



Report to West Area Planning Committee

Application Number:	21/05249/FUL
Proposal:	Construction of single storey detached garage
Site Location:	Land Adjacent 25A Butterfield Wooburn Green Buckinghamshire HP10 0PX
Applicant:	Mr A Digby Hunt
Case Officer:	Ian Zabala-Beck
Ward(s) affected:	The Wooburns, Bourne End & Hedsor
Parish-Town Council:	Wooburn And Bourne End Parish Council
Date valid application received:	3rd February 2021
Statutory determination date:	31st March 2021
Recommendation	Approval

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The proposal is for a domestic replacement single storey garage on land adjoining No.25A Butterfield, Wooburn Green. The principle of the development has already been ascertained as a single storey detached garage is currently in situ on the site. The replacement garage is in essence a like for like replacement, therefore the application is found to be acceptable and approval is recommended.
- 1.2 Cllr Lee called in for consideration by committee.
- 1.3 Recommendation – approval.

2.0 Description of Proposed Development

- 2.1 The application seeks permission for the: Construction of single storey detached garage.
- 2.2 The site is located on the south-eastern side of Town Lane and north-western side of Butterfield and is surrounded by a cluster of 6 dwellinghouses. The site was once in the ownership of a previous occupier of No.24 Butterfield, when that occupier sold No.24, they retained the garage site.
- 2.3 The plot measures approximately 27 metres in depth and 6 metres in width, having an existing detached garage towards the rear of the site. The site slopes slightly up from Town Lane towards Butterfield at the rear of the site. There is some vegetation on the

site and the access entrance to Town Lane has a significant tree visible within the surrounding area.

- 2.4 The site is surrounded by 4 detached two storey properties on three boundaries, Nos. 25a & 26 Butterfield and 1 & 3 Fromer Road. All bar No.25a have their rear gardens backing on to the site, while No.25a shares a side boundary.
- 2.5 The proposed replacement garage is single storey and sits towards the middle/rear of the plot and spans the width of the plot. The garage will have a pitched roof with 1 x roof-light in each roof-slope, a garage door to the front elevation facing Town Lane and a door and window in the rear elevation. The proposal is very similar to that approved under planning reference: 02/07121/FUL. (see below)
- 2.6 The garage is set back from Town Lane by approximately 10.4m and away from the rear boundary by 4m.
- 2.7 The agent has confirmed that the site was in the ownership of No.24 Butterfield, the owner of No.24 sold the property and retained the garage site, that there is no proposal for a change of use and thus the site remains to be used for domestic residential use and the parking of private vehicles.
- 2.8 Permission was refused for a replacement garage under 02/07121/FUL. That decision was appealed and the appeal upheld. A non-severance condition on that permission was subsequently removed. This permission has not been implemented and subsequently has lapsed.
- 2.9 The existing garage measurements are shown to be: D: 13m x W: 5.1m x H: 2.6m, the approved 2002 garage measured: D: 15m x W: 5.5m x H: 4.4m, this proposal measures: D: 13.4m x W: 5.6m x H: 4.55m.
- 2.10 The site is not within the Green Belt, Conservation Area nor an Area of Outstanding Natural Beauty.
- 2.11 The application is accompanied by:
 - a) Covering letter
 - b) Proposed plans and elevations
 - c) Ecology and Tree Checklist plus an ecology report by AAE ecology.

3.0 Relevant Planning History

3.1

Reference	Development	Decision	Decision Date
04/05049/RCDN	Construction of garage on land adjoining 25A Butterfield without complying with condition 4 (non severance) of 02/07121/FUL	Permitted. (Not implemented /lapsed)	5 March 2004
02/07121/FUL	Demolition of existing detached garage and erection of replacement detached garage	Refused / Allowed at Appeal. (not	5 November 2002 3 June 2003

implemented
(Lapsed)

- 3.2 The 2002 application was refused for the following reasons - In the opinion of the Local Planning Authority, the proposed replacement garage would, by reason of its size, bulk, scale and relationship with adjoining properties, have a detrimental impact upon the outlook and amenity of the neighbouring properties, as well as having a significantly adverse impact upon the character and appearance of the surrounding area.
- 3.3 In determining the appeal the Inspector acknowledged that the replacement garage would be more prominent than the existing structure but did not consider that it would be out of character with the surrounding area by virtue of its scale, height or design. He also considered that while the proposed garage would be more visible from surrounding dwellings the impact would not be so detrimental as to justify a refusal of planning permission.

