



# Buckinghamshire Council

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## Report to Buckinghamshire Council – North Area Planning Committee

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<b>Application Number:</b>	22/00790/APP
<b>Proposal:</b>	Demolition of wall
<b>Site location:</b>	11 Frederick Street, Waddesdon, Buckinghamshire, HP18 0LU
<b>Applicant:</b>	Mr Edward Barlow
<b>Case Officer:</b>	Richard Castro-Parker
<b>Ward affected:</b>	STONE AND WADDESDON
<b>Parish-Town Council:</b>	WADDESDON
<b>Valid date:</b>	25 March 2022
<b>Determination date:</b>	6 July 2022 (agreed Extension of Time)
<b>Recommendation:</b>	Approval

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### 1.0 Summary and recommendation and reason for Planning Committee Consideration

- 1.1 Planning permission is sought for the demolition of a section of the front boundary wall at number 11 Frederick Street, Waddesdon, Buckinghamshire. The application site is situated within Waddesdon Conservation Area and the wall to be demolished adjacent to the highway exceeds 1m in height, therefore planning permission is required for the proposed demolition of the section of wall.
- 1.2 This application is referred to the North Area Planning Committee in accordance with the Council's Constitution as the applicant works within the Planning, Growth and Sustainability Team at Buckinghamshire Council.
- 1.3 This application has been considered with regards to the Development Plan which comprises the Vale of Aylesbury Local Plan (VALP) and national and local guidance and officers conclude the proposed development is acceptable with regards to the impact on the character of the area, the historic environment, and residential amenity and would comply with Policies BE1, BE3 and T6 of the VALP, WAD8 of the Waddesdon Neighbourhood Development Plan and guidance set out in the NPPF (2021).

- 1.4 Overall, having regard to the NPPF as a whole and all relevant policies of the VALP, the application is recommended for approval.

## **2.0 Description of the Site and Proposed Development**

- 2.1 The application dwelling is a detached bungalow with loft conversion and two dormers. The dwellinghouse is constructed of red bricks with a steep sloping slate tiled roof. A low wall approximately 1 metre high defines the front boundary to Fredrick Street. The site accommodates car parking to the front of the dwelling, between the façade of the dwelling and the highway.
- 2.2 The applicant site is located on the western side of Frederick Street, within a predominantly residential area. To the rear of the applicant property is arable farmland which to the north leads out on to open countryside. The site is situated within Waddesdon Conservation Area which extends to the north, east and south of the site.
- 2.3 The application is accompanied by:
- a) Location Plan
  - b) Site Plan

## **3.0 Relevant Planning History**

- 3.1 Reference: 19/00135/ACD  
Development: Demolish 2m of brick wall at front of property  
Decision: Conservation Area Consent given Decision Date: 18 March 2019  
Officers note that the works granted permission have been undertaken and the section of wall demolished.

## **4.0 Representations**

- 4.1 None received

## 5.0 Policy Considerations

National Guidance / Legislation:

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 National Planning Practice Guidance (NPPG)
- 5.3 Planning (Listed Buildings and Conservation Areas) Act

Development Plan:

- 5.4 Vale of Aylesbury Local Plan (VALP), relevant policies:
  - BE1: Heritage assets
  - BE3: Protection of the amenity of residents
  - T6: Vehicle Parking
- 5.5 Waddesdon Neighbourhood Development Plan (WNDP), relevant policies:
  - WAD8: Design in the conservation area

Supplementary Planning Guidance and Documents:

- 5.5 Waddesdon Conservation Area Character Appraisal: Waddesdon Conservation Area Review (July 2014)

## 6.0 Evaluation

- 6.1 The Key Issues in determining this application are :-
  - Impact on the character and appearance of the street scene and Waddesdon Conservation Area
  - Impact on residential amenity
  - Impact on parking provision

**Impact on the on the character and appearance of the street scene and Waddesdon Conservation Area conservation area**

VALP Policy BE1

WNDP Policy WAD8: Design in the conservation area

Conservation Area document - Waddesdon Conservation Area Review (July 2014)

NPPF Chapter 16. Conserving and enhancing the historic environment

Planning (Listed Buildings and Conservation Areas) Act

- 6.2 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 199 states that there should be great weight given to the conservation of designated heritage assets; significance of a heritage asset irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.3 Conservation areas are locally designated heritage assets. Paragraph 8.10 of the adopted VALP states that conservation areas are areas of special historic or architectural interest, the special character or appearance of which it is desirable to preserve or enhance.
- 6.4 Paragraph 8.14 states that “in determining applications relating to conservation areas, the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area”. The council is also required under NPPF to consider whether the proposal will cause harm to the significance of the heritage asset. If harm is likely to be caused, this must be weighed in the wider planning balance.
- 6.5 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.6 Paragraph 207 of the adopted VALP states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
- 6.7 Policy BE1 of the VALP states that the historic environment, unique in its character, quality and diversity across the Vale is important and will be preserved or enhanced. All

development, including new buildings, alterations, extensions, changes of use and demolitions, should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible.

