



## **Planning Committee (CDC)**

**Thursday, 1 February 2018 at 6.30 pm**

**Council Chamber, King George V House, King George V Road, Amersham**

### **A G E N D A**

Item

1 Evacuation Procedures

2 Minutes (*Pages 1 - 4*)

To sign the Minutes of the Planning Committee meeting held on 11 January 2018.

3 Apologies for Absence

4 Declarations of Interest

5 Items for Noting

5.1 New Planning and Enforcement Appeals

5.2 Appeal Decisions

5.3 Permission/Prior Approval Not Required

5.4 Consent Not Needed

5.5 Withdrawn Applications

5.6 Information Regarding Planning Applications to be Determined

6 Report on Main List of Applications (*Pages 5 - 72*)

Chalfont St Giles

**CH/2017/0998/FA**

Recommendation: Conditional permission

**Hunters Moon, Hill Farm Lane, Chalfont St Giles, Buckinghamshire, HP8 4NT**

Seer Green

**CH/2017/1985/FA**

Recommendation: Refuse permission

**Seer Green Post Office, 36 Chalfont Road, Seer Green, Buckinghamshire, HP9 2YG**

Chalfont St Peter

**CH/2017/2013/FA**

Recommendation: Refuse permission

**28-32 Oval Way, Chalfont St Peter, Buckinghamshire, SL9 8QB**

Little Chalfont

**CH/2017/2077/FA**

Recommendation: Conditional permission

**138 Elizabeth Avenue, Little Chalfont, Amersham, Buckinghamshire, HP6 6RG**

Chesham Bois

**CH/2017/2160/FA**

Recommendation: Conditional permission

**40 Long Park, Chesham Bois, Amersham, Buckinghamshire, HP6 5LA**

Little Chalfont

**CH/2017/2185/FA WITHDRAWN**

Recommendation: Refuse permission

**Little Chalfont Village Hall, Cokes Lane, Little Chalfont, Amersham,  
Buckinghamshire, HP7 9QB**

## 7 Exclusion of the Public (if required)

That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6, Part I, of Schedule 12A of the Act.

**Note:** All reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

### **Membership: (Planning Committee (CDC))**

Councillors: D Phillips (Chairman)  
M Titterington (Vice-Chairman)  
J Burton  
J Cook  
J Gladwin  
M Harrold  
C Jones  
P Jones  
J MacBean  
S Patel  
N Rose  
J Rush  
C Wertheim

### **Date of next meeting – Thursday, 22 February 2018**

If you have any queries concerning public speaking at Planning Committee meetings, including registering your intention to speak, please ask for the Planning Committee Co-ordinator 01494 732950; [planning@chiltern.gov.uk](mailto:planning@chiltern.gov.uk). Further information is also available via [www.chiltern.gov.uk/planning/committee](http://www.chiltern.gov.uk/planning/committee)

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## **CHILTERN DISTRICT COUNCIL**

### **MINUTES** of the Meeting of the **PLANNING COMMITTEE (CDC)** held on **11 JANUARY 2018**

**PRESENT:** Councillor D Phillips - Chairman  
M Titterington - Vice Chairman

Councillors: J Burton  
J Cook  
J Gladwin  
M Harrold  
C Jones  
P Jones  
J MacBean  
N Rose  
J Rush  
C Wertheim

**APOLOGIES FOR ABSENCE** were received from Councillor S Patel

**ALSO IN ATTENDANCE:** Councillor A Bacon

#### **66 MINUTES**

The Minutes of the meeting of the Committee held on 14 December 2017, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

#### **67 DECLARATIONS OF INTEREST**

Councillor P Jones declared a personal interest in planning application CH/2017/1361/FA. Nature of interest – Councillor Jones was a Member of Chartridge Parish Council.

#### **68 ITEMS FOR NOTING**

**RESOLVED -**

**That the reports be noted.**

**69 REPORTS ON LOCAL AUTHORITY LIST OF APPLICATIONS**

**RESOLVED -**

**Application CH/2017/2015/RC**

**Application deferred in order to seek clarification that disabled spaces can be adequately accessed without affecting proposed layout, that gap between space No.8 and 're-marked' bay sufficient for vehicles to safely pass/manoeuvre, and where lost trees and planters would be replaced. Once details received, application to be brought back to committee**

**70 REPORT ON MAIN LIST OF APPLICATIONS**

**RESOLVED -**

- 1. That the planning applications be determined in the manner indicated below.**
- 2. That the Director of Services be authorised to include in the decision notices such Planning Conditions and reasons for approval, or reasons for refusal as appropriate, bearing in mind the recommendations in the officer's report and the Committee discussion.**

APPLICATIONS

CH/2017/1361/FA      The Bull Public House & Land Adjoining, Chesham Road, Bellingdon, Buckinghamshire, HP5 2XU

Speaking on behalf of Chartridge Parish Council, Councillor Peter Brown.

Speaking for the application, Mr Andrew Barratt.

It was reported at the meeting that 5 letters of objection had been received and 67 letters of support (not as stated on page 5 of the report).

Members considered very special circumstances existed in this case in view of local community need/support for a village pub as an asset of community value and a children's nursery in the village.

**Conditional Permission** (officer recommendation overturned) with conditions including details of car park surfacing to be submitted, specific use of nursery building as that, no amplified music, landscaping, hours of use, lighting, travel plan etc., and standard conditions delegated to the Director of Services.

CH/2017/1693/FA      Appleton Lodge, 56 Hill Rise, Chalfont St Peter, Buckinghamshire, SL9 9BQ

Speaking on behalf of Chalfont St Peter Parish Council, Councillor Tony Shinner.

Speaking on behalf of the objectors, Mr Bernard Coode.

Speaking as the applicant, Mr Harrison.

**Permission refused** (officer recommendation overturned) for two reasons: siting/bulk failing to respect character and appearance of area (GC1, H3 and H12) and unacceptable impact on neighbours (GC3). Precise wording delegated to the Director of Services.

CH/2017/1870/FA      The Polecat Public House, 170 Wycombe Road, Prestwood, Buckinghamshire, HP16 0HJ

Speaking on behalf of the objectors, Mr Jamie Lane.

Speaking for the application, the applicant, Mr Peter Borg-Neal.

Members considered that the net size of the extension proposed was not unduly disproportionate to the original building, would not have a significant impact on the openness of the Green Belt and subject to conditions dealing with car park surfacing, means of enclosure, screening and lighting the proposal would not be unduly detrimental to the landscape quality or appearance of this part of the AONB.

**Conditional Permission** (officer recommendation overturned) granted subject to conditions including details of car park surfacing to be submitted, means of enclosure and screening, lighting, soft and hard landscaping, and standard conditions delegated to officers.

CH/2017/1914/FA Littlefields, 8 Priory Road, Chalfont St Peter, Buckinghamshire, SL9 8SB

Speaking for Chalfont St Peter Parish Council, Councillor Tony Shinner.

Speaking for the applicant, the agent, Mr Peter Selby.

**Conditional Permission**

CH/2017/1959/FA Land at and To The Rear Of 206 - 208 Chartridge Lane, Chesham, Buckinghamshire

Speaking for the objectors, Mr Andrew Gibbins.

Speaking for the application, the agent, Mr Adam Murray.

Speaking as the local Member, Councillor Alan Bacon.

**Permission refused** against officer recommendation because the Committee did not consider that the previous reason for refusal had been overcome in relation to the impact on the character of the area. The second previous reason for refusal relating to turning and manoeuvring space had been overcome.

