



# West Buckinghamshire Area Planning Committee agenda

Date: Wednesday 3 April 2024

Time: 6.30 pm

Venue: High Wycombe Council Chamber, Queen Victoria Road, High Wycombe, HP11 1BB

## Membership:

A Alam, M Ayub, A Baughan, S Guy, I Hussain, D Johncock, N Marshall (Chairman), C Oliver (Vice-Chairman), S Raja, M Turner, P Turner and K Wood

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**Agenda Item** **Page No**

**1 Apologies for Absence**

**2 Declarations of Interest**

To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the Monitoring Officer prior to the meeting.

Members are reminded that if they are declaring an interest they should state the nature of that interest whether or not they are required to withdraw from the meeting.

**3 Minutes of the Last Meeting**

To note the minutes of the meeting held on 7 February 2024.

**3 - 6**

**Planning Applications**

**4 22/05430/FUL - Land at Billingshurst Stud, Harvest Hill, Hedsor, SL8 5JJ**

**7 - 26**

**5 23/07994/VCDN - 44 Shelley Road, High Wycombe, HP11 2UW**

**27 - 38**

**6 Date and Time of Next Meeting**

**Tuesday 7 May 2024** at 6.30pm.

Please note the change of date/day

**7 Availability of Members Attending Site Visits (if required)**

To confirm members' availability to undertake site visits on a date to be confirmed if required.

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Liz Hornby on 01494 421261, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).



## West Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the West Buckinghamshire Area Planning Committee held on Wednesday 7 February 2024 in High Wycombe Council Chamber, Queen Victoria Road, High Wycombe, HP11 1BB, commencing at 7.15 pm and concluding at 8.00 pm.

### Members present

A Alam, M Ayub, A Baughan, S Guy, I Hussain, D Johncock, N Marshall, C Oliver, S Raja, M Turner and K Wood

### Others in attendance

K Asif, T Coppock, C Gray, L Hornby, J Ion, C Lamb, R Martin and R Mehmi

### Apologies

P Turner

### Agenda Item

#### **1 Declarations of Interest**

There were none.

#### **2 Minutes of the Last Meeting**

The Minutes of the meeting held on 13 December 2023 were agreed as an accurate record.

#### **3 21/08708/FUL - Tudor Stud Farm House and Tudor Stud Cottage, Chinnor Road, Bledlow Ridge, HP14 4AA**

Erection of 2 x detached and 2 x pairs of semi-detached dwellings (6 in total) with associated landscaping, hardstanding and infrastructure and creation of new access from Chinnor Road with enlargement of residential curtilage of Tudor Stud Farm.

This application was the subject of a site visit.

Members noted the update.

Members voted unanimously in favour of the motion to permit the application subject to the completion of a S106 agreement as outlined in the officer's report and

subject to the conditions and reasons as outlined in the officer's report.

Speaking on behalf of Bledlow-cum-Saunderton Parish Council: Cllr S Reading

Speaking on behalf of the applicant: Mr W Hossack

**It was proposed by Councillor N Marshall and seconded by Councillor S Guy.**

**Resolved: that the application be permitted subject to the completion of a S106 agreement as outlined in the officer's report and subject to the conditions and reasons as outlined in the officer's report.**

**4 23/07488/FUL - 34 Saunderton Vale, Saunderton, HP14 4LJ**

Householder application for garage conversion and driveway extension (retrospective).

Members noted the update.

Members voted unanimously in favour of the motion to permit the application in line with the officer's recommendation.

Speaking on behalf of Bledlow-cum-Saunderton Parish Council: Cllr S Reading

**It was proposed by Councillor N Marshall and seconded by Councillor C Oliver.**

**Resolved: that the application be permitted.**

**5 23/07761/VCDN - Silver Birches, Hawks Hill, Bourne End, SL8 5JQ**

Variation of condition 2 (plan numbers) attached to 23/06696/VCDN (Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space) to allow for substitution of drawings.

Members noted the update.

Members voted unanimously in favour of the motion to permit the application in line with the officer's recommendation.

**It was proposed by Councillor D Johncock and seconded by Councillor S Raja.**

**Resolved: that the application be permitted.**

**6 23/07806/R9FUL - 22 Queens Square, High Wycombe, HP11 2DF**

Installation of new shop front.

Members voted unanimously in favour of the motion to permit the application in line with the officer's recommendation.

**It was proposed by Councillor C Oliver and seconded by Councillor S Guy.**

**Resolved: that the application be permitted.**

**7 Date and Time of Next Meeting**  
Wednesday 6 March 2024 at 6.30pm

**8 Availability of Members Attending Site Visits (if required)**

**Resolved: that in the event it was necessary to arrange site visits on Tuesday 5 March 2024 in respect of the agenda for the meeting to be held on Wednesday 6 March 2024, the following members be invited to attend:**

**Councillors: D Johncock, N Marshall and C Oliver.**

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## Report to West Area Planning Committee

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<b>Application Number:</b>	22/05430/FUL
<b>Proposal:</b>	Erection of 4 x detached dwellings with associated garages/carports, parking and landscaping and creation of new access
<b>Site Location:</b>	Land At Billingham Stud Harvest Hill Hedsor Buckinghamshire SL8 5JJ
<b>Applicant:</b>	Mr Copas - Copas Farms
<b>Case Officer:</b>	Helen Braine
<b>Ward(s) affected:</b>	The Wooburns, Bourne End & Hedsor
<b>Parish-Town Council:</b>	Hedsor Parish Meeting
<b>Date valid application received:</b>	10th March 2022
<b>Statutory determination date:</b>	5th May 2022 (Extension of Time agreed until 21st December 2023)
<b>Recommendation</b>	Minded to Grant – application subject of a non-determination appeal

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks full planning permission for the erection of 4 x detached dwellings with associated garages/carports, parking and landscaping and creation of new access.
- 1.2 The application site comprises 'Billingham Stud' which is located to the south of Harvest Hill in Hedsor. The application site (denoted in red) contains 3 buildings: building 1 being a single storey stable building (containing 9 stables) and a tack and saddle store. Building 2 comprises a detached store and building 3 is an enclosed manege.
- 1.3 The application site is located within the Green Belt, but within an area of Previously Developed Land (PDL) by virtue of its equestrian use, and existing coverage of buildings across the site.
- 1.4 The proposal is considered to be an appropriate form of development in the Green Belt which would not have an adverse effect upon the character and appearance of the area, neighbouring and future amenities, highway safety, landscaping, ecology and flooding.
- 1.5 The application has been called in to the West Area Planning Committee by Councillor P. Drayton due to its impact on the Green Belt.

- 1.6 Taking into account the above, the proposal is considered to comply with the policies of the Development Plan and is therefore recommended for approval.
- 1.7 An appeal has been submitted against non-determination of this application and it cannot now be formally determined by the Council. However, Members need to determine whether the application would have been approved if it was still before them, or on what grounds they would have refused planning permission. This will then form the basis of the Council's case regarding the development for the purposes of the appeal.
- 1.8 The planning application previously appeared on the committee agenda for the West Buckinghamshire Area Planning Committee on 11<sup>th</sup> May 2023. This was withdrawn from the agenda to allow further assessment as to whether there would be a loss of employment associated with the proposal, and to allow the applicant the opportunity to submit a lawful development certificate in respect of the continued residential use of the "Stud House" in breach of a restricted occupancy condition. These matters have been resolved.
- 1.9 Since the withdrawal from the committee agenda, the Wooburn and Bourne End Neighbourhood Plan has been made. Although the previous committee report made reference to the policies therein, the Plan was still at a draft stage and its policies carried limited weight. However, following review, the application site falls just outside of the neighbourhood plan area. The policies contained within the Neighbourhood Plan are therefore not relevant to the determination of this application.

