



## Report to Buckinghamshire Council – (Central) Planning Committee

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<b>Application Number:</b>	23/03595/VRC
<b>Proposal:</b>	Variation of condition 2 (plans) 3 (materials) relating to application 22/01925/APP (Demolition of existing single garage and sheds. Construction of a double garage with ancillary home office) – Part Retrospective
<b>Site location:</b>	Weston Lodge , 39 Brook End, Weston Turville, Buckinghamshire, HP22 5RJ
<b>Applicant:</b>	Mrs Morwenna Breen-Haynes
<b>Case Officer:</b>	Carrie Chan
<b>Ward affected:</b>	WENDOVER, HALTON & STOKE MANDEVILLE
<b>Parish-Town Council:</b>	HALTON
<b>Valid date:</b>	20 November 2023
<b>Determination date:</b>	15/01/2024
<b>Recommendation:</b>	Approval, subject to conditions

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### 1.0 Summary & Reason for Planning Committee Consideration

- 1.1 The applicant of this application is an employee of Buckinghamshire Council, therefore in accordance with the Buckinghamshire Council Constitution, this application must be determined by the Area Planning Committee.
- 1.2 This variation of conditions application seeks to make changes to the approved and partially constructed double garage and ancillary home office (referred to as outbuilding in this report).
- 1.3 The changes include fenestration alterations and a change in the external materials. There would be no change to the size of the building (as approved), the siting and orientation of the building will also remain the same.
- 1.4 The changes are minor and will not affect the siting or the scale of the outbuilding and in the absence of any additional impact on the Conservation Area, the proposal is considered to be acceptable, as such, the application is recommended for approval.
- 1.5 Officer's recommendation is to **grant approval, subject to conditions** listed in Section 8 of this report.

## 2.0 Description of Proposed Development

### Site Location

2.1 The application site is located on the corner of Brook End and Halton Village on the outskirts of Weston Turville and comprises of a semi-detached dwelling and its associated garden, access and parking.

2.2 The subject dwelling is not a listed building but is a Non-Designated Heritage Asset (NDHA) and the site is located within the Weston Turville Conservation Area.

### This application

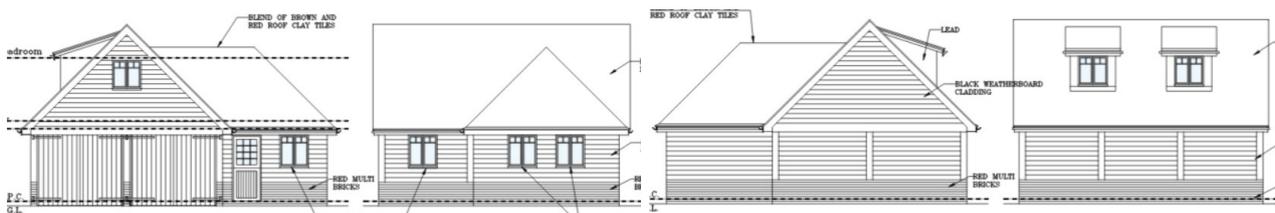
2.3 This is a variation of conditions application seeking permission to make changes to the approved and partially constructed outbuilding.

2.4 The original permission for a new outbuilding was granted on 1<sup>st</sup> September 2022 and works have started on site.

2.5 The following changes are proposed:

- Replace a window and a door with a set of single glazed cart style doors (Northwest elevation).
- Omission of one window in the side elevation (Southwest elevation).
- External materials to the workshop from part timber cladding above brick plinth to brick (red multi).

### **Approved:**



### **Proposed:**



For clarity, there will be no change to the siting; footprint; or scale of the outbuilding. T

The application is accompanied by a covering letter.

2.6

### 3.0 **Relevant Planning History**

Reference: 22/01925/APP

Development: Demolition of existing single garage and sheds. Construction of a double garage with ancillary home office

Decision: HHA      Decision Date: 1 September 2022

### 4.0 **Consultation responses and third party representations**

#### Ward Councillors (Wendover, Halton & Stoke Mandeville)

Cllr Steve Bowles – No comments received at the time of drafting this report.

Cllr Richard Newcombe - No comments received at the time of drafting this report.