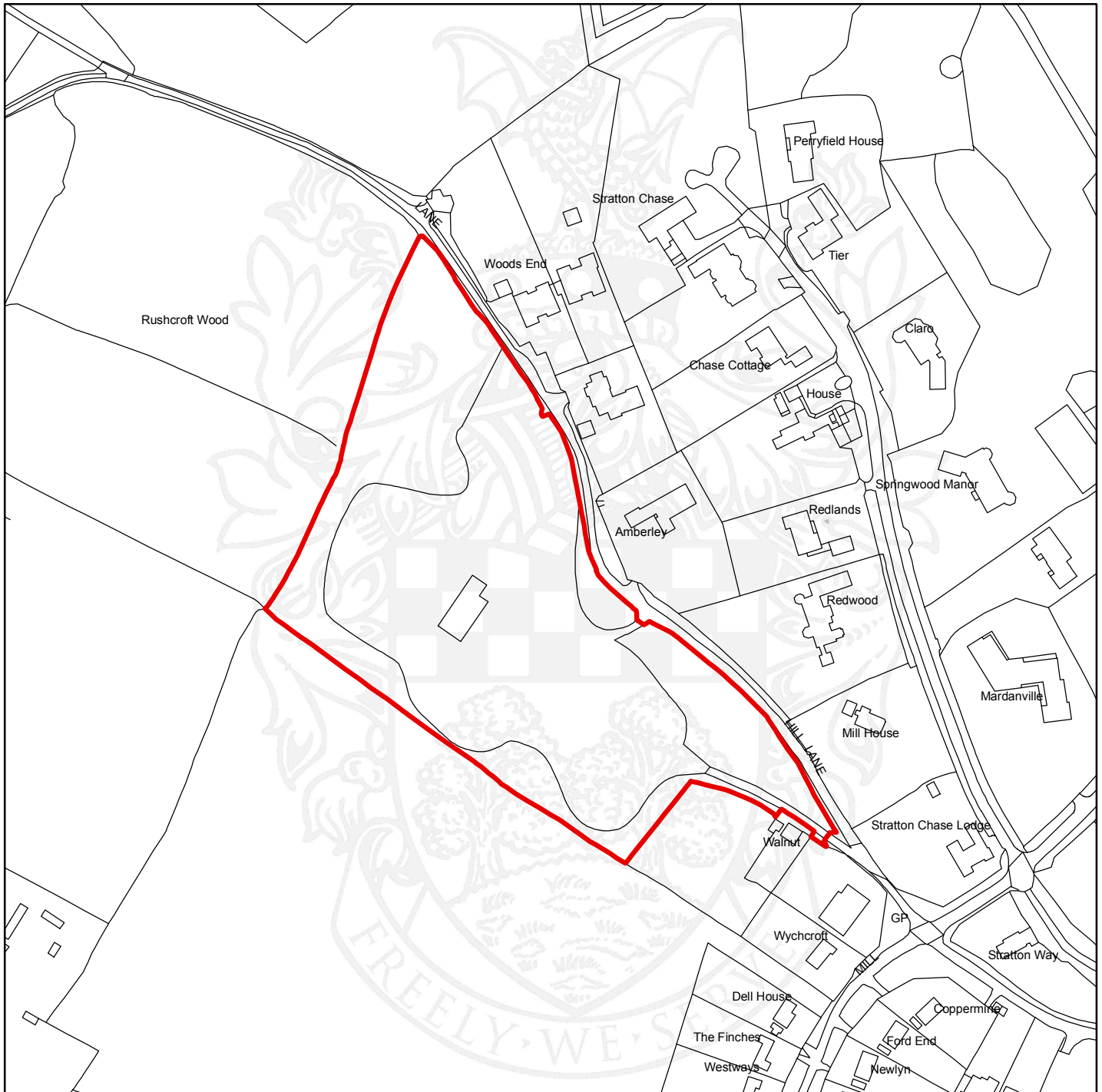
**The meeting ended at 9.06 pm**

# CH/2017/0998/FA



**CHILTERN**  
District Council

Hunters Moon, Hill Farm Lane, Chalfont St Giles, Buckinghamshire,  
HP8 4NT



**Scale:** 1:2,500

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<b>Organisation</b>	Chiltern District Council
<b>Department</b>	Planning & Environment
<b>Comments</b>	
<b>Date</b>	
<b>SLA Number</b>	100033578.2016



# CH/2017/1985/FA



**CHILTERN**  
District Council

Seer Green Post Office, 36 Chalfont Road, Seer Green,  
Buckinghamshire, HP9 2YG



**Scale:** 1:1,250

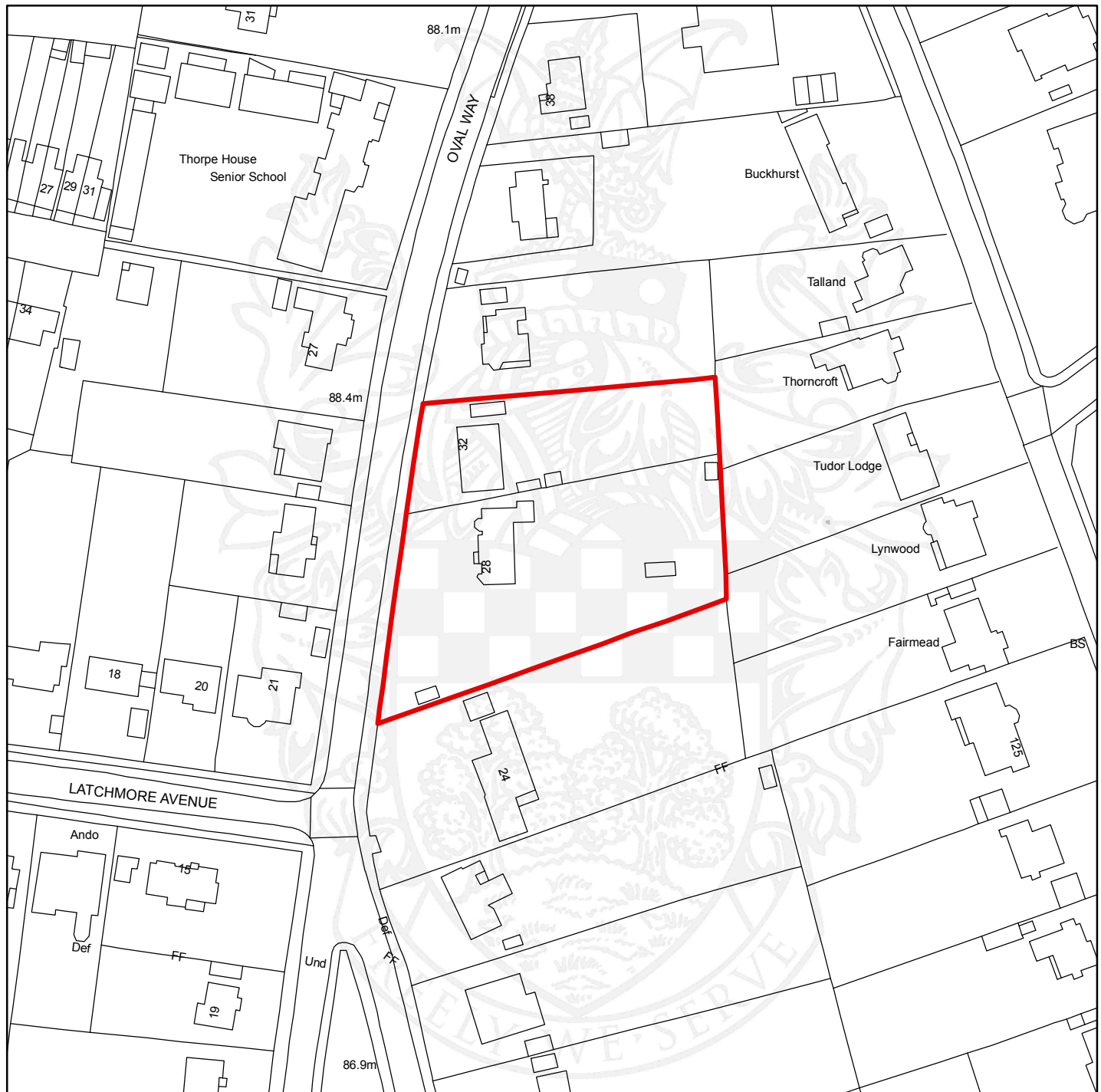
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<b>Department</b>	Planning & Environment
<b>Comments</b>	
<b>Date</b>	
<b>SLA Number</b>	100033578.2016



# CH/2017/2013/FA

28-32 Oval Way, Chalfont St Peter, Buckinghamshire, SL9 8QB



**Scale:** 1:1,250

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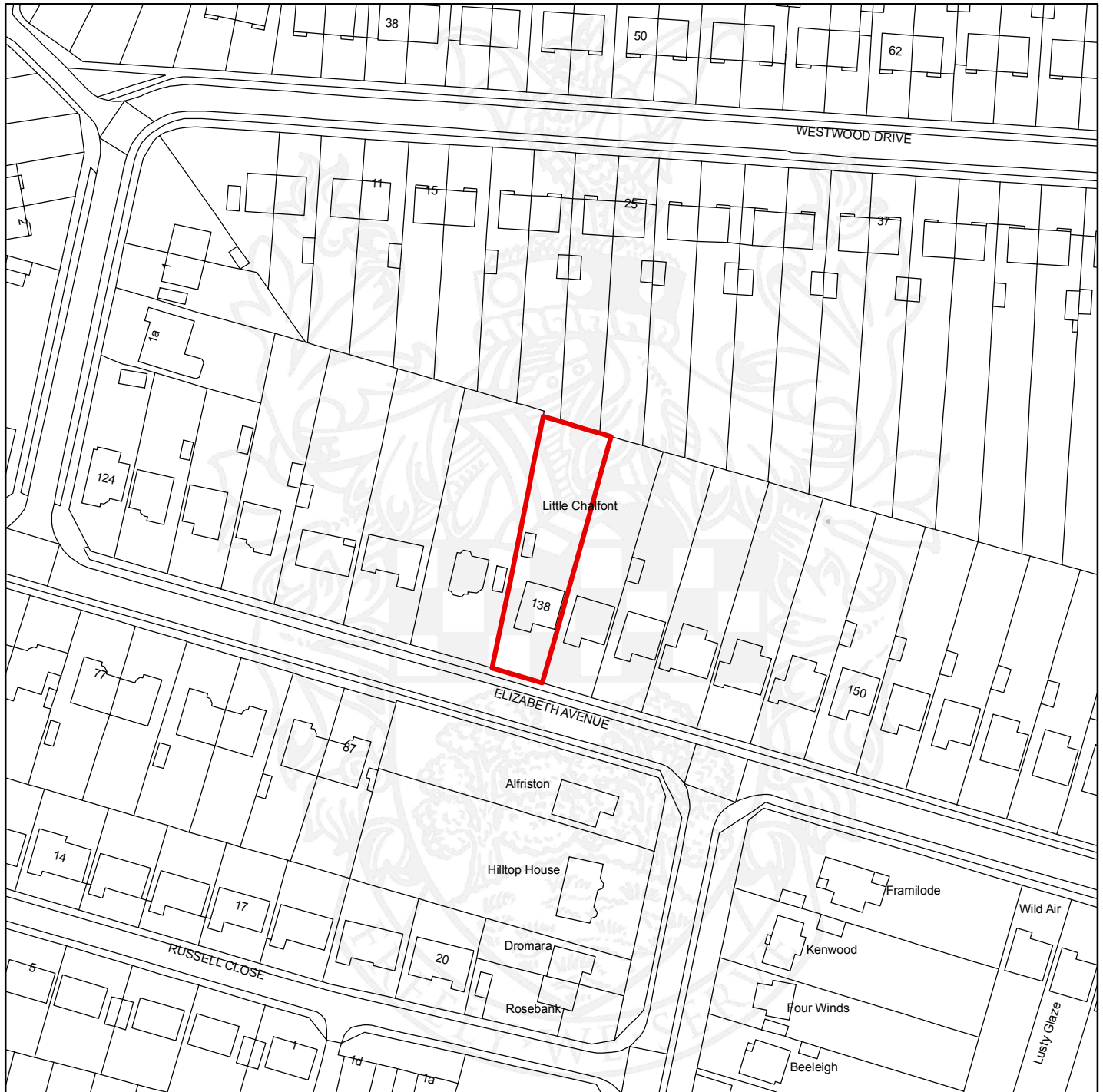
<b>Organisation</b>	Chiltern District Council
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<b>Date</b>	
<b>SLA Number</b>	100033578.2016