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)

DSA: DM1 (Presumption in favour of sustainable development)

- 4.1 The application site is located within an existing residential area. The land is residential. There is no objection in principle to the development of replacement garages on residential land, subject to the compliance of development plan policies and other material planning considerations.

Transport matters and parking

DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 4.2 The site has existing access points to both Butterfield and Town Lane.
- 4.3 The Highways Department has been consulted on the proposal and raises no objection subject to a condition relating to layout as per submitted plans.

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)

- 4.4 The proposal is for a garage to replace a garage. The domestic/residential use of the site is not altered.
- 4.5 The size and location of the replacement garage is similar to that approved at appeal in 2003. The Inspector did not consider the design of that proposal to be unacceptable.
- 4.6 The proposed garage building would not be overbearing upon its surroundings and would not appear out of place in the street scene or out of context. The impact of the proposal upon the local area is considered to be acceptable
- 4.7 This location is characterised with having only residential properties, to maintain the residential status of the area, it would not be unreasonable, due to the location and

surrounding neighbouring residential properties, to impose a condition to restrict the use for domestic private use only for the parking of private vehicles and at no time to be used for anything other than that purpose.

Amenity of existing and future residents

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

- 4.8 The garage and plot is not in the ownership of any immediate neighbouring property, however the use of the site remains to be for domestic/residential use and the housing of private vehicles. It is not considered to be habitable accommodation its relationship with the neighbours is therefore similar to that of an outbuilding.
- 4.9 The size is domestic in scale and it will not be overbearing impact upon the neighbouring dwellings. The surrounding properties are two storey and have some views towards the site. The outlook from the rear window of the garage would be towards the rear closed boarded fence which has an approximate height of 1.8m. in addition the garage is set into the ground at the rear. In order to ensure this relationship remains a condition can be imposed to require that existing ground levels are maintained.
- 4.10 The front garage door towards Town Lane, and the roof-lights would have views of the sky only, as these are set over 4.5m in height from the internal floor level. Therefore there is no loss of privacy towards any neighbouring property.
- 4.11 Some representations have been received relating to privacy issues, and the introduction of a mezzanine floor. The proposal does not include a mezzanine floor, with the eaves at 2.2 metres it is not tall enough to accommodate one that would be capable of anything but a storage use. As such, the proposal will not have an adverse impact upon the privacy on any adjoining property.

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)

- 4.12 Several representations have been received noting that the existing garage on the site may contain asbestos. Asbestos is dealt with under a separate legislation, and thus the removal of this material, if found, would need to be under the 'Control of Asbestos Regulation, 2012'. The removal of asbestos would actually be a benefit of the proposal. The regulations on the removal would not be a matter that would weigh for or against the proposed development.

Flooding and drainage

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

- 4.13 The site is not within a Flood Risk Zone.

Ecology

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)

- 4.14 The agent has submitted an Ecology and Trees checklist with the application. The checklist has noted that there are trees on the site, but these are unaffected by the proposal and are not protected.
- 4.15 The location of the proposed garage is not considered to impact upon the retained trees.
- 4.16 Concerns have been raised about the potential impact upon wildlife. This concern was raised with the agent and an ecological report subsequently produced. The councils natural environment officer is satisfied that the removal of the building will not impact upon protected species.
- 4.17 The ecology report recommended enhancements for the proposal to ensure a net gain in biodiversity on the site. This can be controlled by condition.

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 be strategic or disadvantage any sector of society to a harmful extent.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF (2019) 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 applications / agents of any issues that may arise in the processing of their application.
- 6.3 In this instance the agent was requested to supply additional ecological information. This was provided and the application determined based on the information supplied.
- 6.4 The proposal was called to planning committee where it was considered by the elected members.