Cllr Peter Strachan - No comments received at the time of drafting this report.

#### Parish Council (Verbatim)

Halton Parish Council- No comments received at the time of drafting this report.

#### Neighbouring Parish Council (Verbatim)

Wendover Parish Council - *The Parish Council Object and maintain the Council's original objection to the previous planning application (22/01925/APP) due to the overbearing nature of the building and the loss of privacy to the neighbouring property.*

Ecology: *"No objection subject to condition of biodiversity enhancement features to be incorporated into the proposed development."*

Heritage: *"I have looked at the new proposal against that previously approved and consider that the new proposal introduces minor amendments which are not felt to be detrimental to the special character of the CA or to the setting of the main dwelling which is an NDHA. The change of materials is in keeping with the overall appearance of the new outbuilding and the main house, loss of a side window provides for a more simplistic southwest elevation, and the new larger glazed opening to the workshop would have a less domesticating appearance than the previously approved separate door and window.*

*As such I am happy to support the proposal in heritage terms and ask that Planners take these comments into consideration when making their own recommendations."*

Highways: *"No comments."*

#### Third party (summary)

One letter of objection received and comments related to this application are summarised below:

- Removing one window does not justify the enlarging of another opening.
- Brickwork to the workshop is not entirely approved bricks as it was finished in Sept 2023.

- Too close to boundary.

## 5.0 **Policy Considerations and Evaluation**

5.1 The starting point for decision making is the development plan, i.e. the adopted Vale of Aylesbury Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) (2023) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither changes the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF

## 5.2 **The Development Plan**

Vale of Aylesbury Local Plan (VALP), adopted 15th September 2021 (carries full weight)

Policy S1 –Sustainable development for Aylesbury Vale

Policy S2 – Spatial strategy for growth

Policy T6 - Vehicle Parking

Policy BE1 – Heritage assets

Policy BE2 Design of new development

Policy BE3 Protection of the amenity of residents

Policy NE1 Biodiversity and Geodiversity

Buckinghamshire Minerals and Waste Local Plan 2016-2036

Biodiversity Net gain SPD

Vale of Aylesbury Design SPD

### Neighbourhood Plan

Although the application address indicates the site to be in Weston Turville, the site is actually within the Halton Parish boundary.

Halton does not have a 'made' neighbourhood plan.

## 5.3 **National Policy**

National Planning Policy Framework (NPPF) 2023

Section 2 –Achieving sustainable development

Section 4 –Decision making

Section 12 –Achieving well-designed places

Section 14 –Meeting the challenge of climate change, flooding and coastal change

Section 16 – Conserving and enhancing the historic environment

In addition, the Planning practice Guidance (PPG) is also a material consideration

5.4 **Main issues:**

Principle of development  
Design, character and appearance  
Residential amenity  
Highway and parking implications  
Other matters

Principle of development

5.5 This is a variation of conditions application for the erection of an outbuilding that was granted permission in September 2022 (reference: 22/01925/APP). The principle of development was considered acceptable at the time of assessing the previous application, and in the absence of any material changes to the Development Plan, it is considered unnecessary to reassess the acceptability of an outbuilding in this location. The Council would be acting unreasonably if an objection in principle was raised now, an objection on this point would not be sustainable and costs would likely be awarded if challenged at appeal.

5.6 The rest of this report will therefore concentrate on the changes subject to this application. This application is part retrospective, however this must not factor in the acceptability of the proposal.

Design, character and appearance

5.7 In accordance with the Vale of Aylesbury Local Plan (VALP) and the National Planning Policy Framework (NPPF), development, amongst other requirements, should function well and add to the overall quality of the area, should be visually attractive as a result of good architecture, layout and landscaping, and should be sympathetic to local character and history.

5.8 The site also falls within the Weston Turville Conservation Area.

5.9 The outbuilding is in the same location as previously approved, in the garden area of Weston Lodge, northwest of the neighbouring properties outbuilding. The changes proposed, although partially visible from outside the site, are not considered to result in any additional harm on the character of the host dwelling or surrounding area above what was previously considered acceptable. It is acknowledged that resultant outbuilding would look different to the original approved however, the level of change is considered acceptable. As such it is considered that the proposal complies Policies BE1 and BE2 of VALP.

