



Report to West Area Planning Committee

Application Number:	24/05279/FUL
Proposal:	Removal of existing garage and erection of new two storey 2 bed low carbon eco dwelling
Site Location:	106 Roberts Ride Hazlemere Buckinghamshire HP15 7AN
Applicant:	Mr Edmund Gemmell
Case Officer:	Matthew McKane
Ward(s) affected:	Hazlemere
Parish-Town Council:	Hazlemere Parish Council
Date valid application received:	16th February 2024
Extension of time date:	10th May 2024
Recommendation	Application Refused

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning permission is sought for demolition of the existing garage and erection of a two storey side extension to the existing house to create a two bedroom dwelling that would infill the gap between the flank elevation of the house and the side boundary.
- 1.2 This application is brought to the West Area Planning Committee because the applicant Mr Gemmell is an Elected Member, representing Hazlemere Ward of Buckinghamshire Council.
- 1.3 The proposal by reason of its form, scale, layout and design would fail to respect the existing grain of development and architectural vernacular of this neighbourhood, resulting in an incongruous built form prominently visible in the street scene. The proposal in its current form represents town cramming and overdevelopment.
- 1.4 Insufficient information has been provided to demonstrate protected trees would not be unacceptably harmed during demolition and construction phases of development through the submission of Arboricultural surveys and tree protection plan. This could not be reasonable to secure by planning condition in this instance given the proximity

of TPO trees to proposed development. Insufficient information has been provided to demonstrate that the proposal meets the sustainability objectives of the Neighbourhood Plan. Insufficient information has been provided in order to demonstrate a 10% biodiversity net gain could be achieved.

- 1.5 The proposal would be in conflict with multiple policies contained in the Development Plan and the National Planning Policy Framework. The harm resulting from its failure to comply with these policies would not be outweighed by other material planning considerations. As such, it is recommended for refusal.

2.0 Description of Proposed Development

- 2.1 The application site contains a two storey semi-detached dwelling with single storey flat roof detached garage to the side with a passageway in-between. The proposal intends to remove the detached garage and extend off the existing dwelling following the front elevation, ridgeline and eaves and extending up to the side boundary. The pitch of the roof when viewed from the front mimics the host dwellings pitched roof form. As can be seen on the proposed side section drawing has a shallower pitch roof from the ridgeline out towards the rear of the proposed dwelling. Materials are indicated on the application form as matching the existing property.
- 2.2 The dimensions of the proposed dwelling are approximately: 12.3m (d) x 3.6m (w) x 5.7m (height to eaves) x 8.9m (height to ridgeline). Eaves and ridgeline would match the existing dwelling it would extend of and share a driveway with. The proposed dwelling would extend approximately 1.3m beyond the rear elevation of the existing dwelling according to proposed drawings. The dwelling would include solar panels on the roof.
- 2.3 The proposed dwelling would consist of consist of a kitchen / living area, hall, W/c, sitting room on the ground floor and two bedrooms and a bathroom on first floor with hall/landing.
- 2.4 The application is accompanied by:
 - a) Application Form
 - b) CIL form – Self build exemption
 - c) Ecology and Trees Checklist
 - d) Parking support statement
 - e) Proposed ground floor plan
 - f) Proposed first floor plan
 - g) Proposed roof plan
 - h) Side section plan
 - i) Proposed front and rear elevations
 - j) Existing front and rear elevations
 - k) Existing side elevation
 - l) Proposed side elevation
 - m) Amended Parking and amenity plan
 - n) Coloured elevation
 - o) Design and access statement
 - p) Ecology Report
 - q) Supplementary description of development document

3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
01/07206/TPO	5.5 metre clearance above the road and footpath plus 4 metre clearance at the branch tips on the house side to 1 Beech tree and 4 metre clearance from the front dormer and house to 1 Beech tree, plus 20% thinning to both Beech trees	PER	6 November 2001
03/06802/FUL	Demolition of existing conservatory and erection of single storey rear extension	PER	3 September 2003
93/00092/TPO	FELLING 1 BEECH & CROWN REDUCTION, RE-SHAPING & THINNING OF 1 BEECH	SPLIT	12 October 1993
15/05475/TPO	Reduce crowns of two trees by 33% / 6 metres of both height and spread back to the growth points and remove any dead branches.	SPTPCZ	21 April 2015
22/05429/FUL	Demolition of existing garage and erection of new container two storey 3-bed dwelling with heat source pump at rear and associated parking	WDN	25 August 2022

4.0 Policy Considerations and Evaluation

Principle and Location of Development

No Neighbourhood plan policies relate to the principle 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 within a residential area and the settlement boundary of High Wycombe. Residential development in this location would comply with the settlement and housing strategies set out in Policies CP3 and CP4 of the Wycombe District Local Plan.

