**Planning Statement**

*66 Penn Road, Aylesbury*

*Demolition of existing side conservatory/storage room and erection of single storey side extension to create a one bedroom bungalow*

**Introduction**

This application relates to 66 Penn Road, an end of terrace, two storey dwelling located at the corner of Penn Road and Coxhill Way in the Southcourt residential estate at the edge of the town centre of Aylesbury. The application seeks planning permission to demolish an existing single storey conservatory/storage room attached to the northeast side elevation of the dwelling and replace it with a single storey extension to create a one bedroom dwelling. The proposal includes provisions for the subdivision of the plot, independent access to both the existing and proposed dwelling and off-street parking for each dwelling.

This application follows a previously refused application for a similar scheme (considered under reference 23/01466/APP) with amendments made to the scheme to address the previous reasons for refusal, cited as:

1. *By virtue of the design, siting, scale and massing, the proposed is unsympathetic to the character of the existing area and would bring substantial changes to the character and appearance of this particular area of Southcourt. Furthermore, the proposed subdivision would result in the creation of a plot (No.66) which does not follow the existing pattern, layout and character of surrounding dwellings, contrary to Policies BE2 of the Vale of the Aylesbury Local Plan.*
2. *The development would result in an area of outdoor space that is inadequate to meet the needs of the occupiers of the existing dwelling (No.66). As such, the proposed development is considered to be contrary to Policy BE3 of the Aylesbury Local Plan.*

An important material consideration to be taken in to account in the consideration of this application is an extant planning permission for an identical form of side extension as that currently proposed which was approved under reference 22/01959/APP as an extension to the existing dwelling. The relevance and weight to be afforded this permission is discussed further below.

Following the previous refusal, the proposal has been amended in a number of modest but important ways to address the concerns cited in the reason for refusal:

* The total number of parking spaces have been reduced thereby enabling more of the site to be utilised as garden land serving both dwellings.
* The subdivision of the two plots has been revised in order to provide a larger and more usable rear garden to the three-bedroom house, whilst maintaining a suitably sized and laid out garden to serve the proposed bungalow.
* Side access directly off Coxhill Way has been removed in favour of access to the proposed bungalow being obtained from the rear, via the existing parking area.
* The application site (red line) now comprises the existing and proposed dwellings in their entirety, providing the opportunity for the decision-maker to impose conditions affecting either/both properties if considered necessary to make the development acceptable.

**Principle**

The previous application confirmed the acceptability to the principle of the development of an additional dwelling in this location. The officer’s report confirmed: *“In this instance, the site would fall within the existing development footprint of Aylesbury Town. There is current an existing dwelling on site and given the proposal is for a new dwelling, it would accord with the aims and objectives of Policies S1, S2, S3 and D1 of VALP”* and went on to state that, *“regardless of the Council’s status on the 5 year housing land supply, the principle is considered acceptable given its location”.*

**Design, character and appearance**

In considering the design of the proposed development, it is important to note the ‘fallback’ position presented by the extant approval for a single storey side extension of an identical form to that proposed. This proposal was found to accord with the same policies against which the current application is to be considered. Case law is clear that such a fallback represents a material consideration provided there is a “real prospect” of the fallback development being implemented (see the judgment of *Sullivan L.J. in Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009]*). The basic principle is that *“… for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice”*.

In considering the previously refused application, the Officer’s report asserted: *“The site history would suggest a blatant attempt to game the system, first securing built form suggested to be for one use only for the true intention to be proposed in this application”.* This is a surprising accusation in any event but particularly so for two reasons: Firstly, it is entirely irrelevant to the merits of the proposal being considered and should therefore not have been taken into account in the Officer’s determination – the proposal presented stands to be judged on its own merits. Secondly, and notwithstanding the preceding, it is also without any basis in fact in any event. The applicant is a landlord and property developer; he invests in and improves properties from which he then derives rental income. In the case of 66 Penn Road, it currently comprises a relatively small three-bedroom dwelling with a relatively large garden surrounding it and therefore represents an inefficient use of the plot. The applicant therefore sought permission to extend the property in order to create a larger dwelling more commensurate with the plot size and a more attractive rental proposition. This application represents an alternative proposal for the site which would perhaps represent an even more attractive proposition and generate a greater rental income for the applicant’s business. Nevertheless, and to be clear, should permission not be secured for the current proposal he would intend to implement the extant permission instead since it would represent a logical and beneficial business decision.