# CH/2017/2077/FA



**CHILTERN**  
District Council

138 Elizabeth Avenue, Little Chalfont, Amersham, Buckinghamshire,  
HP6 6RG



**Scale:** 1:1,250

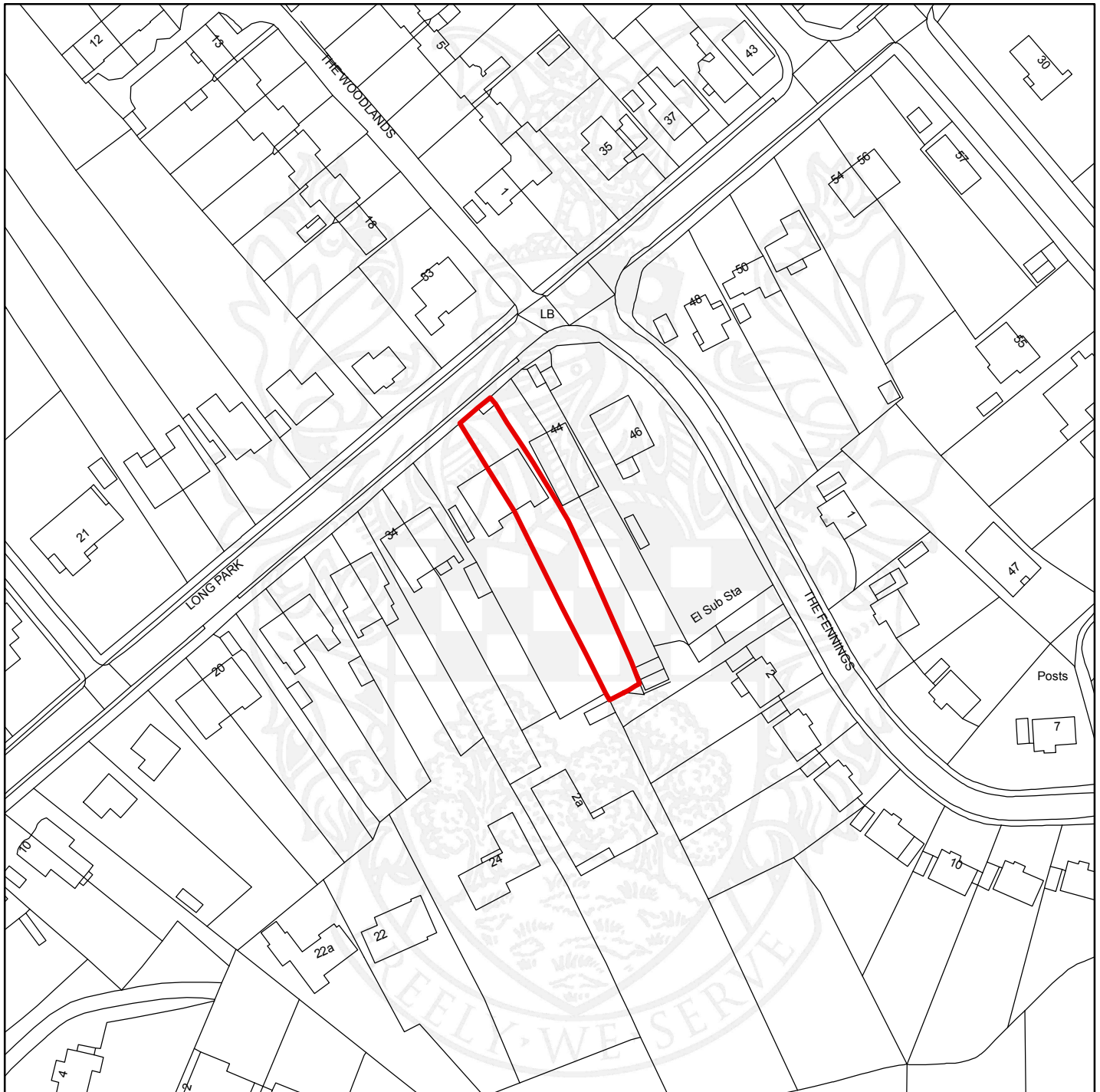
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<b>Department</b>	Planning & Environment
<b>Comments</b>	
<b>Date</b>	
<b>SLA Number</b>	100033578.2016



# CH/2017/2160/FA

40 Long Park, Chesham Bois, Amersham, Buckinghamshire, HP6 5LA



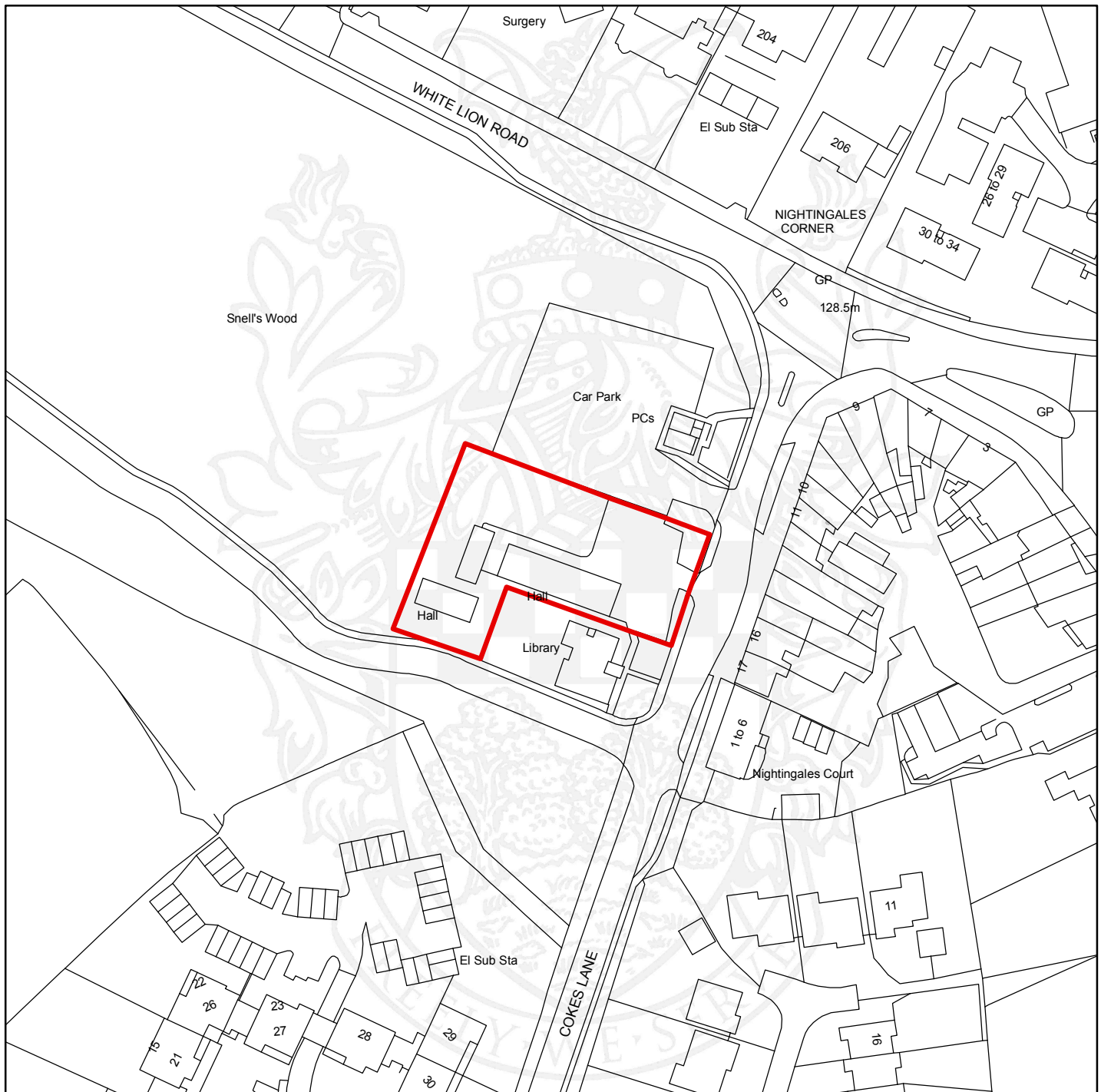
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<b>Comments</b>	
<b>Date</b>	
<b>SLA Number</b>	100033578.2016



Little Chalfont Village Hall, Cokes Lane, Little Chalfont, Amersham,  
Buckinghamshire, HP7 9QB



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## PLANNING COMMITTEE – 1 February 2018

### REPORT OF THE OFFICERS

*Background papers, if any, will be specified at the end of each item.*

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#### AGENDA ITEM No. 5

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#### ITEMS FOR NOTING

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##### 5.1 NEW PLANNING AND ENFORCEMENT APPEALS

**CH/2017/0808/FA** - Demolition and replacement of existing dwelling, single storey garage to side, Braeside, Burtons Lane, **Little Chalfont**

**CH/2017/1024/FA** – Single storey front, side and rear extension with accommodation in roof space and incorporated basement and porch (amendment to planning permission CH/2012/1143/FA – allowed at appeal) (retrospective), 34 First Avenue, **Amersham**

**CH/2017/1236/FA** - Single storey side extension, single storey rear extension, front porch extension, raised roof to create first floor accommodation, front link extension with integral garage with upper store/workshop and alterations, Rivendell, Marriotts Avenue, **South Heath**

**CH/2017/1362/FA** – Single storey side/rear extension and front porch extension, 51 Chessfield Park, **Little Chalfont**

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##### 5.2 APPEAL DECISIONS

**CH/2016/2416/FA** – Conversion and extension of existing barn to provide independent accessible dwelling, Owl Meadow, Hog Lane, **Ashley Green**  
Officer Recommendation: Refuse Permission  
**Appeal Decision: Appeal Dismissed (09.01.2018)**