## **2.0 Description of Proposed Development**

- 2.1 Full planning permission is sought for the erection of 4 x detached dwellings with associated garages/carports, parking and landscaping and creation of new access.
- 2.2 The application site is located on the southern side of Harvest Hill and is accessed by an existing vehicular access point and track. The application site comprises of 3 buildings in total which are used for equestrian purposes, which are separated by extensive areas of hardstanding.
- 2.3 'Building 1' is located in the southern-eastern corner of the application site which comprises of the stables and tack room. 'Building 2' is located in the north-western corner of the application site which comprises of the enclosed manege, and 'Building 3' sits in between them both, which is used for storage.
- 2.4 The existing buildings have ridge heights of between 5.5 and 7.5m.
- 2.5 All buildings on the application site are proposed to be demolished. Three other buildings are situated to the south, which comprise of a detached barn, detached stud house and detached office/tack room/staff room. These buildings fall outside of the red edge of the application, and therefore are not considered as part of the application site, albeit they are part of the same ownership, as dictated by the blue edge.
- 2.6 The application site originally was used as an equestrian stud for the breeding of racehorses. Since operating from the site in the early 1990s, this business was closed in the recession of 2008/2009 which heavily impacted the equine racehorse industry. The business was closed on 31/03/2012. In August 2013, the facility was let out and used as private equestrian facility. This carried on until February 2022, where the site was vacated due to a re-location of the current letter. Since then, the equestrian facilities have been used on a temporary basis for polo horses by a tenant.



- 2.7 There is also a stud manager's dwelling, known as the "Stud House", located to the southeast of the 3 buildings. This was originally granted with a restricted occupancy condition which required the person(s) living there to be a worker(s) connected with the adjoining Hedsor Billingham equestrian facility. However, the applicant has obtained a lawful development certificate (granted on 18<sup>th</sup> March 2023) to confirm that the occupation of the "Stud House" in breach of the restricted occupancy condition had become lawful due to the property having not been occupied in accordance with the requirements of the condition for a period in excess of 10 years. It is therefore immune from enforcement action.
- 2.8 Permission is now sought to demolish all equestrian buildings contained within the application site, and to erect 4 detached dwellings with 4 garages/carports.
- 2.9 The existing access point would be retained and would continue serving the existing 3 buildings which fall outside of the application site. A new access would be created on Harvest Hill to serve the proposed development.
- 2.10 Plot 1 would be located to the north-western side of the site and would comprise of a detached, 5-bed two storey dwelling with a front drive situated to the east, and garden to the west. The detached dwelling would have a ridge height of 9.5m (higher existing land level); incorporating a hipped roof with a rear gabled projection. Plot 1 would benefit from a detached double garage with carport, bin and cycle store which would be situated to the north and would have a ridge height of 5.9m.
- 2.11 Plot 2 would be located directly opposite the proposed vehicular access point from Harvest Hill and would comprise of a detached, 5-bed two storey dwelling with a front drive situated to the north, and garden to the south. The detached dwelling would have a ridge height of 8.9m; incorporating a gabled roof. Plot 2 would benefit from a detached double garage with bin and cycle store to the rear which would be situated to the south-east and would have a ridge height of 5.9m.
- 2.12 Plot 3 would be located to the south west of the site and would comprise of a detached, 4-bed two storey dwelling with parking bays and a garage located to the north, and garden to the south. The detached dwelling would have a ridge height of 8.9m; incorporating a gabled roof with a front cat-slide. Plot 3 would benefit from a detached single garage with bin and cycle store which would be located to the north and would have a ridge height of 5.9m.
- 2.13 Plot 4 would be located to the south west of the site next to Plot 3 and would comprise of a detached, 4-bed two storey dwelling with parking bays and a garage located to the north, and garden to the south. The detached dwelling would have a ridge height of 8.9m; incorporating a gabled roof with a front cat-slide. Plot 4 would benefit from a detached single garage with bin and cycle store which would be located to the north and would have a ridge height of 5.9m.
- 2.14 The proposed development overall would result in a 56% reduction in building footprint, a 49% reduction in building volume and a 41% reduction in floor area.
- 2.15 The proposed scheme would incorporate additional landscaping to the site, including significant levels of new tree planting. The scheme would also deliver a biodiversity net gain of 33.12% in habitat units and 42.25% in hedgerow units.
- 2.16 Specific details of materials have not been provided at this stage, outside of the indicative materials shown on the submitted plans, as such it is considered necessary to impose a planning condition for details of building materials and surface materials.

2.17 The application is accompanied by:

- a) Planning, Design and Access Statement
- b) Flood Risk Assessment
- c) Arboricultural and Planning Integration Report
- d) Covering Letter
- e) Arboricultural Impact Assessment
- f) Ecological Survey
- g) Highway Advice
- h) Biodiversity Metric
- i) Biodiversity Net Gain
- j) Photographs

2.18 Amended biodiversity details and landscaping plans have been submitted during the planning application process.

### 3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
01/06154/AGI	Erection of agricultural building for tractor and equipment store	DNSUB	6 June 2001
02/07773/AGI	Erection of replacement equipment and winter fodder store	DNSUB	30 December 2002
03/05318/FUL	Construction of new stables and continued use of existing stables.	PER	3 April 2003
03/06897/FUL	Erection of 4no. foaling boxes and new hay barn	PER	16 September 2003
99/06122/AGI	Erection of agricultural building for storage of hay & agricultural equipment.	DNSUB	22 June 1999
04/07586/OUT	Outline application for erection of 1 no x 3 bed stud managers dwelling	REF	27 January 2005
05/05341/OUT	Outline application for erection of 1 no x 3 bed stud managers dwelling	PER	6 July 2005
05/06565/FUL	Construction of new roofing between existing buildings	PER	6 October 2005

05/07018/REM	Reserved matters application for the erection of 1 no x 3-bed stud managers dwelling	PER	25 October 2005
06/05659/FUL	Erection of detached building to provide office, tack room, staff room and shower facilities for use ancillary to existing stud	PER	3 August 2006
09/05822/FUL	Erection of new cattle shelter	REF	18 January 2010
10/06238/FUL	Construction of roof over existing manege	PER	8 February 2011
10/07781/AGI	Prior notification application for erection of agricultural building	DNSUB	24 December 2010
18/07172/NOTR	Notification (Part 3, Class R) for change of use of 150 sqm of agricultural building to a flexible use falling within use class B8 (Storage & Distribution)	DNSUB	4 October 2018
18/08169/PNP3R	Prior Notification (Part 3, Class R) for change of use of 351 sqm of agricultural building to a flexible use falling within use class B8 (Storage & Distribution)	DAPP	30 January 2019
23/06980/CLE	Certificate of lawfulness for existing use of Hedsor Billinghamurst Stud House as a residential dwelling with no occupancy tie	WDN	30 November 2023
24/05288/CLE	Certificate of lawfulness for existing use of Hedsor Billinghamurst Stud House as a residential dwelling with no occupancy tie	GRCLE	18 March 2023

#### 4.0 Policy Considerations and Evaluation

##### Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM42 (Managing Development in the Green Belt)

