

Contact: Valerie Bailey DDI No. 01494 421548
App No : 18/07538/FUL App Type : FUL
Application for : Householder application for reconfiguration of front entrance gates to improved visibility by removing part of the front entrance wall
At Downley Lodge, Plomer Green Lane, Downley, Buckinghamshire, HP13 5XN
Date Received : 27/09/18 Applicant : Ramon Santos
Target date for decision: 22/11/18

1. **Summary**

- 1.1. The proposed development, with its revised design and siting, maintains the rural character and appearance of the area and does not adversely impact on the special character and appearance of the Downley Conservation Area and the Chilterns Area of Outstanding Natural Beauty. No issue has been raised in terms of visibility or to the safety and convenience of users of the highway. Thus the proposed development is in accordance with planning policy and is therefore recommended for approval

2. **The Application**

- 2.1. Downley Lodge is a detached dwelling set in relatively extensive grounds, on a rural country lane on the fringes of Downley village. The property is situated within the Downley Common Conservation Area, in the Chilterns Area of Outstanding Natural Beauty, bounded by Downley Common and the Green Belt to the north.
- 2.2. Permission was previously granted under 15/05062/FUL for closure of the existing vehicular access, the construction of a new vehicular access, the erection of a new 2m high gate with brick piers, and the refurbishment of the existing driveway to tie up with the new access point.
- 2.3. The creation of the new access, stopping up of the old access and driveway modifications have been implemented. However, instead of the gate and railings agreed under planning permission 15/05062/FUL, the applicant has erected a different gate, larger finial caps above the brick piers, and sweeping brick walls in place of the approved railings.
- 2.4. Application 17/06516/FUL sought to regularise the situation, but this was refused and dismissed at appeal. Notwithstanding the differences between the scheme as built and the scheme as detailed on the application drawings, it was considered that the 'proposals' were substantially similar enough that either development would raise the same issues, as detailed in the refusal decision notice and appeal decision. A copy of both of these documents is attached as Appendix B
- 2.5. The current proposal, drawing 102 dated 15.01.18 shows 2m of curved walls, either side of the driveway, from brick built columns, leading to taller brick piers with ball capped detail. These are adjacent an ornate black metal gate between 1.4m and mainly 1.8m in height. From the smaller brick piers is park railing fencing at a height of 1.2m (annotated on the drawing from road level). This fencing would extend along the roadside verge and have planting behind that would grow through.

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

- 3.1. In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants

to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

- In this instance the applicant/agent was updated of any issues after the initial site visit. The applicant/ agent responded by submitting amended plans, which were found to be acceptable. However, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

4. Relevant Planning History

- 4.1. 15/05062/FUL – Householder application for construction of new access including new 2m high gate and refurbishment of existing driveway – Approved and partially implemented
- 4.2. PI17/00272/ADRC – Application for approval of details subject to condition 3 (landscaping) of planning approval 15/05062/FUL
- 4.3. 17/06516/FUL – Householder application for construction of new wall and piers leading from Plomer Green Lane to the gates of Downley Lodge (retrospective). Refused and dismissed at appeal. (See Appendix C for decision notice and appeal decision)
- 4.4. 17/00030/OP – Alleged siting of 2 fences. This notice has been served and as yet has not been complied with. A copy of the notice is attached at Appendix D

5. Issues and Policy considerations

Principle and Location of Development

ALP: G8 (Detailed Design Guidance and Local Amenity), HE6 (New Development in Conservation Areas and Conservation Area Character Surveys), L1 (The Chilterns Area of Outstanding Natural Beauty) G11 (Trees and Hedgerows) and T2 (On-Site Parking and Servicing).

CSDPD: CS17 (Environmental Assets), CS19 (Raising the Quality of Place-Shaping and Design), CS20 (Transport and Infrastructure).

