

Appeal by H & H Elite Development Ltd.

Against Wycombe District Council

For Non-Determination of

Application 19/05678/FUL

at

2 Beechwood Drive

Marlow

Bucks.

SL7 2DJ

Planning Inspectorate Ref: APP/K0425/W/19/3233054

Contact	Alexia Dodd	DDI No	01494 421462
App No	19/05678/FUL	App Type	Full Application
Application for	Demolition of the existing dwelling and the erection of two pairs of 4/5- bed semi-detached dwellings, with associated landscaping, car parking & creation of two new accesses from Beechwood Drive		
At	2 Beechwood Drive Marlow Buckinghamshire SL7 2DJ		
Date Received	20/03/19	Applicant	H & H Elite Developments Ltd

1. **Summary**

- 1.1. The proposed development, siting and layout represents an overdevelopment of the site. The proposal does not respect the existing grain of development within the location. Thus the proposal has a detrimental impact upon character and appearance of the area.
- 1.2. The proposal would conflict with the relevant Development Plan policies and is therefore recommended for refusal.

2. **The Application**

- 2.1. Planning permission is sought for the demolition of the existing dwelling. Following this the proposal includes the erection of four dwellings. The average plot width would be about 10m.
- 2.2. There would be two pairs of 4/5-bed semi-detached dwellings, with associated landscaping, car parking and the creation of two new accesses from Beechwood Drive.
- 2.3. The proposed accommodation at each dwelling would be spread over four floors (lower ground floor, upper ground floor, first floor and loft accommodation).
- 2.4. On the lower ground floor there would be an open plan kitchen accessing the garden and a flexible room with en-suite. Formal reception rooms would occupy the upper ground floor, while the first floor and loft would be bedrooms and bathrooms.
- 2.5. This is an alternative scheme to 17/08390/FUL which granted permission for the erection of two detached dwellings. There is very little change to the physical mass and siting of the built form. However each of the approved detached dwellings would be divided into semis'. Thereby reducing the plot widths.
- 2.6. The former building on site to be demolished as part of the proposals is a fairly extensive chalet bungalow which spans the width of the plot, situated within a corner plot. It also has a lower ground floor. The site is set within a residential area surrounded by semi-detached and detached dwellings of mixed, but traditional appearance.

2.7. The existing plot width is about 48-50m.

2.8. Within the street the detached dwellings have an average plot width of 38m. While the more recently built pairs of detached dwelling replacing a single dwelling have an average plot width of 22m. This reflects the loose grain development within Beechwood Drive. Together with the spacious gaps between dwellings.



Front elevation of site



Rear elevation from Henley Road



*The Site

2.9. The site is covered by an Area TPO with trees within the side and rear boundary garden area of the site being protected.

- 2.10. The application is accompanied by the following
- Plans (as listed above)
 - Tree details and report
 - Planning statement
 - Wildlife Checklist
 - Sustainable Drainage Details

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.
- 3.2. The Agent was advised that the proposal was contrary to policy because it failed to respect the existing grain of development within Beechwood Drive. The proposal would have resulted in a cramped form of development within the street notwithstanding the granting of planning permission 17/08390/FUL.
- 3.3. The Agent did not agree with the LPA and it was decided that the application ought to be determined giving the Agent the opportunity to appeal the decision.
- 3.4. In late April 2019 amended plans were submitted by the Agent.
- 3.5. The Agents amendments included,
- setting the development down by 0.5m
 - increasing proposed planting to the front boundary and
 - reducing the overall area of hard-standing to the front of the development
- 3.6. The LPA did not seek amended plans. As the objection was one of principle due to the increased intensification of development upon the site it would have been unreasonable to seek amendments.

4. Relevant Planning History

2 Beechwood Drive

17/08390/FUL, Demolition of the existing dwelling and erection of 2x detached dwellings (1x 5-bed and 1x 6-bed) with accommodation in the roof space, integral garages and associated accesses – Approved

6 Beechwood Drive

07/077/82/FUL, Demolition of existing dwelling and erection of 2 no. detached 4-bed dwellings with associated parking and access – Approved

House on the Hill

02/06444/FUL, Demolition of existing house and gardeners cottage and erection of 2 no x 5 bed houses and garages - Approved

5. Issues and Policy considerations

Adopted Delivery & Site Allocation Plan (2013): DM1 (Presumption in Favour of Sustainable Development)