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

- 4.1 The application site lies within the Green Belt but falls within the definition of previously developed land (PDL) due to the site containing buildings used for equestrian purposes.
- 4.2 Local Plan Policy DM42 refers to 'Managing Development in the Green Belt' where it states that development in the Green Belt is inappropriate subject to a list of exceptions.
- 4.3 Part b) of Policy DM42 includes 'Development that the NPPF classifies are not inappropriate, but only when subject to the following clarifications'. The proposal is not for development for agriculture and forestry, is not an essential rural workers dwelling, is not a replacement or extension of a dwelling, is not located in a built-up village identified on the Policies Map for limited infilling and is not a scheme for affordable house. As such, the proposal falls to be assessed against the relevant parts of the NPPF.
- 4.4 Policy DM42 of the Local Plan makes it clear that inappropriate development will be refused unless there are very special circumstances. Very special circumstances will exist when the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 4.5 Section 13 of the NPPF refers to 'Protecting Green Belt Land'. Paragraph 154 states that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are...' Point g) allows for the 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'
- 4.6 As identified above, the application site is not located in an area which is designated for limited infilling but does comprise of previously developed land. The proposal also does not comprise of an affordable housing scheme. As such, the redevelopment of the site is considered to be an appropriate form of development, subject to it not having a greater impact on the openness of the Green Belt than the existing development.
- 4.7 The application site already hosts three buildings and therefore is not without existing development. The site has an existing impact on openness but not so that it harms the purposes of including land within the Green Belt. It does not prejudice the purposes of the Green Belt designation.
- 4.8 It is proposed to redevelop the site by demolishing the 3 existing equestrian buildings, to replace them with 4 detached dwellings with garages. As a whole, the proposed redevelopment would result in a 56% reduction in building footprint, a 49% reduction in building volume and a 41% reduction in floor area from the existing situation.
- 4.9 It is noted that the proposed buildings would be higher than the existing (by approximately 2m – 3.4m). This will result in some additional impact (as would be expected from new development) but is not considered to have an adverse impact due to the overall reduction in building footprint, volume and floor area from the existing buildings, the proposed levels of landscaping, and the compatibility in size with other buildings in the street scene.

- 4.10 A small area of hedgerow is proposed to be removed at the front boundary to allow for a new vehicular access, however a significant amount of landscaping enhancement is proposed through the inclusion of new planting. This will improve the landscape setting of the site and of the dwellings within it by reducing the level of hardstanding across the application site.
- 4.11 Although there will be some physical change to this area of Green Belt, due to the nature of the proposals and the existing built form on the site, this change is not considered harmful over and above what is already there and the potential activity levels which could accompany an equestrian use.
- 4.12 The proposed development is not considered to result in any encroachment and would be located within an area of previously developed land. The addition of 4 detached dwellings with garages is considered to be acceptable in this location given the site's circumstances. The site is located within Harvest Hill which features a number of large, detached residential properties laid out in similar arrangements.
- 4.13 As such, it is concluded that the proposed development, whilst introducing new dwellings onto the site, will not harm the openness and purposes of the Green Belt and is therefore regarded as appropriate development in accordance with Paragraph 154(g) of the NPPF, and therefore also complies with Part b) of Policy DM42. It is, however, considered appropriate to remove permitted development rights for the new dwellings to ensure the LPA have control over any future development. This will be imposed by a planning condition.
- 4.14 Turning to Policy DM5 'Scattered Business Sites' of the DSA, this policy is not considered relevant to the determination of the application. Such sites are defined at paragraph 6.27 of the DSA as sites that:
- Are not part of an existing or designated employment / business area and,
  - Accommodate "B" uses as defined by the Use Classes Order or are employment generating "sui generis" uses.
- 4.15 Whilst the application site clearly meets the first criterion, the second criterion needs more careful consideration as a stud is a sui generis use. Although the use of the site would fall within the Sui Generis class, it is not an employment generating use covered by the DM5 policy. Therefore, Policy DM5 is not relevant to this proposal.

#### **Affordable Housing and Housing Mix**

Wycombe District Local Plan (August 2019): DM22 (Housing Mix), DM24 (Affordable Housing), DM41 (Optional Technical Standards for Building Regulations Approval)

- 4.16 This application falls below the Council's threshold for affordable housing.
- 4.17 Detached dwellings are present within Harvest Hill and contribute to the overall character of the area. As such, the proposed redevelopment would be consistent with the housing mix within the locality.

#### **Transport matters and parking**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 4.18 The Highway Authority has been consulted as part of this application, and has made the following comments:

- 4.19 "Harvest Hill is an unclassified semi-rural residential road subject to the national speed restriction. The road does not have parking or waiting restrictions and does not benefit from pedestrian footways or street lighting.
- 4.20 The application proposes the demolition of equestrian buildings and the erection of 4(no) detached dwellings including the creation of a new access.
- 4.21 I would expect a residential dwelling in this location to generate approximately 8(no) vehicle movements per day. Therefore, the proposed development has the potential to generate approximately 32(no) vehicle movements per day. The existing equestrian buildings which would be demolished are restricted to one user and are therefore likely to have a relatively low trip generation potential. The proposed access arrangement serving the site will need to be assessed in order to determine its suitability to accommodate the vehicular movements anticipated.
- 4.22 The applicant conducted a speed survey between 12<sup>th</sup> and 18<sup>th</sup> June 2021 to determine an appropriate level of visibility required in both directions from the access. The 85<sup>th</sup>ile speeds of vehicles traveling past the site eastbound were 34.3mph and 33.4mph westbound. In accordance with guidance contained with Manual for Streets, visibility splays of 2.4m x 54m are required in both directions commensurate with recorded 85<sup>th</sup>ile speeds. Having reviewed the submitted plans, I am satisfied that sufficient visibility splays can be achieved within the publicly maintained highway or land owned by the proposed access. The access at its narrowest point would measure 4.5m in width which would allow for two vehicles to pass simultaneously. The access is suitable to serve the proposed four residential dwellings.
- 4.23 In terms of parking, the site is located in Residential Zone B as set out in the Buckinghamshire Countywide Parking Guidance. Each of the dwellings, which feature 7(no) or more habitable rooms, have a parking requirement of 3(no) spaces. Parking spaces in this location should have minimum dimensions of 2.8m x 5m whilst garages should have minimum internal dimensions of 3m x 6m to provide a practical space to store a vehicle. Having reviewed the submitted plans, the development would offer a level of parking beyond the optimum standard. I can also confirm that the parking layout would allow for vehicles to park, turn and leave the site in a forward gear. A swept-path analysis has been provided to demonstrate that a fire appliance and 7.5 tonne box van could turn into the site, manoeuvre and exit the site in a forward gear. Refuse collection would take place from Harvest Hill and refuse vehicles are not anticipated to enter the site.
- 4.24 Finally, proposals for residential development generally need to be well connected to non-car modes of travel in order to meet the overarching sustainable development principles set out in the Wycombe Local Plan and National Planning Policy Framework. Hedsor does not benefit from daily amenities or public transport options. The site is located within a reasonable cycling distance (less than 5km) of Bourne End where a train station, bus stops and local amenities are located although the route is largely unlit rural roads with steep topography. I trust that the Local Planning Authority will determine the suitability of the site's location for residential development in relation to sustainable transport options and local services".
- 4.25 As such, in terms of parking and highway implications, the Highway Authority raise no objections to the proposed development.