**CH/2017/0450/FA** – Subdivision of plot and erection of new detached dwelling, served by new vehicular access, 1 Shrimpton Close, **Knotty Green**  
Officer Recommendation: Refuse Permission  
**Appeal Decision: Appeal Dismissed (09.01.2018)**

**CH/2017/0480/FA** – Erection of a dwelling on land to the rear of no.9 Berkeley Avenue, associated access drive and parking, 9 Berkeley Avenue, **Chesham**  
Officer Recommendation: Conditional Permission  
Committee Decision: Refuse Permission  
**Appeal Decision: Appeal Allowed (21.12.2017)**

**CH/2017/0884/FA** – Two storey side/front extension, L'Enchantress, 120 Bois Lane, **Chesham Bois**  
Officer Recommendation: Refuse Permission  
**Appeal Decision: Appeal Dismissed (09.01.2018)**

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##### 5.3 PERMISSION/PRIOR APPROVAL NOT REQUIRED

**CH/2017/2057/TP** – Crown reduction of a cherry tree protected by a Tree Preservation Order, Chiltern House, 13 Chiltern Manor Park, **Great Missenden**

**CH/2017/2107/PNO** – Prior Notification under Class O of Part 3, Schedule 2 of the Town and

Country Planning (General Permitted Development) (England) Order 2015 – Change of Use from office (Use Class B1 (a)) to four residential units (Use Class C3), IDC House, The Vale, **Chalfont St Peter**

**CH/2017/2126/PNO** – Prior Notification under Class O of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – Change of Use from office (Use Class B1 (a)) to three residential units (Use Class C3), Office at Havenfields, Aylesbury Road, **Great Missenden**

**CH/2017/2133/PNE** – Notification of proposed single storey rear extension; depth extending from the original rear wall of 5.32 metres, a maximum height of 3.36 metres and a maximum eaves height of 2.95 metres, Pippins, Fox Lane, **Holmer Green**

**CH/2017/2155/PNE** – Notification of proposed single storey rear extension; depth extending from the original rear wall of 3.6 metres, a maximum height of 3.6 metres and a maximum eaves height of 2.5 metres, 8 Gordon Way, **Chalfont St Giles**

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#### **5.4 CONSENT NOT NEEDED**

**CH/2017/1952/HB** – Stripping and recovering of roof to listed school building, Chenies School, Village Road, **Chenies**

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#### **5.5 WITHDRAWN APPLICATIONS**

**CH/2017/1927/FA** – Two storey side and single storey rear extensions, Pinewood, 6 Green Lane, **Chesham Bois**

**CH/2017/2201/FA** – Two storey front/side extension, 28 Fairfields, **Great Kingshill**

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#### **5.6 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED**

Appended for your consideration are lists of applications submitted under the Town and Country Planning Act, 1990, and the Planning [Listed Buildings and Conservation Areas] Act, 1990, together with a recommendation from the Head of Planning Services. The forms, plans, supporting documents and letters of representation relating to each application are available for inspection on Public Access on the Councils Website.

Background papers for each of these planning applications, unless otherwise stated, are the application form and related letters, statements and drawings, notices, papers, consultations, and any written representations and comments received.

Reports may be updated at the meeting if appropriate, for example, where responses from consultees or further letters of representation are received.

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### **REPORTS ON MAIN LIST OF APPLICATIONS**

**AGENDA ITEM No. 6**

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### **EXCLUSION OF THE PUBLIC**

**AGENDA ITEM No. 7**

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That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of





Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 1st February 2018

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

**Chalfont St Giles**

**CH/2017/0998/FA**                      Ward: Chalfont St Giles                      Page No: 3  
Proposal: Alteration of ground levels (retrospective).  
Recommendation: Conditional permission

**Hunters Moon, Hill Farm Lane, Chalfont St Giles, Buckinghamshire, HP8 4NT**

**Seer Green**

**CH/2017/1985/FA**                      Ward: Seer Green                      Page No: 8  
Proposal: Change of use from a mixed use comprising a Post Office (Use Class A1) and dwelling (Use Class C3) to one residential dwelling (Use Class C3), alterations to front elevation, internal alterations  
Recommendation: Refuse permission

**Seer Green Post Office, 36 Chalfont Road, Seer Green, Buckinghamshire, HP9 2YG**

**Chalfont St Peter**

**CH/2017/2013/FA**                      Ward: Austenwood                      Page No: 14  
Proposal: Erection of five new dwellings  
Recommendation: Refuse permission

**28-32 Oval Way, Chalfont St Peter, Buckinghamshire, SL9 8QB**

**Little Chalfont**

**CH/2017/2077/FA**                      Ward: Little Chalfont                      Page No: 24  
Proposal: Proposed rear and side extension and all associated works  
Recommendation: Conditional permission

**138 Elizabeth Avenue, Little Chalfont, Amersham, Buckinghamshire, HP6 6RG**

**Chesham Bois**

**CH/2017/2160/FA**                      Ward: Chesham Bois And Weedon Hill                      Page No: 28  
Proposal: Single storey rear extension  
Recommendation: Conditional permission

**40 Long Park, Chesham Bois, Amersham, Buckinghamshire, HP6 5LA**

**Little Chalfont**

**CH/2017/2185/FA**

Ward: Little Chalfont

Page No: 31

Proposal: Demolition of existing buildings, erection of two-storey community centre, alteration to existing access, formation of new vehicular access and provision of cycle parking, car park, bin stores, boundary treatment and landscaping

Recommendation: Refuse permission

**Little Chalfont Village Hall, Cokes Lane, Little Chalfont, Amersham, Buckinghamshire, HP7 9QB**

# REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

## Main List of Applications 1st February 2018

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### CH/2017/0998/FA

Case Officer: Kirstie Elliot  
Date Received: 24.05.2017  
Parish: Chalfont St Giles  
App Type: Full Application  
Proposal: Alteration of ground levels (retrospective).  
Location: Hunters Moon  
Hill Farm Lane  
Chalfont St Giles  
Buckinghamshire  
HP8 4NT  
Applicant: Mr & Mrs D Smith

Date Received:	24.05.2017	Decide by Date:	29.08.2017
Parish:	Chalfont St Giles	Ward:	Chalfont St Giles

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to Unclassified Road  
Area Special Advertising Control  
Adjacent Public Footpaths and Public Rights Of Way  
Within Green Belt other than GB4 GB5  
Mineral Consultation Area  
In Site of Special Scientific Interest NC1  
Thames Groundwater Protection Zone GC9

### CALL IN

Councillor Gladwin has requested that this application be called to Committee if the officer's recommendation is for approval.

### SITE LOCATION

Hunters Moon is a large detached dwelling situated within a large plot on the west side of Hill Farm Lane, to the north of its junction with Mill Lane, and to the south of Rushcroft Wood. The site is located within the open Green Belt, although just outside (to the west) of the Chilterns Area of Outstanding Natural Beauty. There are no Tree Preservation Order trees on the site and it is not located within a conservation area. The original dwellinghouse at Hunters Moon was located to the north-east of the site, opposite Laurel House. This property was subsequently demolished and rebuilt (with planning permission) at a position more centrally within the site, approximately 40 metres to the south of the previous dwelling.

### THE APPLICATION

This application seeks retrospective planning permission for alterations to the ground levels in north-east section of the residential curtilage of the dwelling, primarily in the wooded area to the south of Rushcroft Wood and adjacent to the highway (Hill Farm Lane). The area of land affected is approximately 50 metres in length (as measured south to north) and 15 metres wide (east to west) as measured from a point set back from the east of the carriageway by approximately 2.5 - 3 metres. The increase in height resulting from the works varies over the site, for example at the far north-east corner of the site at point set back from carriageway edge by 5 metres the land has been raised by approximately 1 metre above the pre-existing height however further inside the site the ground level has only been raised by 0.2 metres.

The application has been amended since its submission to remove the proposed erection of fencing along the north-east boundary of the site above the area of altered ground level.

### **RELEVANT PLANNING HISTORY**

There is a long planning history for the site, of most relevance to the current application is:

CH/2001/1848/FA - Erection of replacement re-sited house with front and rear balconies. Conditional permission - not implemented.

CH/2006/0966/FA - Replacement dwelling with detached triple garage (amendment to Planning Permission CH/2001/1848. Conditional permission

CH/2006/1546/FA - Variation to condition 8 of planning permission 06/0966/CH to allow the existing dwelling to be retained until the new dwelling is occupied.

CH/2007/0532/FA - Replacement dwelling with detached triple garage (amendment to Planning Permission CH/2006/0966). Conditional permission.

CH/2008/0249/FA - Replacement dwelling with detached triple garage (amendment to Planning Permission CH/2007/0532/FA). Conditional permission - Implemented.

CH/2013/0824/FA - Single storey side extension incorporating habitable accommodation in the roof space, alterations to land levels to create sunken amphitheatre with associated balustrades, insertion of windows and rooflight to existing basement, erection of brick wall, two sets of entrance gates, electrical substation and alterations to ramp (part retrospective). Conditional permission.

CH/2013/1796/FA - Single storey side extension incorporating habitable accommodation in the roof space, alterations to land levels to create sunken amphitheatre with associated balustrades, insertion of windows and rooflight to existing basement, erection of brick wall, entrance gates, 1.8 metre high fencing, electrical substation and alterations to ramp (part retrospective) (amendment to planning permission CH/2013/0824/FA). Conditional permission.

### **PARISH COUNCIL**

Strongly object - plans still appear to be inaccurate and the effects upon the area are significant.

### **REPRESENTATIONS**

Since submitted the application has been amended to remove the proposed erection of fencing along the boundary of the site. Further, the agent has provided the following email of clarification in respect of the engineering works to alter the ground levels:

- The area in question had a large depression, that had been used for the dumping of building material (from the construction of the house) as well as other items including an old motor bike. The waste material was removed from the depression and placed in waste disposal skips.