- 6.8 Within conservations areas development including the demolition of any building, with a volume of 115 cubic metres or more and the demolition of any gate, fence, wall or other means of enclosure with a height of more than 1 metre next to a highway, waterway or open space is controlled in order to protect its intrinsic character. Hence the requirement for a planning application to be submitted to seek planning permission for the demolition of a section of the wall onto Frederick Street.
- 6.9 The application site is not listed as a listed building, local note building, or other important building as described in the Waddesdon Conservation Area Review (July 2014) document. Historically low brick walls, metal railings and wooden fencing formed the frontage boundaries to buildings along Frederick Street.
- 6.10 The applicant has advised that demolition of a section of the front boundary wall is proposed in order to allow access easier access into the driveway serving the dwellinghouse. Permission is sought to demolish only a small portion of the wall along the front of the boundary, with the remainder of the wall along the front boundary proposed to be retained.
- 6.11 Officers note that a previous application was granted permission to demolish part of the front boundary wall under application reference: 19/00135/ACD. The applicant has advised that further to planning permission being granted, the section of the wall approved for demolition was removed. Taking into account the section of wall already demolished, and the section of wall no proposed for removal, cumulatively the proposals would not result in the demolition of all of the entirety wall, rather the section of wall to the left of the pedestrian gate would be retained.
- 6.12 Other dwellings in the locality have no remaining boundary treatment along their front boundary, including the dwellings across the road at Nos. 12, 14 and 16 Frederick Street. The Council's Heritage Officer has commented on the application and raises no objection to the removal of the section of the wall as proposed. The Council's Heritage Team note that the Waddesdon Conservation Character Appraisal highlights the importance of boundary treatment defining the character of Frederick Street. However, the Heritage Team note that many boundaries have been removed to the detriment of the visual quality of the street. The removal of the front boundary treatment results from the fact that the majority of plot

widths along Frederick Street are no wider than the length of a modern car, owners wishing to park two vehicles on their property have removed frontage boundaries and park cars at 90 degree angles to the buildings.

- 6.13 The front boundary wall of the host dwelling is shown within the Waddesdon Conservation Area Appraisal as being a defining characteristic of the Conservation Area. However, taking into account that the proposal is not to remove the entirety of the front boundary wall, but only the section of wall to the right of the existing pedestrian gate when facing the wall from the highway, the Council's Heritage Team raises no objection to the proposal. The length of wall to the left of the pedestrian gate, when viewing the site from the highway, would be retained.
- 6.14 It is therefore considered that the proposed demolition of the section of wall would not significantly harm the appearance of the area as the boundary between public and private space will remain intact when viewed from the street due to only a small section of the boundary wall being removed. The character and appearance of the Conservation Area would therefore be preserved, and the proposal would have a neutral impact on the special interest of this designated heritage asset.
- 6.15 Overall, it is considered that the proposal would have an acceptable impact on the character and appearance of the area, include Waddesdon Conservation Area and would accord with Policy BE1 of the VALP, Policy WAD8 of WNDP and advice contained in the NPPF.

#### **Impact on residential amenity**

VALP Policy BE3

NPPF including Paragraph 130

- 6.16 Having regard to the siting of the section of wall to be demolished and the relationship to neighbouring properties, it is considered the proposed demolition of the section of wall would not have a significant detrimental impact upon the residential amenities of neighbouring properties. The proposal is therefore considered to accord with Policy BE3 of the VALP and the NPPF in this regard.

## **Impact on parking provision**

VALP Policy T6

NPPF

- 6.17 The existing parking provision within the application site would remain unchanged, however the proposal would make access into and out of the site easier for the parking of vehicles. As such, the proposal would accord with the provisions of the VALP and NPPF in this regard.

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

- 7.1 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.
- 7.2 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
- 7.3 As set out above it is considered that the proposed development would accord with relevant policies within the Vale of Aylesbury Local Plan, Waddesdon Neighbourhood Development Plan and National and Local Guidance.
- 7.4 The proposal would result in some economic benefits for a temporary period during the period of demolition in terms of undertaking the works. The proposal would have a neutral impact with regards to environmental and social factors, with the proposal identified as preserving the character and appearance of the area including the Conservation Area.

## 8.0 Working with the applicant / agent

- 8.1 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.
- 8.2 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.
- 8.3 In this instance the application has been assessed and considered acceptable by Officers as submitted. The applicant was notified of the need to take the application to planning committee and agreed an extension of time until the 6 July 2022 for the application to be determined.

## 9.0 Recommendation

- 9.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, Officers therefore recommend that planning permission be **GRANTED** subject to appropriate conditions, to include the following:
- 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(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  - 2 The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved and drawings:  
  
-Location Plan (received 05/03/2022)  
  
-Site Plan (received 05/03/2022)  
  
and in accordance with any other conditions imposed by this planning permission.



Reason: To define the scope of this permission, to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with Policies BE1 and BE3 of the Vale of Aylesbury Local Plan, Policy WAD8 of the Waddesdon Neighbourhood Development Plan and the National Planning Policy Framework 2021.