New Local Plan (2019): CP1 (Sustainable Development), CP4 (Delivering Homes), CP9 (Sense of Place), DM20 (Matters to be Determined in Accordance with the NPPF), DM33 (Managing Carbon Emissions), DM34 (Delivering Green Infrastructure & Biodiversity in Development), DM35 (Place-making & Design Quality), DM38 (Water Quality & Supply), DM39 (Managing Flood Risk & Sustainable Drainage Systems), DM40 (Internal Space Standards), DM41 (Optional Technical Standards for Building Regulation Approval)

Residential Design Guidance 2017

Housing Intensification SPD 2011

Buckinghamshire Countywide Parking Guidance 2015

Principle and Location of Development

- 5.1. All proposals are expected to achieve a high standard of design and layout that respects and reflects the local context so as to maintain and reinforce its distinctiveness. This includes respecting the particular character of a locality whilst achieving a high standard of residential amenity to meet various other criteria.
- 5.2. The site falls within an existing residential area and as a result the principle of further residential development is generally acceptable, providing development complies with other material planning considerations.

The impact of the proposal on the character and appearance of the area

- 5.3. Local Plan policy states

POLICY CP9 – SENSE OF PLACE

The Council will deliver a distinctive high quality sense of place within the District through:

- 1. Conserving the natural and historic environment and implementing measures for their enhancement;*
 - 2. Requiring 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;*
 - 3. Directing development to areas of lower environmental value;*
 - 4. Optimising the development of previously developed land;*
 - 5. Optimising the density of the development to make best use of the land whilst respecting the distinctive character of the area.*
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POLICY DM35 – PLACEMAKING AND DESIGN QUALITY

- 1. All development is required to improve the character of the area and the way it functions.*

2. Development is required to evidence a thorough and holistic understanding of the functions, qualities, and character of the proposed development's natural and built context and demonstrate a positive response to this context including how:

- a) Existing positive characteristics will be retained;*
- b) Opportunities for improvements and enhancements have been maximised;*
- c) A sequential approach has been taken to avoid, minimise and mitigate any harm.*

3. Development is required to:

- a) Create positive and attractive buildings and spaces;*
 - b) Take a comprehensive approach to site layout and design including adjacent sites where these are suitable for redevelopment;*
 - c) Provide a robust and legible structure of public realm and private spaces;*
 - d) Direct most activity to the public realm;*
 - e) Provide good surveillance of the public realm through layout and building design;*
 - f) Provide a level of privacy and amenity for future occupants appropriate to the proposed use;*
 - g) Prevent significant adverse impacts on the amenities of neighbouring land and property;*
 - h) Demonstrate attractive and high quality design, and appropriate character in the scale, form, layout and detailed design of buildings, and the structures and spaces around them;*
 - i) Demonstrate the efficient use of land through the scale and height of buildings.*
- 4. Where the scale of development in its context provides the opportunity to do so, development will also be required to provide a robust and legible network of connected green infrastructure, streets and other spaces which is integrated both within and beyond the site.*

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5. Streets and off-site highway improvements should be designed to strike an appropriate balance between all of the five principle functions of a street: place, movement, access, parking, and utilities.

- 5.4. Within the street the detached dwelling have an average plot width of 38m. While the more recently built pairs of detached dwellings replacing a single dwelling have an average plot width of 22m. This reflects the loose grain development within Beechwood Drive. Together with the spacious gaps between dwellings.
- 5.5. With regards to the layout of the site it would be divided into four plots comprising of two pairs of semi-detached dwellings. Each of the four plots would have an average width of about 10m. The widest being almost 13m, narrowing to 9m.
- 5.6. The introduction of the semi-detached dwelling into this street that is characterised by substantial detached family houses in very generous plot represents a significant intensification of land-use. The proposed pattern of development is contrary to the established grain of development within Beechwood Drive. The concept of the four

dwelling with their respective access onto the highway would lead to a visually cramped form of development on the sweeping corner with Hanley Road.