- The land was levelled by using material (soil) that had been stored lower down the site (towards the main entrance) as a result of the building works in relation to the house. Lorries were loaded at the lower end of the site with the stored soil and then driven up Hill Farm Lane. The soil was then deposited to infill the depression.
- In addition to the movement of soil from around the site, gravel was brought onto the site to re surface the existing track / drive to the north of the house. Furthermore top soil was also brought onto the site to dress the top of the land to enable the planting of grass.
- The above process explains why lorries were seen depositing soil and gravel on the site. The material that infills the depression was taken from the excavation of the existing house, which is in close proximity to the point that it was deposited.

5 letters of objection have been received, the contents of which are summarised as follows:

- earthworks incorrectly described, total change in land levels is up to 2000mm above the lane;
- 50-60 lorries bringing 400-600 tonnes of material including rubble may contain harmful pollutants;
- intrusion into countryside and change to rural feel of lane;
- change in landscape impacts on openness of green belt and setting of AONB;
- loss/damage to trees, remaining trees may become unstable/die;
- hidden drain installed spilling water onto the lane;
- steep bank presents danger to highway users as nowhere for walkers/cyclists to go when car passes;
- remedial work should be undertaken for safety reasons.

## CONSULTATIONS

None relevant.

## POLICIES

National Planning Policy Framework (NPPF)

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20,

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GB2, GC1, GC3

## EVALUATION

### Principle of development

1. The application site is located in the Green Belt. As stated at paragraph 79 of the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 80 continues that the Green Belt serves five purposes, namely:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and urban land.

2. Most development within the Green Belt is inappropriate save a closed list of exceptions as stated at paragraphs 89 and 90 of the NPPF. One of these exceptions is engineering operations (bullet point 2, para 90) provided those operations preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. As established in case law, the concept of openness is distinct from visual impact. Policy GB2 of the Adopted Local Plan is in step with the NPPF in this regard.

3. Engineering operations can cover a wide range of works, however, in this instance the engineering operations comprise the movement of soil to alter and raise the ground levels in the north-eastern end of the site. It is not considered that this engineering operation conflicts with the five purposes of which the Green belt serves and as such the openness of the Green Belt is preserved. Accordingly, it is considered that the development is acceptable in principle.

#### **Design/character & appearance**

4. The topography of the site is such that the land rises from south to north so that when entering the site from Hill Farm Lane the dwelling is at a higher level than the access gates and the woodland area to the north is at a higher position relative to the dwelling. From Hill Farm Lane the land rises from east to west such that the neighbouring dwellings to the east are at a lower position from the application site. The land level then plateaus within the application site before falling downwards again to the west side of the dwelling.

5. From inside the site the land levels have altered little as a result of the engineering works. However, the works have resulted in the north-eastern end of the curtilage being level with the remainder of the site within the wooded area of the garden. The point at which the site can be viewed by the public at large is from Hill Farm Lane, with the change in land levels being most visible at the northern end of the site where it meets Rushcroft Wood.

6. It is noted from the third party comments that there is some dispute over the degree of land level change. A review of the available photographic evidence shows that there has been a change but not an amount which can be measured to counter the information provided on the plans and by the applicant's information. What is clear is that the application site has always been at an elevated position from Hill Farm Lane and this relationship persists, albeit more pronounced at the point where the site meets the carriageway. That said, and on balance, it is considered that there is limited impact on the character and appearance of the street scene and locality as a result of the works and it retains a semi-rural, sylvan appearance such that a refusal of the application with reference to policy GC1 of the Adopted Local Plan could not be sustained.

#### **Residential amenity**

7. The nearest neighbours to the site are those located on the east side of Hill Farm Lane. Given the distance of the application site from these properties, it is not considered that the altered land levels have any significant direct impact upon the amenities of the occupiers of these properties by reason of loss of outlook or loss of privacy. As such, there is limited impact with reference to policy GC3 of the Adopted Local Plan.

#### **Other matters**

8. It is acknowledged that further development of the area of the site where the engineering operations have taken place to raise the land levels could have an impact on the openness of the Green Belt and the visual amenity of the area. As such, it is recommended that a condition be attached to a grant of planning permission to remove the permitted development right in respect of the erection of means of enclosure above the raised land.

#### **Conclusions**

9. This application for retrospective permission for the works to alter the land levels to that as exist is recommended for approval by reason that the works are not inappropriate development within the Green Belt and are not out of keeping with the character or appearance of the area.

#### **Working with the applicant**

10. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

11. Chiltern District Council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this instance the proposed means of enclosure was removed from the application and Chiltern District Council has considered the details as submitted which were considered acceptable.

**Human Rights**

12. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

**RECOMMENDATION: Conditional permission**

**Subject to the following conditions:-**

1 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A of Part 2 of Schedule 2 to the said Order .....**DETAILS TO FOLLOW**

## **CH/2017/1985/FA**

Case Officer: Emma Showan  
Date Received: 24.10.2017  
Parish: Seer Green  
App Type: Full Application  
Proposal: Change of use from a mixed use comprising a Post Office (Use Class A1) and dwelling (Use Class C3) to one residential dwelling (Use Class C3), alterations to front elevation, internal alterations  
Location: Seer Green Post Office  
36 Chalfont Road  
Seer Green  
Buckinghamshire  
HP9 2YG  
Applicant: Mr Siddharth Patel

Decide by Date: 29.01.2018  
Ward: Seer Green

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to C Road  
Adjacent to Unclassified Road  
Adjacent Listed Buildings  
Mineral Consultation Area  
Established Residential Area of Special Character

### **CALL IN**

This application has been submitted by Councillor Patel and is therefore to be determined by the Planning Committee.

### **SITE LOCATION**

This application relates to a mixed use premises comprising a post office (Use Class A1) and a residential dwelling (Use Class C3). The site is located within the built-up area of Seer Green, along the main road through the village. It is sited within a row of residential dwellings, across the road from the Holy Trinity Church.

### **THE APPLICATION**

This application proposes the change of use from a mixed use comprising a Post Office (Use Class A1) and dwelling (Use Class C3) to one residential dwelling (Use Class C3), alterations to the front elevation and internal alterations.

Currently the premises consist of a Post Office at ground floor level with residential living accommodation to the rear, and on the first and second floor levels. It is proposed that the front room - the Post Office - becomes incorporated into the remainder of the residential dwelling and would be used as a hallway, bathroom and bedroom.

The external alterations propose the replacement of the existing shop front with a new front door, canopy, three windows, railings and gate of a maximum height of 1 metre.

### **RELEVANT PLANNING HISTORY**

CH/2001/1720/FA - Single storey side/rear extension, conditional permission.



CH/1984/0760/FA - Construction of loft to form two bedrooms for residential use, refused permission.

CH/1981/2007/FA - Erection of a single storey shop extension, porch and loft conversion including construction of dormer windows.

## **PARISH COUNCIL**

Seer Green Parish Council has reviewed the application and a summary of their comments is as follows:

- A Post Office has been operating in the village for approximately 80 years and the Post Office is keen to retain their services in the village and happy to support any initiative in order to do so
- The Post Office has been the hub of the community for many years, providing valuable and vital services and acting as a social meeting point for residents who would otherwise become isolated
- Until its closure at the beginning of November 2017, the business was extremely well supported by both residents and non-residents. Accordingly the permanent loss of the local asset will be keenly felt.
- The Parish Council has been approached by a number of residents concerned at the closure to the business
- The village needs a Post Office and suitable A1 commercial premises to accommodate it, however there are none available other than this existing unit
- The gradual erosion of businesses/shops within small rural communities through conversion to residential use would in turn change the nature of the community from a village to a dormitory satellite of nearby towns
- There is no evidence to suggest that the applicant has demonstrated that steps were taken over a period of time to sell the business to another as a growing concern

## **REPRESENTATIONS**

4 letters of support from residents of Seer Green have been received which are summarised as follows:

- The Post Office is no longer a viable concern
- There is a parade of shops in the village and they will continue to serve the community
- The postmaster and his wife deserve to enjoy their retirement in an improved home in the village they have served for so long
- The services are all duplicated in other village shops like the newsagents
- The applicants own the freehold to the Post Office and have no investment in the property
- The weekly payment for sustaining the sub post office from the Post Office works out to be less than half the minimum wage meanwhile other costs such as business rates are increasing
- The Post Office is not concerned as other facilities are available within 2.5 miles on bus routes
- It would not be right for the applicants to provide a post office service at a substantial cost to themselves when all those services are already available in other village shops

79 letters of objection have been received, which are summarised as follows: -

- There has been a post office in the village for the past 80 years
- The business is thriving and viable
- It is an important and heavily used village amenity
- Integral part of village life
- Travelling to another village or town will increase local traffic and carbon footprint
- Social centre in the village
- Important to remember the needs of disabled people in the village
- Post Office is always busy
- No attempt to sell the business
- Integral part of the community
- Important service for the elderly
- A Post Office is one of the criteria that make a village
- Essential service for a rural community
- Vital to maintain community spirit

- If allowed, there would be little or no opportunity for a post office or any other shop to exist in this location in the future
- The Post Office Ltd should provide the results of their investigation into whether they are able to provide an alternative Post Office facility in the village
- It will contribute to the housing crisis and price young people out of the area
- Others should have a chance to take over the Post Office
- Loss of employment
- Ratio of retail use to residential use is already very small
- Proposal contravenes the village plan
- Reduced community facilities will impact house prices
- Long wait for the bus and difficult to walk
- Many residents unable to travel outside the village
- Object to financial gain of the applicant
- Funding for local post offices will become available from April 2018
- Concern that the village will become a 'heartless satellite'
- Parking in Beaconsfield is expensive and the post office here is very busy at peak times
- The closure should not be allowed without a solution
- The new window will be overlooking to New Cottage
- The owners of the Post Office have right of access over the driveway at New Cottage and there is concern that this could become the main access for builders and could block access etc.
- Request for the application to be determined by the Planning Committee