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)

Hazlemere Neighbourhood Plan 2023-2033 (January 2024): HAZNP1 (Delivering Homes for First Time Buyers and Downsizers)

Planning Obligations Supplementary Planning Document (POSPD)

- 4.2 The scale of development is below the threshold for the provision of affordable housing. The application is not for affordable housing provision. The proposal is for a self-build dwelling.
- 4.3 The Neighbourhood Plan supports new homes within the built-up area of Hazlemere which are suited by their size, type and affordability to first time buyers and to households wishing to downsize to smaller homes in the village. The proposal is for a self-build home which would meet the needs of the applicant who intends to occupy the dwelling. It is not considered that the proposal conflicts with housing mix objective part of policy HAZNP1 of the neighbourhood plan.
- 4.4 Affordable housing provision or housing mix does not therefore form a reason of the refusal of planning permission in this instance. Design, character and appearance objective of policy HAZNP1 is discussed further on within the main body of the report.

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)

DSA: DM2 (Transport requirements of development sites)

Hazlemere Neighbourhood Plan 2023-2033 (Jan 2024): Policy HAZNP4 (Promoting Sustainable Transport).

- 4.5 The proposal, if permitted, would significantly intensify the residential use of the site by creating a new two bed dwelling within the curtilage of an existing semi-detached house. The increase in number of vehicular movements and car parking required would have the potential to affect highway safety.
- 4.6 The applicant had submitted a revised drawing showing the parking layout of the site would contain 2 parking spaces on the driveway, one per dwelling. Highways have subsequently commented on this change and consider these spaces have adequate dimensions in line with the requirements set out within the Buckinghamshire Countywide Parking Guidance policy document, and are satisfied that vehicles can practically use these spaces via the existing dropped kerb.
- 4.7 The site is located in Zone B as set out in the Parking Guidance. The proposed dwelling would have four habitable rooms therefore require one space. In this area dwellings with 5 or 6 habitable rooms require two spaces, and 7 or more habitable rooms require three spaces. The existing dwelling, currently served by the garage and driveway, would have just one space, resulting in a parking shortfall.
- 4.8 With regard to the displacement of the remaining parking space, whilst parking around the junction is not ideal and is more of a matter for enforcement, the parking survey demonstrates that safe parking is available within the site's vicinity. Therefore, in light of the additional information submitted by the applicant, no objection is raised to the displacement of remaining parking space onto the public highway in this instance.
- 4.9 The proposal is considered compliant with policies DM33 of the adopted Wycombe District Local Plan and the aims of the National Planning Policy Framework.

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)

Hazlemere Neighbourhood Plan 2023-2033 (Jan 2024): Policy HAZNP1 (Delivering Homes for First Time Buyers & Downsizers), Policy HAZNP3 (Delivering Zero Carbon Buildings).

Housing intensification SPD

Residential Design Guide SPD

Policy Context:

- 4.10 Policy HAZNP1 of the neighbourhood plan states that in respect design, proposals should demonstrate they have had full regard to the Wycombe District Housing Intensification Supplementary Planning Document and the Wycombe District Residential Design Guide. Supporting paragraph 5.6 of policy HAZNP1 notes the supplementary planning documents are relevant to guiding proposals for infill schemes to prevent ‘town cramming’ and over-development in urban areas like Hazlemere.
- 4.11 The Council’s Residential Design Guidance SPD stipulates that new residential development should improve or reinforce the positive existing character of the place it is part of. In this sense, character is defined as a pattern or repeated trait that defines a place’s identity. For new single dwellinghouses, the character should be identified primarily at street-level, with traits such as plot size and width, building arrangement, gaps/setbacks and built footprint taken into consideration.
- 4.12 Housing Intensification Supplementary Planning Document (2011) requires the impact of the whole scheme upon the existing character to be assessed and addressed.
- 4.13 Policy HAZNP3 (Delivering Zero Carbon Buildings) – point B of the policy says: “New and refurbished buildings (except householder applications) that are certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m²/year are supported. Where a scheme can show its potential to meet this standard, including by the use of terraced and/or apartment building forms, even if the plot sizes and plot coverage and layout are different to those of the immediate character area, it will be supported, provided it can be demonstrated that it will not have a significant harmful effect on a designated heritage asset.”
- 4.14 Supporting paragraph 5.2 clarifies that out the policy enables the Passivhaus standard to be achieved by allowing for some compromise in preserving the character of the immediate area if novel building forms, plot arrangements and layouts are necessary to maximise the potential of a scheme. It also states that the applicant would be expected to acknowledge the compromise (in design) in their proposal and to demonstrate any harm to the character of the area would not be significant.
- 4.15 Wycombe District Local Plan policies (2019) relating to design include:
- CP9 (Sense of Place) – requires the development to achieve a high quality of design which contributes positively to making places better for people and which takes the opportunities available for improving the character and quality of an area and the way it functions.
 - DM35 (Placemaking & Design Quality) – requires to improve the character of the area with existing positive characteristics retained, opportunities for improvements and enhancements maximized. Development should achieve attractive and high-quality design, and appropriate character in the scale, form, layout and detailed design of buildings, respect for the character and appearance of the surrounding area.

