

---

## Appeal Decision

Site visit made on 2nd October 2019

**by David Murray BA (Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 October 2019**

---

**Appeal Ref: APP/K0425/W/19/3233054**

**2 Beechwood Drive, Marlow, SL7 2DJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by H&H Elite Developments Ltd against Wycombe District Council.
  - The application Ref. 19/05678/FUL, is dated 14 March 2019.
  - The development proposed is the demolition of the existing dwelling and the erection of two pairs of semi-detached dwellings with associated landscaping, car parking and creation of two new accesses from Beechwood Drive.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and the erection of two pairs of semi-detached dwellings with associated landscaping, car parking and creation of two new accesses from Beechwood Drive, at 2 Beechwood Drive, Marlow, SL7 2DJ, in accordance with application Ref. 19/05678/FUL, dated 14 March 2019, and the plans submitted with it, as amended in April 2019, and subject to the conditions set out in the attached schedule.

### Preliminary matters

2. I have used the description of the development as drafted by the Council as it is more comprehensive and better covers the proposal shown on the submitted plans than that put forward on the application form.
3. Amended plans were submitted to the Council in late April 2019 during the consideration of the application. I have had regard to these plans.

### Main Issue

4. The main issue is the effect of the proposed two pairs of semi-detached houses on the character of the area.

### Reasons

#### *Background*

5. The appeal site lies on the western edge of Marlow and on the corner of Henley Road (A4155) and Beechwood Drive. The latter is a short cul-de-sac serving mainly detached residential properties of varied design in large gardens. The land generally slopes north-to south and this residential area has a verdant appearance. The appeal site contains a large chalet bungalow which occupies much of the frontage and the rear garden facing Henley Road is screened by

shrubs and trees which are the subject of a preservation order (TPO). It is proposed to demolish the chalet bungalow and erect two pairs of semi-detached houses. These would have a two storey form to Beechwood Drive but because of the slope of the land, the elevation facing south would have three storeys plus accommodation in the roof space.

6. I note that previously the Council granted planning permission in 2017 for redevelopment of the site with two dwellings under 17/08390/FUL (now referred to as the permitted scheme). The appellant also refers to a permission granted for the redevelopment of No.6 with two dwellings with crown roofs (07/07782/FUL).

#### *Policy context*

7. The development plan includes the Council's Delivery and site Allocations Plan (2013) (DSAP) and a new Local Plan adopted in August 2019. The 'Housing Intensification' Supplementary Planning Document 2005 (SPD) is also a material consideration although its provisions predate and are not wholly consistent with the relevant development plan policies and the National Planning Policy Framework (NPPF) and this limits the weight that can be given to it.

#### *Effect on character and appearance.*

8. In considering this issue the Council has made it clear that it does not object to the overall appearance of the bulk of the dwellings proposed as this is similar to the permitted scheme. The critical question is whether the form of the four 'semis' (two pairs) would be materially different to the permitted two detached properties and the established character of the area.
9. The Council submits that the residential units proposed would have a relatively narrow plot size individually, ranging from 9m to 13m compared to what the Council describes as an average plot width of 38m and the permitted scheme shows plot widths of about 22m. However, while this mathematical approach can give a general indication of the form of a development, in this case I do not consider that it reasonably reflects the physical character associated with the existing development. The present chalet bungalow occupies most of the width of this extensive site which has a mostly open frontage and an extensive parking area on a slope/ramp leading down to the subterranean garage. The bulk of the building, sloping forecourt arrangement and its chalet bungalow design give rise to a visually imposing building in the street scene. I find that it does not make a positive visual contribution to the character of the area.
10. When viewed from Beechwood Drive the current proposal would have a reduced bulk of building form compared to the existing structure, as shown on the street scene elevation drawing PT/1561/6, with almost road level parking and manoeuvring space set behind an enclosing wall and landscaped belt along the frontage. The overall design of the two buildings proposed would be more characteristic of the other properties in the cul-de-sac. Even with the additional access point to Beechwood Drive now proposed I do not consider that the narrower plot widths involving four properties would be materially discernible from the public realm of the street scene. Neither has it been demonstrated that the residential activity involved with four properties would be substantially different to the present arrangement, the permitted scheme or the other properties nearby.

11. Overall, I am satisfied that the proposal would at least maintain the character of the area and would probably enhance it compared with the present situation. In practice the development proposed would appear little different to the scheme already approved by the Council.
12. I have also had regard to the provisions of Policy CP9 which seeks to ensure that along with improving the character and quality of an area, development proposals should optimise the development of previously developed land (as per criterion 4) and optimise the density of development to make the best use of land while respecting the distinctive character of the area (criterion 5). I find that there is broad accord with the relevant requirements of this policy. Moreover, the proposal accords with Policy DM35 as the development proposed would improve the character of the area without being at odds with any of the other relevant design requirements set out in the policy to ensure place making and design quality in new development.