Therefore, it is clear that the extant permission represents a “real prospect” and therefore an important material consideration of significant relevance and weight to the determination of the current proposal. The built development proposed would represent an identical form of built development to the permitted scheme such that the efforts made in the Officer’s report to distinguish it as visually different and more harmful than the extant scheme are clearly untenable.

The Officer’s report cites “the reduction in the spacing between the new dwelling and the side boundary” but this would be a feature of the approved extension which has already been endorsed as compliant with the same policies. The Officer’s report also cites “the single storey design of the new dwelling” without offering any explanation of the perceived harm this creates yet this is also a feature that would arise from the permitted extension too in any event.

The only material differences visually between the previously refused proposal and the permitted extension comprise the previously proposed side access and the subdivision of the plot with a dividing fence.

As noted in the introduction, the proposed side pedestrian access has now been removed in favour of a rear access taken from the parking area in response to the former concern, leaving just the means of subdivision to consider.

In terms of the subdivision of the plot, this will be largely invisible and imperceptible from public realm vantage points in any event. However, it is not considered to represent such a discordant feature as to be harmful to the character and appearance of the wider area for the following reasons. Diagonally positioned boundary treatments are not an uncommon feature in the locality and can be seen in the immediate vicinity of the site – directly opposite at numbers 51-57 Penn Road and 61-65 Penn Road and, more prominently in the boundary treatments to the plots on the corners of Penn Road and Eaton Road. It is also important to note that there is an existing close boarded fence boundary which exists on the application site along a staggered alignment whereby it steps in to skirt around the existing car parking area. The actual impact of the proposed development would amount to a new section of fence along approximately a 9m stretch internally to the existing enclosed garden area. The proposed subdivision would therefore represent a modest change to the extant boundary treatments on site which would not be prominent nor visually discordant with its established surroundings. Furthermore, it should be noted that such a fence could also be erected under permitted development rights in any event so this would also represent a material ‘fallback’ consideration.

It is therefore considered there are no reasonable ‘design’ grounds on which to resist the current proposal given the similarity it bears to the extant permission which represents a valid fallback and a material consideration in determining this application. The only material visual difference between the two schemes is the subdivision of the plot which, for the reasons given above, is not considered to be harmful. As such, it is considered that the current proposal accords with policies D1 and BE2 of VALP. However, even if a residual degree of harm is considered to remain then this must be considered in the overall balance against the material benefit this scheme presents in providing a sought after small bungalow in a highly sustainable location, helping to boost housing supply.

**Residential Amenity**

The Officer’s report considering the previous application confirmed that the proposal would not overshadow or overlook any neighbours and that the amenities of the future occupiers of the proposed bungalow would be respected. However, concern was raised with the size and layout of the garden proposed to be provided for the existing three-bedroom dwelling.

There is no specific guidance on suitable garden sizes provided in either local policy or guidance. It is therefore of relevance to consider the gardens afforded to existing neighbouring properties – the immediately adjoining neighbours to number 66 (numbers 64 and 62) each have rear gardens measuring circa 75 sqm and comprise of similarly sized dwellings to the existing at number 66. The gardens of numbers 70 and 72 (again, both dwellings of similar size to number 66) are smaller having a shorter length and measure circa 63 and 66 sqm respectively. Number 56 is another similarly sized dwelling but appears to have been the subject of a large rear extension which reduces its rear garden to some 54 sqm.

As revised, the three bedroom dwelling would benefit from a front garden of 40 sqm and a rear garden of 85 sqm; significantly in excess than the examples of comparable dwellings in the immediate locality noted above. The rear garden would also be a ‘simpler’ more usable shape than previously proposed. The proposed bungalow would be provided with a front garden of some 48 sqm and a side and rear garden totalling 70 sqm.

Whilst clearly not directly relevant, in the absence of any other objective guidance as to appropriate garden sizes and to provide some frame of reference, it is noted that a neighbouring authority, Central Bedfordshire Council, have recently adopted their [Design Guide SPD](https://www.centralbedfordshire.gov.uk/info/44/planning/442/design_guide) which sets out minimum garden sizes of 50 sqm for one and two bedroom dwellings and 60 sqm for three or more bedroom dwellings. The proposed gardens both exceed these minima by some margin.