- DM32 (Landscape character and settlement patterns) - Development is required to protect and reinforce the positive key characteristics of existing settlement patterns. Development should reflect established settlement forms and patterns in order to protect their character.
- 4.16 The National Planning Policy Framework (NPPF) sets out the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Planning policies and decisions should ensure that developments function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character ... while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
- 4.17 The NPPF clearly sets out the importance of design in achieving sustainable development and the role it plays in good planning and contributing positively to making places better for people. It further states at para. 139: "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

Assessment:

- 4.18 The street scene consists of two storey semi-detached dwellings of a similar size, scale and design in similarly sized plots. Many of the sites along the street have single storey detached garages to their sides, overall creating a spacious setting between semi-detached pairs within the street scene. Some dwellings have been extended out to their sides maintaining a sufficient gap to the side boundary within their respective plots. The materials palette along the street is varied, with dwellings having plain roof tiles, either yellow or red multi brick walls, some with hanging tiles at first floor level on their facades. There are grass verges before the highway and there are large mature trees sparsely sited along the street scene. The area is an urban environment with dwellings having regular plotting arrangements.
- 4.19 The proposal intends to remove the detached garage and extend off the existing dwelling following the front elevation, ridgeline and eaves extending up to the side boundary, completely infilling the narrow space besides an existing semi-detached property. The pitch of the roof when viewed from the front mimics the host dwellings pitched roof form. As can be seen on the proposed side section drawing has a shallower pitch roof from the ridgeline out towards the rear of the proposed dwelling. Materials are indicated on the application form as matching the existing property. Fenestration arrangements would be sizeable is scale to those in the surrounding area.

- 4.20 The proposal would fail to respect the grain and density of development in this locale. The site and its surroundings are purely residential characterised by two storey semi-detached houses with various extensions. The erection of the proposed dwelling with a considerably narrower frontage besides two existing semi-detached filling the existing gap would unduly prejudice the sense of place and the street scene of Roberts Ride. It would appear cramped and incongruent with the pattern of development in the area.
- 4.21 To completely infill the gap between these houses would erode the character of the site and surroundings. Furthermore, the new dwelling would be sited in a small plot of land and in a tight relationship with the buildings adjacent. These factors would give rise to an undesirable sense of enclosure, a cramped and overcrowded environment. Consequently, the scale and layout of development would be inappropriate from a visual amenity perspective.
- 4.22 The elongated built form, plotting and cramped form of this development together with its uncharacteristic fenestration detail and contrived/awkward roof form, which would be visible along the side the dwelling would result in an incongruous building that would be out of keeping with all other dwellings on Roberts Ride, including existing extensions that the applicant argues it intends to replicate. The proposed windows, due to their size and positioning relative to the parent dwelling, appear discordant in the street scene. It would thus represent an unsympathetic form of development, which would fail to preserve or enhance the quality of place. It is noted that the intention is to use materials to match the existing dwelling. The existing roof appears to be clad in plain concreted tiles. These may not be suitable for use on the shallow pitch of the rear roof slope.
- 4.23 Filling the entire width of the plot, up to the side boundary is a negative design element according to Wycombe Housing Intensification Supplementary Planning Document and the Wycombe Residential Design Guidance, what can be described as a 'terracing effect'. Gaps between dwellings and their respective side boundaries provides open and spacious setting between dwellings that contribute to the character and appearance of this street scene. By extending onto the boundary and not keeping sufficient spacing would seriously diminish the spacious setting between dwellings in this location, detrimental to the character and appearance of the site and area. This could result in a harmful precedent if repeated along the street and permitting this development would make it difficult to resist similar proposals for extensions / additional dwellings, elsewhere.
- 4.24 Overall, the proposal represents town cramming and overdevelopment of a site contrary to policy HAZNP1 requirements. It is unsympathetic overall in appearance when compared to the host dwelling and contrary to the prevailing density and pattern of development of the area. Both the retained and proposed dwellings would have uncharacteristically narrow plots when compared to the surrounding area. The development would clearly read as two dwellings by virtue of the two front entrance doors. Positive defining characteristics of the area (character of the host building, gaps/spacious setting between dwellings in the street scene, built form with compatible roof forms) are not improved or reinforced through the intensification of the site in this instance. The proposal is not in context with the existing built character of the area and as such, conflicts with a number of policies within the development plan.