- 4.26 The semi-rural location of the site, outside a defined built-up area, means that it does not have direct access to services. Roads leading to the site are rural lanes without footways or lighting. The site is located approximately 2.4km from Bourne End Station and from shops and services at The Parade. The nearest school, in Wooburn, is approximately 1.7km distant. Although there is no bus service passing the site there is a service connecting Wooburn Green and Maidenhead, and another from Bourne End to Flackwell Heath, where the routes pass within walking distance of the site.
- 4.27 Whilst this location is not considered to be highly sustainable, there are services within walking distance, albeit that part of that route would not be an attractive one as it would require pedestrians to walk on the road. The nature of these rural roads is such that securing footways along them is unlikely to be feasible. Whilst residents of this development are likely to be largely car dependent, there is some limited alternative to access public transport, and local services are within a reasonable distance. As such, the site is not, therefore, considered to be so isolated as to justify refusal on sustainability grounds.

#### **Raising the quality of place making and design**

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)  
DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)

- 4.28 As aforementioned above, the proposal comprises of the re-development of the existing equestrian site to allow for the erection of 4 detached dwellings, with associated garages/carports and landscaping.
- 4.29 To the immediate north of the application site lie a series of detached dwellings accessed from the northern side of Harvest Hill. These properties are of a similar scale and size to those proposed as part of this development, and are readily visible from the street scene, but are set within the background of the site with landscaping at the forefront. High quality landscaping is a key characteristic within the street scene which contributes to the wider character area.
- 4.30 Plots 2-4 are proposed to the rear proportion of the application site, with Plot 1 proposed slightly forward at the western end. The proposed building lines are considered to be acceptable and would be compatible with properties located to the east in terms of separation distances to the highway.
- 4.31 As existing, a large conifer hedge sits behind a significant length of native hedgerow along the front boundary of the application site. Within the immediate street scene, areas of low-medium high hedging are present, which allows views of the dwellings but also plays a key part in the street scene's landscape quality. It is proposed as part of the development to remove the tall conifer hedge, but to retain the existing native hedgerow which is similar in height to the hedging directly opposite. A small section of the native hedge is proposed to be removed to allow for the new access. Replacement planting is proposed as part of the development, including new trees near the front boundary line.
- 4.32 It is considered that the proposed redevelopment to allow for 4 detached houses with associated garaging/carports is considered to be consistent with the established character of the area.
- 4.33 Each proposed plot would benefit from a sufficient amount of space, so as to avoid a cramped form of development. The large size and spaciousness of plots in Harvest Hill

all contribute to the character of the area. It is considered that the proposed distances between the properties, and the amount of space provided per dwelling, is consistent with the character of Harvest Hill.

- 4.34 Moving on to the proposed design of the buildings, all 4 properties have been designed to be slightly different to avoid a uniform appearance within a street scene which is made up of individually designed dwellings, as opposed to estate style houses. The proposed buildings in terms of the design are of traditional country style, with hipped and gabled roofs, chimney features and sash style windows.
- 4.35 Various materials are also shown to be used, including red/brown plain clay roof tiles, grey slate tiles, facing brickwork and flint. A full material schedule has not been submitted with the application, and therefore full details will be required as part of a planning condition. Within the street scene a mixture of the indicative materials proposed are evident, and there are no objections to these materials in principle, subject to details.
- 4.36 Overall, the proposed development is considered to be of a high-quality design, including its landscape proposals, which would be compatible with existing development in Harvest Hill.

#### **Amenity of existing and future residents**

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

Housing Intensification SPD

- 4.37 The proposed dwellings would be of an acceptable size which comply with Policy DM40 in regard to the Technical housing standards – nationally described space standards.
- 4.38 Furthermore, the level of amenity space proposed for each dwelling is considered to be sufficient.
- 4.39 The existing site has no immediate neighbours to the east and west. Directly across the road are a series of residential properties which would be located a significant distance away from the proposed buildings and therefore, no loss of privacy, loss of light or overbearing impacts would occur.
- 4.40 Further to the east are a series of detached properties, including ‘Wenwood’ and Nos. 3 and 4 Broad Lane which are separated from the application site by the existing site access (which is to be retained) and the access road off Broad Lane. Due to the overall distance in between the neighbouring properties and the development site, and the level of existing and proposed screening, it is also considered the amenities of these properties would not be impacted by the development.
- 4.41 In terms of the impact on future occupiers, Plots 1 and 2 would feature a front to side facing relationship. This could potentially result in mutual overlooking, however, no windows are proposed within the first-floor west flank elevation of Plot 2. Similarly, no windows are proposed within the east flank elevation at first floor level for Plot 2 to protect the amenities of future occupiers of Plot 3. However, a side facing dormer is proposed which could result in a loss of privacy to the garden area of Plot 3. The proposed dormer window would serve a master bedroom which would benefit from two proposed rear facing windows. It is therefore considered appropriate to condition this to be obscurely glazed and fixed shut up to 1.7m to protect the amenities of Plot 3. It is also considered necessary to impose a planning condition that no further windows



are inserted at first floor level in the side elevations of Plot 2 to prevent mutual overlooking to future occupiers.

- 4.42 No first-floor windows are proposed within the flank elevations of Plots 3 and 4. Similarly, a condition will be imposed to prevent the installation of any windows in the future without the benefit of planning permission.
- 4.43 In addition, hedging and planting is proposed throughout the development and along plot boundaries which would aid in a source of screening.
- 4.44 Overall, the proposed development is not considered to adversely affect the amenities of neighbouring properties or future occupiers.

#### **Environmental issues**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 4.45 The proposed development requires the installation of 4 electrical charging points (1 x per dwelling) which will be secured by planning condition.

#### **Flooding and drainage**

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 4.46 The application site is located within Flood Zone 1 and no watercourses are located within or near to the site.
- 4.47 A Flood Risk Assessment has been submitted with the application.
- 4.48 The proposed development would result in a reduction of 1000m<sup>2</sup> of impermeable area, equating to approximately 56%. A topographical survey has been carried out which indicated that the site generally falls from a high point of approximately 97.58 AOD in the north-eastern part, to a low point of approximately 95.51m AOD in the western part of the site. The topographical survey indicates that the site falls in a westerly direction following the natural ground slope. This constant fall across the site will assist in gravitating surface water run-off away from the proposed development.
- 4.49 Test data revealed that shallow soakaways are a practicable means of disposal of surface water from the development.
- 4.50 The EA Flood Risk from Surface Water map indicates that the entire site is at 'very low' risk of surface water flooding, with an annual probability of flooding of less than 1:1000. In addition, the SFRA indicates that there are no records of groundwater flooding at the site or in the vicinity.
- 4.51 A surface water drainage strategy has been submitted as part of the Flood Risk Assessment which includes the use of geo-cellular crate soakaways established beneath the proposed access road which will be used to attenuate surface water flows from the proposed dwellings, with a minimum stand-off distance from buildings of 5m, prior discharging to the underlying soil strata, with no direct discharges off-site. Run-off from the permeable road, as well as car parking areas, will be managed by using the gravel sub-base layer prior discharging to the underlying strata via infiltration.
- 4.52 A planning condition will be imposed to ensure the development is carried out in accordance with the submitted Flood Risk Assessment.

4.53 To conclude, the proposals are considered to fully comply with the NPPF and Policy DM39 in terms of flood risk and surface water drainage.

#### **Green networks and infrastructure**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM11 (Green networks and infrastructure)

4.54 The Council's Tree Officer has been consulted on the application.

4.55 Policy DM34 of the Local Plan states that development not exceeding 0.5ha is required to maximise the opportunities available for canopy cover.