7.0 Recommendation

7.1 Application is recommended for APPROVAL.

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 materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those stipulated within the application, unless the Local Planning Authority otherwise first agrees in writing.
Reason: To secure a satisfactory external appearance.
3. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers P2; 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.
4. The scheme for parking and garaging 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, and inconvenience to users of the adjoining highway.
5. The development will result in the loss of vegetation/tree. All development is expected to result in a net increase in biodiversity and ecological features proportionate to the development proposed.
In order to compensate for the loss and increase biodiversity opportunities the recommendations contained within the AAe Ecology letter report must be followed, and prior to bringing the building into use details and photos of ecological enhancements (including installation of bird and bat boxes and planting of species of benefit to wildlife) must be submitted to and approval in writing by the LPA.
Reason: To ensure there are no negative impacts on wildlife and that there is a net gain in biodiversity in line with policy DM34.
6. The garage hereby permitted shall only be used for the parking of domestic vehicles (residential garage) and associates ancillary uses and at no time shall be used for any other purpose without the prior written consent of the Local Planning Authority.
Reason: To ensure the residential setting of the area is maintained.

INFORMATIVE(s)

1. In accordance with paragraph 38 of the NPPF (2019) 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. The 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 the agent was requested to supply additional ecological information. This was provided and the application determined based on the information supplied.

2. The proposal was called to planning committee where it was considered by the elected members.
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.
3. The applicant is advised that protected species (including all bats) use buildings. The Conservation of Habitats and Species Regulations 2010 provides very strong protection for these species and so you must be certain that they are not present before works begin. If the presence of bats or other protected species is suspected, a licence may be required from Natural England before works can commence. If protected species are found whilst carrying out work, all work must stop and Natural England must be informed.
4. Buildings should be inspected prior to works commencing and if the presence of bats is suspected advice will need to be sought from Natural England via the Bat Line on 0845 1300228. Further advice on bats is available from The Bat Conservation Trust <https://www.bats.org.uk>. The consent given by this notice does not override the protection afforded to these species and their habitat.

APPENDIX A: 21/05249/FUL

Consultation Responses and Representations

Councillor Comments

Cllr Tony Lee: Following more than 40 constituents objecting to this application I would like to call this in to the Planning Committee to be considered prior to any decision being made. I understand that there is a considerable history relating to this site and a chance to publicly discuss this would certainly answer any questions that may be still outstanding.

Parish/Town Council Comments

The Wooburn and Bourne End Parish Council

Initial comments: The Parish Council note the neighbour's comments but see no reason to object to the application.

Additional comments: At the last Parish Council's, Planning, Highways & Lighting Committee meeting held on the 17 February the committee based its decision on the one objection on file at that time. Since that meeting, this one objection has been joined by many others which we trust Buckinghamshire Councils, Planning Committee will take into account when making their decision on this application.

Consultation Responses

Highways Department: No objection subject to a condition.

Ecology

I am satisfied with the assessment that bats are highly unlikely to be present. The recommendations are appropriate but they are not quite as specific as I would like.

RECOMMENDATION(S)

A condition could be applied which requires the recommendations in the AAe Ecology letter report to be complied with and for details and photos or ecological enhancements to be submitted for approval prior to occupation.

CONDITIONS OR INFORMATIVES

The recommendations contained within the AAe Ecology letter report must be followed, and prior to occupation details and photos of ecological enhancements (including installation of bird and bat boxes and planting of species of benefit to wildlife) must be submitted to and approval in writing by the LPA.

Reason: to ensure there are no negative impacts on wildlife and that there is a net gain in biodiversity in line with policy DM34.

Representations

37 letters of representations have been received objecting to the proposal (via Public Access).

