

## **Town and Country Planning Act 1990**

Land at No.4 Marston Road, Granborough,  
Winslow, Buckinghamshire, MK18 3NP

**Appeal against the decision of Aylesbury Vale District Council (AVDC) to refuse planning permission for a proposal to erect a detached 2-storey, 3-bedroom dwelling house, as an amendment to a previous approval under planning permission 12/01460/APP**

### **Appellant's Statement of Case**

PINS Appeal Ref: APP/J0405/A/13/2200698

AVDC Application Ref: APP/13/00101/F

---

Prepared by:  
Andrew Bateson

AB P&D Reference:  
ABB00010

Date: 21<sup>st</sup> August 2013

AB Planning & Development Ltd  
14 Raleigh Crescent  
Witney  
Oxfordshire  
OX28 5FD

**Tel & Fax** 01993 359457  
**Mob** 07720 979630  
**Email** [info@abplanninganddevelopment.co.uk](mailto:info@abplanninganddevelopment.co.uk)

---

# CONTENTS

---

1:	INTRODUCTION	1
2:	SITE LOCATION AND DESCRIPTION	2
3:	RELEVANT PLANNING HISTORY	5
4:	PLANNING POLICY CONTEXT	6
5:	THE APPEAL PROPOSAL	8
6:	PLANNING CONSIDERATIONS	11
7:	CONCLUSION	18

# 1: INTRODUCTION

---

- 1.1 AB Planning & Development Limited has been instructed by Jamie Baughan of JR Baughan Limited to present this appeal evidence in order to challenge the decision by Aylesbury Vale District Council (AVDC) to refuse planning permission for application 13/00961/APP, dated 4<sup>th</sup> June 2013 for the erection of a detached 2-storey, 3-bedroom dwelling house, as an amendment to a design for a slightly smaller dwelling, which was previously approved under planning permission 12/01460/APP, dated 17<sup>th</sup> September 2012.
- 1.2 The planning application was refused by AVDC on 4<sup>th</sup> June 2013 for two reasons:-
- “1. The proposal by virtue of its scale, design, bulk and massing and access and parking arrangements would result in a visually dominant built form which would fail to respect the historic scale and context of the setting. It would therefore have a detrimental impact upon the street scene and the setting of the neighbouring listed buildings, contrary to policies GP35 and RA13 of The Aylesbury Vale District Local Plan, the advice in the adopted Design Guide ‘New Houses in Towns and Villages’ and the advice in the National Planning Policy Framework; and
2. Had the above reason not applied, amended plans would have been sought to correct inconsistencies between the proposed elevation and floor plans”.
- 1.3 This appeal was subsequently lodged with The Planning Inspectorate on 25<sup>th</sup> June 2013 and given appeal reference number APP/J0405/A/13/2200698.
- 1.4 This Statement sets out the background to the Appeal and the relevant planning policy context within which it should be considered. The Statement then sets out the case for the Appellant in light of these policies and in the light of all other material considerations.

## 2: SITE LOCATION AND DESCRIPTION

---

- 2.1 The No.4 Marston Road, Granborough appeal site covers a total area of about 989m<sup>2</sup> (0.0989 hectares or 0.244 acres) with the infill plot comprising about half of the site). The overall site measures about 23m wide and 46m deep. The site lies immediately southeast of modern detached properties fronting Church Street and No.2 Marston Road. No.4 Marston Road (which is a Sixteenth Century Grade II listed building) lies immediately northwest of semi-detached modern properties (Nos.6 & 8 Marston Road) fronting the west side of Marston Road. Opposite the site, some 16m to the northeast, is the Twelfth Century Grade II\* listed St John the Baptist's Church.
- 2.2 The Marston Road appeal site and the surrounding streets of Green End, Church Lane and Winslow Road, which are immediately to the north, lie in the heart of Granborough village, opposite the Parish Church. With the exception of the Church and Village Hall, all the rest of the neighbouring properties are residential. The Church, Nos.2 and 4 Marston Road and Nos. 3 and 5 opposite, plus No.1 Green End are all listed buildings (all bar the Church are grade II listed).
- 2.3 The Village Hall lies just 38m northwest, at the cross-road junction of Winslow Road with Church Lane, Marston Road and Green End. Bus stops are located outside the Church and Village Hall, which provide hourly services during peak daytime periods to Aylesbury to the south and Winslow and Buckingham to the north.
- 2.4 The site rises very gradually from front to back. The street level outside the site is at 111.580m AOD. This immediately rises to 111.936m AOD across the 1m wide verge to the front boundary fence. Across the almost 3m wide front garden, the land rises very gently to 112.139m AOD, with the existing cottage ground floor slab at 112.25m AOD. At the back of the cottage, about 10m from the front, the ground level has risen to 112.860m AOD. The gravel driveway to the northern side of the cottage (which forms the location of the proposed infill plot) rises on a similar basis.
- 2.5 At the back of the listed cottage and the proposed rear elevation of the new infill dwelling, the ground level steps up to 113.165m AOD on a narrow patio and then steps up again to 113.279m AOD at the garden edge. The garden extends back for a further 33 metres and rises, in its centre, to a maximum height of 113.379m AOD. This represents a total rise from the front boundary fence to the centre of the rear garden, over a distance of approximately 34 metres of 1.343m at an average 1:25 gradient.