- 4.25 The applicant/agent describes the proposed dwelling as a PassivHaus eco home intended to produce zero carbon emissions in operation. As explained in the building sustainability section of the report this has not been demonstrated prior to determination and could not be deferred to condition and therefore the proposal does not comply with policy HAZNP3. No further consideration is against the remainder of clause B of policy HAZNP3 is required.
- 4.26 Nevertheless, noting that the requirements of policies HAZNP1 and HAZNP3 pull in different directions, the benefits of a highly energy efficient building is not considered to outweigh the harm arising from the adverse impacts on the character and appearance of the host property, site and area by reason of its cramped form and unsympathetic design. The proposed development does not represent an acceptable compromise to the character area.
- 4.27 The development does not reflect local design policies and guidance. The proposed development to infill the gap beside an existing dwelling is not outstanding or innovative design, nor would it raise the standard of design more generally in the area. The proposal does not have full regard to the Wycombe District Housing Intensification Supplementary Planning Document and the Wycombe District Residential Design Guide and represents an example of town cramming and overdevelopment in an urban area of Hazlemere.
- 4.28 In conclusion, the development proposal by reason of its scale, layout, form and design would result in an incongruous built form that would fail to respect the grain and density of development and preserve the character of its immediate surroundings. To infill the gap between two existing semi-detached houses with a new house that subsumes the plot, would create a cramped and overcrowded environment that would be unduly detrimental to the street scene of Roberts Ride. To permit the development in its current form would be contrary to Policy HAZNP1 & and HAZNP3 of the Hazlemere Neighbourhood Plan 2023 – 2033 (January 2024) & Policy CP9, DM35, DM32 of the adopted Wycombe District Local Plan (2019), adopted Residential Design Guide (2017), Housing intensification supplementary document (2011) and the National Planning Policy Framework (2023).
- 4.29 The harm identified in terms of the proposals impact on the character and appearance of the host property, site and area carries significant weight against the proposed development.

Amenity of existing and future residents

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

- 4.30 The proposed dwellings would provide an acceptable level of accommodation that would meet minimum nationally described space standards. Although relatively small, each dwelling would also have an area of private amenity space associated with the dwelling. Whilst narrower than other gardens in the road is considered sufficient for the future occupiers of the dwelling.
- 4.31 The depth of the new house would be similar to that of the buildings adjacent. The proposed dwelling would not extend significantly beyond the rear elevation of the existing dwelling. Mindful of these factors, it is considered that the development is unlikely to cause significant overshadowing and overbearing impacts upon its immediate neighbours.

- 4.32 Boundary treatment to create the new garden area would mitigate against any adverse overlooking by additional ground floor openings. First floor rear elevation windows would have oblique angles of view towards adjoining sites immediate rear garden amenity spaces. No adverse overlooking is therefore considered to arise from the proposed development.
- 4.33 To proposal is therefore considered to comply with Policies DM35 and DM40 of the adopted Wycombe District Local Plan, the adopted Residential Design Guide (2017) and aims of the National Planning Policy Framework.

Environmental issues

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), CP12 (Climate Change), DM20 (Matters to be determined in accordance with the NPPF), DM33 (Managing Carbon Emissions: Transport and Energy Generation).

Hazlemere Neighbourhood Plan 2023-2033 (Jan 2024): Policy HAZNP2 (Protecting and Improving Green Infrastructure), Policy HAZNP3 (Delivering Zero Carbon Buildings), Policy HAZNP4 (Promoting Sustainable Transport).

- 4.34 Policy HAZNP4 of the neighbourhood plan requires that all parking spaces in a new development will have access to an EV charging point as part of the proposal. The adopted Air Quality SPD also requires the provision of on-site EV charging for all minor developments. A condition should be imposed to secure the provision of one charging point. The proposed plans show an Ev charging point would be provided.

