



## Report to West Area Planning Committee

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<b>Application Number:</b>	22/05429/FUL
<b>Proposal:</b>	Demolition of existing garage and erection of new container two storey 3-bed dwelling with heat source pump at rear and associated parking
<b>Site Location:</b>	106 Roberts Ride Hazlemere Buckinghamshire HP15 7AN
<b>Applicant:</b>	Mr Edmund Gemmell
<b>Case Officer:</b>	Josh Kwok
<b>Ward(s) affected:</b>	Hazlemere
<b>Parish-Town Council:</b>	Hazlemere Parish Council
<b>Date valid application received:</b>	30th March 2022
<b>Statutory determination date:</b>	25th May 2022
<b>Recommendation</b>	Application Refused

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning permission is sought for demolition of existing garage and erection of new container two storey three bed dwelling with heat source pump at rear and associated parking.
- 1.2 This application is brought to the West Area Planning Committee because the applicant Mr Gemmell is an Elected Member, representing Hazlemere Ward of Buckinghamshire Council.
- 1.3 The proposal by reason of its form, scale, layout and design would fail to respect the existing grain of development and architectural vernacular of this neighbourhood, resulting in an incongruous built form prominently visible in the street scene.
- 1.4 The dwelling would fail to provide the minimum internal floor areas required by the Nationally Described Space Standards. There would be no private amenity space available to the residents of the new dwelling. These would be unduly harmful to the living environment of the future occupiers.

- 1.5 Furthermore, given its proximity to the road junction adjacent, the proposal, which fails to provide the required level of car parking spaces, has the potential of displacing vehicles onto Roberts Ride, causing disruption to the flow of traffic and dangers to other road users.
- 1.6 The proposal would be in conflict with multiple policies contained in the Development Plan and the National Planning Policy Framework. The harm resulting from its failure to comply with these policies would not be outweighed by other material planning considerations. As such, it is recommended for refusal.

## **2.0 Description of Proposed Development**

- 2.1 The proposal is for demolition of existing garage and erection of new container two storey three bed dwelling with heat source pump at rear and associated parking.
- 2.2 The dwelling would be 2.7m wide, 12.3m deep and 5.9m high. It would consist of a kitchen / living area and a bedroom on ground floor and two bedrooms and a bathroom on first floor. Above the green roof of this dwelling would be six solar panels. In addition there would be an air source heat pump installed at the rear of the dwelling.
- 2.3 The application is accompanied by :
  - a) Application Form
  - b) Plans
  - c) Ecology and Trees Checklist
  - d) Ecology Report
  - e) Planning Statement
  - f) Parking Survey

## **3.0 Relevant Planning History**

<b>Reference</b>	<b>Development</b>	<b>Decision</b>	<b>Decision Date</b>
01/07206/TPO	5.5 metre clearance above the road and footpath plus 4 metre clearance at the branch tips on the house side to 1 Beech tree and 4 metre clearance from the front dormer and house to 1 Beech tree, plus 20% thinning to both Beech trees	PER	6 November 2001
03/06802/FUL	Demolition of existing conservatory and erection of single storey rear extension	PER	3 September 2003
93/00092/TPO	FELLING 1 BEECH & CROWN REDUCTION, RE-SHAPING & THINNING OF 1 BEECH	SPLIT	12 October 1993
15/05475/TPO	Reduce crowns of two trees by 33% / 6 metres of both height and spread back to the growth	SPTPCZ	21 April 2015

points and remove any dead branches.

## **4.0 Policy Considerations and Evaluation**

### **Principle and Location of Development**

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM1 (Presumption in favour of sustainable development), DM6 (Mixed-use development)

- 4.1 The application site is within a residential area and the settlement boundary of High Wycombe. A residential scheme in this location could be considered positively in respect of the settlement and housing strategies set out in Policies CP3 and CP4 of the Wycombe District Local Plan.