- 2.6 The site boundaries are defined for the most part by substantial mature hedgerows interspersed by trees. A large fir tree at the front and another birch tree in the centre of the site were removed in 2011 but that still leaves very many others. The fir tree was removed due its close proximity to the existing listed cottage and the fact that its roots were causing some structural damage to the corner of the eastern gable end wall. There is a small gap in the boundary screening with No.2, behind a small detached wooden garage, which is to be demolished. That gap would be filled by new hedge planting and there would be some other further landscape planting on the plot, which could be controlled by condition. Given the close proximity of the existing cottage to the southern boundary edge, the front portion of the side boundary between No.4 and the neighbouring property No.6 is only defined by a low close boarded fence but there is no substantive overlooking because the neighbouring property is set well back; some 14m from the roadside, 10m behind the cottage and at a slab level almost 1m higher than the cottage.
- 2.7 The existing cottage is sited gable-end on to Marston Road and occupies just the extreme southeast corner of the plot, which leaves just over 16m between the northern side wall of the cottage and the boundary edge with No.2. The existing cottage has a frontage width of 6.7m and a maximum depth of 11.2m (although this would be extended as and when either of the two previously approved rear extensions are implemented as part of the overall restoration of the property). It has a 51° roof pitch and a ridge height of 6.44m. The cottage has a thatched roof, which became dilapidated and was covered by corrugated metal sheeting in the late 1950's. This sheet metal covering extends over the thatched lean-to side extension that extends along the full length of the south-eastern side elevation and incorporates the front entrance porch, a downstairs bathroom, a very narrow sub-standard kitchen and a rear lobby.
- 2.8 As part of the agreed restoration and extension works for the listed cottage, the sheet metal covering would be removed, the existing thatch would be renovated and a top-coat of new thatching would be added, with natural slates used on the roof of the approved rear extensions. The structural wall cracks in the northern corner of the cottage, which were caused by the roots of a fir tree that has since been felled, would also be repaired. At the same time, all the 1950's metal Crittall windows in the cottage would be replaced with small-pane timber casement windows, which would match the few remaining original windows. Also, the ground floor bathroom is to be relocated upstairs into a small rear extension, which would be accessed from an enlarged landing corridor created by a new partition wall through the rear bedroom.

- 2.9 Apart from the tall stone Church opposite, all the other surrounding properties are two storey residential dwellings. No.4 is untypically sited gable-end on to the road, whereas all the other properties are sited side on.
- 2.10 Nos.2 and 4 Marston Road, together with 1 Green End and the Village Hall at the junction of Winslow Road and Church Lane all feature white painted render and/or white painted brick walls, whilst Nos. 3, 5, 6 and 8 Marston Road all feature red or buff coloured brick walls. Roofs all tend to be steep, at between 45° – 60° pitch but there is no consistency of materials with thatch, clay tiles, traditional slates and concrete slates all used in the immediate area.
- 2.11 Access to the appeal would continue to be via an existing driveway off Marston Road, which has previously been approved as a suitable shared access and driveway parking area for both the existing cottage and a new infill dwelling.
- 2.12 Insofar as public transport accessibility is concerned, regular bus services travel along Marston Road/Winslow Road through the village serving Aylesbury to the south and Winslow and Buckingham to the north. Services in a southerly direction towards Aylesbury stop right outside the site, on the opposite side of Marston Road, beside the Church. Services to the north stop outside the Village Hall, about 40m north of the site at the cross-road junction of Winslow Road and Marston Road with Church Lane and Green End. The No.60 service frequency to Aylesbury, Winslow and Buckingham is hourly or better during peak periods and provides 15 weekday connections from before 7am right through to after 7pm, with 13 hourly service connections on Saturday and 2 peak period connections on Sundays.

