

Contact: Gemma Davies DDI No. 01494 421632  
App No : 17/08165/FUL App Type: Full Application  
Application for : Construction of retaining wall and 2 x attached canopies (Retrospective)  
At Micklefield Mosque, Centre Approach, High Wycombe, Buckinghamshire,  
HP13 7FY  
Date Received : 07/11/17 Applicant : Wycombe Islamic Missions  
Target date for 02/01/18  
Decision

## 1. **Summary**

- 1.1. Full planning permission is sought for the construction of a boundary/retaining wall and two canopies attached to Micklefield Mosque, Centre Approach. Most of the work has already taken place and therefore this application is part retrospective. The top 1.2m high boundary wall is the only element which remains to be completed.
- 1.2. Whilst the canopies are considered to be acceptable; the retaining wall, new 1.2m high boundary wall and the raised parking area are considered to represent an unneighbourly form of development that would significantly harm the residential amenities of the occupiers of adjoin property, The Vicarage. This is by reason of the retaining wall appearing overbearing and dominant when viewed from their amenity space, and the increased parking level resulting in an unacceptable loss of privacy due to an increased level of overlooking to both the private amenity space and the first floor rear windows.

## 2. **The Application**

- 2.1. The application site is located at the rear of Micklefield Road, via the access road of Centre Approach. The site slopes downward toward Micklefield Road, which as a result is split on two levels. The first encompasses the original Seven Day Adventist Church building – a rectangular building with the entrance along Centre Approach and the second a large parking area with concrete base. The site then falls steeply downward toward the rear of the neighbouring buildings along the south eastern border so that there is a ground level difference of some 1.5m.
- 2.2. The location is mixed comprising various church and community facilities and is now home of the Micklefield Mosque. The site is not located within any protection zones.
- 2.3. The application seeks part retrospective permission to erect a retaining wall along the south eastern boundary with associated earth works, a new 1.2m high boundary wall on top and an extended parking area along the boundary with The Vicarage and Church. In addition, permission is sought for two timber canopy structures to the front and rear with plastic roofing to provide shelter for worshippers one at the entrance the other along the rear side elevation. Building Control have been notified as to the construction of the retaining wall.
- 2.4. The applicants have explained that the works were carried out in order to provide extra parking facilities for the site however a parking plan to show the revised layout and what benefit this will have has not been provided.
- 2.5. The plans were revised several times during the course of the application. A soakaway was shown to be provided within the site to ensure that all run-off was going to a permeable surface within the site and an associated acrodren provided along the

retaining wall. Concern in relation to drainage from the site has been addressed, however the concern in relation to the impact of the development on the residential amenities of the neighbouring dwellings remains.

2.6. It was suggested to the applicant's agent that in order to address the objection in relation to the impact of the residential amenities of The Vicarage, the parking area should be returned to its original position set back from the boundary and a substantial landscape buffer reinstated. Then a low level wall should be provided along the edge of the parking area (as it originally stood) to prevent overlooking along the boundary with The Vicarage. These suggestions were however not taken up by the applicant.

2.7. The emerging policies of the Wycombe District Local Plan has been submitted to the Planning Inspectorate for consideration. The weight to be given to individual policies will be assessed in accordance with paragraph 216 of the NPPF.

2.8. 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
- 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 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

3.2. In this instance the applicant/agent was updated of any issues after the initial site visit and was informed how the proposal did not accord with the development plan and that no material considerations were apparent to outweigh these matters. The agent was informed of how the concerns could be overcome and provided the opportunity to amend the application or provide further justification in support of it. Amended plans were submitted but these did not overcome officer concern in relation to the impact of the development on the neighbouring dwelling The Vicarage. As a result the application was recommended for refusal. The application was called to Planning Committee for determination.

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

4.1. None relevant

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

#### **Principle and Design of Development**

ALP: G3 (General design policy), G7 (Development in relation to topography), G8 (Detailed Design Guidance and Local Amenity)

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

DSA: DM1 (Presumption in favour of sustainable development)

Draft New Local Plan: CP1 (Sustainable Development), DM32 (Accessible locations, sustainable transport and parking), CP8 (Sense of place), DM34 (Placemaking and design quality)

- 5.1. Both elements of this application contribute to the continuing function of the community facility and therefore there is no objection in principle of the development.
- 5.2. The character of the area is mixed throughout and any development is determined by the topography of the site. The canopies are located along the northern and western elevation and essentially utilitarian in function. They do not however adversely affect the character of the building itself, or the wider area.
- 5.3. The new retaining wall, again is utilitarian in nature. In terms of the structural capacity of the retaining wall, structural details accompanied the application showing how it was to be constructed and supported. This is however a building control matter rather than a planning consideration.
- 5.4. The wall rests along the eastern boundary and is largely hidden by the existing boundary treatment, which is a mixture of close boarded fencing and presumably an original post and wire boundary fence. Views of it from the public realm are limited despite the removal of the boundary vegetation and are only visible toward the east.