### **Transport matters and parking**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM2 (Transport requirements of development sites)

- 4.2 The proposal, if permitted, would significantly intensify the residential use of the site by creating a new three bed dwelling within the curtilage of an existing semi-detached house. The increase in number of vehicular movements and car parking required would have the potential to affect highway safety. The Highway Authority has thus been consulted on this proposal and has subsequently raised an objection for the following reasons.
- 4.3 Referring to the proposed site plan, there would be a total of three car parking spaces available at the front of the existing and new dwellings. However, these spaces would fail to meet the residential parking standards set out in the Buckinghamshire Countywide Parking Guidance (i.e. 2.8m wide x 5.0m deep). Their position relative to the TPO trees adjacent would make them unsuitable for car parking.
- 4.4 Furthermore, the existing dropped kerb shared between nos. 104 and 106 does not appear to be wide enough to serve all three parking spaces indicated on the site plan. If the width of the dropped kerb is to remain the same as it is, then the residents of the existing and new dwellings are unlikely to be able to achieve the required manoeuvres to access and egress the area of hardstanding without detriment to pedestrian safety. For these reasons, the proposed parking arrangement would be unsatisfactory.
- 4.5 Due to its failure to provide the required level of car parking spaces in a location that can be accessed safely and conveniently, the development proposal is likely to increase the number of parked vehicles in the vicinity of the Roberts Ride/Maurice Mount junction. Whilst the information provided in the Parking Survey is noted, the Highway Authority is of the opinion that the displacement resulting from this proposal would detrimental to highway safety and convenience.
- 4.6 In summary, the development proposal would not to provide the existing and future residents safe vehicular access to and from the site, nor would it deliver the required level of car parking spaces in a safe accessible location. The proposed access

arrangement together with the potential displacement of parked vehicles onto the public highway in this location would unduly prejudice highway safety and pose danger to pedestrian and other road users. To permit the development in its current form would thus be contrary to Policy DM33 of the adopted Wycombe District Local Plan and Section 9 of the National Planning Policy Framework.

#### **Raising the quality of place making and design**

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality) DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development) Housing intensification SPD Residential Design Guide SPD

- 4.7 The proposal to replace the existing flat roof garage with a two story detached house would fail to respect the grain and density of development in this locale. The site and its surroundings are purely residential characterised by two storey semi-detached houses with various extensions. The erection of a detached dwelling with a considerably narrower frontage between two existing semi-detached houses in a neighbourhood with a uniformed house type would unduly prejudice the sense of place and the street scene of Roberts Ride.
- 4.8 To infill the gap between these houses would erode the character of the site surroundings. Furthermore, the new dwelling would be sited in a small plot of land and in a tight relationship with the buildings adjacent. These factors would give rise to an undesirable sense of enclosure, a cramped and overcrowded environment. Consequently, the scale and layout of development would be inappropriate from a visual amenity perspective.
- 4.9 The elongated form of this development together with its uncharacteristic fenestration detail and flat roof design would result in an incongruous building that would be out of keeping with all other houses on Roberts Ride. It would thus represent an unsympathetic form of development, which would fail to preserve or enhance the quality of place.
- 4.10 To conclude, the development proposal by reason of its scale, layout, form and design would result in an incongruous built form that would fail to respect the grain and density of development and preserve the character of its immediate surroundings. To infill the gap between two existing semi-detached houses with a new house of a considerably different design would create a cramped and overcrowded environment that would be unduly detrimental to the street scene of Roberts Ride. To permit the development in its current form would be contrary to Policy DM35 of the adopted Wycombe District Local Plan (2019), Section 1 of adopted Residential Design Guide (2017) and Section 12 of the National Planning Policy Framework.

#### **Amenity of existing and future residents**

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

- 4.11 The gross internal floor areas of the new dwelling would be approximately 56.6sqm. For a two storey dwelling with three bedrooms, its gross internal floor areas must be no less than 84sqm. The development proposal would fail to provide the minimum gross internal floor areas required by the Nationally Described Space Standards. The width and size of the master bedroom would also be substandard. As such, the

proposal would not provide the future residents a good standard of amenity nor would it meet the relevant criteria set out in Policy DM40.

- 4.12 There would be a garden at the rear of the new dwelling but it would appear to be shared with the house adjacent at no.106. The size of this garden would not be sufficient to meet the need of the future occupiers and that of the neighbours. It would fail to provide these residents a reasonable level of privacy because their habitable room windows would likely be directly overlooked from the shared garden. Under those circumstances, the Local Planning Authority is not content that development concerned could provide its occupants a good standard of amenity in accordance with the relevant policies.
- 4.13 The depth of the new house would be similar to that of the buildings adjacent. There would be appropriate spacing between the proposed and existing development. Mindful of these factors, it is considered that the development is unlikely to cause significant overshadowing and overbearing impacts upon its immediate neighbours. They would continue to enjoy a relatively open outlook and adequate natural light from the northern aspect. However, the issue with privacy highlighted earlier remains a cause of serious concern.
- 4.14 In conclusion, the development proposal by reason of its scale and layout would fail to achieve the minimum gross internal floor areas required by the Nationally Described Space Standards and to provide its occupiers and the residents of no.106 Roberts Ride a reasonable level of privacy and outdoor amenity space. It would be unduly detrimental to the living environment of the future residents and the neighbouring occupants. To permit the development in its current form would be contrary to Policies DM35 and DM40 of the adopted Wycombe District Local Plan, Section 5 of the adopted Residential Design Guide (2017) and Section 12 of the National Planning Policy Framework.