- 5.7. The Council recognised that in some locations intensification of housing along a frontage may be acceptable where this is in context with an area.
- 5.8. The Residential Design Guide explains that the character of an area not only defined by the appearance of buildings but it also comprises of settlement patterns, plot patterns and size. These identifiable element will give a street its own sense of place to a community.
- 5.9. Therefore new development must make a significant contribution by reinforcing the positive aspect of the existing character. To this end the introduction of the four dwelling with the intensification of the site at No.2 Beechwood Drive is contrary to the Local Plan and SPG.
- 5.6 The LPA does not object to the overall appearance of the built for of the dwelling because the basic design was found to be acceptable by virtue of application 17/08390/FUL.

Residential Amenity

Existing Residents

- 5.9 There are no habitable room openings above the upper ground floor within the flank elevations of the new dwellings. If the proposal had been acceptable it would have been reasonable to condition first floor and above flank facing windows to be obscurely glazed with top opening fan lights only.
- 5.10 In terms of the rear windows they would partially overlook the rear amenity areas of the neighbouring dwellings. This would be a conventional relationship and is similar to the existing situation. A degree of overlooking is unavoidable in any built-up urban area. As such, the relationship is acceptable and no undue loss of privacy would occur to the neighbouring dwellings.
- 5.11 The new dwellings would be set along the same building line as the existing dwelling at No. 2, but with the overall development being set centrally within the site, in line with the frontage of adjoining properties. The dwellings would not breach the Council's light angle guidance with regards to loss of light. However this is only a small part of the consideration of this proposal for four dwellings. Application must satisfy all relevant policies.
- 5.12 Consequently the development would not result in undue loss of light or outlook to the existing neighbouring dwellings. The proposal would not be detrimental to the amenities of the neighbouring properties by reason of being overbearing in appearance or resulting in a loss of light or outlook.
- 5.13 All other surrounding properties are considered to be of a sufficient distance from the proposal so that they will not suffer any material impact on their amenity from the proposal.

Future Occupiers

- 5.14 The four dwellings would be served by private areas immediately to the rear and this is considered to provide an acceptable level of amenity space.
- 5.15 There is also considered to be sufficient space within the site for the storage of refuse bins to the side of the new dwellings.
- 5.16 The four dwellings would provide a good level of light and ventilated internal amenity space for family dwellings.

Parking & highways

- 5.17 The site is located in Residential Parking Zone B; accordingly the dwellings would meet the required optimum parking provision. It is considered necessary to condition the layout of the parking to ensure that these areas are retained as such.
- 5.18 The County Highways Authority have reviewed the scheme and have confirmed that they do not have any objections to this application with regard to highway issues as visibility splays and access alterations are acceptable, subject to the specified conditions being to any consent granted.

Trees

- 5.19 With regard to trees, the Arboricultural Officer has reviewed the application and is familiar with the site. The Arboricultural Officer has advised that there are no objections to the proposal and is satisfied with the supporting arboricultural details that have been submitted. These could be conditioned.

Flooding and drainage

- 5.20 The site is located in Flood Zone 1, in an area which is not considered to be at risk of ground or surface water flooding.
- 5.21 The LLFA has not objected to the proposal subject to the Surface Water Drainage Strategy as submitted being conditioned.
- 5.22 Due to the age of the existing dwelling and the condition of the existing sewage pipes (broken by self seeding saplings) a new set of pipes to the main foul drains would be required.

Building sustainability

- 5.23 Building sustainability including carbon reduction is now covered by Part L of the Building Regulations. Had the proposal otherwise been considered acceptable, it would have been considered necessary to condition water efficiency in line with the requirements of Policy DM41.

Infrastructure and Developer Contributions

- 5.24 The Council has adopted a Community Infrastructure Levy which applies to new dwellings. This scheme would therefore be liable for CIL. No other infrastructure requirements have been identified that would not be addressed through CIL.

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.

Recommendation: Refusal

Reason for refusal

1. In the opinion of the Local Planning Authority, the proposed development, by reason of its siting, layout and intensification of land-use would have detrimental impact upon the consistent rhythm and spacious appearance of the area. The proposal would result in an intrinsically cramped form of development within a location of loose grained detached dwellings being contrary to the character and appearance of Beechwood Drive.

The proposal is therefore contrary to CP9 (Sense of Place), DM20 (Matters to be Determined in Accordance with the NPPF), DM35 (Place-making & Design Quality) together with the Residential Design Guidance 2017 and Housing Intensification SPD 2011.

APPENDIX A

Consultations and Notification Responses

Ward Councillor Preliminary Comments

None received

Parish/Town Council Comments/Internal and External Consultees

Marlow Town Council: No objection

Tree Officer: Submitted details are acceptable.