#### **Amenity of existing residents**

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

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

Draft New Local Plan: DM34 (Placemaking and design quality)

- 5.5. The porches are set within the confines of the main building on site and are set a sufficient distance to the neighbouring dwellings to ensure they have no material impact on the residential amenities of the occupiers of the neighbouring dwellings.
- 5.6. Turning to the engineering works on site, the main impact of the development is in terms of the raising of the land levels to create an additional parking area along the neighbouring properties to the south. These are for the most part community based facilities which on the whole would not be unduly impacted by the development, particularly in relation to the retaining wall. However, the most immediate neighbouring building which is affected is The Vicarage, which is a residential building and has a first floor window viewing directly onto the site, overlooking the retaining wall.
- 5.7. This property is set much lower than the existing parking area and therefore any additional height along this boundary would only exacerbate the prominence and overbearing appearance of this boundary structure, especially when viewed from the rear garden serving this property. The garden is already restricted in terms of its size and outlook. As a result, it is considered that the retaining wall with a new 1.2m high boundary wall on top would appear as a dominant and overbearing structure when viewed from The Vicarage.
- 5.8. This would cause demonstrable harm to the residential amenities of the occupiers of this dwelling as the garden would be further enclosed.
- 5.9. As a result of the works being undertaken, several bushes and general vegetation have been removed from the boundary with The Vicarage and the land adjacent to this boundary raised to provide parking for the Mosque. Although a 1.2m high wall will be erected along the boundary, this would not be tall enough to prevent overlooking down into the garden of The Vicarage, or indeed to prevent direct views into the first floor windows of this property.

- 5.10. The original layout on site provided a landscape buffer along this boundary, which not only softened the boundary but also provided a level of privacy. The loss of this screening together with the raised land levels for parking being set along this boundary would introduce movements into an area that was previously free from such activity. As a result of the raised ground levels and revised parking layout, the development would result in overlooking to The Vicarage which would be of further detriment to the residential amenities of the occupiers of this dwelling.
- 5.11. In order to overcome the overlooking issue, a taller wall could be erected on top of the retaining wall; however this would only increase the dominance of the structure.

### **Transport matters and parking**

ALP: T2 (On – site parking and servicing)

CSDPD: CS16 (Transport)

DSA: DM2 (Transport requirements of development sites)

Draft New Local Plan: CP7 (Delivering the infrastructure to support growth), DM32 (Accessible locations, sustainable transport and parking)

- 5.12. In the opinion of the applicant, this development would provide additional parking facilities for the site, however a parking layout has not been provided so it is not clear exactly how the additional parking spaces would be laid out. In any event, the development would not increase the parking requirements for the use and therefore there is no objection in this regard.
- 5.13. Similarly the existing access for the site would not change as a result of this proposal so again there is no objection in this regard.

### **Drainage**

CSDPD: CS1 (Overarching principles - sustainable development), CS18 (Waste, natural resources and pollution)

DSA: DM17 (Planning for flood risk management)

Draft New Local Plan: DM37 (Managing flood risk and sustainable drainage systems)

- 5.14. Additional plans were submitted that showed an acrodrain, running in parallel along the wall within the site to provide an area for water run-off from the surface from the parking area. This would provide sufficient drainage provision.

### **Other issues**

- 5.15. Concern has been raised regarding the overall workmanship/structural strength, however this is not something that can be controlled by a planning application and cannot be taken into consideration when reaching a decision. Building control have been notified of the retaining wall and will take separate action against the structure if it is found to be structurally unsound.

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

- 5.16. 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.
- 5.17. 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), and,
- c) Any other material considerations.

5.18. As set out above, whilst it is noted that the applicants are aspiring to provide additional parking to serve this community facility, this does not outweigh the harm that has arisen/will arise from this development. As a result it is considered that the development would conflict with a number of development plan policies, results in demonstrable harm and is therefore recommended for refusal.

### **Recommendation: Application Refused**

1. In the opinion of the Local Planning Authority the proposal would result in an un-neighbourly form of development that would significantly harm the residential amenities of the occupiers of The Vicarage. This is by reason of the retaining wall appearing overbearing and dominant when viewed from their amenity space, and the increased parking level resulting in an unacceptable loss of privacy due to an increased level of overlooking to both the private amenity space and the first floor rear windows.

Therefore the proposed development would be contrary to policies G3 (General Design) and G8 (Detailed Design Guidance and Local Amenity) of the Adopted Wycombe District Local Plan To 2011 (as saved, extended and partially replaced) as well as policy CS19 (Raising the Quality of Place Shaping and Design) of the Adopted Core Strategy DPD. The above policies are considered to be consistent with the National Planning Policy Framework (NPPF).