### **3: RELEVANT PLANNING HISTORY**

---

- 3.1 On 12<sup>th</sup> June 2012, planning permission was refused (under AVDC application Ref: 11/02809/APP) for the erection of a new infill dwelling on the plot. That application proposed a larger dwelling than is currently proposed, with a rear projecting wing that would have extended 7.3m, over a width of 4.7m from the back of a proposed 8m long and 4.6m deep frontage element. The Council determined that whilst the proposed scale, design and material finish of the frontage element would have been acceptable, in its opinion, the scale, massing and depth of the proposed rear wing would have been unacceptable because it was deemed to have been likely to have caused detriment to the historic setting of the retained Grade II listed cottage. Officers and Committee members agreed, however, that a revised application for a new dwelling with a reduced scale rear projection of 4.5m width and depth, with a lower eaves and ridge height to the frontage element, would be acceptable
- 3.2 Therefore, a revised application was submitted to AVDC and on 17<sup>th</sup> September 2012 permission was granted (under planning permission Ref: 12/01460/APP) for the erection of a small detached 2-storey, 3-bedroom dwelling house.
- 3.3 The appeal proposal involves a slight modification and enlargement to the design of that previously approved but it would still be significantly smaller than that previously refused consent under application reference 11/02809/APP.

## 4: PLANNING POLICY CONTEXT

---

### Development Plan Policy

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that any planning application shall be determined in accordance with the Development Plan, it consisting of:-
- The Development Plan Documents (taken as a whole) which have been adopted or approved in relation to that area.
- 4.2 The Development Plan for this appeal site in Granborough consists of the Aylesbury Vale District Local Plan (2004). Relevant saved policies contained within that Plan are policies GP.8, GP.35, GP.38 and RA.13, although the Council's refusal reason only made specific reference to GP.35 and RA.13. Given its considerable age, the weight that can be attached to its remaining saved policies is reduced. After 7<sup>th</sup> September 2007, its policies actually became redundant except for those specifically temporarily saved by the Secretary of State pending the production of a new replacement Plan.
- 4.3 Policy GP.8 relates to the protection of residential amenities. Despite the contentions made by the neighbouring occupier at No.2 Marston Road, neither the Local Planning Authority nor the local Parish Council considered the appeal proposals detrimental to the residential amenities enjoyed by that property. Policy GP.35 relates to design and states: "*The design of new development proposals should respect and complement: a) the physical characteristics of the site and the surroundings; b) the building tradition, ordering, form and materials of the locality; c) the historic scale and context of the setting; d) the natural qualities and features of the area; and e) the effect on important public views and skylines*". Policy GP.38 relates to landscaping – the appeal proposals would retain all existing trees and boundary hedgerows and the intention is to supplement the boundary screening; so there would be no conflict with that policy. Policy RA.13 relates to Development Within Settlements Listed at Appendix 4, which includes Granborough. It states: "*Within the built-up areas of settlements listed in Appendix 4 of the Plan residential development will be restricted to small-scale areas of land. Subject to other policies of the Plan, permission will only be granted for residential or mixed-use development comprising: a) infilling of small gaps in developed frontages with one or two dwellings in keeping with the scale and spacing of nearby dwellings and the character of the surroundings; and b) up to five dwellings on a site not exceeding 0.2ha that consolidates existing settlement patterns without harming important settlement characteristics, and does not comprise the*
-



*partial development of a larger site. Such development should use land efficiently and safeguard existing employment uses and significant open spaces and buildings. In Buckingham, Wendover, Haddenham and Winslow larger schemes may be permitted'.*