Flooding and drainage

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

- 4.35 The site is in flood zone 1 and is not at risk from flooding from other sources (including ground water and surface water). The proposed development intends to extend up to the boundaries of its respective plot and therefore could leave to displacement of water onto adjacent sites. To satisfy Policy DM39 and the aims of the NPPF paragraph 173, proposals should demonstrate that there is a satisfactory solution to dealing with surface water disposal to ensure that the development would not increase the risk of flooding from surface water run-off, either on the site itself, or elsewhere. A condition could therefore be required to secure the provision of a SuDS scheme.

Ecology, green network and infrastructure

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)

Hazlemere Neighbourhood Plan 2023-2033 (Jan 2024): Policy HAZNP2 (Protecting and Improving Green Infrastructure), Policy HAZNP3 (Delivering Zero Carbon Buildings), Policy HAZNP4 (Promoting Sustainable Transport).

Biodiversity Net Gain SPD

- 4.36 The proposed development would replace the flat roof garage at the side of the existing dwelling. Given the site is not in or near an ecologically sensitive area nor is it of significant biodiversity value, the impact resulting from this development considered to be low.
- 4.37 Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was

beforehand. The requirement under the Environment Act 2021 for all minor development in England (with a few exemptions) to deliver at least 10% biodiversity net gain applies to applications submitted from 2nd April 2024. An exemption that the government has included under this mandatory requirement are self-build development (on sites below 9 dwellings and 0.5ha site area).

- 4.38 However, for ongoing applications submitted before the commencement date for the BNG legislation, local policy on BNG still applies. This application was submitted on 06.02.2024, therefore local planning policies relating to BNG remain applicable.
- 4.39 During the above mentioned transition period, the development proposals need to demonstrate measurable gains in biodiversity in accordance with the National Planning Policy Framework (NPPF) and relevant Local Planning policies including 'Policy HAZNP2 – Protecting and Improving Green Infrastructure' of the Hazlemere Neighbourhood Plan 2023 – 2033 (January 2024) & Policy DM34 - Delivering Green Infrastructure And Biodiversity In Development' of the Wycombe District Local Plan (adopted August 2019).
- 4.40 Policy DM34 requires all proposals to deliver a measurable net gain in biodiversity. The SPD sets out that this will normally be demonstrated through the submission of a recognized biodiversity metric. No metric has been submitted with the application.
- 4.41 Neighbourhood planning policy HAZNP2 sets out that “proposals will be required to deliver a 10% biodiversity net gain”.
- 4.42 In the opinion of the Local Planning Authority, this proposal fails to demonstrate how a 10% net gain in biodiversity could be achieved. The applicant suggests that this does not apply as the supporting text refers to addressing biodiversity loss on green field sites. It is noted that land in built up areas, such as residential gardens, is excluded from the definition of previously developed land in the NPPF and that part of this site is residential garden.
- 4.43 Given this uncertainty as to whether it would be possible to achieve the required biodiversity net gain it would not be appropriate to defer consideration of this matter to a planning condition. As such, this proposal is contrary to Policy HAZNP2 of the Hazlemere Neighbourhood Plan 2023 – 2033 (January 2024) and Policy DM34 of the adopted Wycombe District Local Plan (2019), the Council's adopted Biodiversity Net Gain SPD (2022) and Section 15 of the National Planning Policy Framework (2023).
- 4.44 Concern has been raised by the Council's arboriculturist that the proposed development is to be sited within close proximity to existing trees with TPO status attached. No Arboricultural Impact Assessment (AIA) or tree protection plan has been submitted and the proposal has failed to demonstrate that it would not harm these trees and result in a significant loss of visual amenity. The AIA would the relevant root protection area, whether there would be encroachment into that area, the impact of any such encroachment and whether this could be mitigated, for example by use of particular construction methods.
- 4.45 As such, this proposal conflicts with the Adopted (Wycombe) Local Plan (August 2019) Policies DM34 (Delivering Green Infrastructure and Biodiversity in development), CP9 (sense of place), DM35 (Placemaking and Design Quality) and Adopted Delivery and Site Allocations Plan Policy DM13 (Conservation and enhancements of sites, habitats and species of biodiversity and geodiversity importance). Without an Arboricultural Impact Assessment and Method Statement, the Local Planning Authority is unable to

establish whether the development could be carried out in a manner that does not prejudice the long-term viability of these trees.

- 4.46 In summary, there is a concern about the impact this development might have on the trees nearby and ecology implications.

