



## Buckinghamshire Council

[www.buckinghamshire.gov.uk](http://www.buckinghamshire.gov.uk)

### Report to South Area Planning Committee

---

<b>Application Number:</b>	PL/21/3133/FA
<b>Proposal:</b>	Proposed single storey home gym.
<b>Site location:</b>	36 Woodside Avenue Beaconsfield Buckinghamshire HP9 1JJ
<b>Applicant:</b>	Mr D Gosling
<b>Case Officer:</b>	Richard Regan
<b>Ward affected:</b>	Beaconsfield
<b>Parish-Town Council:</b>	Beaconsfield Town Council
<b>Valid date:</b>	16 August 2021
<b>Determination date:</b>	28 October 2021
<b>Recommendation:</b>	Conditional Permission

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

- 1.1 The application proposes the erection of a detached single storey building that would be used as a home gym.
- 1.2 The site is located within the developed are of Beaconsfield where the principle of erecting ancillary residential outbuildings is considered appropriate. The proposed development is considered to be of an appropriate design, layout and appearance which would not adversely impact upon the character or appearance of the site or locality in general. Nor would it lead to any unacceptable impacts on the amenities of adjoining properties.
- 1.3 The proposal would not adversely impact upon existing natural landscaping or vegetation, including the protected oak tree which is located within the neighbouring property.
- 1.4 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.
- 1.5 The application has been referred for determination by the South Area Planning Committee following it being called in by Cllrs Waters.
- 1.6 Recommendation – Conditional Permission.

## **2.0 Description of Proposed Development**

- 2.1 The application proposes the erection of a detached single storey building that would be used as a home gym.
- 2.2 The proposed building would have a footprint of 6.1m x 6.1m, and display a maximum height of 4m. It would be sited in the north east corner of the site, adjacent to the sites boundary's which are shared with No.34 Woodside Ave, and No.29 Eghams Wood Road.
- 2.3 The application is accompanied by:
  - a) Arboricultural and Planning Integration Report

## **3.0 Relevant Planning History**

- 3.1 PL/19/2134/FA – Conditional Permission – 13 February 2020 - Demolition of existing dwelling and construction of 2 semi-detached dwellings and 1 detached dwelling with associated vehicular access.
- 3.2 PL/20/1313/VRC – Refused – 10 August 2020 - Variation of condition 15 of planning permission PL/19/2134/FA (Demolition of existing dwelling and construction of 2 semi-detached dwellings and 1 detached dwelling with associated vehicular access) to allow changes to design.
- 3.3 PL/20/2440/NMA – Accepted - 1 October 2020 - Non Material Amendment to planning permission PL/19/2134/FA (Demolition of existing dwelling and construction of 2 semi-detached dwellings and 1 detached dwelling with associated vehicular access.) to allow for: Changes to design of dwellings including changes to windows, doors, porch and cladding and the removal of a Field Maple tree and the extension of driveway.
- 3.4 PL/20/2987/VRC – Conditional Permission - 14 December 2020 - Variation of Condition 15 of planning permission PL/19/2134/FA (Demolition of existing dwelling and construction of 2 semi-detached dwellings and 1 detached dwelling with associated vehicular access) to allow for Changes to design of dwellings including changes to windows, rooflights, doors, porch and cladding and the removal of a Field Maple tree and the extension of driveway.

## **4.0 Summary of Representations**

- 4.1 Objections have been received from 8 separate sources. Beaconsfield Town Council did not raise an objection but did advise that they had concerns over the large oak tree and its roots. A summary of consultation responses and representations made on the application can be viewed in Appendix A.

## **5.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), July 2021.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;

- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020

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

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

H13 (Ancillary buildings within residential curtilages)

5.1 The site is located in the built up area where residential development, including the provision of residential outbuildings, is considered acceptable in principle, subject to complying with the relevant policies of the Development Plan.

### **Transport matters and parking**

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

5.2 The existing level of parking provided on the site would be retained.

5.3 The proposed development does not increase the number of bedrooms present within the site, therefore there would be no requirement to seek an increase in the level of parking provision already provided.