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

### Councillor Comments

*None Received*

### Parish/Town Council Comments

*Waddesdon Parish Council has no comments to make*

### Consultation Responses (Summarise)

Heritage – No objection:

Initial Comments:

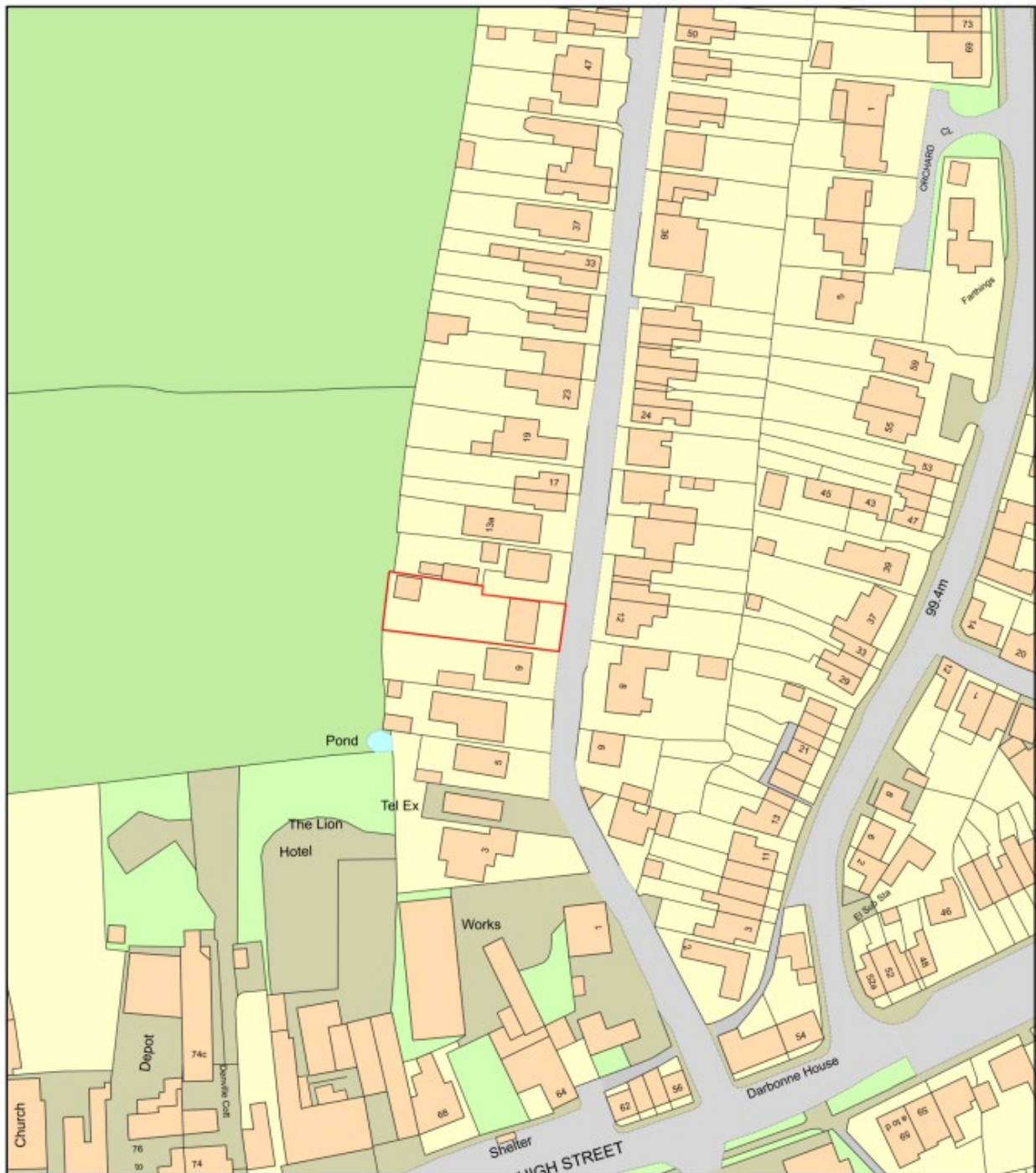
- The removal of these boundaries has had a significant and detrimental impact upon the visual quality of the street.
- Notes the importance of boundary treatment as a defining characteristic of Frederick Street as stated in the Waddesdon Conservation Character Appraisal.
- A number of the neighbouring properties have already removed their front boundary treatment. This clearly gives a lack of differentiation between the public and private realm and detracts from the character and appearance of the conservation area. There is however no Article 4 Direction in place to control this type of development.
- Requests further clarification. From considering the submitted drawings, it is unclear whether the applicant is seeking the total demolition of the front boundary wall, or the partial demolition. Hence clarification is sought in this regard.

Second Comments: Following clarification from the case officer to advise that the complete length of the wall is not to be removed but rather only a section of it, further comment was received from the Heritage Team to advise 'If the proposal is only to the remove the wall to the right of the gate, there would be no heritage objection'.

### Representations

No representations received

**APPENDIX B: Site Location Plan**



Do not scale – this map is indicative only

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