Building sustainability

Wycombe District Local Plan (August 2019): CP12 (Climate Change), DM41 (Optional Technical Standards for Building Regulations Approval)

Hazlemere Neighbourhood Plan 2023-2033 (Jan 2024): Policy HAZNP1 (Delivering Homes for First Time Buyers & Downsizers), Policy HAZNP2 (Protecting and Improving Green Infrastructure), Policy HAZNP3 (Delivering Zero Carbon Buildings), Policy HAZNP4 (Promoting Sustainable Transport).

- 4.47 Were the development otherwise acceptable it would be necessary to condition water efficiency in accordance with Policy DM41. It is also necessary to condition the scheme to meet Part M4(2) of the Building Regulations (accessible and adaptable dwellings).
- 4.48 Policy CP12 promotes mitigation and adaptation to climate change and supports the integration of renewable technologies into residential and commercial developments of all sizes. Policy DM33 also requires the integration of renewable technologies into developments. In this instance measures such as solar panels or air source heat pumps could be provided and these can be secured by way of an appropriately worded condition. As shown on the proposed drawings the applicant intends to provide solar panels.
- 4.49 Policy HAZNP3 is in four parts – the supporting text say that the combination of these parts “is intended to incentivise a step change in the energy performance of all new developments in the Parish”.
- 4.50 Part A requires all development to be “‘zero carbon ready by design’ to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing, and landscaping. Proposals should also consider the efficient use of resources at the earliest design stage and should prioritise wherever possible the refurbishment and reuse of existing buildings as part of the scheme to capture their embodied carbon.”
- 4.51 Part B support construction of new houses to “a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m²/year”. Where a scheme can show its potential to meet this standard, development which differs in character to surrounding development may be supported. Supporting paragraph 5.21 sets out that where the Passivhaus standard or equivalent is proposed then applicants must be able to demonstrate that it can be achieved.
- 4.52 Part C imposes a requirement for development not proposed for PassivHaus or equivalent standard to be tested to ensure there will be no energy performance gap using a Post Occupation Evaluation Report. The Report must be secured by a planning condition. Where the Report identifies an energy performance gap and makes recommendations for reasonable corrective action, the applicant must demonstrate that those actions have been implemented before the condition will be discharged.
- 4.53 Part D requires “all planning applications for development (except householder applications to be accompanied by a Whole Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions taken to reduce embodied

carbon resulting from the construction and carbon emissions resulting from the use of the building over its entire life.”

- 4.54 The applicant states that the proposed dwelling would be constructed as a PassivHaus eco home intended to produce zero carbon emissions in operation. However, although this is stated as the intention, and some details as to the potential construction method have been given, this application is unsubstantiated in this respect to demonstrate the development would meet with a space heating demand of less than 15KWh/m²/year. Accordingly, it is not possible to conclude that the scheme would be able to provide Passivhaus standard or equivalent.
- 4.55 Nor has a “Whole Life-Cycle Carbon Emission Assessment” been submitted with the application. The supporting statement refers to the potential to re-use the existing garage foundations and use construction methods to avoid pouring of deep concrete foundations, and an intention to re-claim bricks from the garage. However the level of information provided does not fulfil the requirements of part D, nor demonstrate that the proposal is “zero carbon ready”.
- 4.56 It is noted that in a recent appeal case, ref. 20/07388/FUL, the Inspector did not consider it appropriate to leave provision of renewable technologies such as heat pumps to condition due to uncertainty over their location and impacts in terms of noise and vibration on the amenity of nearby occupiers.
- 4.57 In this instance insufficient information has been submitted to demonstrate that the proposal meet the requirements of Policy HAZNP3 to address carbon emissions and climate change. The proposal would therefore not accord with Policy HAZNP3 of the Hazlemere Neighbourhood Plan 2023 – 2033 (January 2024) and policy CP12 and DM33 of the adopted Wycombe District Local Plan (2019) and Section 14 of the National Planning Policy Framework (2023).
- 4.58 If the applicant were to demonstrate the proposal could meet Passivhaus standard or equivalent and the development was otherwise acceptable conditions would be required securing ‘preconstruction compliance checks’ completed by a Passivhaus Designer accredited by the Passive House Institute (PHI) & upon completion a Quality Approved Passivhaus certificate for the building prior to occupation. This is according to policy HAZNP3.

