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App No : 18/06360/FUL App Type : FUL

Application for : Erection of a detached two storey 4-bed dwelling, detached garden/log store and creation of new access with gates following demolition of four existing outbuildings

At Land Between Silvergate and The Dairy, Downley Common, Downley, Buckinghamshire

Date Received : 24/05/18 Applicant : Maitland-Smith Holdings Ltd

Target date for 19/07/18
decision:

1. **Summary**

- 1.1. Full planning permission is sought for the erection of a two storey, four bedroom detached dwelling on a site located to the south of Downley Common, between Silvergate and The Dairy.
- 1.2. There is no objection to the principle of additional residential development within this existing residential area. The size, siting and design of the proposed dwelling is considered to be acceptable within the Downley Common Conservation Area and the Chilterns Area of Outstanding Natural Beauty. Furthermore, no loss of amenity will occur to the neighbouring residents. However, the proposed means of access to the application site is substandard. Although some improvements will be made to visibility, these measures are not considered to be sufficient to justify the intensification of a substandard access.
- 1.3. It is considered that this proposal fails to accord with the policies of the Development Plan and therefore is recommended for refusal.

2. **The Application**

- 2.1. Planning permission is sought for the erection of a two storey, four bedroom dwelling on a site located to the south of Downley Common, between Silvergate and The Dairy. The surrounding area is residential in character, with open common land beyond. It forms part of the Downley Common Conservation Area and the Chilterns Area of Outstanding Natural Beauty.
- 2.2. The application site is approximately 0.07 hectares in size and is currently part of the garden of Bramblings, the dwelling attached to Silvergate. Four single storey structures currently occupy the site, including a wooden garage, two small wooden garden sheds and a greenhouse. However, each of these structures are barely visible from outside the site, which has become overgrown over the years. The boundaries to the north and east are screened by mature hedges and a large Norway spruce is situated close to the eastern boundary. A group of small fruit trees are located to the rear of the site and a large Horse Chestnut tree is located just outside the south west corner of the site.
- 2.3. The proposed dwelling has been amended in terms of its size and design since first submitted and now comprises a two a storey structure with a width of 8.5 metres and a depth of 9.4 metres. The structure has a double pitched roof with side gable features and a maximum ridge height of 8.4 metres. Internally, the property would comprise a lounge, kitchen/dining/family room, a study, W.C and utility on the ground floor with four bedrooms and a family bathroom on the first floor. A detached garden structure and log store is proposed to the south east of the new property, adjacent to the eastern boundary of the site.

- 2.4. A new vehicular access to the site is to be formed off the existing access lane, in the north eastern corner of the site. In addition, improvements are proposed to the access lane itself, including widening of the first 10 metres of the access track from Plomer Green Lane, to provide a radius of 4.5 metres on the north side of the junction and a carriageway width of 4.8 metres. Furthermore, the existing informal passing space opposite Downley Lodge would be formalised providing a passing space with a width of 4.8 metres over a 9 metre length.
- 2.5. The application is accompanied by:
- a) Design and Access Statement
 - b) Transport Statement
 - c) Suds assessment
 - d) Arboricultural Survey and Tree Protection Plan
- 2.6. Amended plans have been received which show alterations to the design and appearance of the proposed dwelling, together with a reduction in its size.

3. Working with the applicant/agent

- 3.1. In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) 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. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- In this instance, the applicant/agent was updated of any issues after the initial site visit. Amended plans have been received which overcame some of the objections raised, however issues regarding highway safety could not be resolved. The applicant/agent was advised that how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters and provided the opportunity to amend the application or provide further justification in support of it.

4. Relevant Planning History

17/06199/FUL	Erection of a detached two storey 4-bed dwelling with detached garage and creation of new access with gates following demolition of four existing outbuildings.	REF 23.08.2017
17/08077/FUL	Erection of a detached two storey 4-bed dwelling with detached garage and creation of new access with gates following demolition of four existing outbuildings.	WDN 05.04.2018

5. Issues and Policy considerations

Principle and Location of Development

ALP: H8 (Appropriate Development Densities), H9 (Creating Balanced Communities) and Appendix 1.

