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App No : 19/05601/FUL App Type : FUL  
Application for : Demolition of existing garage block and construction of a detached 4 bedroom part-subterranean dwelling  
At Garages and Access Road, The Cottages, Bricks Lane, Beacons Bottom, Buckinghamshire  
Date Received : 29/03/19 Applicant : Mr Stewart Martin  
Target date for decision: 24/05/19

## 1. **Summary**

- 1.1. A revised planning application has been submitted, following a recent refusal and dismissal at appeal. It is considered that the submitted application resolves the refusal reason of the Planning Inspectorate, relating to ‘...greater impact on the openness than the existing’.
- 1.2. The proposal is considered, on balance, to respect the openness of the Green Belt and to accord with adopted Green Belt Policy. Furthermore the proposal is considered acceptable with regards to its impact on the wider character of the area, taking into account the sites location within the Chilterns Area of Outstanding Natural Beauty (AONB), on neighbours, on highway safety or public footpath, subject to conditions.
- 1.3. The application is recommended for approval.

## 2. **The Application**

- 2.1. This application seeks permission for demolition of the existing single storey garage block and erection of a six habitable room 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.
- 2.3. The proposed dwelling is sited 13.8m (at the nearest point) from number 3. The levels increase from the existing dwellings to the existing garage block by approximately 2.5m.
- 2.4. The proposed dwelling includes a basement accommodating a family room, bedroom and store room. The ground floor would accommodate a living room / dining room / kitchen, three bedrooms and bathroom, boot room and utility room. Two of the bedrooms would have en-suites.
- 2.5. The application is accompanied by:
  - a) Design and Access Statement
  - b) Ecology Wildlife Checklist
  - c) Arboricultural Survey
  - d) Topographic Survey

## 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 used the Council's planning advice service. The application was considered acceptable and progressed without delay.

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

- 4.1. 17/08094/FUL. Demolition of existing garage block and construction of a detached 3 bed dwellinghouse. Application refused and dismissed on appeal.
- 4.2. 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.
- 4.3. 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

The 2015 and 2014 applications 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. The 2017 application was refused at Planning Committee for the following reasons:
  1. In the opinion of the Local Planning Authority, the proposed development will result in a dominant feature within the locality due to the scale, massing and design of the dwelling proposed which is not of a scale, form and design comparable to the adjoining development. The proposal would therefore adversely affect the open character of the Green Belt and the visual amenities of the Chilterns Area of Outstanding Natural Beauty. Therefore in the absence of any other material considerations, the proposal represents an inappropriate form of development in the Green Belt and a visually intrusive addition to the Chilterns Area of Outstanding Natural Beauty. As such the development would conflict with Policies GB4 (Built up Areas in the Green Belt), L1 (The Chilterns Area of Outstanding Natural Beauty), G3 (General Design Policy) and G8 (Detailed Design Guidance and Local Amenity) of the Adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced); Policies CS9 (Green Belt), CS17 (Environmental Assets) and CS19 (Raising the Quality of Place-Shaping and Design) of the Core Strategy DPD (Adopted July 2008); and the Chilterns Building Design Guide.
  2. In the opinion of the Local Planning Authority, the proposed development would result in an un-neighbourly form of development by virtue of the proximity to the boundary with 1- 4 The Cottages. The excessive mass and form of the dwelling would result in undue loss of outlook from the rear of the neighbouring properties and be dominant and overbearing in appearance to the detriment of its occupiers. The proposal is thus considered to be contrary to Policies G3 and G8 of the adopted Wycombe District Local Plan to 2011 (as saved, extended and partly replaced) and Policy CS19 of the Adopted Core Strategy Development Planning Document.
- 4.5. The applicant appealed the Council's decision and the application was dismissed. However, not for the reasons the Council gave.
- 4.6. The Inspectorate did not consider the development as infill as, "...this site is not undeveloped, with a large garage block in existence within the site. Furthermore, the site is to the rear of existing housing and does not, to my mind, constitute the filling of an existing gap between buildings. In this regard the proposal would not be an infill development..."
- 4.7. The Council has referred to the site as previously developed land. The Inspector did agree with this principle, but considered that the greater height and scale, of the

proposal than the garages, would have a greater impact on openness than the existing garages and thus considered the proposal inappropriate development in the Green Belt.

- 4.8. The Inspectorate did not however consider the proposal to have a negative impact on the character and appearance of the Chilterns AONB and considered that the proposal would not harm the amenities of adjoining occupiers due to the separation distance and obscure glazing.

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

### **Principle and Location of Development**

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)

New Local Plan (Submission Version): CP1 (Sustainable Development) Policies, CP3 (Settlement Hierarchy), CP9 (Sense of Place), DM21: (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.
- 5.2. However, the proposal is not considered infill development for the reasons set out in the Inspectorate's decision: "...this site is not undeveloped, with a large garage block in existence within the site. Furthermore, the site is to the rear of existing housing and does not, to my mind, constitute the filling of an existing gap between buildings. In this regard the proposal would not be an infill development..."
- 5.3. However, the site is previously developed land. The NPPF does include an exception to inappropriate development in the Green Belt, providing the development would not have a greater impact on the openness of the Green Belt.
- 5.4. The proposed dwelling is the same height as the existing garages and is sited on the existing footprint. The volume of the dwelling is greater than the existing structure. However, this is largely due to the basement accommodation.
- 5.5. There are no numerical parameters in assessing openness, comparison is normally drawn on height and siting. The proposal would therefore comply. In some cases volume has been taken into account when assessing bulk and impact. It is acknowledged that the volume is greater, however there will not be a greater impact on openness as the basement will not be visible beyond the site boundaries.
- 5.6. On this basis the proposal is, on balance, considered to be acceptable.