4.56 The Tree Officer recommended for the removal of the lapsed evergreen screen and replacement with a more diverse and site appropriate tree population. This has been included within the submitted landscaping scheme.

4.57 A Landscaping Scheme has been submitted in response to the Tree Officer's comments which is considered to be acceptable.

4.58 An additional planning condition has been recommended which includes no excavation works being undertaken or raising or lowering of levels within the prescribed root protection areas of retained trees.

4.59 As such, the details submitted are considered to be acceptable.

#### **Ecology**

Wycombe District Local Plan (August 2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

4.60 The Council's Ecologist has been consulted as part of the application.

4.61 The information provided in the Ecological Survey carried out by AA Environmental Ltd is appropriate and outlines the necessity of a European Protected Species Licence due to the presence of bats in Building 1.

4.62 The information submitted on Biodiversity Net Gain (BNG) is considered to be acceptable. The proposed development would secure a biodiversity net gain of 33.12% in habitat units and 42.25% in hedgerow units. The main factors leading to these relatively high percentage increases are the proposed urban trees (n 51) and creation of native hedgerows (0.28km).

4.63 The proposed planting schedules have also been revised to include a greater percentage of native species. The proposed hedgerows previously included only beech whereas now the list includes 6 other native hedgerow species. This increase in species diversity will be more beneficial to wildlife than a single-species hedge.

4.64 The other main change in the planting schedules is the inclusion of a small area of wildflower meadow seeding within the communal garden area.

4.65 A planning condition will be imposed to secure the delivery of the proposed biodiversity net gain.

4.66 The Local Planning Authority when making decisions has a legal duty to consider whether there may be impacts on protected species. Through extensive analysis

Buckinghamshire Council now hold data on the presence or likely presence of the protected species Great Crested Newts across the county. The majority of the development site lies within an Amber rated Impact Risk Zone, meaning the presence of this species within this site is likely.

4.67 A Precautionary Working Method Statement has been conducted. The Council's Newt Officer has been consulted and has raised no objections subject to compliance with the submitted PWMS.

4.68 Overall, the proposed development from an ecological perspective is considered to be acceptable.

#### **Building sustainability**

Wycombe District Local Plan (August 2019): DM41 (Optional Technical Standards for Building Regulations Approval)

4.69 It is considered necessary to condition water efficiency in accordance with Policy DM41.

#### **Infrastructure and Developer Contributions**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth)

DSA: DM19 (Infrastructure and delivery)

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

### **5.0 Weighing and balancing of issues / Overall Assessment**

5.1 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.

5.2 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 (such as CIL if applicable), and,
- c. Any other material considerations

5.3 As set out above it is considered that the proposed development would accord with the relevant Development Plan Policies.

### **6.0 Working with the applicant / agent**

6.1 In accordance with paragraph 38 of the NPPF the Council 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.

6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicant/agents of any issues that may arise in the processing of their application.

6.3 In this instance:

- was provided with pre-application advice,
- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application will be considered by the Planning Committee where the applicant/agent will have the opportunity to speak to the committee and promote the application.

## **7.0 Recommendation:**

Minded to Grant, subject to the following conditions and reasons:

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 3727.100 B, 3727.101 F, 3727.102 D, 3727.103 C, 3727.104 E, 3727.105 E, 3727.106 B, 3727.107 A, 3727.108 A, 22-25-PL-201 D and 22-25-PL-202 A 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. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces 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 appearance.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development falling within Classes A - E 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.

6. No other part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
7. The scheme for parking, garaging 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.
8. No other part of the development shall begin until the visibility splays shown on the approved drawings have been provided on both sides of the access and the area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.  
Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.
9. No windows, doors or openings of any kind shall be inserted in the first floor flank elevations of the Plots 2, 3 and 4 hereby permitted.  
Reason: To safeguard the privacy of occupiers of the adjoining properties.
10. Notwithstanding any other details shown on the plans hereby approved, the first floor dormer in the east flank elevation of the rear gable projection of Plot 2, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. The window(s) shall thereafter be retained as such.  
Reason: In the interests of the amenity of neighbouring properties.
11. Prior to the occupation of the development hereby permitted, four electric vehicle charging points with a minimum rating of 32amp must be installed in a location suitable to its use.  
Reason: To comply with the air quality SPD and, to reduce the carbon emissions and the impact on the health of Nitrogen Dioxide emissions from the development.
12. The development hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.  
Reason: To ensure that the development does not increase the risk of flooding elsewhere.
13. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless already agreed in writing by the Local Planning

Authority. All soft landscaping shall have a written five-year maintenance programme following planting. Any new or retained tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: To ensure satisfactory landscaping of the site in the interests of amenity, to safeguard and enhance the character and amenity of the area, to provide ecosystem service benefits and to maximise the quality and usability of the development.

14. No development shall take place (including demolition, ground works, vegetation clearance) unless and until the Landscape and Ecological Management Plan (LEcMP) has been submitted to and approved in writing by the local planning authority. The content of the LEcMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEcMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEcMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare.

15. Before any construction works hereby approved are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation and biodiversity net gain as detailed within the Biodiversity Net Gain Report, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:

- a) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat

creation works (for example, lowering of soil pH via application of elemental sulphur);

- b) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
- c) Details of both species composition and abundance where planting is to occur;
- d) Proposed management prescriptions for all habitats for a period of no less than 30 years
- e) Assurances of achievability;
- f) Timetable of delivery for all habitats; and
- g) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP.

Reason: To ensure that the development achieves a net gain in biodiversity.

16. The development shall be implemented in accordance with the agreed mitigation (Precautionary Working Method Statement: Great Crested Newts, Land at Billingham Stud, AA Environmental, February 2023). Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made.

Reason: In order to comply with Policy DM34.

17. 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 DM41 (Optional Technical Standards for Building Regulations Approval) of the Local Plan.

18. Unless otherwise first agreed in writing by the Local Planning Authority there shall be no building up or increase of the existing ground levels on the site.

Reason: To ensure that the proposal is constructed at an acceptable level with regards to the surrounding area.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

#### **Cllr Penny Drayton:**

Thank you for your email of March 21<sup>st</sup> asking for confirmation as to whether I would still like this application called in.

I can confirm my request for call in of this application stands. As per my original request, I remain neutral at this time but do think it need to be examined by Committee due to it being overdevelopment within Green Belt.

You have said that it is in Green Belt, but it is previously developed land which is considered appropriate for re-development.

Whilst there are buildings currently on the land, they are not for residential use. As per paragraph 149 of the NPPF sub section (exceptions) '(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.

The new buildings would not be of the same use (regardless of any difference in size).

Furthermore, in the glossary of the NPPF under definition of previously developed land, it states 'Previously developed Land'

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings'.

The application claims that the buildings are purely for Equine use but I think this needs to be finely examined and established. They certainly have an agricultural appearance which could be deemed fitting and appropriate within Green Belt as opposed to residential properties.

I confirm that I have no disclosable pecuniary interest, personal interest or personal bias in the application.

### Parish/Town Council Comments

#### **Hedsor Parish Meeting**

I write regarding this new application for four large dwellings within Hedsor Parish, to be sited on former Green Belt land which was converted to agricultural and equestrian use over twenty years ago.

I have consulted with my Planning Committee and we would like to object to further development with this AAL protected part of our Parish, which is in very close proximity to a corner of Wooburn and Bourne End Parish which has already been very heavily developed over recent years and has exacerbated the surface water run-off into the local roads (and basements) below).