CSDPD: CS1 (Overarching principles - sustainable development), CS2 (Main principles for location of development), CS12 (Housing provision)

DSA: DM1 (Presumption in favour of sustainable development),

New Local Plan (Submission Version): CP1 (Sustainable Development), CP3 (Settlement Strategy)

- 5.1. The site is situated within an established residential area where there is no objection to the principle of further residential development, providing that development satisfies other development plan policies and maintains the established character of the area.

Transport matters and parking

ALP: T2 (On – site parking and servicing), T4 (Pedestrian movement and provision), T5 and T6 (Cycling), T7 (Public transport), T8 (Buses), T12 (Taxis), T13 (Traffic management and calming), T15 (park and ride), T16 (Green travel)

CSDPD: CS16 (Transport), CS21 (Contribution of development to community infrastructure)

DSA: DM2 (Transport requirements of development sites)

New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.2. Vehicular access to the application site is to be provided via the existing private, unmade access track on the adjacent to the southern side of Downley Common. The application proposes to undertake improvements to the width of the access track across the first 10 metres and to formalise one of two existing passing spaces between Plomer Green Lane and the application site. The applicants have stated that the proposed improvements will increase the visibility splay onto Plomer Green Lane and improve vehicular movements in the lane itself.
- 5.3. However, after reviewing all the submitted evidence, the County Highway Authority have objected to this proposal. It is considered that the visibility is substandard at the point where the proposed access meets the publically maintained highway. This will lead to danger and inconvenience to people using the access and to highways in general. Furthermore, the proposed access to the publically maintained highway is considered to be substandard in width, which again will result in a loss of highway safety and an inconvenience to other road users.
- 5.4. The County Highways Authority have been made aware of the applicant's Transport Statement and have taken into account the proposed improvements to the access lane and the junction with Plomer Green Lane. However, these improvements are not considered to be sufficient to ensure that highway safety and the convenience of other road users would not be adversely affected.

Impact of this proposal on the character of the surrounding Downley Conservation Area and the Chilterns area of Outstanding Natural Beauty. Raising the quality of place making and design

ALP: G3 (General design policy), G7 (Development in relation to topography), G8 (Detailed Design Guidance and Local Amenity), G10 (Landscaping), G11 (Trees), G26 (Designing for safer communities), L1 (The Chilterns Area of Outstanding Natural Beauty); HE6 (Developments in Conservation Areas), Appendix 1

CSDPD: CS17 (Environmental Assets), CS19 (Raising the quality of place shaping and design)

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development) Housing intensification SPD

New Local Plan (Submission Version): CP9 (Sense of place), CP11 (Historic Environment), DM30 (The Chilterns Area of Outstanding Natural Beauty), DM31 (Development Affecting the Historic Environment), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

- 5.5. The application site is situated on the edge of Downley Common. The essential character of the area arises from the long views across the common, which is lined with typically Victorian, artisan cottages on the main road, and which provide an attractive backdrop. Properties are generally arranged in small groups of historic vernacular cottages and 1930's houses that have evolved incrementally over time amongst woodland and alongside the informal tracks. Hedges, boundary vegetation and traditional materials contribute to the rural character. The area has a general informality and rural/semi-rural ambiance where the spaces between the buildings and the vegetation they contain are as significant to the wider character of the area as the buildings. The Downley Village Design Statement notes the "wonderful views" obtained in all directions from the common.
- 5.6. The application site comprises a small, wedge shaped piece of garden land on the

edge of the established residential area. The existing vegetation across the site, including the hedging along its northern boundary with the access lane, has become overgrown over time. This vegetation effectively screens most of the site from view, particularly from the common.