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

ADLP: Policies 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); CS17 (Environmental Assets) & CS19 (Raising the Quality of Place-Shaping and Design)

Emerging Local Plan (Regulation 19) Publication Version; CP9 (Sense of Place); CP10 (Green Infrastructure and the Natural Environment) and DM30 (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 (1.8m) and west (4.5m). 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 remains the same as the existing garages, due to the proposed basement. The materials comprise predominantly of timber boarding, brick and render. The roof is proposed as a green Sedum roof.
- 5.11. The proposal does include a sunken patio and lightwell. However, these will be well screened. This detail will be considered by condition in landscaping plan.
- 5.12. The proposed dwelling is the same height as the existing garages and is sited on the existing footprint. The volume of the dwelling is greater than the existing structure. However, this is largely due to the basement accommodation. The plot size remains the same as the garage site and the proposed basement will not be seen beyond the site boundaries.
- 5.13. Whilst the site is on an elevated position the wider views are considered important. 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. The Inspectorate was not of the opinion that the previous scheme would have a detrimental impact. Therefore given that this revised scheme is reduced in height, the impact is reduced and therefore an objection could not be justified.
- 5.14. Trees have previously been removed. Replacement planting can be required via a landscaping scheme, to be secured by condition.

### **Transport matters and parking**

ALP: T2 (On – site parking and servicing), T4 (Pedestrian movement and provision), T5 and T6 (Cycling), T7 (Public transport), T8 (Buses), T12 (Taxis), T13 (Traffic management and calming), T15 (park and ride), T16 (Green travel)

CSDPD: CS16 (Transport), CS21 (Contribution of development to community infrastructure)

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)

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.

- 5.17 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.
- 5.18 Concerns were previously 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.
- 5.19 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.

### **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), DM40 (Internal space standards)

- 5.15. The application site is at a higher level than the dwellings fronting Bricks Lane. The Inspector did not consider that the previous scheme would have a negative impact.
- 5.16. The height of the proposal is the same as the existing garages. The only fenestration on the southern elevation is a door. Therefore, the proposal is not considered to have a detrimental impact on the occupiers of The Cottages.
- 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.
- 5.18. Accommodation is provided in the basement, but sunken patios are proposed which will allow natural light to the rooms.

### **Flooding and drainage**

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

DSA: DM17 (Planning for flood risk management)

New Local Plan (Submission Version): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 5.19. The site is in flood zone 1, accordingly a flood risk assessment is not required.
- 5.20. The risk of surface water flooding is considered negligible.

### **Building sustainability**

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

New Local Plan (Submission Version): DM41 (Optional Technical Standards for Building Regulations Approval)

- 5.21. 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 previously been 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 was superseded in October 2016 by ministerial policy to transfer the issue to Building Regulations. It is only considered necessary to condition water efficiency.

### **Infrastructure and Developer Contributions**

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

BCSNP: Policy 13 (Connecting the Parish)

New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth)

5.22. The development is a type of development where CIL would be chargeable

### **Environmental issues**

ALP: G15 (Noise), G16 (Light pollution)

CSDPD: CS18 (Waste, natural resources and pollution)

New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

5.23. A pre-commencement condition has been requested in connection with foul water drainage. This has been agreed with the Agent and will be submitted prior to commencement.

5.24. Environmental Health has also requested a condition in relation to contamination, should anything be found. The Agent has agreed this condition, given that it would be required prior to commencement.

### **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.

### **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 WDC1; F3217-T; PD01B; PD02B; PD03B; PD04 and PD05 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 A fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any development, above damp proof course, takes place.  
The scheme shall include provision for  
\* Additional planting to compensate for the loss of some of the existing trees  
\* Native trees to reflect the rural context of the site  
The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping 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.
- 6 Prior to the commencement of development, details of the method of non-mains drainage shall be submitted to and approved in writing by the Local Planning Authority (LPA). The details shall show compliance with paragraph 020 (Reference ID: 34-020-20140306) of the National Planning Policy Guidance (NPPG). Should anything other than a package treatment plant be chosen, the applicant will need to submit a drainage assessment to the LPA in accordance with the NPPG. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development.  
Reason: To protect controlled waters and residential amenity.
- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within seven days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.  
Reason: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account.

- 8 With the exception of any planting specifically shown to be removed in the landscaping scheme, no trees, shrub or hedge shall be lopped, topped, felled or removed without the prior approval of the Local Planning Authority. If during construction of the development, or within a period of three years of its completion, any such tree, shrub, hedge dies or becomes damaged, destroyed, diseased or dangerous, it shall be replaced during the following planting season by another healthy, tree, shrub or hedge as the case may be of a similar size and species, unless otherwise approved in writing by the Local Planning Authority. Thereafter any such replacement planting shall be maintained or further replaced as necessary for three years after replacement.  
Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity.
- 9 Details of the parking and manoeuvring scheme shall be submitted in writing to and approved by the Local Planning Authority, prior to the occupation of the development hereby approved. The approved scheme shall be implemented prior to occupation and retained for the life of the development.  
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.
- 10 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 DM18 of the Adopted Delivery and Site Allocations Plan (July 2013).

#### INFORMATIVE(S)

- 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 used the Council's planning advice service. The application was considered acceptable and progressed without delay.
- 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 This permission shall not be deemed to confer any right to obstruct the public that provides access to the site which shall be kept open and unobstructed until legally stopped up or diverted under section 257 of the Town and Country Planning Act 1990.
- 4 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.
- 5 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.