Residential amenity

5.10 Policy B3 of VALP seeks to ensure that all development proposals create and protect a good standard of amenity for neighbouring buildings and their occupiers.

- 5.11 Although fenestration changes are proposed, there would be no change to the scale, siting or orientation of the outbuilding. One opening in the southwest elevation has been omitted to reduce the level of views towards the neighbouring dwelling. There will also be fenestration change to the workshop element in the northwest elevation where a larger opening is proposed in place of a door and a window to allow for adequate natural lighting. Considering the changes made/proposed and the relationship between the outbuilding and the boundary fencing, the development is not considered to cause additional harm to neighbouring privacy.
- 5.12 In summary, the development proposed is not considered to result in any further impact on residential amenity and the proposals accords with Policy BE3 of VALP.

#### Parking and highway implications

- 5.13 The changes subject to this application will not alter the existing off-street parking provision and therefore there will be no impact to highway safety. Therefore the development proposed is considered to be in accordance with Policy T6 of VALP and the parking standards.

#### Other matters

- 5.14 Comments relating to the building not sited in the location approved are noted. The applicant has confirmed in the covering letter and in a separate correspondence that there is no change to the position of the building and that it is in full accordance with the approved plans. Nothing has been submitted to the Council to demonstrate that the building is in the wrong location.
- 5.15 Comments from Weston Turville Parish Council (WTPC) are noted. As this application is to vary the wording of two conditions (approved plans and materials) attached to the original permission for the erection of an outbuilding, there is no scope to reassess the acceptability of the subject outbuilding in this location. Furthermore, it would be unreasonable to reassess elements that do not form part of this application.
- 5.16 Given the previous approval, matters relating to Flood Risk, Ecology and Trees are not relevant to this proposal and are not therefore assessed further.
- 5.17 A total of 6 conditions were attached to the original permission, including materials and use restrictions. These conditions will be reviewed and if necessary, revised accordingly.

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

- 6.1 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.
- 6.2 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

6.3 As set out above it is considered that the proposals would accord with development plan policies BE1, BE2, BE3 and T6 of VALP. The principle of development has already been established and the latest changes are considered to be minor changes that will not alter the character and appearance of the Conservation Area or the main dwelling. The resultant appearance of the outbuilding would not be altered to a degree that would warrant a refusal.

6.4 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].

Human Rights Act 1998

6.5 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

Equalities Act 2010

6.6 Local Planning Authorities, when making decisions, 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 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.

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

7.3 In this instance, the application was acceptable as submitted and no further assistance was required.

8.0 **Recommendation**

8.1 Officer recommends this application be approved, subject to the following conditions:

1. The approved development shall be carried out in accordance with the following drawings/details:

Received on 20<sup>th</sup> November 2023:

- Plans & Elevations, dated November 2023.

Plans approved under the original planning permission:

- 1322-L1 Location plan.
- 1322-L2B Existing and Proposed Block Plans.

and in accordance with any other conditions imposed by this planning permission.

Reason: For the avoidance of doubt and to secure sustainable development in line with the objectives of the Development Plan.

2. The development hereby approved shall be carried out in accordance with the materials specified on drawing ref: Plans & Elevations, dated November 2023.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE1 & BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework 2023.

3. The detached building hereby permitted shall not be used or occupied for any purposes other than as ancillary to the residential use of the property on the site, currently known as Weston Lodge, 39 Brook End, Weston Turville, Buckinghamshire, HP22 5RJ. The building shall at no time be used as overnight accommodation on a rental basis or let out to a third-party business.

Reason: To preserve and maintain the residential character of the area and the character and appearance of the Conservation Area in accordance with policies BE1 and BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework 2023.

4. 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 in accordance with policy T6 of the Vale of Aylesbury Local Plan.

5. The development hereby permitted shall not be occupied until biodiversity features comprising 2 Bird box has been installed into the building on the north, north-east or north-west elevations. The feature shall have been installed as per its manufacturing guidelines and retained thereafter.

Reason: In the interests of improving the biodiversity of the area in accordance with policy NE1 of Vale of Aylesbury Local Plan, Biodiversity Net Gain SPD and the National Planning Policy Framework 2023.