- 4.4 A replacement Core Strategy for a new Vale of Aylesbury Plan, which will ultimately replace the District Local Plan has only just (12<sup>th</sup> August 2013) been submitted to the Secretary of State for an Examination in Public. In the absence of any such public examination, the weight that could be attached to any of the policies are barely significant. In the meantime, therefore, we are left with just the elderly saved polices in the District Local Plan.
- 4.5 The saved policies in the District Local Plan that relate to new housing proposals in rural villages such as Granborough were formulated more than ten years ago. As a consequence, and having regard to the advice in paragraph 215 of the National Planning Policy Framework (NPPF), less than full weight should be given to policies such as RA.13 and GP.35. That said, it remains the Development Plan for the time being and these are the policies against which the appeal proposal needs to be considered, as well as those of the NPPF.

### **Strategic Planning Policy Guidance**

#### **National Planning Policy Framework**

- 4.6 The National Planning Policy Framework (NPPF) was adopted by Government in March 2012. It sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- 4.7 In accordance with NPPF Government advice, the appeal proposal would represent an opportunity for urban regeneration within a sustainable village location and the proposed plot subdivision would represent a more efficient use of previously developed land.
- 4.8 The proposed scale, form and design of the proposed appeal dwelling would not be substantively different from that already approved on the plot and in my professional opinion the differences proposed would not be so significant as to represent a substantive harm to the setting of either of the neighbouring listed buildings (the Church and the cottage).

## 5: THE APPEAL PROPOSALS

---

- 5.1 As indicated in the original application documentation and in the initial appeal submission, this application was submitted to Aylesbury Vale District Council as an amendment to an earlier approval of planning permission, which remains extant and which was for a slightly smaller dwelling on the plot (AVDC planning application reference 12/01460/APP).
- 5.2 The existing approval would enable a small, three-bedroom, two-storey detached infill dwelling to be constructed on the side garden and driveway, immediately to the north of the Grade II listed cottage on the site. It would be 'L'-shaped and be located directly opposite the Grade II\* listed parish church of St John the Baptist and between Nos. 2 and 4 Marston Road. The approved dwelling would be sited 6.19m from the northern side wall of the existing cottage and set back 5.4 from the roadside and 4.23m back from the front boundary hedge. A driveway would extend between the two properties, to a large parking area set back approximately 19m from the road and there would be a shared driveway turning area located both immediately in front of (approvals 12/00945/APP, 11/02810/ALB & 13/01085/ALB) or behind the approved new dwelling (12/01460/APP).
- 5.3 The approved new dwelling would be almost 8.1m wide facing towards Marston Road and the church and have a depth of 4.6m. The approved eaves and ridge heights for the new dwelling were agreed at 3.2m and 6.25m, respectively. To the rear, a 4.5m deep and 4.5m wide projection would extend back towards the back garden. It would have slightly lower eaves and ridge heights, of 2.9m and 5.7m respectively. The approved dwelling would be constructed with white painted brick and rendered walls, consistent with those on the properties either side and have plain clay tiles on the 51 degree roof pitches, which would echo the tiles used on No.2 Green Lane and Nos. 3 and 5 Marston Road. The approved dwelling would feature two bedroom dormer windows on the front roof pitch facing the road and one on the main rear roof pitch, plus another on the rear projection, facing towards the existing listed cottage on the plot. The approved infill dwelling would also feature a plain flat-roofed canopy roof projection over the centrally located front entrance door and a small chimney at the northern gable end.
- 5.4 In contrast, the proposed new dwelling that is the subject of the LPAs recent refusal and this subsequent appeal had many similarities but a number of differences in its suggested design approach.