The applicant has submitted a letter in support of the application and in response to some of the objections raised:

- The decision to close the Post Office was not taken lightly as it was the applicants' livelihood
- Financial concerns - the remuneration from the Post Office is inadequate and it would be difficult for someone with a mortgage plus rent to be able to make the business financially viable
- The bulk of the services provided by the Post Office are duplicated by other shops in the village
- The parcel service is heavily used but the applicants get a pittance for that service
- In 2015, the Post Office decided on a network transformation and the applicants had 3 options: Close the Post Office and take redundancy; Convert to a Local Post Office; Stay as existing but lose core payment after 18 months
- The cost to renovate the Post Office so that it could become a Local Post Office was £18,500 and it would take a long time for the applicants to recoup that money. They would be running at a loss straight away and so this was unviable
- Taking the third option has meant a salary of £750 per month or 4.43p per hour after September 2017
- The Post Office was offered to Best-One but they declined on the basis that it was not financially viable
- The Post Office has known that the applicants would be leaving since July 2017 and did not do anything until a month before closure
- It is unfair for the Post Office to say that they did not want to close the Post Office and to say that it was the applicants who have chosen to resign as the applicants feel like they have had little other choice
- The shop has been losing trade and sales, now Best-One and Jordans Store provide similar services
- Parking outside the shop has been an issue, especially since yellow lines were installed and this has had an impact on passing trade

Copies of correspondence between the Post Office and the applicants have been submitted as part of the application.

## **CONSULTATIONS**

None relevant.

## **POLICIES**

National Planning Policy Framework.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, CS16, CS19, CS20, CS25 and CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, S13, TR11 and TR16.

## **EVALUATION**

### **Principle of development**

1. The application site is located in the built-up area of Seer Green. In accordance with Development Plan Policy S13, in the case of existing shops, existing Class A1 uses should be retained and changes of use or redevelopment for any other purpose will not be permitted, apart from changes of use to residential use, where it can be shown that a retail shop, particularly one selling convenience goods, is no longer commercially viable.

2. The applicant property comprises a use falling within Use Class A1 and was previously run as a post office, although the applicants ceased trading in late 2017. The premises have since remained vacant. Development Plan Policy S13 states that in the case of existing shops, existing Class A1 should be retained unless the unit is no longer commercially viable. In support of this Policy, the applicant has submitted correspondence between themselves and the Post Office Ltd to the effect that the continued operation of the Post Office would not be viable. The correspondence from the Post Office Ltd states that the Post Office Ltd is 'undergoing a Network Transformation' and so those running the post office would have to choose one of three options: close the Post Office and take redundancy, convert to a Local Post Office or stay as existing but lose core payment after 18 months. In response, the applicants state that they investigated converting to a Local Post Office but this was unviable as it would have entailed renovation costs of £18,500 of which the Post Office Ltd would have only contributed a maximum of £2,500. The applicants state that they would not be able to recoup the remainder of this cost (in sales from the post office) for a long period of time, given the large amount of finance required, and so the business would be unviable and would be running at a loss straight away.

3. Another letter (submitted as part of the application) is a generic letter from the Post Office Ltd (dated April 2015). This letter to the applicant states that up to £10,000 investment from the Post Office Ltd is available to post offices in order to help them to modernize and become a 'Local Post Office' but no further information has been submitted by the applicant to confirm that it would cost £18,500 to modernize and that they would not benefit from the potential £10,000 investment alluded to in the correspondence mentioned from the Post Office Ltd.

4. A third letter from the Post Office Ltd (dated February 2016) states that the applicants did not sign and return a Local Post Office Agreement or Conditional Resignation Pack by the end of December 2015. Therefore, there would be no more fixed remuneration paid by the Post Office Ltd to the applicant beyond the end of September 2017. This is confirmed in a fourth letter from the Post Office Ltd (dated 5 September 2017) stating that final instalment of the transitional payment would be due on 30 September 2017.

5. A fifth and final letter (undated) from the Post Office Ltd states that: '...following the resignation of the Postmaster and the withdrawal of the premises for the Post Office use the above branch [Seer Green Post Office] will be closing temporarily on 1 November 2017.' This notice states that the Post Office Ltd is currently investigating the options available 'which will enable us to reinstate a Post Office service to the local community'. Again no further details have been submitted, as to whether the Post Office Ltd has been able to find alternative premises for the Post Office within the locality or whether there has been any interest in another third party taking on the services.

6. Aside from the correspondence referred to above from the Post Office Ltd and a supporting statement made by the applicant, no information has been submitted to indicate that the premises has been advertised or that other interested parties have had the opportunity to take on the premises, either as a post office or as another use falling within the Use Class A1 category. It is accepted that a post office may not be viable in this rural location, especially if it is the case that the £18,500 stated by the applicant is essential to modernize the premises in order that it can be converted to a Local Post Office and that no investment will be forthcoming by the Post Office Ltd to help with this cost. However, on the basis of the information submitted, it is not possible to verify these with any certainty. Also, this does not mean to say that another, differing retail A1 use would be unsuccessful or unviable in this location.

7. It is accepted that the Post Office currently operates from the 'front room' of the applicant's residential property and so its change of use to residential would not result in the creation of a new residential dwelling. In addition, it is accepted that the size and constraints of the premises (by way of it being part of an existing residential property) may make it unattractive to prospective buyers. However, other village shops operate in this manner and without any documentation or marketing particulars to suggest that the premises has been advertised over a period of time and that no interest has been shown, it has not been proven that another A1 Use Class would not be viable in this location. It is therefore considered that the scheme fails to comply with policy S13.

#### **Design/character & appearance**

8. In order to facilitate the change of use, a number of external alterations are proposed. These include the replacement of the existing shop windows/frontage with a new front door and window; the insertion of two new ground floor windows in the north and south flank elevations; a rendered finish to the flank elevations; and the installation of 1 metre high railings and gates to the front elevation. These changes are considered to be minor, with no extensions being proposed to the existing dwelling. The installation of new windows would not materially affect the external appearance of the dwelling and the choice of render to the flank elevations would integrate with the render already in place to the front elevation. The erection of railings and a gate of a maximum height of 1 metre at the front can be undertaken under Class A of Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and no objection is raised in this respect.

#### **Residential amenity**

9. The Post Office fronts directly onto Chalfont Road and has two direct neighbours, No. 38 to the north and No. 28 to the south. The change of use in of itself is not considered to have an adverse impact on neighbouring amenity. Furthermore, as there are no extensions proposed, the change of use would not appear any more prominent to the neighbours than at present. With regards to the insertion of two new ground floor windows in the flank elevations, the proposed window in the north elevation would face onto the front driveway of No. 38 and is not considered to be intrusive, and it would also have an acceptable relationship with New Cottage. The proposed window in the south elevation would face onto the flank wall of No. 28 and would not be intrusive. Finally, any concerns raised regarding the right of access for the occupiers of the Post Office over the driveway at No. 38 are not planning considerations.

#### **Parking/Highway implications**

10. With regards to parking, in accordance with the parking standards set out in Policy TR16, the parking standard for the current mixed use is three spaces for the dwelling element and several more spaces for the retail use. Clearly the parking standard would be lower with purely a dwelling on site, namely (just) three spaces in total. As such no objections can be raised regarding parking provision.

#### **Conclusions**

11. In conclusion, there have been numerous letters of objection submitted by local residents in response to the proposed change of use of the Post Office (Use Class A1) to residential (Use Class C3). Although the

information submitted by the applicant suggests that a post office may not be viable in this location, the evidence regarding whether it could be converted to a local post office is incomplete and there has been no evidence provided to suggest that the premises has been marketed or advertised to allow for another interested party to either take on the running of the Post Office or another use falling within Use Class A1. In the absence of this supporting information and on the basis of the evidence submitted, it is not considered that the premises is unviable and so the proposal fails to comply with Policy S13 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

### **Working with the applicant**

12. In accordance with paragraphs 186 and 187 of the NPPF Chiltern District Council take a positive and proactive approach to development proposals focused on solutions. Chiltern District Council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case, the proposal does not accord with the Development Plan, and no material considerations were apparent to outweigh these matters. It was not considered that any changes during the course of the application would have reasonably overcome these issues, so the application is recommended for refusal on the basis of the submitted plans.

### **Human Rights**

13. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

### **RECOMMENDATION: Refuse permission**

#### **For the following reason:-**

1 Policy S13 of the Adopted Local Plan states that in the case of existing shops, existing Class A1 uses should be retained and changes of use or redevelopment for any other purpose will not be permitted, apart from changes of use to residential use, where it can be shown that a retail shop is no longer viable. The applicant has failed to provide adequate evidence that the retail premises is commercially unviable. As such the proposal is contrary to the requirements of Policy S13 of the Chiltern District Local Plan Adopted 1 September 1997 (Including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

## **CH/2017/2013/FA**

Case Officer: Emma Showan  
Date Received: 27.10.2017  
Parish: Chalfont St Peter  
App Type: Full Application  
Proposal: Erection of five new dwellings  
Location: 28-32 Oval Way  
Chalfont St Peter  
Buckinghamshire  
SL9 8QB  
Applicant: Aquinna Homes plc

Decide by Date: 05.01.2018  
Ward: Austenwood

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to Unclassified Road  
Heathrow Safeguard (over 45m)  
Mineral Consultation Area  
Northolt Safeguard zone  
On/within 250m rubbish tip  
Tree Preservation Order  
Tree Preservation Order Individual Trees  
Established Residential Area of Special Character

### **CALL IN**

Councillor Wertheim has requested that this application be determined by the Planning Committee regardless of the Officer's recommendation.

### **SITE LOCATION**

This application relates to a site located at 28-32 Oval Way in the built-up area of Chalfont St Peter. The site currently comprises a vacant parcel of land on which there previously was sited a care facility for children. Furthermore, the site is located within an Established Residential Area of Special Character with Oval Way being characterised by large detached properties set within wide plots. The properties along the road vary in terms of their appearances but are all set back from the public highway and many have hedging to the front. The site also lies adjacent to the Gerrards Cross Centenary Conservation Area.