Further, we would question the conversion of these equestrian facilities to residential use, given the local need identified in a very recent application for brand new equestrian facilities within one mile of the site (please see application references 19/06507/FUL and 20/08243/FUL). Surely this is an occasion when the Planning department could look at the wider local area and match two parties with an identified need and a lack of need, to avoid unnecessary development within the Green Belt? Something to consider perhaps, as we all know that no one application should be reviewed without the impact on the greater area being considered.



## Consultation Responses

### **Ecology (Newts):**

No objections subject to planning condition.

### **Ecology:**

No objections subject to planning conditions.

### **Tree Officer:**

No objections subject to planning condition.

### **Highway Authority:**

No objections subject to planning conditions.

### **Environmental Health:**

No objection subject to planning condition.

## Representations

One comment have been which are neutral to the proposal:

- Welcome removal of hedge and barns

Eight comments have been received objecting to the proposal:

- Overdevelopment
- Impact on the Green Belt
- Impact on trees
- Detrimental to the street scene and wider character area
- Size of properties not consistent with others in the street scene
- No need for a second vehicular access
- Crowded and out of keeping form of development
- Shouldn't be regarded as previously developed land

# APPENDIX B: Site Location Plan

22/05430/FUL  
Scale 1/2500



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Ordnance Survey 100062456



## Report to West Area Planning Committee

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<b>Application Number:</b>	23/07994/VCDN
<b>Proposal:</b>	Variation of condition 3 (plan numbers) attached to pp 20/07342/FUL (Householder application for construction of single storey front, part single, part two storey side and rear extensions and conversion of loft to habitable accommodation) to allow for facade fenestrations at ground floor level
<b>Site Location:</b>	44 Shelley Road High Wycombe Buckinghamshire HP11 2UW
<b>Applicant:</b>	Mr Chaudry Ansar
<b>Case Officer:</b>	Chris Lamb
<b>Ward(s) affected:</b>	Abbey
<b>Parish-Town Council:</b>	High Wycombe Town Unparished
<b>Date valid application received:</b>	4th December 2023
<b>Statutory determination date:</b>	29th January 2024
<b>Recommendation</b>	Application Permitted

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application is made under S73 of the Town and Country Planning Act 1990 (as amended) Act to vary condition 3 attached to 20/07342/FUL, to allow for alterations to the approved scheme.
- 1.2 Given the surrounding context and a recent appeal decision in the immediate vicinity, it is considered that the proposed alterations would not have a significantly adverse effect upon the character and appearance of the dwelling and surrounding area, or the amenities of adjacent residents, and therefore it is recommended for approval.
- 1.3 This application has been referred to the Planning Committee, having been called in by all three Abbey Ward Members: Councillors Clarke, Hussain and Alam.

### 2.0 Description of Proposed Development

- 2.1 This application is made under S73 of the Town and Country Planning Act 1990 (as amended) Act to vary condition 3 attached to 20/07342/FUL, to allow for alterations to the approved scheme – namely changes to the side and rear extensions, fenestration and exterior materials.

- 2.2 Under application 20/07342/FUL, planning permission was originally granted on 6<sup>th</sup> January 2021, via the Planning Committee, for the construction of single storey front, part single, part two storey side and rear extensions to the property, and conversion of loft into habitable accommodation.
- 2.3 This application proposes design alterations, as above. Specifically, this includes:
- Alterations to the two storey side extension, so that it is no longer set down from the main roof ridge or set back from the main front elevation, and rather is set flush with both.
  - Minor increase in overall depth of the single storey rear extension, to include a small canopy overhang.
  - Application of render finish to all elevations.
  - Minor changes to ground floor side fenestration and front canopy porch design.
- 2.4 This application is made under Section 73 of the Planning Act. Although often referred to as an application to vary or remove a condition an application under this section of the Act actually has no effect on the original permission it is not an amendment to the earlier permission. It is a separate freestanding permission that the applicant is entitled to implement or ignore. This application must therefore be capable of being implemented in its own right and therefore all appropriate conditions and obligations must be imposed.
- 2.5 The merits of the condition(s) must be assessed against an up to date development plan. As any permission granted would in effect be a free standing planning permission all conditions to which the planning permission should adhere must be reattached. Section 73 of the Town and Country Planning Act 1990 (as amended) states:
- “Determination of applications to develop land without compliance with conditions previously attached.
- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”
- 2.6 The application is accompanied by:
- a) Proposed plans/elevations.
- 2.7 It is noted that works to the property have commenced since the approval of 20/07342/FUL. Members are advised that there are further unapproved developments at the site, not shown on the proposed plans, which do not form part of this application. This application seeks approval for what is shown on the proposed plans only, rather than what has been built ‘on site’. Should the application therefore be approved, this

would not grant permission for the built development as it appears ‘on site’, as certain aspects would remain unlawful. Specifically, this application does not seek approval for the:

- Erection of boundary walls and gates to the frontage of the site.
- Construction of raised patio to the rear of the dwelling.
- Alleged raising of the property roof (the proposed drawings show the height of the property unchanged from that of the 20/07342/FUL ‘existing’ elevations).

### 3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
19/07688/FUL	Householder application for construction of single storey front extension, part single, part two storey side and rear extension and conversion of loft to habitable accommodation	WDN	23 January 2020
20/07342/FUL	Householder application for construction of single storey front, part single, part two storey side and rear extensions and conversion of loft to habitable accommodation	PER	6 January 2021

### 4.0 Policy Considerations and Evaluation

#### Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM1 (Presumption in favour of sustainable development)

- 4.1 The principle of this development has been assessed and established under the previous approved application, 20/07342/FUL. Therefore, it is only the changes that need to be assessed. In light of the alterations indicated, the proposal would not have any further implications in terms of highway safety/parking or ecology/biodiversity beyond the 20/07342/FUL permission.
- 4.2 The only matters for consideration therefore include a). the impact of this development on the character and appearance of the dwelling and surrounding area, and b). the impact of this development on the amenities of adjacent neighbours.

#### Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings)

Householder Planning and Design Guidance (2020)

- 4.3 The most obvious changes to the appearance of the proposed development from the previously approved scheme would be the alterations to the two storey side extension and application of render to all elevations. These are discussed in turn below:

Regarding the two storey side extension:

- 4.4 Within this application, the proposed two storey side extension would remain of the same width as approved under 20/07342/FUL, but no longer be set down from the main roof ridge or set back from the main front elevation.
- 4.5 Whilst these set down/set back design features are notably stipulated within the Council's Householder Planning and Design Guidance SPD for two storey side extensions – principally as a means of ensuring subservience – they are of course guidance only and should be applied with consideration given also to the wider character and appearance of the area.
- 4.6 In this instance, the side extension is of a modest width which would be proportionate to the existing dwelling. Whilst the side extension would have a reduced subservience in its proposed form, it remains of an appropriate size and scale which would not unbalance the visual appearance of the property.
- 4.7 Furthermore, it is noted that there are numerous properties within the immediate street scene which benefit from existing side extensions that do not have a set down at ridge level, including the immediate neighbour no. 42, as well as nos. 40, 45, 39, 35 and 33. Many of these extensions are also not set back from the front elevation of their respective properties. To this extent, a side extension lacking a set down/set back would not appear as intrinsically out of character within the street scene, given these other forms of development.
- 4.8 Members should also be aware that the Council very recently lost an enforcement appeal for a similar scenario at no. 36 Shelley Road, less than 40m away from the application site. In that case, planning permission was originally granted for a two storey side extension (wider than that proposed under this application) with a set down ridge, but the extension was built without the set down (PINS app ref: APP/K0425/C/23/3316302). Nevertheless, the enforcement notice was subsequently quashed and planning permission granted by the inspector for the extension as built, who concluded that the lack of a set down ridge "[would] not harm the character and appearance of the host dwelling or the character of the area".
- 4.9 A principal consideration in the inspector's reasoning for the above appeal was that, "whilst the development is not subservient to the extent of not providing a set down to the roof ridge, that does not automatically mean that the development is an obtrusive or discordant addition".
- 4.10 In the case of this proposal, whilst the side extension would now not be set down from the roof ridge or set back from the front elevation, it is considered that a similar conclusion to the inspector should be reached. Indeed, whilst the set down/set back design features would no longer be included, the side extension, given its modest width and appropriate size, would not appear as an obtrusive or discordant addition.
- 4.11 As such, and given the existing context of the area, in which there are numerous other side extensions which also lack the set down/set back design features and that the extension is of a lesser width than that allowed at appeal at no. 36, overall it is not considered that this aspect would appear as out of keeping with the property or surrounding character/appearance of the area more generally.