These have come from 20 residents:

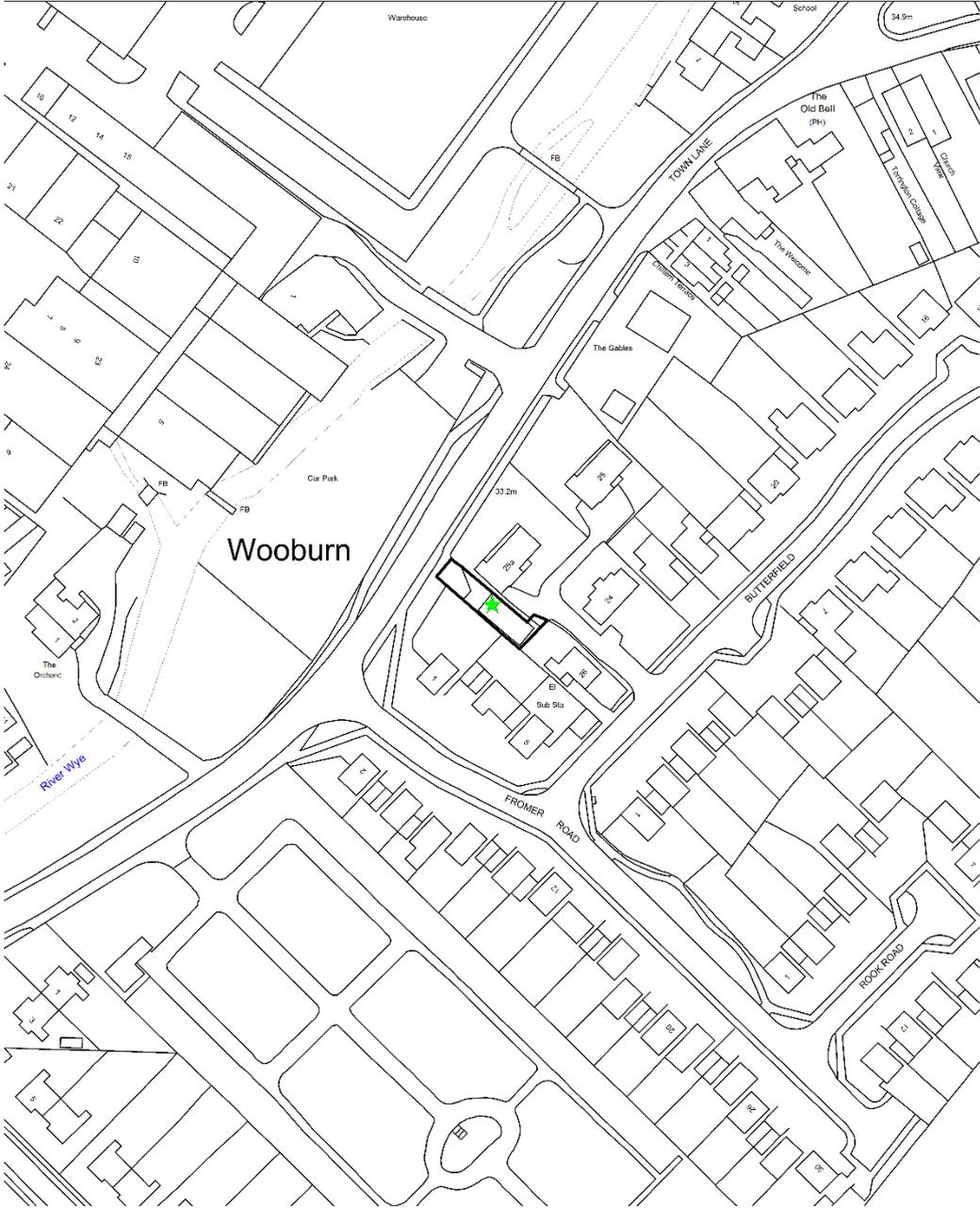
Summarise comments:

- Intensification of the site
- Use as a workshop/commercial building (probable mezzanine floor)

- Access, parking and use of private access via Butterfield
- Privacy
- Out of character of surrounding area
- Habitats for wildlife
- Asbestos
- Pollution and noise (from workshop)
- Roof height
- Additional traffic
- Removes access to right of light
- Removal of tree
- Dormer windows

APPENDIX B: Site Location Plan

21/05249/FUL
Scale 1/1250



Planning Committee
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Ordnance Survey 100062456