Environmental Health: No objection

County Highways: I am aware that a previous application for this site, proposing the demolition of the existing dwelling and erection of two in its place, was permitted. The current scheme however seeks to increase the site's residential capacity so that it accommodates four.

Along with the incorporated garage, the internal hardstanding for each dwelling should be able to provide the three parking spaces required for the featured level of habitable rooms per unit for a site within Zone B, as prescribed by the *Buckinghamshire Countywide Parking Guidance* policy document. In addition, each vehicular

In consideration that the Beechwood Drive/Henley Road junction can achieve the requisite visibility splays, and that each access point can do the same onto Beechwood Drive, I do not have any objections to this application with regard to highway issues subject conditions

Local Lead Flood Authority: The LLFA has no objection to the proposed development subject to the following condition listed below.

The applicant is proposing to manage surface water using infiltration in the form of permeable paving. Infiltration rate testing has been conducted to assess the viability of an infiltration based scheme and the proposed scheme has been sized to accommodate the 1 in 100 year storm event with a 40% climate change allowance.

We would request the following condition be placed on the approval of the application, should this be granted by the LPA:

The development permitted by this planning permission shall be carried out in accordance with the approved Surface Water Drainage Strategy (SuDS Design Statement, 13.04.2019, Robert Bray Associates).

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner.

Representations

7 residents have objected to the proposal. The objections have been summarised for this report

- Increased congestion on a narrow road
- Density of development is not in keeping with the location
- Insufficient car parking

The following are not materials considerations

Local problems with swage / foul water

This is to maximise profit only.

Inconsiderate parking by building trades

APPENDIX B

What the refusal would have said

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Informatives

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.

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The Agent did not agree with the LPA and it was decided that the application ought to be determined giving the Agent the opportunity to appeal the decision.

In late April 2019 amended plans were submitted by the Agent.

The Agents amendments included,

- setting the development down by 0.5m
- increasing proposed planting to the front boundary and
- reducing the overall area of hard-standing to the front of the development

The LPA did not seek amended plans. As the objection was one principle due to the increased intensification of development upon the site it would have been unreasonable to seek amendments.

APPENDIX C

Suggested conditions without prejudice

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 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.
Reason: To secure a satisfactory external appearance. This condition is reasonable as the application form states details to be submitted.
- 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.
Reason: To secure a satisfactory appearance. This condition is reasonable as the application form states details to be submitted.
- 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 the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 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.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 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.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

- 7 With the exception of any planting specifically shown to be removed in the landscaping scheme, no trees, shrub 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.
Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity.
- 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.
Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development.
- 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.
Reason: To safeguard the privacy of occupiers of the adjoining properties.
- 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.
Reason: In the interests of the amenity of neighbouring properties.
- 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).
Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner.
- 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.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

- 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.
Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.
- 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.
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.
- 15 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard 110 litres per head per day.
Reason: In the interests of water efficiency as required by Policy DM33 and DM41.
- 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.
Reason: To ensure that the retained trees, shrubs and hedgerows are not damaged during the construction process and in the long term interests of local amenity value.

INFORMATIVE(S)