- 5.5 The similarities were that it was still proposed to erect a small three-bedroom, two-storey, detached infill dwelling on the plot; the new dwelling would still be located 6.19m away from the northern side wall of the retained listed cottage on the site between Nos. 2 and 4 Marston Road; it would still be located directly opposite the parish church; the existing driveway access onto Marston Road would still be retained as the shared point of access for both dwellings; the main frontage element would still have a depth of 4.6m; a driveway would still extend between the existing and proposed dwellings with parking and turning area set back and to the front; and the infill dwelling would still feature white painted brick and render walls and plain clay tile roofs, with bedroom dormer window to front, back and side.
- 5.6 The differences between the approved and refused designs would be that the building would be set back 7.8m from the road frontage; the width of the main frontage element would increase to 9.1m; the eaves and ridge heights on the frontage element would be 4.26m and 6.9m, respectively; the eaves and ridge heights on the rear projection would be 4.25 and 6.9m, respectively; the rear projection would be 4.5m wide and 5.05m deep; the roof pitches would now be 47 and 48degrees; the porch canopy over the entrance door would have a pitched roof; there would be no chimney; there would be a third dormer window facing the road frontage; there would be a small lean-to projection at the rear, at the back of the kitchen, which would extend back 2m; and the car parking for the infill dwelling would be to the front, with the parking for No.4 located on its northern side. One final difference was that the floor slab was proposed to be lowered 0.23m, so that the ridge height would match that of the listed cottage.
- 5.7 The consequential differences between the two designs are therefore:
- The new dwelling would be set 2.4m further back in the plot;
  - The floor slab would be lowered from 112.25m AOD down to 112.02m AOD;
  - The main frontage element would be 1m wider and therefore set 0.7m rather than 1.7m off the common side boundary with the neighbouring property No.2 Marston Road;
  - With the change in slab levels, the eaves height of the main frontage element would be 1.073m higher;
  - With the change in slab levels, the ridge height of the main element would be 0.423m higher;
  - The eaves height of the rear projection would be 1.377m taller;
  - The ridge height of the rear projection would be 0.958m taller;
  - The rear projection would be 0.55m deeper but separated an extra 0.729m from the adjacent listed cottage;

- There would be an additional 2.05m deep lean-to projection on the back of the kitchen;
- The roof pitches would be 3 or 4 degrees shallower, at 47° and 48° rather than 51°;
- There would be one additional dormer window, serving a landing, facing forward towards Marston Road;
- The entrance porch canopy would have a pitched rather than a flat roof;
- There would be no chimney;
- As drawn, the windows were shown to be plain single casements rather than small six-pane casements, although the Design and Access Statement referred to the windows matching with those in the adjacent listed cottage [that inconsistency could be controlled by condition]; and
- The shared parking driveway area would be in front of the proposed infill dwelling and set back to the side of the existing retained cottage rather than either all or partially being set back to the rear.

5.8 These assorted differences are all shown on the accompanying comparative block plan (200-01), the elevation plans (400-01 – 400-04), the perspective plan (600-01) and the photomontage plans (700-01 & 700-02) which are all attached as appendices to this statement.

5.9 The rationale for these various design differences were explained by the appellant's architect in the Design and Access Statement that accompanied the planning application. It is still the applicant's/appellant's intention to construct a small 3-bed infill cottage development, which in our opinion would complement its heritage setting in the heart of Granborough village and provide funding to facilitate the approved alternative restoration and extension designs for the listed cottage alongside.

## 6: PLANNING CONSIDERATIONS

---

- 6.1 The planning considerations, and as such the case for the Appellant, will focus upon the two reasons for refusal specified by the LPA, as set out at paragraph 1.2, above.
- 6.2 The proposed design amendments would enable a more viable dwelling to be constructed, which would provide far more usable space at first floor than the currently highly constrained layout of the approved design (Ref: 12/01460/APP). Given the very low eaves heights in the approved dwelling design, the available internal floor space at first floor is reduced from a maximum potential of 46.641m<sup>2</sup> down to a usable area with 2m headroom of just 27.025m<sup>2</sup>, which is less than 58% of the total floor area.
- 6.3 In contrast, the revised design, with slightly higher eaves and ridge heights would enable 44.475m<sup>2</sup> of the total available 53.127m<sup>2</sup> floorspace at first floor (84%) to be used. That would represent a 17.45m<sup>2</sup> (64%) increase in usable floorspace within the bedrooms, bathroom and landing, which would make the property an attractive one to sell and thereby render the entire scheme of restoration and extension of the listed cottage plus a small infill dwelling alongside a viable development.
- 6.4 Contrary to the contentions of the Local Planning Authority, one immediate neighbour and the Parish Council, such increases in usable floorspace could be achieved without any substantive change in the appearance of the proposed infill dwelling and certainly, in our humble opinion, without any significant detriment to the heritage importance of either of the adjacent listed buildings.
- 6.5 By siting the dwelling further back in the plot, it would reduce slightly the impact upon the heritage setting of both the Grade II\* listed church of St John the Baptist opposite and the Grade II listed cottage immediately to the south. Views along the southern approach from North Marston would be unchanged; with the proposed new dwelling still totally obscured from view by virtue of the size and siting of the existing listed cottage. Views of the proposed infill dwelling from the northern approach, at the junction of Marston Road with Church Road and Green Lane would be slightly reduced, as a greater proportion of the dwelling would be screened by both the neighbouring cottage No.2 Marston Road and by the retained boundary trees and hedgerow along the common boundary between Nos.2 and 4. Oblique angle views southwest from the junction of Green Lane and the glimpse views afforded of the front of the site directly in front of the church would barely change; with a less than 0.5m increase in ridge height and only a 1m increase in the proposed width of the dwelling.
-