Regarding the application of render:

- 4.12 The proposed drawings indicate that render would be applied to all elevations. Whilst many of the surrounding dwellings employ a mixture of brick and render, it is acknowledged that the application of render to this extent would result in the dwelling's increased prominence within the street scene.
- 4.13 Nevertheless, though this is perhaps not ideal, it is noted that no. 25 Shelley Road employs a similar level of render, particularly to the front elevation. In addition, significant weight should be given to the consideration that a similar application of render – certainly to the 'existing' dwelling – could likely be achieved under Permitted Development rights in any instance.
- 4.14 To this extent, given the presence of rendered properties in the immediate vicinity (albeit most only partially), it is not considered that the external appearance of the property would be significantly out of keeping with the character of the area, to such an extent which would warrant a refusal of the application. On balance, given that a similar finish could be achieved without planning permission, under Permitted Development, this aspect is therefore also considered to be acceptable.

Other aspects:

- 4.15 The proposed alterations to the single storey rear extension, front porch and ground floor fenestration are minor in nature and would have no adverse effect on the character and/or appearance of the dwelling or surrounding area. All other aspects of the development, including the single storey front extension/garage conversion and two storey rear extension, would remain as previously approved and would therefore have no further impact in this regard from what has already been deemed acceptable under the previous application.
- 4.16 Several representations have been received regarding the alleged raising of the property roof, as well as the installation of front boundary walls/gates. Members are reminded that these features do not form part of this application, given that the proposed plans show no changes to the roof height, and no boundary treatments to the frontage of the site have been sought. To this extent, the concerns raised regarding these aspects would instead be a matter for the Council's Enforcement Team to investigate and rectify.

**Amenity of existing and future residents**

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings)  
Householder Planning and Design Guidance (2020)

- 4.17 In terms of loss of light, the depth of the single storey rear extension would be increased by approximately 1m when compared against the 20/07342/FUL drawings, so as to include a canopy overhang feature.
- 4.18 Contrary to the submitted plans, following this alteration the rear extension would breach the Council's 60-degree ruling when measured from the nearest ground floor habitable room window of no. 46, although it should be noted that the extent of this breach would be marginal. The Council's 60-degree ruling is for guidance only, and in this instance given the detached nature of the property, that this element is single storey, and that the breach would be very marginal, it is overall not considered that there would be any significant loss of light for this neighbour beyond what has already been deemed acceptable under the previous application.

- 4.19 Given the nature of the other alterations proposed, no further concerns regarding overshadowing/loss of light are envisaged.
- 4.20 In terms of outlook, for the same reasons the increased 1m depth of the single storey rear element is considered to be acceptable. Though the rear extension projects beyond the rear build line of both no. 42 and 46, it is not considered that the further 1m increase in depth would significantly worsen the outlook of either neighbour, given the detached nature of the properties and single storey form of this aspect of the development. To this extent, it is not considered that there would be any significant loss of outlook for either neighbour beyond what has already been deemed acceptable under the previous application.
- 4.21 Given the nature of the other alterations proposed, no further concerns regarding outlook/overbearing appearance are envisaged.
- 4.22 In terms of privacy, the application proposes to vary the ground floor fenestration to the southeast facing side elevation, namely the addition of a new door and window to the study, new window to the adjacent en suite, and removal of a window to the kitchen. It is not considered that these minor alterations would have any material impact on the privacy of the adjacent property on this side, no. 42, beyond what has already been deemed acceptable.
- 4.23 This application proposes no changes to the approved 20/07342/FUL scheme in regard to the side windows at first floor level and above. In line with the conclusions of the previous application, it would therefore be appropriate to re-condition that these windows be obscurely glazed and fixed shut below 1.7m, so as to again prevent potential overlooking from these openings. Provided this is accorded with, it is not considered that the proposed development, as submitted, would have a detrimental impact on neighbour privacy.
- 4.24 It is noted from the representations received that these windows are alleged to have been installed in breach of this condition. Should this be the case, this would be a matter for the Council's Enforcement Team to investigate and rectify, and not a reason to refuse the application.
- 4.25 Several representations have also been received regarding a potential loss of privacy resulting from the unauthorised construction of a raised patio to the rear of the property. Members are reminded however that this feature does not form part of this application, and therefore these comments, whilst noted, cannot be taken into consideration. As no planning permission has been sought, or approved, for the raised patio, concerns regarding its construction would again be a matter for the Council's Enforcement Team.
- 4.26 Having regard to only the changes to the 20/07342/FUL scheme that are shown on the proposed plans, overall it is not considered that the proposal would have any significant impact on neighbouring amenity beyond what has already been deemed acceptable.

#### **Consideration of Previously Imposed Conditions**

Condition 1 – Time Limit. The development has already commenced on site therefore a time limit condition is no longer appropriate.

Condition 2 – Materials. Condition to be updated to reflect the new plans.

Condition 3 – Plan Numbers. Condition to be updated to reflect the new plans.



Condition 4 – Obscure Glazing. Condition to be updated to reflect the new plans.

## 5.0 Weighing and balancing of issues / Overall Assessment

- 5.1 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.
- 5.2 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 (such as CIL if applicable), and,
  - c. Any other material considerations
- 5.3 As set out above it is considered that the proposed development would accord with the development plan policies.
- 5.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 5.5 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

## 6.0 Working with the applicant / agent

- 6.1 In accordance with paragraphs 38 and 39 of the NPPF (2023), Buckinghamshire Council takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. Buckinghamshire Council 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 application was deemed acceptable as submitted and no further assistance was required.

## 7.0 Recommendation

- 7.1 It is recommended that this application be **GRANTED**, subject to the following conditions and reasons:
  - 1 The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved drawings and application form.  
Reason: To secure a satisfactory external appearance.
  - 2 The development hereby permitted shall be built and retained in accordance with the details contained in the planning application hereby approved and plan

numbers R355.01, R355.03B, and R355.04B, 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 Before the first occupation of the building/extension hereby permitted, all new flank windows at first floor level and above, as indicated on plan numbers R355.03B and R355.04B, shall be fitted with obscured glazing and any part of the windows that is less than 1.7 metres above the floor of any room in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: In the interests of the amenity of neighbouring properties.

#### Informatives:

- 1 In accordance with paragraphs 38 and 39 of the NPPF (2023), Buckinghamshire Council takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. Buckinghamshire Council 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 application was deemed acceptable as submitted and no further assistance was required.
- 2 Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over adjoining property.  
  