### **THE APPLICATION**

This application proposes the erection of five new dwellings.

Plot 1 would consist of a single detached three-storey dwelling. The property would contain 5 bedrooms. It would have a maximum width of 13.3 metres, depth of 13.5 metres and pitched roof height of 10.3 metres, with an eaves height of 5.5 metres. It would be served by an integral single garage.

Plots 2 and 3 would consist of a pair of semi-detached three-storey dwellings. Both properties would have 4 bedrooms. Combined, they would have a maximum width of 12.7 metres, depth of 18.3 metres and pitched roof height of 10.3 metres, with an eaves height of 5.6 metres. Plot 2 would be served by a single detached car port to the north of the site and Plot 3 would share a detached double car port with Plot 4 (each Plot would have one space). This car port would be located to the south-east of Plot 3 and to the rear of the dwellings.

Plots 4 and 5 would consist of a pair of semi-detached two-storey dwellings. Both properties would have 4 bedrooms. Combined, they would have a maximum width of 12.7 metres, depth of 17.2 metres and pitched roof height of 10.2 metres, with an eaves height of 5.7 metres. Plot 4 would share a detached double car port with Plot 3 (each Plot would have one space) while Plot 5 would be served by a single detached car port to the south of the site and forward of the property on Plot 5.

All 5 dwellings would be served by three accesses onto Oval Way.

#### **RELEVANT PLANNING HISTORY**

CH/2015/2224/FA - Erection of two detached buildings comprising 10 age exclusive apartments including parking, revised accesses and landscaped grounds. Refused permission for the following reasons:

- The proposed plot would be substantially wider than others in the locality, and by reason of their overall size, scale, massing, appearance and layout, the proposed buildings would amount to a development of significant scale which would appear overly dominant, prominent and visually intrusive in the street scene and incongruous when viewed in the context of the modest scale of dwellings in the vicinity of the site. The development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area.
- By reason of its size, design and proximity to the shared boundary with No. 24 Oval Way, building B would appear prominent and visually intrusive when viewed from the rear aspect of this property. In addition, the number and type of windows in the southern elevation of building B would result in a degree of overlooking when viewed from this neighbouring property.
- Appeal dismissed.

CH/2014/1540/FA - Redevelopment of site to provide one building containing 10 residential apartments with underground parking, one detached refuse store, alterations/creation of two vehicular accesses and closure of two existing accesses. Refused permission for the following reasons:

- The proposed development would result in the loss of a Use Class C2 residential care home which is classed as a community facility. No replacement community facility is proposed as part of this application and insufficient information regarding the need for this site for use as a care home or other community service/facility use has been put forward and no exceptional circumstances have been put forward to justify the loss of the community use.
- The proposed plot would be substantially wider than others in the locality, and by reason of their overall size, scale, massing, appearance and layout, the proposed buildings would amount to a development of significant scale which would appear overly dominant, prominent and visually intrusive in the street scene and incongruous when viewed in the context of the modest scale of dwellings in the vicinity of the site. The development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area.
- By reason of its size, design and proximity to the shared boundary with No. 24 Oval Way, the development would appear prominent and visually intrusive when viewed from the rear aspect of this property. In addition, the number and type of windows would result in a degree of overlooking when viewed from this neighbouring property.
- No legal agreement has been completed to secure possible affordable housing contributions.
- Appeal dismissed.

#### **PARISH COUNCIL**

Strongly object. Out of keeping in Established Area of Residential Character adjacent to Conservation Area. Recent appeals rejected partly due to design. Over development, being considerably taller than adjacent properties. Two pairs of semis close together give the impression of excessive bulking. Density too great for this site. Over bearing on No. 24. Intrusive in the streetscene. Over looking windows to the side. Parking impractical and unlikely to work with cars blocking each other and no space to turn. Road is narrow at this point, near schools. Unsafe. TPOs in place, root zone and branches likely to be damaged by building. Believe a change of use from C2(?) required for all residential development but no mention in application.

## REPRESENTATIONS

A Heritage Statement has been submitted as part of this application.

Seventeen letters of objection have also been received which have been summarised below:

- Inappropriate development for a conservation area
- Illegal destruction of a tree with a tree preservation order on it
- Small plots - out of character with the road
- The ridge height is far higher than the surrounding area
- No semi-detached properties along Oval Way or shared driveways
- Proposal not in keeping with Established Residential Area of Special Character designation
- Overbearing and dominant form relative to No. 24
- Loss of privacy
- The development fails the 25 degree daylight test
- The overall footprint of the 5 houses and three carports is substantially greater than the combined footprints of the two buildings formerly located on the site
- The development is too close to No. 24 and No. 34 Oval Way
- Too close to TPO trees
- No front hedge/fence/wall in keeping with Oval Way
- There is a covenant on the plot of 28 Oval Way that allows for only 2 houses to be built
- Concerns regarding intensification of use of the highway and highway safety
- Shared driveways and parking arrangements not practical
- No house at all on Oval Way would be allowed to park behind the house
- Inadequate parking provision
- Could set an unwelcome precedence
- Increased densification of housing
- Overdevelopment
- Inconsistent sketches, errors on plans, lack of dimensions on plans and not details of proposed materials

## CONSULTATIONS

### **Buckinghamshire County Highways Officer:**

The previous application was for the redevelopment of site to provide 10 residential apartments with underground parking and creation of two vehicular accesses. This application differs from the previous in that it now proposes five dwellings.

The proposals include three accesses onto the highway. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions from the proposed accesses commensurate with a speed limit of 30mph. I am satisfied that adequate visibility splays can be achieved within the publicly maintained highway or land owned by the applicant.

The shared access serving Plots 3, 4 and 5 measures a width of 3m which is not sufficient to serve three dwellings. The Highway Authority would require an access drive serving three dwellings to be a minimum of 3.2m. I would also have concerns over the proposed parking arrangement for the dwellings, specifically the parking arrangement for Plots 3 and 4. It is evident that these plots have insufficient manoeuvring space and therefore would have to reverse for long distances before potentially reversing out onto Oval Way. This is not deemed acceptable to the Highway Authority as this is a shared access and therefore not acceptable due to the length over which a vehicle would have to reverse.

It is therefore required for the applicant to submit an amended site plan showing a suitable parking arrangement, along with the widening of the shared access road. Once I am in receipt of these amended plans, I will be able to finalise my comments.



**Buckinghamshire and Milton Keynes Fire Authority:**

Buckinghamshire and Milton Keynes Fire Authority would like to remind you to consider water supplied for fire fighting and access for fire service vehicles when you apply for Building Regulations approval.

**County Ecology Officer:**

No objection with a condition. A number of recommendations are included within the ecology reports. These should be included within a landscape and ecological management plan (LEMP). In addition, the plan should include landscape details which will demonstratively ensure a net gain for biodiversity is achieved and ensure all wildlife is protected during the development.

**District Tree and Landscape Officer:**

The current application uses the same site as the applications CH/2012/0964/FA, CH/2014/1540/FA & CH/2014/2224/FA and includes both Stow Lodge, 28 Oval Way and Bancroft, 32 Oval Way.

There are two Tree Preservation Orders on the site. Tree Preservation Order No 33 of 1989 protects four trees on the boundary of Stow Lodge with Orchard Close. This was made at a time when there was a planning application for an additional house on a plot comprising of parts of the gardens of both Stow Lodge and Orchard Close. Tree Preservation Order No 6 of 2012 protects two copper beeches: T1 is in the former rear garden of Bancroft and T2 is on the road boundary of Stow Lodge.

Last summer the buildings were demolished and the immediate vicinity was cleared. On 6 November 2017 maple T4 of Tree Preservation Order No 33 of 1989 was felled without authorisation. This is identified as T35 on the Topographical Survey plan and the tree is shown for removal on the Planning Site Layout plan. Three trees, two maples and a lime were planted on 8 December 2017 just within the site close to the position of the maple removed.

The submitted Topographical Survey plan is dated October 2015 for McCarthy and Stone and shows tree numbers, suggesting that a tree survey has been carried out but the tree numbers do not correspond with either of the tree surveys submitted with previous applications. Furthermore the date is dubious as the plan shows T60, which is a copper beech that was removed in May 2012.

The application proposes the replacement of Bancroft with a detached house and the replacement of Stow Lodge with four semi-detached houses.

The road boundary of the site currently consists of a cypress hedge about 2.5m in height on the Bancroft boundary and hoarding on the Stow Lodge boundary. There had previously been a mixed hedge of mainly privet that had been somewhat neglected and much of this remains behind the hoarding. The Planning Site Layout plan does not clearly show the proposals for the front boundary but the cypress hedge is not shown for retention.

The proposal appears to maintain a reasonable clearance from the two copper beech trees protected by Tree Preservation Order No 6 of 2012 and should not have a significant effect on these trees.

The proposal would require the loss of many of the trees within the site leaving mainly trees close to the boundaries. Most of these trees proposed for removal on the plans are fairly small trees or trees in poor condition and are therefore of little importance to the character of the area. These include maples, plums, cherry, birch, cypress and yew. However two of the trees proposed for removal are good healthy young specimens, both about 10m in height. These are an oak (T49?) and a blue Atlas cedar (T44) situated in the former rear garden of Stow Lodge. Both were classified as Category C trees in the 2014 Ian Keen tree survey with the comment that they have no public value at the present time. While they would not be suitable for protection by a Tree Preservation Order because of this, they are nonetheless useful amenity trees with

considerable potential for the future and were classified as Category B trees in the 2012 tree:fabrik tree survey. The oak would be within the rear garden of Plot 2 well away from the proposed dwelling and could easily be retained. The cedar would be within the rear garden of Plot 4 and is likely to be lost for the proposed double garage but it may be possible to re-position this building.