#### **Environmental issues**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), CP12 (Climate Change), DM20 (Matters to be determined in accordance with the NPPF), DM33 (Managing Carbon Emissions: Transport and Energy Generation)

- 4.15 Policy CP12 promotes mitigation and adaptation to climate change and supports the integration of renewable technologies into residential and commercial developments of all sizes. Policy DM33 also requires the integration of renewable technologies into developments. The development proposal appears to incorporate a number of renewable technologies including air source heat pump and solar panel. To ensure compliance with the aforementioned policies, it is not unreasonable to impose a condition requiring the renewable technologies as shown on the submitted plans be fully implemented before the new dwelling is first occupied.
- 4.16 The recently adopted Air Quality SPD requires the provision of electric vehicle charging points in connection with all minor developments. This is to reduce air pollution within the Council's Air Quality Management Areas. The site is within the AQMA. A condition could be imposed to secure the provision of one charging point adjacent to the car parking space, or at an alternative location that is first agreed with the Local Planning Authority in writing. This also meets the objectives of Policies CP12 and DM33 to address carbon emissions and climate change.

- 4.17 It is noted from the documents provides within the application that the noise from the air source heat pump is significantly above ambient background levels. This could adversely affect the living environment of the neighbours by reason of noise and disturbance. To address this issue, it is not considered unreasonable to impose a condition requiring the submission of a noise mitigation scheme to the Local Planning Authority for approval prior to the installation of the air source heat pump. With this condition imposed, the proposal could be made acceptable.

#### **Flooding and drainage**

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 4.18 The site is not within Flood Zone 2 or 3 nor is it in an area with critical drainage issues or vulnerable to surface water and ground water flooding. The new dwelling would sit on land already with an impermeable surface. It is not therefore considered to increase the level of surface water runoff and the risk of pluvial flooding within and beyond the site. The proposal would conform to Policy DM39 of the adopted Wycombe District Local Plan (2019) and Section 14 of the National Planning Policy Framework.

#### **Ecology, green network and infrastructure**

Wycombe District Local Plan (August 2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

- 4.19 The proposed development would replace the flat roof garage at the side of the existing dwelling. Given the site is not in or near an ecologically sensitive area nor is it of significant biodiversity value, the impact resulting from this development considered to be low and negligible.
- 4.20 Policy DM34 requires all development to protect and enhance both biodiversity and green infrastructure features and networks both on and off site for the lifetime of the development. A development proposal is also required to maximise the opportunities available for canopy cover.
- 4.21 The current proposal seeks to achieve a net gain in biodiversity through the creation of a green roof. It would deliver a measurable and enduring net gain and increase the canopy cover in accordance with Policy DM34 of the adopted Wycombe District Local Plan and Section 15 of the National Planning Policy Framework.
- 4.22 Referring to the site plan, a new car parking space would be created at the front of the existing semi-detached house, near two TPO trees. This parking space would likely be within the root protection area of these trees. Without an Arboricultural Impact Assessment and Method Statement, the Local Planning Authority is unable to establish whether the development could be carried out in a manner that does not prejudice the long term viability of these trees.
- 4.23 In summary, although the proposal might be acceptable from an ecology perspective, there is a concern about the impact this development might have on the trees nearby, which are of moderate to high amenity value and contribute positively to both the local ecology and the character of this neighbourhood.

#### **Building sustainability**

Wycombe District Local Plan (August 2019): CP12 (Climate Change), DM41 (Optional Technical Standards for Building Regulations Approval)

- 4.24 It is considered necessary to condition water efficiency in accordance with Policy DM41 of the adopted Local plan.