Infrastructure and Developer Contributions

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

DSA: DM19 (Infrastructure and delivery)

- 4.59 Self-build dwelling is a type of development where CIL would be exempt. It is considered that there would not be other types of infrastructure that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

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 The Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. On this occasion the proposal is in conflict with multiple policies contained in the development plan. The material considerations identified in this report as well as those in the application documents do not outweigh the significant harm caused by the conflicts with the relevant policies. As such, this application is recommended for refusal.
- 5.4 The proposal, if permitted, would make a positive contribution to the supply of housing for the Wycombe Area and it is acknowledged that the additional dwelling would attract short term financial benefits from its construction and long-term benefits such as potential commerce arising from future occupants of the dwelling in the local area.
- 5.5 Nonetheless, the Wycombe area does have an up to date local plan, has a spatial strategy for housing and can demonstrate a 5 year housing land supply so that the presumption in favour of sustainable development, contained in paragraph 11(d) of the National Planning Policy Framework is not engaged.
- 5.6 The addition of one dwelling to the Wycombe area, whilst a benefit, would only attract limited weight in favour of the development due to the small quantum of development being proposed.
- 5.7 The proposal is required to be considered against the development plan as a whole. The benefits of a highly energy efficient building is not considered to outweigh the harm arising from the adverse impacts on the character and appearance of the host property, site and area by reason of town cramming and overdevelopment.
- 5.8 The proposal would be detrimental to design & character, TPO trees and fails to demonstrate biodiversity net gain. Insufficient information has been provided in respect of energy efficiency and construction to demonstrate compliance with Policy HAZNP3. Although development may have the ability to deliver a highly energy efficient building this has not been conclusively demonstrated. In any event, this potential benefit would not outweigh the multiple conflicts with policies set out within the neighbourhood and local plan. The benefits of the scheme do not outweigh its adverse impacts. Thus, the proposal is recommended for refusal.
- 5.9 In line with the Public Sector Equality Duty, the LPA must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in Section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief sex, and sexual orientation). In this instance, it is not considered that this proposal would disadvantage any sector or society to a harmful extent.

5.10 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 on the proposed 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 paragraph 38 of the NPPF (2023) 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 case, the applicant has been informed both verbally and in writing about the issues identified in this report.

6.4 The applicant had submitted revised drawings, removing additional parking to seek to remove highway and tree officer objections to the proposal. The plan was accepted and highways officer and tree officers were re-consulted. Whilst highways officers objections were rescinded, tree officer objections to the proposal due to potential impact on TPO trees to the front of the site remain. The applicant has also submitted additional written information contesting the reasons provided as to why the development is not being recommended for approval.

6.5 The application was therefore recommended for refusal.

7.0 Recommendation

7.1 It is recommended that planning permission be **REFUSED** for the following reasons:

1. The development proposal by reason of its scale, layout, form and design would result in an incongruous built form that would fail to respect the character and appearance of the existing dwelling, the grain and density of development and preserve the character of its immediate surroundings. To infill the gap between two existing semi-detached houses with a new house that subsumes the plot, would create a cramped and overcrowded environment that would be unduly detrimental to the street scene of Roberts Ride. To permit the development in its current form would be contrary to Policies HAZNP1 (Delivery of Homes for First Time Buyers and Downsizers) and HAZNP3 (Delivering Zero Carbon Buildings) of the Hazlemere Neighbourhood Plan 2023 – 2033 (January 2024) & Policies CP9 (Sense of Place), DM35 (Placemaking and Design Quality) and DM32 (Landscape Character and Settlement Patterns) of the adopted Wycombe District Local Plan (2019), the adopted Residential Design Guide SPD (2017), Housing Intensification Supplementary Planning Document (2011) and the National Planning Policy Framework (2023).
2. The applicant intends the proposed dwelling to be a PassivHaus eco home intended to produce zero carbon emissions in operation. However insufficient information has been provided to demonstrate that the development has the potential to meet with a space heating demand of less than 15KWh/m²/year, that the development is “zero carbon ready by design” or to demonstrate actions taken to reduce

embodied carbon resulting from the construction and carbon emissions resulting from the use of the building over its entire life. Accordingly the proposal would not comply with Policy HAZNP3 (Delivering Zero Carbon Buildings) of the Hazlemere Neighbourhood Plan 2023 – 2033 (August 2023) and Policies CP12 (Climate Change) and DM33 (Managing Carbon Emissions, Transport and Energy Generation) of the adopted Wycombe District Local Plan (2019) and Section 14 of the National Planning Policy Framework (2023).