- 6.6 The new comparative plans that have been provided as an accompaniment to this appeal submission, demonstrate how subtle and insignificant these changes would be and how minimal the setting of the two nearby listed buildings would be affected by these various slight changes from what has previously been approved.
- 6.7 In our considered opinion, the previously approved extensions to the rear of the retained listed cottage on the site, whilst still generally acceptable would have potentially more of an impact upon the heritage setting of the cottage than would any of the slight differences now proposed in the design of the infill dwelling alongside. When viewed from any public vantage at the front of the site, the changes in scale, bulk and massing would be barely noticeable. When viewed directly in the private views afforded from the listed cottage towards the side of the proposed dwelling, the new dwelling would extend back a further 2.95m but that would be virtually offset by it being set back 2.4m further from the roadside.
- 6.8 The rear projection would admittedly have a ridge height almost 1m higher than the previously approved design and have an eaves height almost 1.4m higher, but as that element would all be set back behind the main frontage wing, its impact would not be significant, as it would not be visible in the street scene.
- 6.9 With regard to parking and manoeuvring, the Council's stance appears quite baffling. The area to the front of the infill plot and alongside the listed cottage is already a large gravelled driveway parking area alongside the listed cottage. The various approved plans all provide for the retention of much of that area as a maintained parking and manoeuvring area and the appeal proposals would still make use of largely these same areas for the same purposes. In such circumstances, we fail to comprehend how the latest proposals could significantly alter the situation and could cause demonstrably more visual dominance to the detriment of the heritage setting of either the retained listed cottage on the site or the listed church, on the opposite side of Marston Road.
- 6.10 The appellant has spent more than two years attempting to negotiate with the Council a viable form of infill development on this site that would enable the restoration and significant enhancement of what until now been badly neglected heritage asset. Unfortunately and despite all available evidence to the contrary, the Council's Historic Building's Officer (HBO) has maintained a personal belief that the listed cottage on the site has far greater heritage importance than it actually has. She has repeatedly sought to thwart all attempts to secure a small infill dwelling alongside the cottage.

6.11 Although consent was finally secured for a very small infill dwelling on the plot, with reluctant acquiescence on the part of the HBO, the constraints imposed by the Council on the size of that dwelling were such as to effectively render the scheme unviable. The appellant therefore proposed this very slight amendment in design and has continued to attempt to satisfy the HBO's numerous concerns so as to ensure the ultimate repair and restoration of the listed cottage. Unfortunately and despite the best endeavours on the part of the appellant and all the professional parties he has employed on the case, he is still being held up by the HBO in implementing any restoration works because she is still refusing to discharge the various pre-commencement conditions of approval and consent. All the relevant background information is attached to this submission.

***Reason for refusal 1:***

6.12 This first reason for refusal states:

"1. The proposal by virtue of its scale, design, bulk and massing and access and parking arrangements would result in a visually dominant built form which would fail to respect the historic scale and context of the setting. It would therefore have a detrimental impact upon the street scene and the setting of the neighbouring listed buildings, contrary to policies GP35 and RA13 of The Aylesbury Vale District Local Plan, the advice in the adopted Design Guide 'New Houses in Towns and Villages' and the advice in the National Planning Policy Framework."

6.13 The appeal site is already established residential curtilage within the heart of the village and already has consent for the erection of one detached dwelling house. By virtue of that existing consent, the LPA acknowledge the acceptability of the subdivision of the plot to make more efficient use of previously developed residential land in the heart of the village. Therefore, it is merely a case of judging whether the slight design alterations proposed in the appeal application differ so substantially from those in the previous extant consent such as would warrant a refusal.