### **Emerging Hazlemere Neighbourhood Plan**

HAZNP1 (Delivering Homes for First Time Buyers & Downsizers), HAZNP2 (Protecting and Improving Green Infrastructure), HAZNP3 (Delivering Zero Carbon Buildings), HAZNP4 (Promoting Sustainable Transport), HAZNP5 (Planning for Sustainable Development at Amersham Road/Tralee Farm)

- 4.25 The application site falls within the Neighbourhood Area of the emerging Hazlemere Neighbourhood Plan. The consultation period of this Plan came to an end on 11.07.2022. An emerging neighbourhood plan is likely to be a material consideration in many cases. Paragraph 48 of the revised National Planning Policy Framework sets out that weight may be given to relevant policies in emerging plans in decision taking.
- 4.26 In this case, as the plan is still at a relatively early stage of the plan-making process and the policies within which may be subject to further changes following the public consultation, it has only been afforded very limited weight in decision making.
- 4.27 The potential loss of trees due to the development would weigh against the aims of the emerging neighbourhood plan.

## **5.0 Weighing and balancing of issues / Overall Assessment**

- 5.1 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.
- 5.2 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 (such as CIL if applicable), and,
  - c. Any other material considerations
- 5.3 As set out above it is considered that the proposed development would accord fail to accord with the multiple policies contained in the Development Plan. The harm resulting from its failure to comply with these policies would not be outweighed by other material planning considerations.
- 5.4 The proposal does not represent a form of sustainable development as defined in the National Planning Policy Framework and is therefore recommended for refusal.

## **6.0 Working with the applicant / agent**

- 6.1 In accordance with paragraph 38 of the NPPF (2019) the Council 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.

- 6.2 The Council 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.
- 6.3 In this case, the applicant has been informed both verbally and in writing about the issues identified in this report.

## 7.0 Recommendation

- 7.1 It is recommended that planning permission be **REFUSED** for the following reasons:-
1. The development proposal by reason of its scale, layout, form and design would result in an incongruous built form that would fail to respect the grain and density of development and preserve the character of its immediate surroundings. To infill the gap between two existing semi-detached houses with a new house of a considerably different design would create a cramped and overcrowded environment that would be unduly detrimental to the street scene of Roberts Ride. To permit the development in its current form would be contrary to Policy DM35 of the adopted Wycombe District Local Plan (2019), Section 1 of adopted Residential Design Guide (2017) and Section 12 of the National Planning Policy Framework.
  2. The development proposal by reason of its scale and layout would fail to achieve the minimum gross internal floor areas required by the Nationally Described Space Standards and to provide its occupiers and the residents of no.106 Roberts Ride a reasonable level of privacy and outdoor amenity space. It would be unduly detrimental to the living environment of the future residents and the neighbouring occupants. To permit the development in its current form would be contrary to Policies DM35 and DM40 of the adopted Wycombe District Local Plan (2019), Section 5 of the adopted Residential Design Guide (2017) and Section 12 of the National Planning Policy Framework.
  3. The development proposal would not provide the existing and future residents safe vehicular access to and from the site, nor would it deliver the required level of car parking spaces in a safe accessible location. The proposed access arrangement together with the potential displacement of parked vehicles onto the public highway in this location would unduly prejudice highway safety and pose danger to pedestrian and other road users. To permit the development in its current form would thus be contrary to Policy DM33 of the adopted Wycombe District Local Plan (2019) and Section 9 of the National Planning Policy Framework.
  4. The development proposal would be within the Root Protection Area of two mature trees protected by a Tree Preservation Order. In absence of an Arboricultural Impact Assessment and Method Statement, the Local Planning Authority is not persuaded that the development could be carried out without causing an adverse impact on the long term viability of these trees. To permit the development in its current form would therefore give rise to a material conflict with Policy DM14 of the adopted Delivery and Site Allocation Plan (2013), Policy DM34 of the adopted Wycombe District Local Plan (2019) and Section 15 of the National Planning Policy Framework.



## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

No comments received from the relevant ward councillors.

### Parish/Town Council Comments

Hazelmere Parish Council understand and welcome the principle of this proposal however we question whether this is the appropriate solution for this site.

The Parish Council are particularly concerned about the impact of the street scene and the precedent on this estate (and elsewhere) that could be set if this structure is allowed. It is likely there will be an overpowering effect on the neighbouring property which we wish to draw the Case Officer's attention to.

Furthermore, as per The Parish Council's understanding of car parking allowance we believe there will not be enough spaces for the current property and the proposed structure. The large tree in the front garden prevents access to the left-hand parking space as per the drawing.