Accordingly, following the amendments made to remove a parking space and realign the proposed subdivision boundary, it is considered the proposal would ensure both dwellings would be served by suitably sized and laid out private amenity areas comprising enclosed rear gardens. These gardens would be commensurate with the modest size of these dwellings and with the gardens of comparable properties in the immediate vicinity.

Whilst it is noted that the Nationally Described Space Standards are referenced in the Officer’s report for the previous applications, it is understood they can only be applied where there is a local plan policy based on evidenced local need and where the viability of the development is not compromised. Since there is no such policy in the VALP, they are not of relevance. However, the proposed bungalow would meet the standards for a single person dwelling as confirmed by the Officer’s report.

On this basis, the proposals are considered to provide for a suitable standard of amenity for existing and future occupiers in accordance with policy BE3 and the NPPF.

**Parking and highway implications**

In considering the previous application, the Council’s Highways Officer confirmed that: *“The proposed development has been considered by the County Highway Authority who has undertaken an assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway”.*

The proposal would provide three parking spaces – two for the existing dwelling and one for the proposed bungalow. Based on the optimum parking standards set out in Appendix B of the VALP (as referenced by Policy T6) there would be a notional requirement for 4 spaces (1.5 spaces for the one-bedroom bungalow and 2.5 spaces for the three-bedroom dwelling). However, Appendix B notes that *“Proposals for provision above or below this standard must be supported by evidence detailing the local circumstances that justify the deviation”* and in this regard it is relevant to note that the Buckinghamshire Countywide Parking Standards (last updated September 2022) represent a more up-to-date, evidence-based approach to define relevant parking requirements. The Countywide Parking Standards indicate a requirement to provide for one space for the one-bedroom dwelling and two spaces for the three-bedroom dwelling (based on requirements for developments of up to 10 dwellings on sites in Zone A, wherein the application site is located). As such, it is considered the proposed parking provision is appropriate and compliant with policy T6 of VALP on this basis.

Given the highly sustainable location of the site, combined with the relatively small size of both the proposed bungalow and the existing dwelling, it is considered a lesser parking provision, or even a ‘car free’ development could be justified in this context. The site is in close proximity to the town centre (approximately 500m walk to Friars Square shopping centre and Morrisons supermarket), the main bus station (500m walk) and the main town train station (400m walk) and therefore in a location wherein it is considered reduced parking standards are to be encouraged. As such, should the decision-maker consider that *more* amenity space be required for either dwelling than currently indicated, a reduced parking provision and a revised subdivision of the plots (in terms of the balance of space for parking/garden) could be secured by an appropriately worded condition whilst still maintaining a suitable level for both.

**Ecology**

In considering the previous application, Officers acknowledged that there would be no development within 10m of the adjacent watercourse and the proposed building would be identical to the previously approved extension. As such, it was concluded that the development would not adversely impact on ecology and that *“Provided adequate boundary treatment is in place along with biodiversity enhancement features being installed, the proposal would be acceptable”.* Such measures could be secured by condition to which the applicant has no objection. There has been no material change in the circumstances of the site, the nature of the proposal or relevant planning policy to warrant a different conclusion for this application.

**Flood Risk**

In considering the previous application, Officers concluded that the proposal would be acceptable in terms of flood risk, subject to the imposition of a condition to ensure appropriate flood levels. The applicant has no objection to such a condition being imposed. There has been no material change in the circumstances of the site, the nature of the proposal or relevant planning policy to warrant a different conclusion for this application.

**Conclusion**

For the reasons explained above and having regard to the fallback position presented by the extant permission for an identical extension, it is considered the proposal would accord with all relevant policies whilst providing the material benefit of a sought after small bungalow, suitable for an older person or person with disabilities, in a highly sustainable location, helping to boost housing supply. The amendments made to the scheme following the previous refusal address, mitigate and overcome the concerns cited in the reasons for refusal. Accordingly, the Council are invited to consider this proposal favourably and approve the application in line with relevant local and national policies.