During construction no scaffolding shall encroach on, under or over adjoining property unless permission has first been obtained from the owner of that property.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments:

#### **Cllr Lesley Clarke OBE:**

##### Initial Comments:

Despite not following the agreed plans of the former planning decision 20/07342/FUL the plans that are now presented in this retrospective application do not cover all the apparent changes to this property. I am particularly concerned at the build line which appears to be up to the property boundary on the western elevation. The patio to the rear of the property goes across the entire back of the property, which leads to overlooking of BOTH neighbouring gardens. The garage is now incorporated into the main house. Overlooking of neighbouring properties is a problem.

If minded to approve this incomplete retrospective application I request that it is brought to committee for determination and that a site visit is essential for the Committee to view this property which is so out of keeping with the street scene. made. And unfortunately in no way adheres to the approved former planning application even with this retrospective addition.

##### Final Comments:

I wish to call in the retrospective planning application reference 23-07994-VCDN, which seeks to gain permission for the changes of the original application 20/07342/FUL of the property 44 Shelley Road, High Wycombe.

This retrospective planning application Is seriously does not followed the conditional permissions approved by the Planning Committee in both 20/07342/FUL and most importantly does not follow the current adopted Wycombe District Council's Householder Planning and Design Guidance Supplementary Planning Document which is part of the former legacy Council's Local Plan. All Local Planning Authorities are required to determine a planning application, in accordance with their adopted policies within their Local Plan.

Thus, as this retrospective application goes against many conditions as set out in the original planning decision 20/07342/FUL and also that of the design guidance as set out in the above-mentioned policy document it is important that this application comes before the Planning Committee for determination.

#### **Cllr Mahboob Hussain:**

I want to ask for a call in on the same ground as Lesley.

#### **Cllr Arman Alam**

Further to the emails of my colleagues I would also like to support a call in the retrospective planning application reference 23-07994-VCDN, which seeks to gain permission for the changes of the original application 20/07342/FUL of the property 44 Shelley Road, High Wycombe. This application should be called in for the committee to decide. I would like to state that although I am supporting a call in of this application I have not made up my mind or taken a view either way in respect of the application.

## Parish/Town Council Comments

None – High Wycombe Town Unparished.

### Representations:

Multiple representations were received objecting to the proposal. The relevant concerns raised can be summarised as follows:

- Side extension not set down/set back; out of character.
- Render is incongruent and out of keeping/character with the street scene.
- Side flank windows have not been installed in accordance to condition of previous permission.
- Insufficient parking; increased flood risk.
- Loss of trees/vegetation.
- The plans submitted do not cover all the alterations to 20/07342/FUL that have been made. (*Officer note: This is not disputed, however the application can only be assessed based on what the application seeks approval for, i.e. what is shown on the plans, rather than what has been built on site).*

Further objections were raised to other aspects that have been built 'on site', however these features do not form part of this application:

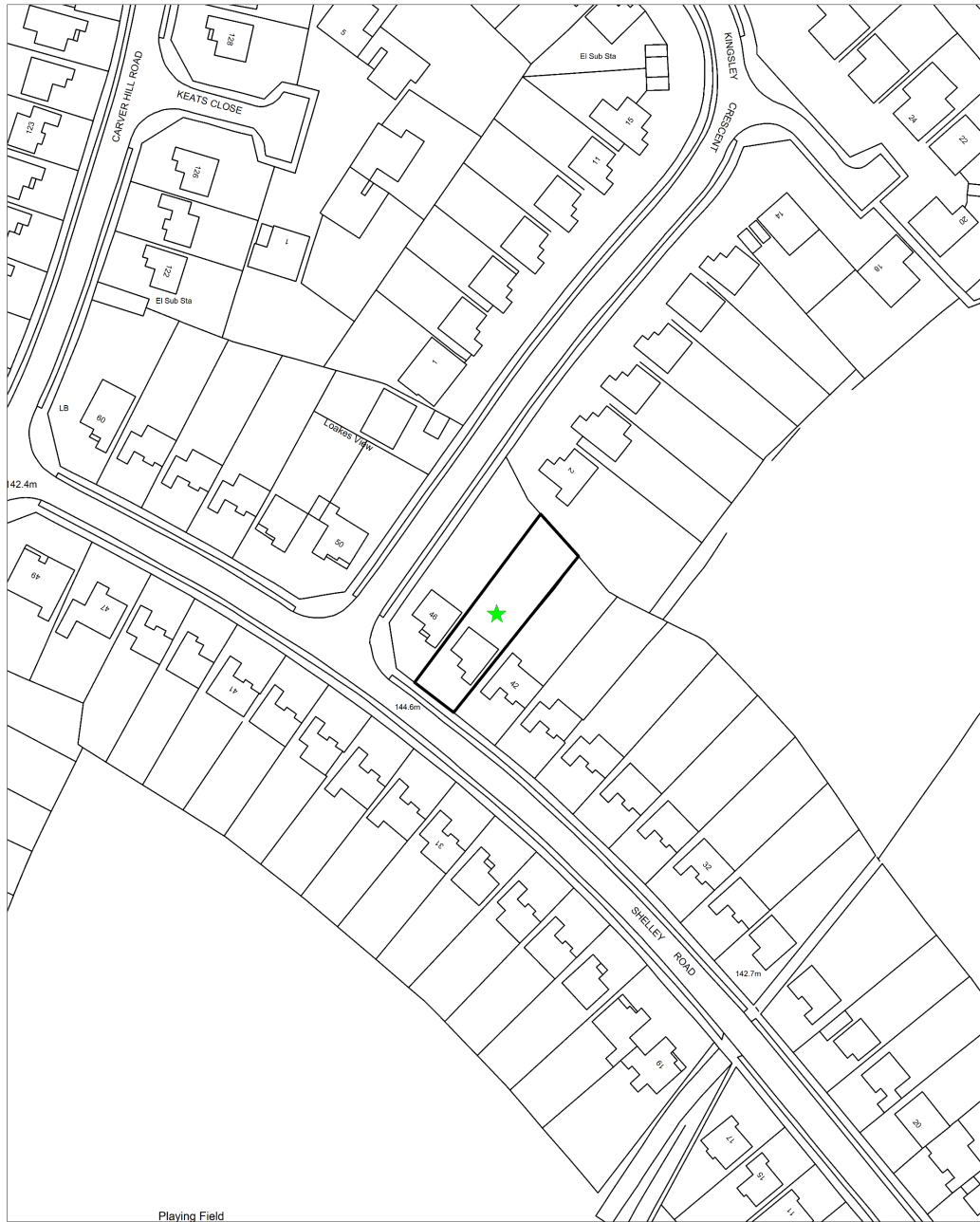
- Increased roof height: Out of keeping/character with the street scene.
- Construction of raised patio to rear: Loss of privacy, overlooking.
- Erection of boundary treatments to the frontage: Out of keeping/character with the street scene.
- Installation of external security cameras: Loss of privacy.
- Extension to garage is overly prominent and obtrusive (*Officer note: This application proposes no alterations to the garage beyond the 20/07342/FUL application).*

One letter of representation was received in support of the proposal. The points raised can be summarised as follows:

- The works are an improvement on the existing property.
- The rendering is similar to no. 25 Shelley Road.
- The boundary treatments are similar to no. 7 Shelley Road.

# APPENDIX B: Site Location Plan

23/07994/VCDN  
Scale 1/1250



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