5.4 Given the nature of the proposed additional accommodation, it is considered that it would not lead to any increase in the level of vehicular activity associated with the site.

5.5 Overall therefore, it is considered that the proposed development would not result in any adverse highway or parking implications.

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

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

EP4 (Landscaping)

EP6 (Designing to Reduce Crime)

H13 (Ancillary buildings within residential curtilages)

5.6 The proposed development would be of a modest size, height and scale. Given its location within the site and the distances retained to the public highway and footpath, it is considered that it would have a limited presence within the street scene and wider public realm, and would not appear overbearing or obtrusive.

- 5.7 It is considered that the site would retain an appropriate level of spaciousness, and would not appear cramped or overdeveloped as a result of the introduction of the proposed building.
- 5.8 The building would be used for purposes ancillary to the main dwelling, and is of a size and scale that is sufficiently subordinate to the main dwelling.
- 5.9 It is considered therefore that the proposed development would not appear out of keeping or adversely affect the character and appearance of the site or locality in general.

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

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

H11 (Alterations and extensions to dwellings)

- 5.10 Whilst it is acknowledged that the proposed building would be sited adjacent to the site boundary's with neighbouring properties, given its modest size, height and scale, combined with the significant distances retained to the actual dwellings within the neighbouring properties, it is considered that the proposed development would not adversely affect the amenities of any nearby properties in terms of appearing overdominant or obtrusive, nor would it lead to an unacceptable loss of light or privacy.

#### **Flooding and drainage**

Core Strategy Policies:

CP13 (Environmental and resource management)

- 5.11 Given the minimal increase in the level of hardsurfacing as a result of the proposal, it is considered that it would not lead to any unacceptable flooding or drainage implications.

#### **Landscape Issues**

Core Strategy Policies:

CP9 (Natural environment)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP4 (Landscaping)

L10 (Proposals involving felling or other works affecting trees covered by a Tree Preservation Order)

- 5.12 The proposed outbuilding would be sited in close proximity to the mature Oak Tree that lies within the garden of the adjoining property, No.29 Eghams Wood Road, and which is protected by a Tree Preservation Order.
- 5.13 The Councils Tree Officer raises no objections to the proposals, advising that he does not consider that the roots from this protected oak tree would be directly or indirectly affected by the proposed construction methodology of the outbuilding, which would take the form of constructing a concrete slab on top of the existing driveway.
- 5.14 In addition to this, the Tree Officer considers that given the nature of the use of the proposed building, in that it does not involve primary habitable living or sleeping

accommodation, it would not lead to future pressure for the lopping or trimming back of the protected tree.

- 5.15 The concerns raised by the objectors, in relation to the potential impact on the protected tree are acknowledged. The concerns raised that the tree report does not accurately reflect the construction of the proposed building are noted, however, the Councils Tree Officer has confirmed that his comments take into consideration the construction of a building of the type shown on the submitted plans, which includes a brick walls and tiled roof.
- 5.16 It also acknowledged that over the course of the previous planning applications relating to this site, the designs have been revised to omit built form that extended towards the protected trees to the rear. However, the current application must be assessed on its own merits and potential impacts on the protected trees. This current application is materially different to those previous schemes, and as set out above, the Councils Tree Officer is satisfied that the current proposal will not adversely impact upon the health of the existing protected trees, and given its design considers that it would not lead to increased pressure for future works to be undertaken to the trees due to their relationship with the proposed building.
- 5.17 As such, notwithstanding the concerns raised by the local residents, in light of the advice of the Councils Tree Officer, and when balancing all of the issues raised, it is considered that a refusal based on the schemes impact on these protected trees could not be sustained at appeal, and therefore should not constitute an objection to this current scheme.

### **Ecology**

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

- 5.18 Given the nature and scale of the proposed works, combined with its siting and juxtaposition with existing natural features, it is considered that the proposal would not adversely impact upon any existing wildlife or protected species.

### **Infrastructure and Developer Contributions**

Core Strategy Policies:

CP6 (Local infrastructure needs)

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

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

- 6.1 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
- 6.2 As set out above it is considered that the proposed development would accord with the relevant development plan policies.
- 6.3 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.