#### *Other matters*

13. Local residents also raise concern about potential congestion caused by the traffic generation from the development and query whether the proposal would have adequate off-road road parking provision. However, I note that the highway authority does not raise concerns about the details of the proposal. At my site visit I noted that Beechwood Drive has an adequate carriageway width and separate footways and that there is reasonable visibility at the junction with Henley Road. Further, each dwelling proposed would have adequate off-road parking and manoeuvring space. In short, there is no clear evidence before me to indicate that the proposal would be in conflict with highway safety or result in congestion in the cul-de-sac.

#### *Planning balance*

14. Bringing together my conclusions on the main issues and having regard to the nature of the redevelopment of the site already considered acceptable by the Council, I find that the revised scheme has an appropriate form. Although it would result in a more intensive use of the land, this would be achieved without harming the character and appearance of the area. More likely, it would improve what exists at present. I have found that the proposed scheme accords with the relevant policies in the development plan and this accord is not outweighed by any other consideration. I will therefore allow the appeal.

#### *Conditions*

15. In terms of conditions the Council recommends 16 which I will consider under the same numbering. No's 1 and 4 are reasonable and necessary to define the permission and to ensure that the development accords with the approved plans. Moreover, in order to fit in with the appearance of the area further details of external materials and finishes, together with landscaping of the site and boundary treatment, are necessary as per conditions 2, 3, 5 and 8. Condition 6 and 7 are necessary to ensure that the new landscaping is implemented and maintained and No. 16 is required to protect the existing trees during the construction period.
16. In order to protect the living conditions of neighbours, conditions 9 and 10 are reasonable and necessary to avoid overlooking and a loss of privacy. Further, conditions 12, 13 and 14 are reasonable and necessary in the interest of

highway safety and I will impose them. Finally, in order to prevent flooding or pollution it is reasonable to impose condition 11 to ensure that the drainage scheme is implemented. Policy DM41 of the new Local Plan also deals with water use within sustainable development and I will impose condition 15 to ensure that this Technical Standard is met and there is efficient and effective use of water resources.

### **Conclusion**

17. For the reasons give above I conclude that the appeal should be allowed.

*David Murray*

INSPECTOR

### **Schedule of conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
3. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
4. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers: PT/1495/9; PT/1495/8; PT/1581/2/A; PT/1581/4/A; PT/1581/1/D; PT/1581/6/C; PT/1581/5/A; PT/1581/3/ and updated tree report unless otherwise agreed in writing by the Local Planning Authority.
5. A fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any development, above damp proof course, takes place. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
7. With the exception of any planting specifically shown to be removed in the landscaping scheme, no trees, shrubs or hedge shall be lopped, topped, felled or removed without the prior approval of the Local Planning Authority. If during construction of the development, or within a period of three years of its completion, any such tree, shrub, hedge dies or becomes damaged, destroyed, diseased or dangerous, it shall be replaced during the following planting season by another healthy, tree, shrub or hedge as the case may be of a similar size and species, unless otherwise approved in writing by the Local Planning Authority. Thereafter any such replacement planting shall be maintained or further replaced as necessary for three years after replacement.
8. Notwithstanding the details shown on drawing No. PT/1581/I Rev.D, details shall be submitted to and approved in writing by the Local Planning

Authority, before any development, above damp proof course takes place, of all boundary fencing, retaining walls and any other means of enclosure. The development shall thereafter be completed in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. The boundary fencing, retaining walls and any other means of enclosure which are part of the approved scheme shall thereafter be retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

9. No further windows, doors or openings of any kind shall be inserted in the flank elevations of the development hereby permitted without the prior, agreement of the Local Planning Authority.
10. Notwithstanding any other details shown on the plans hereby approved, the windows and any other glazing to be inserted at first floor level or above in the flank elevation the new dwellings shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. The windows shall thereafter be retained as such.
11. The development permitted by this planning permission shall be carried out in accordance with the approved Surface Water Drainage Strategy (SuDS Design Statement, dated 13.04.2019 by Robert Bray Associates).
12. No other part of the development shall be occupied until the new means of access to each respective dwelling hereby permitted have been sited and laid out in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013.
13. Within one month of the new access being brought into use, the existing access point not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.
14. 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.
15. The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard 110 litres per head per day.
16. The development shall take place in accordance with the Arboricultural Method Statement (AMS) and Tree Protection Plan submitted as part of the planning application, and any permitted works within the Construction Exclusion Zone and other works which are specified in the AMS will take place under the supervision of a retained arboricultural specialist. amenity value.