New Local Plan (Submission Version): DM30 (The Chilterns Area of Outstanding Natural Beauty), DM31 (Development Affecting the Historic Environment), CP11 (Historic Environment)

- 5.1. Downley Lodge is located within the Downley Conservation Area and the Chilterns Area of Outstanding Natural Beauty, bounded by Downley Common and the Green Belt to the north.
- 5.2. Policy HE6 of the Adopted Local Plan stipulates that within Conservation Areas the District Council will require proposals to preserve or enhance the special character and appearance of the area, having special regard to the Character Survey for that area. With regards to the impact on the special character and appearance of the Chilterns Area of Outstanding Natural Beauty (AONB) the application is assessed against Policy L1 of the Adopted Local Plan. In considering proposals for any development within the AONB, special attention will be paid to the conservation of its scenic beauty. Development will not be permitted if it is likely to damage the special character, appearance, or natural beauty of the landscape.
- 5.3. The essential character of the area arises from the long views across the common which is lined typically with Victorian artisan's cottages on the main road, and which provide an attractive back drop. Small groups of historic vernacular cottages and 1930s houses have evolved incrementally over time in woodland and alongside the informal tracks. Entrances are simple and low key with typically visually permeable timber gates. Boundary vegetation, trees, hedges and traditional materials contribute to the rural character.

- 5.4. The current proposal, drawing 102 dated 15.01.18 shows 2m of curved walls, either side of the driveway, from brick built columns, leading to taller brick piers with ball capped detail. These are adjacent an ornate black metal gate between 1.4m and mainly 1.8m in height. From the smaller brick piers is park railing fencing at a height of 1.2m (annotated on the drawing from road level). This fencing would extend along the roadside verge and have planting behind that would grow through. Thus the proposed development would blend in with its rural setting on the outskirts of the village. It is considered that the proposed development has now taken into account the site's sensitive location and the established character of its surroundings.
- 5.5. This revised proposal would therefore preserve the special character and appearance of the Downley Conservation Area, and would be considered not to have detrimental impact upon the special character and appearance the Chilterns Area of Outstanding Natural Beauty.

Transport matters and parking

ALP: T2 (On – site parking and servicing),
CSDPD: CS16 (Transport),
DSA: DM2 (Transport requirements of development sites)
New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth),
DM33 (Managing Carbon Emissions, Transport and Energy Generation)

Highway Impact

- 5.6. The County Highway Authority have raised no objection to the proposed development given that the Inspector in reaching his decision on the appeal for 17/06516/FUL did not refuse the development on highway safety grounds. They did request that a condition be placed on any decision issued regarding all other existing access points and that these should be stopped up.
- 5.7. The appeal decision is very much a material consideration of this planning application and as the Inspector found no harm in respect to highway safety and this current application is considered to improve site visibility a refusal on these grounds could not be sustained.

Parking

- 5.8. Having regards to the size and layout of the application site, the proposed works would not be considered to raise any issues in respect of the level of on-site parking available to the occupiers of the dwelling.

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
New Local Plan (Submission Version): DM35 (Placemaking and Design Quality)

- 5.9. The proposed gate, walls and railings would not be considered to raise any concerns in respect of the residential amenities of the adjacent property or the occupiers of Downley Lodge itself.

Ecology/Trees

ALP: G11 (Trees and Hedgerows),
CSDPD: CS17 (Environmental assets)
DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)
New Local Plan (Submission Version): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 5.10. There would be an extension to the existing railings towards the entrance gates but these would replace the existing brick wall. Taking into account confirmation from the agent that the proposed railings would be suspended on posts and would not require any underground works such as foundations the Council's Tree Officer raised no objections in principle

Historic environment (or Conservation Area or Listed Building Issues)

ALP: HE6 (Conservation areas),

CSDPD: CS17 (Environmental assets)

New Local Plan (Submission Version): CP9 (Sense of place), CP11 (Historic Environment),

DM20 (Matters to be determined in accordance with the NPPF), DM31 (Development

Affecting the Historic Environment)

- 5.11. The Council's Conservation Officer requested that the proposal as submitted be amended to over-come the reasons for refusal. Whilst this application had gone some way to addressing these they had not been fully dealt with.
- 5.12. The amended proposals reduce the length of the flanking walls and the ornate finials/gate piers have reverted to the approved design. These amendments mitigate rather than overcome the impact on the conservation area's character and appearance. The application would now be difficult to justify a refusal so, on balance, there is no further objection on heritage grounds.

Recommendation: Application Permitted

- 1 Within 3 months of the grant of this permission the existing gates and walls shall be removed from the site and the new wall, gates and railings erected in accordance with details shown on the drawing hereby approved.
Reason: To ensure a satisfactory development of the site and to preserve the special character and appearance of the Downley Conservation Area, and the Chilterns Area of Outstanding Natural Beauty.
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 203, 202, 101 and 102B dated 15.01.2018 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 All other existing access points not incorporated in the development hereby permitted shall be stopped up by removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.
Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

INFORMATIVE(S)

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