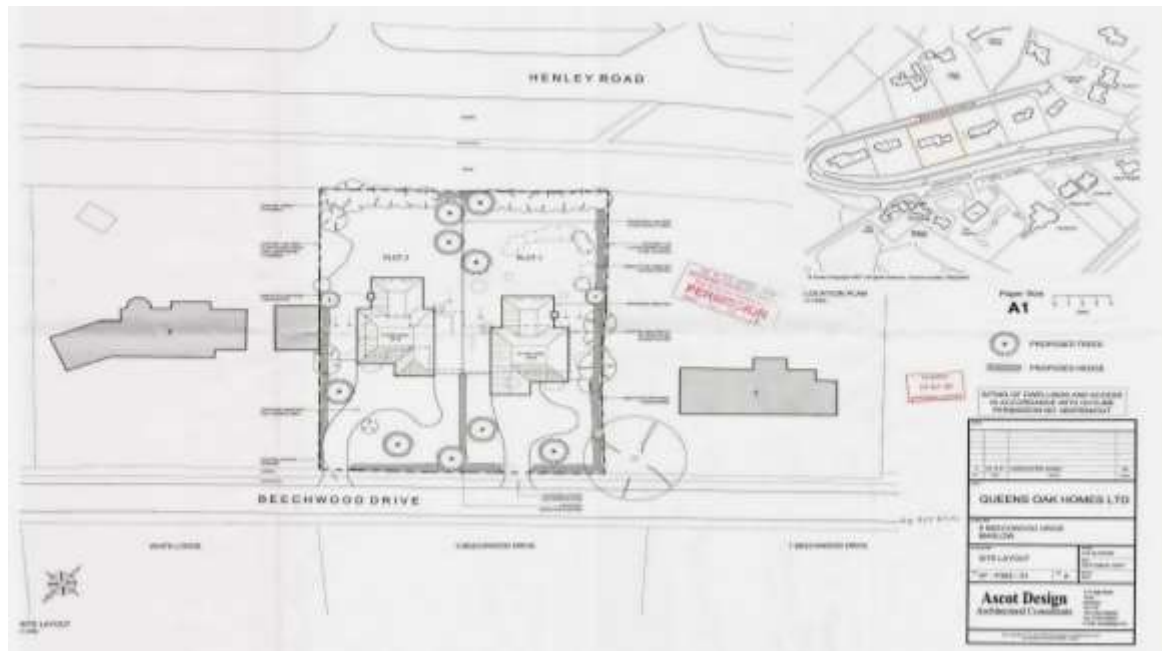
- 1 The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact Transport for Buckinghamshire at the following address for information.

Transport for Buckinghamshire (Streetworks)
10th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
01296 382416
- 2 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.
- 3 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.

APPENDIX D

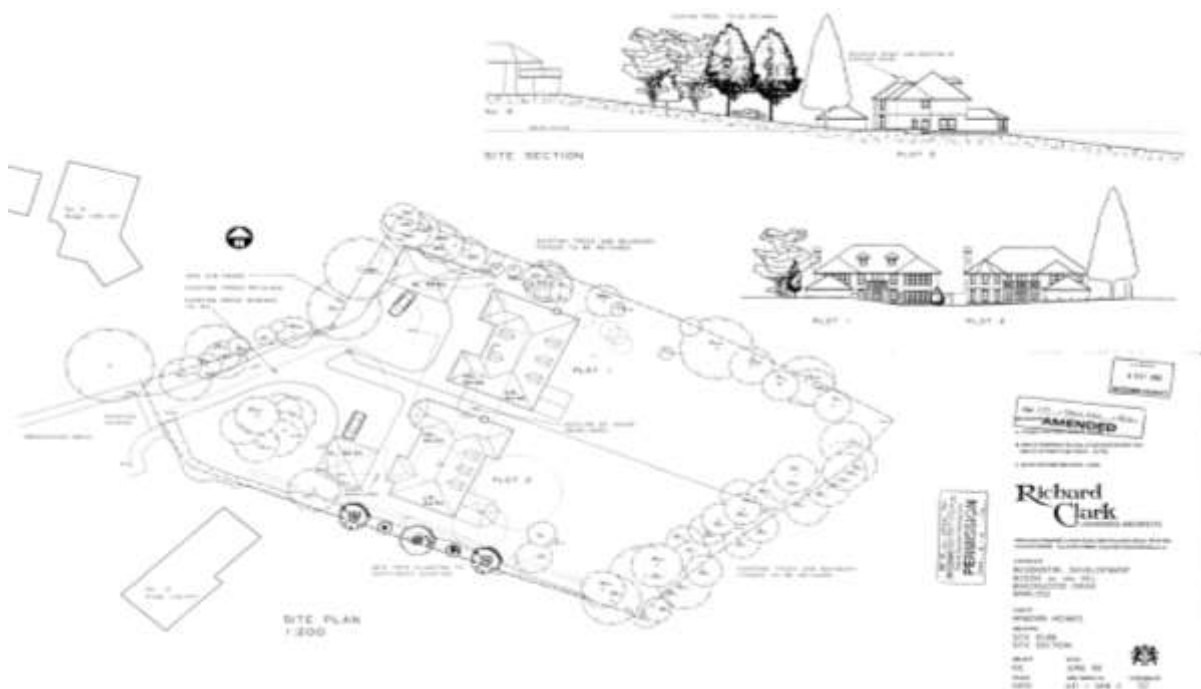
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