- 5.7. The amended plans show that the proposed dwelling has been reduced in size from the original submission. The new structure would be sited approximately 1.5 metres behind the existing front building line with Silvergate and would maintain a minimum gap of 2 metres to the shared side boundary. The scale of the proposed dwelling, although slightly larger, is comparable with that of Silvergate, in terms of its width, depth and height and therefore sits comfortably in this attractive street scene.
- 5.8. The submitted details show that some loss of planting, including a mature Norway spruce, will occur. This will render the new development to be more visible, particularly when viewed from across the Common. However, the applicants have confirmed that the majority of the existing mature hedging and landscape features around the boundaries of the site would be retained. In addition, it is proposed to plant a semi-mature tree in place of the existing Norway spruce. The Council's arboriculturist considers that there are a variety of trees which could provide sufficient amenity value to compensate for the loss of the Spruce. The applicant has confirmed that they are willing to re-plant any species that the Council considers to be appropriate. Therefore, this matter can be dealt with by way of a planning condition in the event that planning permission is granted.
- 5.9. It is also considered that there is scope for additional planting to take place. The retention and enhancement of the existing vegetation will help to partially screen the new development from the street scene and the adjacent common land. Given the provision of natural vegetation, together with the reduced size and simplified design of the structure, it is considered that this proposal would not have a significant effect upon the long views from the Common, sufficient to warrant the refusal of planning permission.
- 5.10. With regard to the surrounding Downley Common Conservation Area, the Local Planning Authority has a duty to ensure that any development preserves or enhances its special character. New development is required to respect the character of the area and respond to the immediate environment, particularly in terms of scale, density, form, materials and detailing. The Council's Conservation Officer has reviewed the amended plans and considers that the design of the new dwelling is much improved and now reflects the simplicity of the adjacent cottages in the Conservation Area. However, the extent of the hardstanding and the proposed front entrance gates could still have an impact on the character of this sensitive location. Therefore, all details regarding the external appearance of the dwelling should be subject to a planning condition requiring their prior submission, together with a detailed landscaping and planting scheme.
- 5.11. Concern has been raised regarding the status of the access road and whether or not it forms part of the Common itself. This matter remains unclear, however, a map produced by Natural England and displayed on the Bucks County Council website indicates that the access road is not a part of the Common.

Amenity of existing and future residents

ALP: G8 (Detailed design guidance and local amenity), H19 (Residents amenity space and gardens) Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

Housing intensification SPD

New Local Plan (Submission Version): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

- 5.12. The neighbouring properties surrounding the application site are Downley Lodge, Bramblings and Silvergate to the west with a commercial car repair unit (within the

Old Dairy) and the residential properties of The Bungalow and Erasmus to the east.

- 5.13. Given their distance from the proposed dwelling it is considered that this proposal will have no adverse effect upon the residential amenities at Downley Lodge and Bramblings. With regard to Erasmus House, the amended plans show that a distance in excess of 25 metres will be maintained between facing elevations, thereby ensuring that no undue loss of privacy, outlook or light.
- 5.14. The residential property at The Bungalow is the closest to the application site and is set at a lower level. However, the proposed dwelling will be sited some 7 metres to the north-west of the adjacent property. Given this distance, it is considered that the dwelling itself will have no adverse effect upon the levels of light to The Bungalow. The submitted plans do show that a new garden building/log store will be erected between 1 and 2 metres from the shared boundary fence, however this new structure will replace an existing single storey structure which lies against the shared boundary line. It is therefore considered that the proposed garden/log store will have no greater effect on the amenities of The Bungalow than exist at present.
- 5.15. The residential property at Silvergate is situated immediately to the west and alongside of the application site. It has its front door and a number of flank, habitable room windows facing towards the application site. The latest details from the planning register, dated in 1983, show that the habitable rooms in Silvergate are also lit by additional glazing on its northern and southern elevations. The amended plans show that the proposed dwelling will be sited in excess of 9 metres from the western elevation of Silvergate and will extend 1 metre beyond its rear elevation at first floor level (3 metres at ground floor level). Given the juxtaposition between the properties, it is considered that the proposed dwelling will not result in any significant loss of light or outlook to warrant the refusal of planning permission. In terms of privacy: only small bathroom windows will be sited in the first floor side elevations of the new property. A ground floor habitable room window is proposed on the western elevation, facing Silvergate. However, the presence of a boundary treatment between the properties will prevent any loss of privacy.
- 5.16. In terms of amenity for future occupiers, the proposal provides for an acceptable level of amenity for future occupants, both in terms of internal space standards and private external amenity space. There will be an element of overlooking from the first floor windows in Silvergate, but no more than could be expected in an urban location.