3. The development proposal is within close proximity to trees protected by a Tree Preservation Order which are located at the front of the property which is tightly spaced. In the absence of an Arboricultural Impact Assessment and Method Statement the Local Planning Authority is not satisfied that the development could be carried out without causing an adverse impact on the long-term viability of these trees. To permit the development in its current form would therefore give rise to a material conflict with Policy DM14 (Biodiversity in development) of the adopted Delivery and Site Allocation Plan (2013), Policies DM34 (Delivering Green Infrastructure and Biodiversity in Development), CP9 (Sense of Place) and DM35 (Placemaking and Design Quality) of the adopted Wycombe District Local Plan (2019), Policy HAZNP2 (Protecting and Improving Green Infrastructure) of the Hazlemere Neighbourhood Plan 2023-2033 (January 2024) and the aims of the National Planning Policy Framework (2023).
4. In the opinion of the Local Planning Authority, this proposal fails to demonstrate how a net gain in biodiversity could be achieved. As such, this proposal is contrary to Policy HAZNP2 (Protecting and Improving Green Infrastructure) of the Hazlemere Neighbourhood Plan 2023 – 2033 (January 2024) and policy DM34 (Delivering Green Infrastructure and Biodiversity in Development) of the adopted Wycombe District Local Plan (2019), the Council's adopted Biodiversity Net Gain SPD (2022) and Section 15 of the National Planning Policy Framework (2023).

APPENDIX A: Consultation Responses and Representations

Councillor Comments

No comments received from the relevant ward councillors.

Parish/Town Council Comments

The chair invited the member of public to speak briefly to his application.

It was noted by the committee that this application took full consideration of national, local and Neighbourhood Plans and should be applauded for its innovative redevelopment of a previously unused garage into an affordable eco home.

There were concerns raised over parking with a shared and potentially cramped driveway and if the application would encourage unwelcome additional street parking. Mr Gemmell confirmed it was the Highways solution for the 3rd parking space to be on the road and not onsite. Potentially if a third space was required for off street parking, then a solution would be available but this would impact on the Neighbourhood Plan Policy HPZNP2 due to the loss of front garden.

The Council generally support this application – it is well researched and takes full consideration of the Neighbourhood Plan and its an innovative approach.

Consultation Responses

Highway Authority

Following receipt of amended parking layout plan the highways commented on 16.04.2024:

The Highway Authority has previously commented on this application proposal, dated 13th March 2024. The comments from this Authority ultimately objected to the application based upon inadequate space within the site for manoeuvring of vehicles clear of the highway. Specifically, this related to the most western parking space, as it was considered that an unrealistic manoeuvre was required around the tree to access it, meaning the site could only accommodate 2(no) spaces, with the third space being subsequently displaced onto the highway. However, further consideration was given to the submission of additional information including an updated parking survey, which demonstrated that there is a plethora of safe on-street parking availability. Therefore, it was stated that if amended plans were submitted to demonstrate the removal of the western parking space, then the Highway Authority would raise no objections to the proposal and to the displacement of a single parking space onto the public highway.

Having assessed the amended plan, it demonstrates 2(no) parking spaces to the front of the dwelling, served by the existing vehicular access. These spaces have adequate dimensions in line with the requirements set out within the Buckinghamshire Countywide Parking Guidance policy document, and I am satisfied that vehicles can practically use these spaces via the existing dropped kerb.

With regard to the displacement of the remaining parking space, as mentioned in previous comments, whilst parking around the junction is not ideal and is more of a matter for enforcement, the parking survey demonstrates that safe parking is available within the site's vicinity. Therefore, upon further consideration, and in light of the additional information submitted by the applicant, I raise no objection to the displacement of 1(no) parking space onto the public highway in this instance.

Mindful of the above, I do not have any objections to this application pertaining to highway issues subject to the following condition:

Condition: The scheme for parking 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.

Informative Points:

It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

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.

Arboricultural Service

Initial comments made on 08.03.2024:

Cannot support in its current form.

Having viewed the available plans, photos and statements we in the tree team find that we cannot support the application in its current form. Two trees covered by a preservation order front the property giving high amenity for the area. Nowhere in the submitted plans does it mention the trees and how they may be/are to be protected before and during the build. Given the proximity of the trees to the proposed build we would need to see via an Arboricultural impact Assessment that the trees are to be protected and that no harm will come to them.

Following receipt of amended parking layout plan the arboricultural service commented on 16.04.2024:

As per our discussion we in the tree team would still question the proposed application viability in relation to protected trees. We would like to see an AIA with AMS and TPP before we could comment. Not only are we concerned with construction work within RPAs, but the relatively tight spacing creating future pressures on the trees should another dwelling be added.

Environmental Health

No objections

Representations

No representations were received at the time of writing this report.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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