Informative:

Great Crested Newts (European Protected Species)

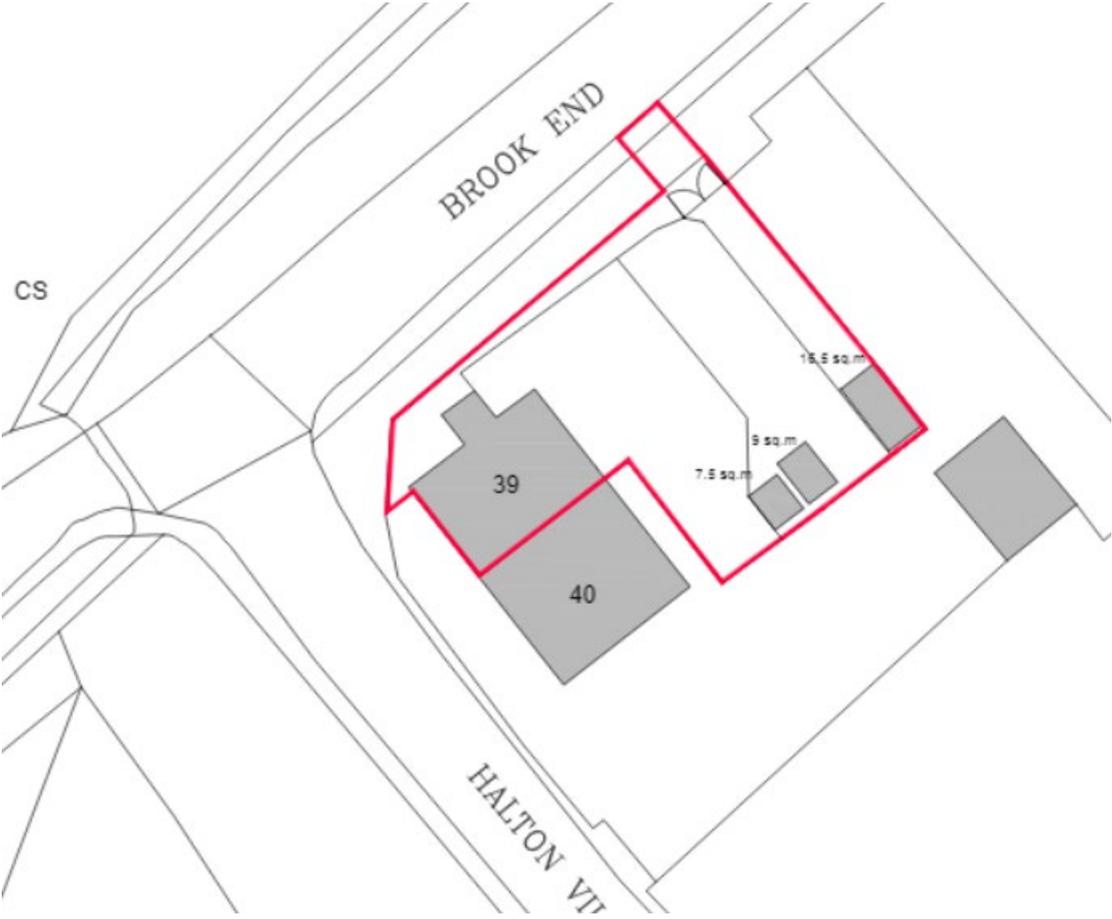
The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a EPS mitigation licence from Natural England or the district licence distributed by Buckinghamshire Council. If a great crested newt is encountered during development, works must cease and advice should be sought from a suitably qualified ecologist.

Protection of breeding birds during construction

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. [...Buildings, trees and other vegetation...] are likely to contain nesting birds between 1st March and 31st August inclusive, therefore removal of scrub, dense bushes, ivy, trees or parts of trees (or other location where birds are likely to nest) during this period could lead to an offence under the Act. Likely nesting habitat must not be removed during the nesting period unless a survey has been undertaken by a competent ecologist, immediately prior to the works commencing and it has been established that bird nesting is not taking place.

**Appendix A: Site Location plan**

# APPENDIX A: Site Location Plan



Do not scale—this map is indicative only

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