The Parish Council agree with the neighbour's objection about the possible impact on light and privacy on their property.

The Parish Council were unable to see any front or side elevation plans to accompany the submission and thought these could have helped further with the visualisation of the proposal.

The Parish Council would encourage the applicant to seek legal advice regarding Party Wall Agreement with neighbouring property.

Finally, The Parish Council, in line with their declaration of Climate Emergency wish to express their regret of the loss of garden/green space to concrete and seek request that the applicant mitigates for any loss of biodiversity and natural drainage.

### Consultation Responses

#### **Highway Authority**

Initial response

I have concerns with the parking arrangements proposed.

The site will generate a total parking requirement of 3(no) spaces following the development (2(no) spaces for the existing dwelling, 1(no) space for the proposed dwelling). I note a tree is located in front of the middle parking space, subsequently preventing a vehicle from accessing it, which would ultimately lead to the displacement of a parking space onto the public highway. Considering the site's location, it is likely that this displaced vehicle will park in close proximity to the Roberts Ride/Maurice Mount junction. This would have a detrimental impact on highway safety and would lead to an objection from the Highway Authority.

I would therefore request an amended site layout demonstrating 3(no) parking spaces on the site which can all be safely accessed. However, this will likely involve removal of the tree.

Further response

I have assessed the additional comments from the applicant, and I would like to make the following points.

Regarding the access arrangements, I note the site currently benefits from a shared access with No. 104 Roberts Ride. After reading the applicant's comments dated 9th May 2022, it appears as though the dropped kerb is not proposed to be extended as part of the development (this is also confirmed in the application form). However, the existing dropped kerb would not be sufficient to serve all 3(no) proposed parking spaces. This is due to the location of the tree which would prevent safe access, and if this tree is removed, vehicles accessing the hardstanding (particularly the most western space) would have to either mount the raised kerb to access the space or require multiple vehicular manoeuvres upon and along the pedestrian footway.

Whilst a private vehicular access allows vehicles to "cross-over" the pedestrian footway, driving and manoeuvring upon, or obstruction of, the pedestrian footway is prohibited. Therefore, if the existing access width is retained, a vehicle would not be able to achieve the required manoeuvres to access and egress the internal hardstanding without detriment to pedestrian safety. No tracking information has been provided which would suggest otherwise.

Mindful of this, the application would have to propose the access to be widened across the full site frontage to allow safe and legal access to the parking area.

However, as mentioned, I am not satisfied the middle space can be safely accessed without removal of the tree. The subsequent displacement will likely occur near the Roberts Ride/Maurice Mount junction. Whilst the applicant has stated that parking within 10m of the junction is not legally possible and as such fines may occur, Rule 243 of the Highway Code states: 'DO NOT stop or park... opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space'. It must be noted that violating a part of the code which use the words 'do not' in them is not an automatic criminal offense. Therefore, parking within proximity of a junction would not necessarily lead to enforcement action, and as previously mentioned, these parking instances would be considered being detrimental to highway safety and convenience.

### **Environmental Health Service**

A scheme of works shall be required to ensure that the noise from the Air Source Heat Pump does not negatively impact upon the amenity of the neighbouring properties. This does include outdoor living areas.

It is noted from the documents provides within the application that the noise from the unit is significantly above ambient background levels. Therefore the applicant shall have to ensure that the mitigation methods are approved prior to installation.

Noise levels of air source heat pump at the Nearest Residential Properties

No development shall take place before a scheme has been submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the any plant to be installed.

Thereafter, the use shall not commence until the approved scheme has been fully implemented.

### **Arboricultural Service**

No arb information has been submitted despite the presence of protected trees on site.

The applicant notes that 'no detrimental effect on biodiversity and wildlife as the complete installation will be onto land already concreted or tarmacked, no trees will be harmed or cut down.' However, there are concerns regarding construction-related activities within the RPA of retained, protected trees. Specifically, the proposed layout appears to show a change to the front of the property in increase parking. Levelling, compaction, leaching of materials (depending on method), all have potential to harm the existing trees and negatively impact their long-term retention. In

these cases it may be possible to use an engineered approach and this should be assessed by a suitably competent arboricultural specialist. Loss or irreparable harm to trees of high value will be not be supported.