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

- 7.1 In accordance with paragraph 38 of the NPPF (2021) 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.
- 7.2 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.
- 7.3 In this instance the application was acceptable as submitted and no further assistance was required.

### **Recommendation:**

#### **Conditional Permission - subject to the following conditions:-**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice. (SS01)  
Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 (or any statutory amendment or re-enactment thereof).
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building occupying this site. (SM04)  
Reason: To safeguard the visual amenities of the area. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)
3. The development shall be implemented in accordance with the arboricultural method statement submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed. (ST18)  
Reason: To maintain the visual amenity of the area. (Policies EP4 and L10 of the South Bucks District Local Plan (adopted March 1999) refer.)
4. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:

#### **List of approved plans:**

<u>Received</u>	<u>Plan Reference</u>
-----------------	-----------------------

04 Aug 2021 P20/09/200  
04 Aug 2021 P20/09/S/210  
16 Aug 2021 P20/09/S201A

**INFORMATIVE(S)**

1. Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at [www.ccscheme.org.uk](http://www.ccscheme.org.uk). (SIN35)

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

### Councillor Comments

Cllr Jonathan Waters:

"I would like to request that this application is called into the Planning Committee for decision if the Officers recommendation is for approval. I am concerned that any development in this area would impact the root protection area of the TPO tree. This has caused concern on the site on previous applications, and this application does not make it clear how the TPO tree will be protected. Also the bulk of building further along the rear boundary could have a negative impact by creating further significant built form."

### Town Council Comments

"No Objection – Although concerns over the large oak and the roots".

### Consultation Responses

#### **Tree Officer:**

There has been considerable tree comments in the past on planning application PL/19/2134/FA as well as other applications in regards to the juxtaposition of a new dwelling to adjacent legally protected oak trees. This resulted in a revised layout by the removal of a garage/linked building in application PL/19/2134/FA from existing new dwelling because of nearby oak.

Tree report by Merewood Arboricultural Consultancy Services (9 January 2020) were submitted on behalf of the neighbour at the time which gave the correct stem diameters as well as dimensions of the oak trees. This resulted in a revised tree report by GHA Trees Arboricultural Consultancy (29 January 2020) and RPA being 12m for application PL/19/2134/FA. I have reviewed the current submitted tree report by GHA Trees Arboricultural Consultancy (22 July 2020) and for some reason it has used original stem diameter data (700 dbh) from an older tree report instead of what was detailed in the GHA report dated 29 January 2020 so illustrates an incorrect RPA of the oak.

During the construction of PL/19/2134/FA myself and planning enforcement visited the site because of works not being undertaken in accordance with approved tree report. During these visits no tree roots were seen and driveway was eventually built with 'no dig construction' as detailed in application PL/20/1313/VRC. I have attached three photographs that were submitted as part of planning application PL/20/1313/VRC for reference and as outlined in one of my previous comments for this VRC application, "I have read the various emails over the proposed extension of the driveway and even though the agent has failed to give an overriding justification for the construction of this new surface within the RPA of the adjacent oak tree I believe any indirect impact on the oak will be minimum, if it has been constructed as outlined by the arboriculturalist using 'no dig construction/cell web".

Therefore, I do not consider roots from the oak trees will be directly or indirectly affected by the proposed construction methodology outlined in paragraph 6.6 of the current tree report by constructing a concrete slab on top of existing driveway. As there is no living/sleeping accommodation being proposed I have no objection in arboricultural terms on the proposed use of this building and if planning permission is permitted I recommend planning condition ST18.

## Representations

### **Amenity Societies/Residents Associations**

Beaconsfield Society:

Object to application on grounds of increased flooding to neighbouring properties; potential damage to protected tree; rejection of previous applications for building in this area.