6.14 The scale of the frontage element facing onto Marston Road has been varied by virtue of an increased width away from the listed cottage by 1.009m (3' 3<sup>3</sup>/<sub>4</sub>"") and an increased height of 0.423m (16<sup>1</sup>/<sub>2</sub>""). The proposed dwelling would have a matching ridge height to that of the retained listed cottage and would be 0.882m above the neighbouring dwelling of No.2 Marston Road and 1.554m below that of No.6. Bearing in mind that the proposed dwelling would be set 2.4m further back on the plot than the previously approved infill dwelling, the proposed scale would not significantly change.

- 6.15 The rear projection would be virtually indistinguishable in views from Marston Road by virtue of the height and positioning of the frontage element and the existing and any future landscaping. Its depth would increase just 0.55m (21½") to 5.05m, its eaves would rise by 1.377m (4' 6¼") to 4.25m and its ridge would rise 0.958m (3' 1¾") to 6.9m. Bearing in mind that the proposed rear projection would be sited 0.729m (2' 4¾") further back from the retained listed cottage than the approved rear projection the scale of the proposed rear projection is not considered to impact significantly more than the approved scheme.
- 6.16 The design of the appeal proposal is very similar to that of the extant permission. The material finishes would be identical; the roof pitches would be similar at 48 degrees, which is only 3° less than previously approved; the windows would be similarly sized and, although not specified in the application submission, could be conditioned to be identical to those previously approved and still features dormer windows on the front, rear and side roof slopes. A chimney is no longer proposed but a front porch roof projection is proposed but now with a pitched rather than a flat roof. In design terms, therefore, the appeal proposals are not significantly different from those of the approved dwelling and certainly not so different as to warrant a refusal on listed building setting grounds.
- 6.17 The bulk and massing of the proposed dwelling would not be significantly greater than that of the approved dwelling on the plot. It would be set the same distance away from the retained listed cottage and its gable end facing the cottage would be the same width. The frontage element would be 12% greater in width and 10% greater in height facing towards the church but it would be set back 2.4m further in the plot and be positioned 20.5m from the nearest part of the more elevated church, across the road and separated by two tall hedgerows. The part facing the retained listed cottage would be 6% wider and 10% taller than the approved design but the bulk of the rear projection would be set back an extra 0.729m at 6.919m from the side wall of the restored and extended listed cottage so the bulk and massing would not be significantly altered and certainly not to such a degree as to represent any material harm to the setting of that listed building.
- 6.18 Insofar as car parking and vehicle manoeuvring is concerned the appeal proposals do involve a greater proportion of the space being accommodated in front of the infill dwelling than was previously proposed but that area is already presently used as driveway parking and the various approvals already in place still envisage it remaining used as a parking and manoeuvring area, so the impact would be insignificant.



***Reason for refusal 2:***

6.19 This reason states:

“2. Had the above reason not applied, amended plans would have been sought to correct inconsistencies between the proposed elevation and floor plans.”

6.20 In retrospect, the appellant accepts that there were some minor inconsistencies between the side and rear elevation perspective drawings that accompanied the application submission. However, as is implied in the wording to the second refusal reason, those inconsistencies were not considered significant in themselves to the overall setting impact of the infill dwelling design on the adjacent listed buildings. Nevertheless, they have now been addressed and minor revised plans prepared by the architect have been submitted with this statement that corrects those inconsistencies. In addition, I have also prepared a series of comparison plans, which show what is currently proposed and what is the subject of the appeal (in red) and also shows what has previously been approved on the plot (in blue).

6.21 I sincerely hope that the Local Planning Authority will ultimately accept that the previous inconsistencies have been addressed and rectified and that the additional comparative plans represent a fair comparison of what has been previously approved with what is now being considered. I therefore hope that at least insofar as the second reason for refusal is concerned; there would be no disagreement between the principal parties.

***Other Considerations***

6.22 The appellant contends that there are no other material considerations or objections from third parties that are not addressed in the Council’s original reasons for refusal and which have not been refuted in this Statement that would warrant the rejection of this appeal. Matters such as on-site landscaping to screen development and prevent overlooking, highway design and visibility at the driveway junction plus car parking could all be satisfactorily dealt with by way of conditions.