It is strongly recommended that an AIA be submitted prior to re-consult so that the council can be reassured that the trees will not be harmed. An AMS and TPP are likely to be recommended by condition if the plans appear to be feasible in principle.

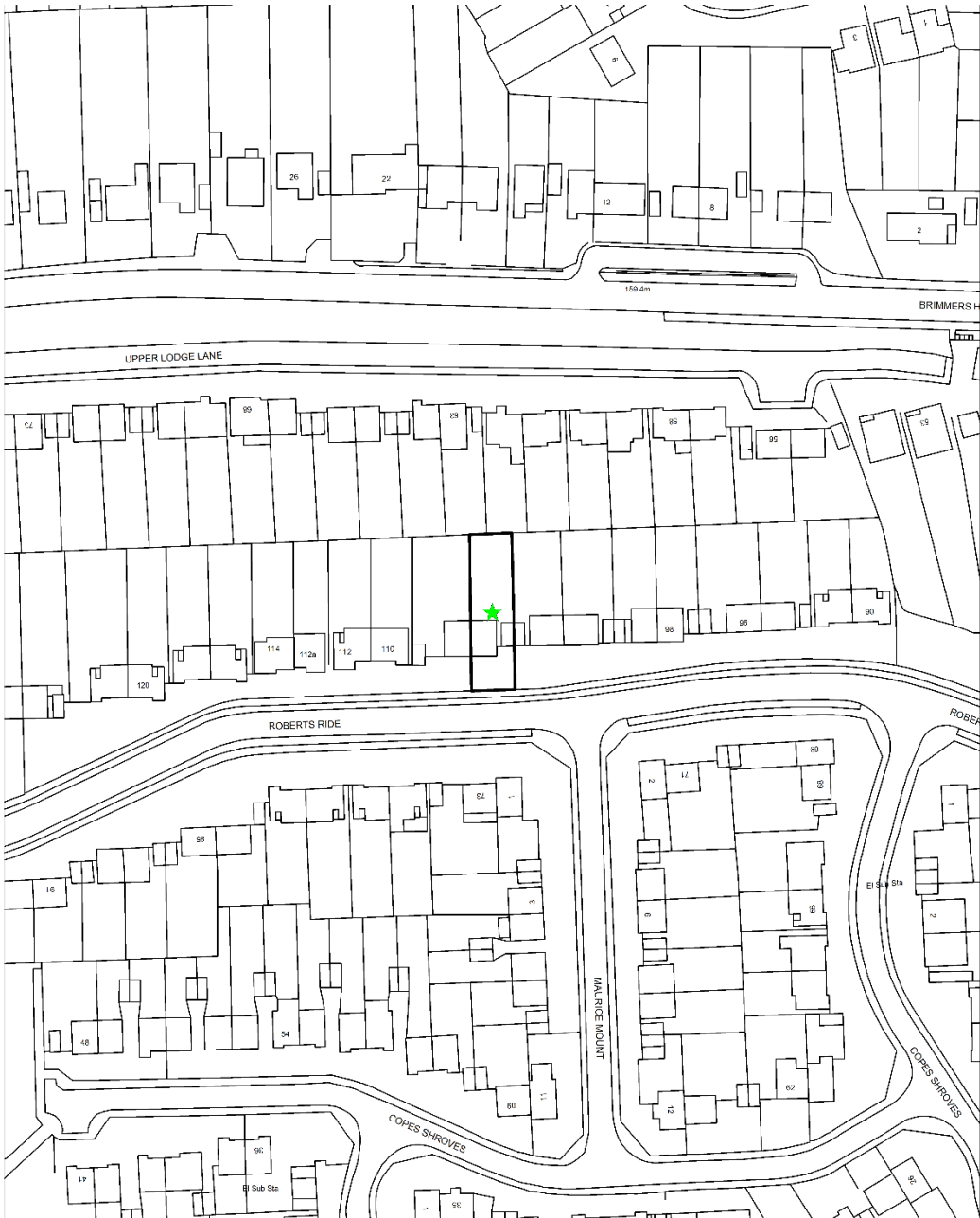
#### Representations

One written representation was received from the occupier of a neighbouring property, who raised the following issues:-

- Inadequate off street car parking
- Loss of light by reason of the siting of the new house
- Issue with overlooking due to changing land levels
- Impact resulting from the air source heat pump

APPENDIX B: Site Location Plan

22/05429/FUL  
Scale 1/1250



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Ordnance Survey 100062456