

Section 55 Town and Country Planning Act

Design and Access Statement

Construction of a terrace/balcony and change of fenestration on the first floor  
southwest elevation

12-13 Market Hill, Buckingham, MK18 1JX

**Site Information**

Consultant	Jonathan McDermott
Client	Don Wong
Site Address	12-13 Market Hill, Buckingham, MK18 1JX
LA	Buckinghamshire Council
Description of Development	Construction of a balcony and change of fenestration on the first floor southwest elevation
Pathway (PD/Application/Appeal)	Application

**Constraints Review**

Flood Risk Zone	Flood Zone 1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	Buckingham Conservation Area
Noise Abatement Areas	No
Explosive Hazard Areas	no
Area of Outstanding Natural Beauty	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	No

## Local Policy Requirements

Local Plan/Core Strategy

Vale of Aylesbury Local Plan 2013-2033 adopted 15/09/2021

Effective Policies in Development Control

BE1: Heritage Assets  
 BE2: Design of New Development  
 BE3: Protection of the Amenity of Residents  
 BE4: Densities of New Development

SPG/SPD's

Aylesbury Vale Design SPD

## Planning History

23/02941/APP | Awaiting Decision  
 Construction of new mansard roof to form 7 dwellings

23/02078/APP | Approved - 06 Sep 2023  
 Proposed alterations to shopfront

23/01891/AAD | Awaiting Decision  
 Display of new fascia signage, 1No new projection sign and  
 1No menu board

22/00812/APP | Approved 09 Dec 2022 External alterations to  
 form new doors and windows to front, side and rear elevations

22/00848/PAPCR | Out of time to determine 19 May 2022  
 Determination as to whether prior approval is required in  
 respect of transport & highway impact, noise, contamination  
 risk, flooding and locational considerations for the change of  
 use of upper floors from retail storage (class E) to 8 dwellings

21/03419/APP | Approved 31 Jan 2022  
 Part rear extension to provide storage area to ground floor

20/02752/APP | Refused 21 Jan 2022 Alterations to the ground  
 floor retail unit and change of use of upper storeys to 9 flats

19/01564/APP | Refused 06 Jul 2020 Formation of new  
 entrance to upper floors over existing shop off Market Hill; in-fill  
 and cover of rear yard to form delivery area at first floor and  
 staff and stock facilities to ground floor; to create 8 No, 1 bed  
 flats and 1No 2 bed flat to second floor and additional floor over  
 existing shop; to create 23 No 1 bed flats to the rear of 12-13  
 Market Hill on vacant land with access off Summer Hill;  
 provision of parking spaces, turning area for deliveries and new  
 ramp to first floor of existing building at rear. Demolish the  
 existing flue and lift to the rear of the existing building together  
 with 2 No roof maintenance cupboards and extract pods  
 located on the roofs of the existing building

09/01310/APP | Approved 27 Aug 2009  
Refit of existing shop front with illuminated fascia and projecting signs

09/00867/APP | Approved 23 June 2009  
Refit of existing shop front with illuminated fascia and projecting sign

Relevant Planning

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**Report Date**

25/10/2023

## 1. Introduction

1.1. This statement has been prepared to support the proposal for the Construction of a terrace and change in fenestration on the first floor side elevation.

1.2. The site, the subject of this application, refers to a property located within the Market Hill, Buckingham local centre that retains both retail and residential uses.

### About Town Planning Expert

1.3. Town Planning Expert is a general needs planning consultancy formed in 2012 and practising as a Chartered Planning Practice. Town Planning Expert is instructed to submit a planning application for development as set out below.

### Our Victory Framework

1.4. Our VICTORY Framework applies a policy, plan lead, approach to development with the intent of gaining planning permission in a manner that complies with National and Local Planning Policy in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

### The Development Proposed

1.5. Planning Permission was sought for the construction of 1.1m width terrace/balcony and change in fenestration on the first floor southwest elevation.

## 2. Site Context

2.1. No. 12-13 Market Hill, Buckingham is a three-storey building. The ground floor is used as a shop and the upper floors are flats.

2.2. The property is on the northwest side of Market Hill and High Street and lie within a line of similar commercial premises within the Buckingham local centre.

### 3. National Planning Policy Framework

3.1. The Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework on 24 July 2018. This was the first revision of the National Planning Policy Framework since 2012. It implemented around 85 reforms announced previously through the Housing white paper, the planning for the right homes in the right places consultation, and the draft revised National Planning Policy Framework consultation. Following a technical consultation on updates to the national planning policy, the Government made very minor changes to the text and published an updated Framework in September 2023. The National Planning Policy Framework is a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

3.2. The relevant sections of the NPPF are set out below:

#### Introduction

*2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.*

*5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.*

## Achieving sustainable development

*7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*

*8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

*9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

*10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).*

*11. Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

## Decision Making

*38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*

## Determining Applications

*47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.*



## Making effective use of land

*119. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.*

*120. Planning policies and decisions should:*

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);*

## Achieving well-designed places

*124. Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

## Proposals Affecting Heritage Assets

*194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

*195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*

## 4. Local Policy

4.1. The Vale of Aylebury Local Plan 2013-2033 adopted in 15/09/2021, including the Aylesbury Vale Design SPD are the basis of this application as below:

POLICY	COMPLIANCE
Policy BE1: Heritage Assets	The property is within the Buckingham Conservation Area and the proposal was designed to positively create positive contributions to the appearance of the Conservation Area.
Policy BE2: Design of New	The design should be appropriate and

Development	considered as a modern development that would enhance the appearance of the building.
Policy BE3: Protection of the Amenity of the Residents	Will provide additional space for the occupants for relaxation and fresh air. No significant harm to the amenities of the adjoining surroundings.
Policy BE4: Densities of New Development	1.1m width proposed balcony on the first floor for additional space.
Principle DES39: Promote buildings that has architectural integrity utilising high-quality detailing and materials.	Will use high quality materials and appropriate design
Principle DES 41: New development must be designed to respect the privacy of existing residents.	The proposal designed to protect privacy of the existing residents.
Principle DES42: Provide attractive and usable external amenity space for all homes.	Additional space for the residents to relax or have a fresh air without leaving home.

## 5. Principle of Development

5.1. 12-13 Market Hill is located in the built-up area of Buckingham; therefore, the principle of development is deemed acceptable subject to normal planning considerations.

5.2. The property currently consists of a retail shop unit on the ground floor, and flats on the upper floors.

5.3. The proposal is to provide a patio/balcony for the flats residents for additional external space/amenity for resident's relaxation and fresh air.

5.4. The patio/balcony has a 1.1m width with glass and balusters. The glass barriers is chosen to maintain the existing appearance on the far view and to have no significant impact on the character of the surrounding.

## 6. Site Capacity Assessment

### Scale

6.1. Construction of 1.1m width terrace/balcony and change the fenestration on the first floor southwest elevation.

### Layout

6.2. The proposal is commensurate with the layout of other buildings within the street. The proposal maintains the strong front-to-back arrangement of properties found locally. The existing layout would be maintained with an additional terrace/balcony.

### Amount

6.3. Construction of 35m<sup>2</sup> terrace/balcony.

### Landscape

6.4. There is no landscape setting to this building at present, and given the hard urban environment, there would be no opportunity to improve the landscape setting of the building.

### Appearance

6.5. There is a positive change in the appearance of the building. The terrace/balcony will enhance the building's appearance with the proper choice of materials and design.

6.6. The development is at the back of the building and therefore, does not affect the character and appearance of the Buckingham Conservation Area.

## 7. Appearance and Heritage Statement

7.1. Market Hill is situated on slightly elevated land which slopes from the northwest to the southeast. Between 11 Market Square and Jardines Pharmacy is an area known as the Bull Ring. Recently the Bull Ring benefited from an environmental improvement scheme that transformed it from an unsightly car park to an attractive public space by resurfacing and increasing the paving area to the south-west of Jardines pharmacy and planting a semi-mature tree at the entrance to the Bull Ring.

7.2. According to Pevsner, the north-western side of Market Hill between the junction with Moreton Road and the south-western end of the Bull Ring 'look disappointing'. This is primarily due to the insensitive modern 1960s development that stretches from 13, Market Hill (The Whale Hotel) to nos. 7 and 8, Market Hill (The Kings Head) on the corner of Moreton Road. These modern flat-roofed buildings replaced an attractive row of historic buildings and although the modern structures do maintain the building line and provide enclosure, they look out of keeping with their surroundings

7.3. Despite this rather unfortunate modern development there are a number of historic buildings on the north-western side of Market Hill that do make a positive contribution to the character of the Conservation Area. Examples include the Kings Head, which is an early 19th century three storey rendered structure prominently situated at the junction of Market Hill and Moreton Road, and The Whale Hotel which although not listed, presents an attractive early 19th century principal elevation to the street. Nos. 15 and 16, Market Hill (The Woolwich) is particularly interesting, for although the ground floor of the principal elevation has suffered the insertion of an unsympathetic modern shop front, the upper two storeys are constructed of attractive brickwork and contain historic sashes. Internally the building contains the remains of a c.14th century smoke blackened archbraced roof truss which would appear to have once formed part of an open hall.

7.4. No. 12 & 13 Market Hill are not listed building but made a positive contribution to the Conservation Area. The upper two storeys are constructed of attractive brickwork and contain historic sashes with its late 17th and 18th century windows. The windows are typical frames in iron and wood. The glazing for these windows consisted of small rectangular panes held in the sash frames by wood muntins and reinforced with wood bars. The windows divided at the middle where the bottom part can slide upward for opening.

## 8. Amenity of adjoining, surrounding and proposed occupiers

8.1. Most of the properties in the area have a mixed use of commercial/shop on the ground floor and residential on the upper floors. The access at the back separates the commercial property from the residential.

8.2. The adjacent properties are of similar in nature and there should be no significant impact on the amenities of those properties.

8.3. The construction of terrace/balcony will provide additional outdoor space for the residents with privacy.

## 9. Conclusion

9.1. Based on the information as set out above, it is considered that the proposed development would comply with the relevant policies and guidelines within the Vale of Aylesbury Local Plan, Aylesbury Vale Design SPD and the NPPF.

9.2. It is respectfully requested that Planning Permission be granted for the proposed development.