as they are material
  - b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
  - c) Any other material considerations
- 5.27 As set out above it is considered that the proposed development would accord with the development plan policies in relation to impact on the Green Belt, character of the AONB, impact on amenity and highway access.

### **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 in accordance with the details contained in the planning application hereby approved and plan numbers F3217-T, PD5-17-01 C, PD5-17-02 C 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 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 work to the external finish of the development 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.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping, in association with the requirements of condition 8, shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.  
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 5 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).

- 6 The scheme for parking 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.
- 7 Notwithstanding any other details shown on the plans hereby approved, the full length windows to the dining room and landing area to be inserted in the south facing elevation of the dwelling shall be glazed in obscure glass. The windows shall thereafter be retained as such. No further windows shall be inserted in the dwelling hereby permitted without the prior, express planning permission of the Local Planning Authority.  
Reason: In the interests of the amenity of neighbouring properties.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.  
Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality.
- 9 The development is to be undertaken in accordance with the approved Arboricultural Impact Assessment or any revision agreed by the council and Tree Protection Plan (TPP), indicating trees to be retained and those to be removed; the positions of physical tree protective fencing and ground protection zones.  
Reason: To ensure that the trees to be retained are not damaged, in the interests of visual amenity.

#### 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
- The agent was requested further information to satisfy Highways and the PROW team at BCC. This information was received and the application progressed.
- 2 It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- 3 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.