



Appeal Decision

Site visit made on 4 April 2018

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: Wednesday 18th April 2018.

Appeal Ref: APP/K0425/D/18/3193279

Downley Lodge, Plomer Green Lane, Downley, HP13 5XN

- 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 Mr R Santos against the decision of Wycombe District Council.
 - The application Ref 17/06516/FUL, dated 5 June 2017, was refused by notice dated 10 November 2017.
 - The development proposed is new wall and piers leading from Plomer Green Lane to the gates of Downley Lodge.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issues are the effect of the proposal on the character and appearance of the area and on highway safety.

Reasons

3. The appeal site is a large detached house located on the northern edge of Downley within the Chilterns AONB. It is on the western edge of the Downley Common Conservation Area which is characterised partly by open common land and partly by a mix of housing, ranging from small Victorian cottages through larger 1930s houses to more modern houses. The pattern of development also varies from close knit terraced houses to wider spaced semi-detached and detached properties, from houses close to the road to those set further back.
3. There is a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework (the Framework) states that in the consideration of development proposals weight should be given to the conservation of heritage assets in accordance with the significance of the asset.
4. Planning policies relevant in this case include policy G3 of the Wycombe District Local Plan to 2011 (the local plan) which, among other things, requires development to be of a high standard of design which is sympathetic to the local surroundings. Policy HE6 requires development in conservation areas to preserve or enhance the special character or appearance of the area. Policy L1 states that development in the Chilterns AONB will not be permitted if it is likely to damage the special character, appearance or natural beauty of the area.

5. Policies CS17 and CS19 of the Wycombe Development Framework Core Strategy 2008 (the Core Strategy) relate to the conservation and enhancement of environmental assets, including the AONB and historic environments, and design standards.
6. The appeal relates to new brick walls and piers associated with new entrance gates. It follows a scheme for the creation of a new access, the stopping up of the old access and modifications to the entrance driveway permitted in 2015. That scheme included brick piers and 2m high metal gates. The brick walls and piers the subject of this appeal have been constructed and are not in accordance with the permitted scheme. They also differ from the scheme shown on the plans submitted with the application. Their scale and design are broadly similar in each case and raise the same issues.
7. I consider that the size, scale and design of the walls and piers as built and as shown on the submitted plans are such that they are out of keeping with the prevailing pattern of development in the conservation area and the character and appearance of the rural setting of the village within the wider area of the AONB. Front boundary and entrance details throughout the area are a wide mix of hedges and trees with some instances of low brick walls, and low brick piers marking both pedestrian and vehicular entrances and some with open frontages.
8. I saw during my site visit that there are a small number of properties in Plomer Green Lane with curved brick walls at their entrances. However, they are not on the same grand scale as the appeal scheme and are not typical of the area. Where there are brick walls and/or piers, they are lower and less ornate, for example in Commonsides, fronting terraced brick houses.
9. In my opinion, the walls and piers, together with the large ball finials, are overly grand and ornate and present an incongruous suburban appearance in the immediate surroundings of the conservation area and the wider rural area of the AONB. On the basis of the information before me, it seems to me that they are higher than the ones serving the previous entrance. They have a harmful impact on the modest scale of the conservation area and there is no public benefit which weighs against this harm.
10. I conclude that they fail to preserve or enhance the character and appearance of the conservation area, contrary to local plan policies G3 and HE6 and CS17 and CS19 of the Core Strategy. They fail to conserve the character of the AONB contrary to local plan policies G3 and L1 and CS17 and CS19 of the Core Strategy.
11. The walls and piers serve a new entrance to the property. They replace a previous one which was located closer to Downley Lodge Cottage immediately to the south. There is some disagreement between the Council and the appellant regarding the dimensions of the visibility splays in that the Council maintains that they do not meet the requirements of the original planning permission granted for the relocation of the entrance.
12. I saw during my site visit that the brick piers closest to the road are the lowest part of the walls, at approximately one metre high, and they are set back from the carriageway. The visibility splays do not meet the standards for a road subject to the national speed limit. However, it seems to me, on the basis of the information before me, that they are a significant improvement over the

previous entrance and I consider that the discrepancy between the scheme as built and that permitted would not be sufficient on its own to dismiss the appeal. The gates are set at an adequate distance from the highway to allow vehicles to pull off the highway before opening them.

13. I consider that the development would provide satisfactory access to and from the property and in this respect would be consistent with Core Strategy policy CS20 which relates to transport and infrastructure. I conclude that it would not be detrimental to highway safety.
14. I have found that the scheme is acceptable in terms of highway safety, but this does not outweigh my finding on the other main issue that it is out of keeping with the character and appearance of the conservation area and the AONB.
15. For the reasons given above, the appeal is dismissed.

PAG Metcalfe

INSPECTOR