6.23 On a general point, however and as mentioned previously, the Development Plan policies in Aylesbury Vale have reduced weight by virtue of their age. The Council does not have a 5-year housing land supply. As a consequence, paragraph 49 of the NPPF directs that Development Plan policies governing housing land supply, such as RA.13 of the District Local Plan, should not be considered up to date.

- 6.24 In these circumstances, full weight may not continue to be given to relevant housing Plan policies of the Development Plan, as paragraph 215 of the NPPF makes clear. Consent already exists on the plot for a slightly smaller dwelling of comparable design and material finish and although the proposed dwelling would be a little larger, the character and appearance of the immediate locality would not be significantly altered or materially harmed.
- 6.25 It is a subjective judgement, and not one the appellant and District Council agree upon, as to whether the setting of the adjacent listed buildings would in any way be significantly and materially harmed. Only the frontage element which faces across the Marston Road could in any way impact upon the setting of the Grade II\* listed Church. Even though it is 1m wider and a little more than 0.4m taller than the approved dwelling, it would be sited 2.4m further away from the church, across a road, beyond two hedges and at a significantly lower level, so it does not appear likely that it would have any more significant impact upon the setting of that Church than the existing approved dwelling.
- 6.26 Similarly, whilst the proposed dwelling would be a little taller and 0.55m longer in its depth of rear projection, it would be no closer to the Grade II listed cottage on the site and the rear projection would be sited over 0.7m further back from the side wall of the cottage. When viewed from the road, virtually none of the rear projection would be discernible beyond the frontage element and the retained boundary trees. The slightly increased overall bulk of the proposed dwelling when compared to what has previously been approved, coupled with the lack of a chimney, an additional roof dormer and a pitched roof porch are hardly sufficient, in my opinion, to continue to resist this proposal.
- 6.27 The infill dwelling that is currently approved on this plot is not sufficiently large enough to render the scheme of development and restoration viable and without this slightly larger infill dwelling, the appellant will simply not be able to finance the urgently required restoration of the listed cottage.
- 6.28 Over a period of more than two years, the Council's HBO has sought to argue, without any substantive corroborating evidence, that the cottage was far older and of much greater heritage importance than it actually is. We feel this approach has ultimately led the Council to conclude, at her suggestion, that only a very small infill dwelling would be acceptable on the plot and that anything greater, even if not substantially larger, should be refused.

- 6.29 The two independent building archaeological assessments undertaken by Witchert Heritage Consultancy and by Northamptonshire Archaeology both demonstrated that the cottage was no older and of no greater heritage importance than when it was first assessed for listing by English Heritage in the 1980's. The appellant is desperate to carry out the restoration works necessary to the cottage, to make fit once again for habitation but despite his established record in carrying out such restoration projects, his efforts have thus far been thwarted by the intransigence of the LPA officers. The approvals that they have somewhat reluctantly agreed to are simply not viable and he needs this slightly larger dwelling on the infill plot in order to make the scheme work.
- 6.30 By maintaining a very similar design approach to that previously approved, by siting the proposed infill dwelling further back in the plot and by lowering the proposed floor slab slightly, the appellant and I believe that the appeal proposals would respect the character and appearance of the locality and would preserve the historic setting of the listed buildings alongside and opposite. The scale, design, bulk, massing and car parking arrangements proposed for the new infill dwelling will not be significantly different from those already approved on the plot and the comparative plans I have prepared to accompany this appeal demonstrate that there would be no materially detrimental impact upon either the street scene or the historic setting of the neighbouring listed buildings.

## **7: CONCLUSION**

---

- 7.1 The development proposals for this revised design new infill dwelling would, in my professional opinion, comply with all the relevant saved policies set out in the adopted Aylesbury Vale District Local Plan at policy GP.8, GP.35, GP.38 and RA.13. It would also comply with relevant national guidance given in the NPPF.
- 7.2 In my opinion, the appellant has demonstrated that by virtue of all the documentary evidence submitted as part of their original planning application to Aylesbury Vale District Council together with all the arguments set out in this appeal Statement of Case that this appeal ought to be granted. I humbly request, therefore, that conditional planning permission ought to be granted for these development proposals.

## APPENDICES

---