Flooding and drainage

CSDPD: CS1 (Overarching principles - sustainable development), CS18 (Waste, natural resources and pollution)

DSA: DM17 (Planning for flood risk management)

New Local Plan (Submission Version): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 5.17. The application site does not lie within a flood risk zone level 2 or 3.
- 5.18. Following a change in government policy, Local Planning Authorities are now required to take into account the effect of a development upon the risk of flooding and surface water drainage. To this end, applicants are now required to provide sustainable drainage and surface water management plans.
- 5.19. The applicant has submitted a sustainable drainage scheme, together with details from an infiltration test, in support of this application. Buckinghamshire County Council, as Lead Local Flood Authority, has raised no objection to this proposal, subject to the submission of a further detailed scheme in the event that planning permission is granted for this proposal.

Ecology

CSDPD: CS17 (Environmental assets)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity)

and geodiversity importance), DM14 (Biodiversity in development)
New Local Plan (Submission Version): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 5.20. The application is supported by a Wildlife Checklist. The site lies adjacent to and is approximately 3% within a Biological Notification Site (in this instance Grassland at Downley, High Wycombe. This designation relates to the adjoining common land.
- 5.21. The issue of ecology has been reviewed under previous applications, where it was concluded that as the site has been used as garden land, historically, it is unlikely that it would be ecologically valuable. However, the site does contain a number of trees, including fruit trees and mature hedges. It is possible that nesting birds and foraging bats are attracted to such vegetation. Therefore, in the event that planning permission is granted, the applicant should be made aware of the statutory obligations regarding the protection of wildlife and a condition should be imposed to prevent the felling of trees within the nesting season.
- 5.22. With regard to the impact of this proposal on the natural environment of the Common, natural England have raised no objection.

Building sustainability

CSDPD: CS18 (Waste, natural resources and pollution)
DSA: DM18 (Carbon reduction and water efficiency)
New Local Plan (Submission Version): DM41 (Optional Technical Standards for Building Regulations Approval)

- 5.23. Following the Adoption of the Delivery and Site Allocations Plan (July 2013) and in particular policy DM18 (Carbon Reduction and Water Efficiency) it would have previously been necessary to impose a condition to secure the required 15% reduction in carbon emissions as well as reducing future demand for water associated with the proposed dwelling. However, this was superseded in October 2016 by ministerial policy to transfer the issue to Building Regulations. It is only considered necessary to condition water efficiency.

Infrastructure and Developer Contributions

CSDPD: CS21 (Contribution of development to community infrastructure)
DSA: DM19 (Infrastructure and delivery)
BCSNP: Policy 13 (Connecting the Parish)
New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth)

- 5.24. The development is a type of development where CIL would be chargeable. This will be calculated separately should permission be forthcoming.

Weighing and balancing of issues – overall assessment

- 5.25. 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.
- 5.26. 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 (in this case, CIL)
 - (c) Any other material considerations

5.27. As set out above it is considered that the proposed development would conflict with a number of development plan policies and the benefits of the proposal are not considered to outweigh this.

Recommendation: Application Refused

- 1 The proposed development would result in an intensification of use of an existing access at a point where visibility is substandard and would lead to a danger and inconvenience to people using it and to highway users in general. As such the development is contrary to Policy CS20 (Transport and Infrastructure) of the Wycombe Development framework Core Strategy (adopted July 2008) and Policy DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the New Local Plan (submission version) March 2018.
- 2 The proposed means of access to the site is inadequate by reason of its width to serve the proposed development with safety and convenience. The development is therefore contrary to the advice contained in the National Planning Policy Framework; Policy CS20 (Transport and Infrastructure) of the Wycombe Development Framework Core Strategy (adopted July 2008) and Policy DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the New Local Plan (submission version) March 2018.