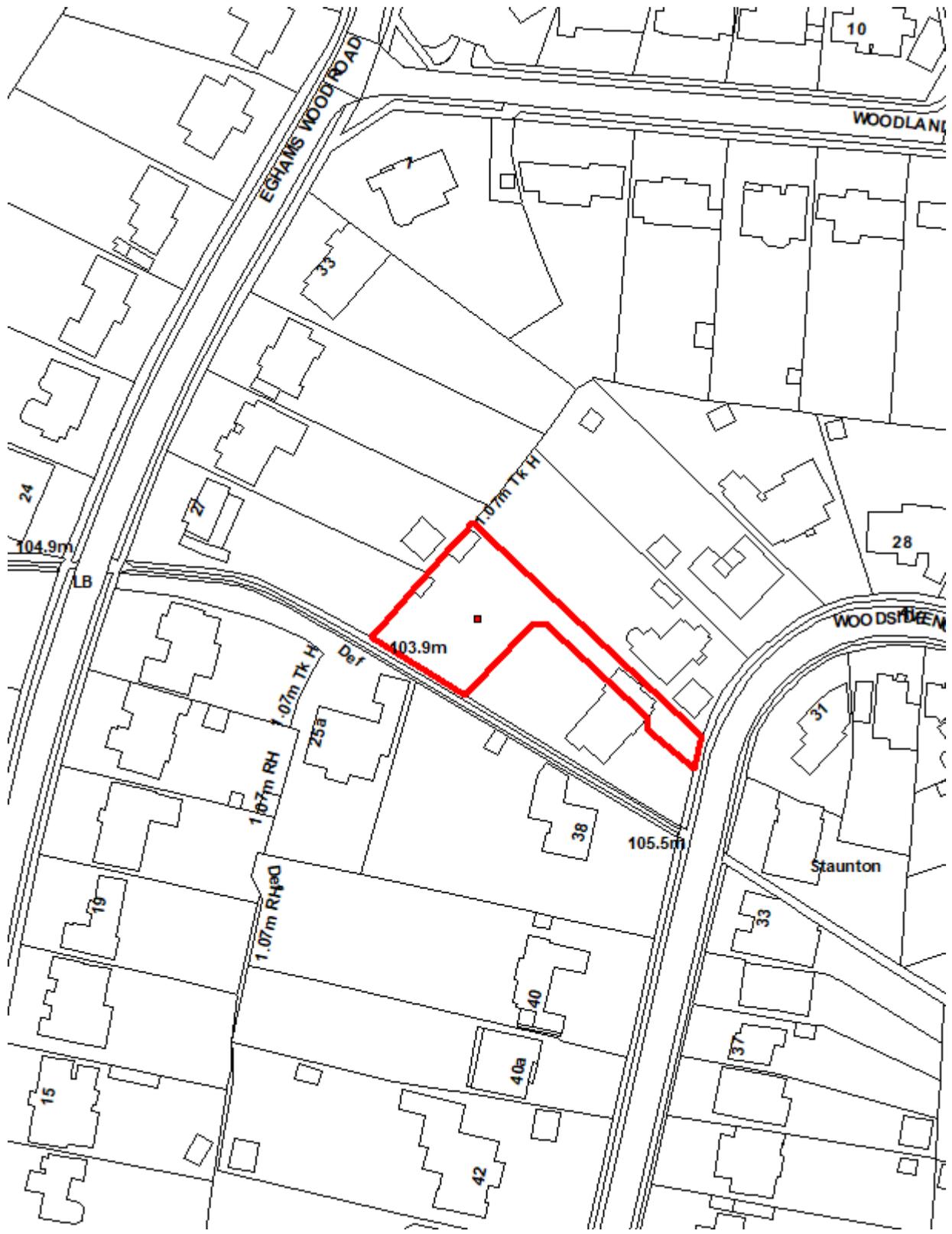
### **Other Representations**

7 comments have been received objecting to the proposal:

- Impact on protected oak trees in neighbouring gardens;
- Previous applications refused;
- Could be changed into a garage – extra weight could cause damage to roots;
- Increased surface water run-off;
- Potential damage to boundary hedge;
- Adverse impact on neighbouring properties;
- Discrepancies between application form/plans and tree report;
- Previous conditions prevent erection of building;
- Overdeveloped.

This page is intentionally left blank

**APPENDIX B: Site Location Plan**



Do not scale – this map is indicative only  
 Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2012.  
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Buckinghamshire Council, PSMA  
 Licence Number 100023578