The Planning Site Layout plan shows the loss of three trees around Plot 5. One of these is the TPO Norway maple T35 that has already been removed without authorisation. A small Lawson cypress T29 was removed at the same time yet this is shown on the plan for retention close to the garage. The other two trees shown for removal are field maple T30 and lime T22. T30 is a young field maple about 10m in height that is somewhat misshapen because of suppression on one side. Lime T22 is an attractive young tree about 10m in height although it does have a low fork which weakens its structure. It is shown for removal for a proposed parking area.

The dwelling on Plot 5 is close to the trees on the boundary with Orchard Close. It would have been well within the root protection area of the Norway maple T35 and is partially within the root protection area of the adjacent lime, T34. The proposed garage would be well within the root protection area of the copper beech T31. Furthermore these trees would cause considerable shading of the dwelling on Plot 5 leading to concerns from future occupants and pressure for significant further tree work. In addition the building would be very close to the recently-planted maples and limes (beside the Norway maple that was removed without authorisation) and would compromise their future growth and development.

In conclusion I am concerned about the proximity of the dwelling on Plot 5 to the trees protected by Tree Preservation Order No 33 of 1989 and the recent replacement planting on the boundary of Stow Lodge with Orchard Close. In addition I am concerned about the loss of the oak and the blue cedar in the rear gardens. Consequently I would object to the application.

**South Bucks District Council:**

That Chiltern District Council be advised that South Bucks District Council raises objections to the proposed redevelopment of 28 -32 Oval Way by virtue of the narrow plots, excessive ridge heights, and introduction of semi-detached properties, which would be out of character for the locality, and which would adversely impact upon the setting of the adjacent Gerrards Cross Centenary Conservation Area. South Bucks District Council would also advise that comments are sought from Transport for Bucks with regard to any highways issues and Chiltern District Council's own Tree Specialist with regard to assessing any impact on the protected trees.

**POLICIES**

National Planning Policy Framework (NPPF).

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS5, CS8, CS10, CS11, CS20, CS24, CS25, CS26, CS31 and CS32.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, H3, H4, H11, H12, H18, TW3, CA2, CSF2, TR2, TR3, TR11, TR15, and TR16.

Chalfont St Peter Neighbourhood Plan, 2014. Policies: LC3, H1, H2, H5, H8 and H9.

Affordable Housing Supplementary Planning Document (SPD) - Adopted 21 February 2012.

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015.

## EVALUATION

### Principle of development

1. The application site is located within the built-up area of Chalfont St. Peter where proposals for new dwellings will be acceptable in principle subject to there being no conflict with any other policy in the Local Plan. Proposals should be compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality and the presence of trees, shrubs, lawns and verges.
2. The site is also located within an Established Residential Area of Special Character which requires each of the following criteria to be complied with:
  - The plot size of any proposed dwelling in terms of shape and magnitude should not be significantly at variance with other existing plots in the vicinity
  - Each proposed dwelling plot should have an existing frontage to an existing road
  - The width across each plot frontage should be closely similar to other plot widths in the vicinity
  - The position of each proposed dwelling within its plot and the spacing between dwellings should be in accordance with the prevailing character in the vicinity
  - The frontage building line to the existing road should be generally maintained and the general height of buildings in the vicinity should not be exceeded
  - The form of existing residential development should be maintained in terms of dwellings being detached, semi-detached, terraced
  - The size, design and external appearance of each new dwelling should be compatible with the character of existing dwellings in the vicinity
  - Important features which are characteristic of the street scene in the vicinity should be retained. Such features include trees, shrubs, hedges, footways etc.
3. Finally, although the site does not fall within a Conservation Area, it falls adjacent to the Gerrards Cross Centenary Conservation Area. Local Plan Policy CA2 states that any proposed development which does not preserve or enhance the important views within, looking out of, or into a Conservation Area will be refused. This is particularly notable given that both previous planning applications CH/2015/2224/FA and CH/2014/1540/FA referred to the detrimental impact of the proposed developments on the setting of the adjacent Conservation Area as one of the reasons for refusal.
4. All other relevant Development Plan policies should also be complied with.

### Design/character and appearance

5. The application site currently comprises a vacant plot of land part way down Oval Way. The site previously comprised a children's care facility that was no longer viable. As such, the principle of redeveloping the site to comprise residential dwellings (in this instance apartments and age exclusive apartments) was accepted as part of the previous planning applications. As both previous applications were refused (for the reasons outlined above), this application seeks to propose an amended scheme for the erection of five new dwellings on the site. One of these dwellings would be detached, while the other four would be semi-detached. All five would be laid out over three floors.
6. The pattern of development along this section of Oval Way is generally consistent with the garden village layout and Arts and Crafts Style of early 20th Century architecture. Although there are examples of later development within the street scene, these are all of a scale, height and layout that reflect the predominant built form. In particular, the residential dwellings in the area are predominantly modest in height with their scale reduced by the inclusion of features such as catslide roofs and dormer windows. They are generally wider than they are deep and have traditional pitched roofs and are set within mature landscaping. As part of the previous planning appeal, the Inspector made specific reference to the character of the area. It was stated that: 'Although extended unsympathetically to the rear, Stowe Lodge (the applicant property) retains a domestic scale with a strong Arts and Crafts influence set amongst mature planting. Its scale is

commensurate with the prevailing pattern of two storey, detached, dwellings...The domestic scale of the respective plots of the bungalow (within the applicant site) and Stowe Lodge are broadly consistent with the surroundings dwellings. As one moves along Oval Way to and from the Conservation Area, the appeal site, particularly Stowe Lodge, has a positive influence by maintaining the prevailing theme of attractive detached dwellings. Whilst falling outside the designated asset it forms part of the same broad character area.'

7. The development as now proposed would provide for three buildings comprising five residential units. These would each measure approximately 13 metres in width and between 13.5 and 18.3 metres in depth. The ridge heights of the three buildings would be 10.2 metres which is around 2.4 metres above the ridge height of the neighbouring No. 24 Oval Way, 1.8 metres above No. 36 and some 2-3 metres above the other two storey properties in the area. The three buildings would vary in their appearances, encompassing various gables and flat roof dormers at the rear elevation of Plots B and C. They would be set back between 9 and 20 metres from Oval Way and would be stepped in a slightly diagonal arrangement to help the proposed dwellings to integrate with the build line along this eastern side of Oval Way.

8. However, the plot sizes of the proposed dwellings would vary in terms of shape and magnitude in comparison to their neighbours. Oval Way and the adjacent Conservation Area is predominantly characterised by large plots with wide frontages and long garden depths. Although the proposed garden depths would be comparable to the depths of others in the vicinity, taking into account the plot frontages, these would be significantly narrower than those of the other plots in the immediate surroundings. The average plot width along this part of Oval Way, taking into account properties on both sides of the road, is approximately 24.9 metres. In comparison, the plot widths of the three buildings proposed would be approximately 17 metres across Plots 1 and 2 & 3, and 24 metres across Plots 4 & 5. Furthermore, in contrast to the predominantly two storey detached dwellings of Oval Way, the three proposed buildings would accommodate one detached dwelling and four semi-detached dwellings, all of which would have habitable living accommodation across three floors. This would not maintain the form of the existing residential development in the vicinity, with the heights of the proposed dwellings, which would be around 2-3 metres at their highest point taller than the neighbouring properties, further exacerbating the cramped form of the proposed development and the bulk of the proposed properties in relation to their detached neighbours which are set in wide and deep plots.

9. In addition, although the proposed dwellings would retain the minimum 1 metre between first floor flank elevations and the curtilage, the arrangement of the car ports and parking areas is such that the car ports for plots 2, 3 and 4 would be located to the side/rear of these properties. In particular, the car port serving plots 3 and 4 would be sited at a significant distance into the rear garden of these two properties. This relationship between these proposed dwellings and their car ports is uncharacteristic of the area and it further emphasizes the cramped form of development as the driveway access to the car ports at plots 2, 3 and 4 would run directly alongside the flank elevations of the proposed dwellings.

10. Further, the Gerrards Cross Centenary Conservation Area (within the boundary of South Bucks District) is separate from the application site by one residential property (No. 24 Oval Way) and the Conservation Area Appraisal provides a useful basis for an assessment to be made on potential impact. The appraisal identifies Oval Way as forming part of a 'garden village' type layout influenced by the garden city and garden suburb movements of the early 20th Century. It describes that plots were intended to have clearly defined physical boundaries and that houses are nearly all two storeys. In addition, the previous appeal decision on the site made reference to the contribution the application site makes to the setting and significance of the Conservation Area by virtue of its close proximity and harmony in scale and design to the wider pattern of development.

11. As such, the concerns raised above in regards to the plot widths, dwelling heights and overall bulk of the three storey dwellings, parking/car port arrangement and the fact that the application proposes four semi-detached dwellings which would be out of character with the prevailing pattern of development, are relevant

to the impact of the proposal on the character and appearance of the area and on the wider locality, including on the Conservation Area. The proposal would fail to comply with the design criteria within Policies GC1 and H4 of the Local Plan and Policy CS20 of the Core Strategy, and would not accord with Chapters 7 and 12 of the NPPF which place great importance on good design in new development and the protection of the historic environment. In particular, the NPPF states that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In this respect, the proposal would fail to maintain or enhance the appearance of the Conservation Area by way of being out of keeping with the existing type and appearance of the dwellings along Oval Way.

### **Residential amenity**

12. With regards to the amenities of future occupants, the five dwellings would provide for garden depths in excess of 35 metres, in accordance with Local Plan Policy H12 and adequate space for bin storage will also be provided on site.

13. In terms of the impact of the proposal on neighbouring dwellings, the representation letters have highlighted concerns in regards to the potential loss of privacy and the overbearing and dominant form of the proposal in relation to No. 24 Oval Way. Although the dwellings on Plots 4/5 would be set further back than the dwelling at No. 24, approximately 7 metres would separate the flank elevation from the boundary with No. 24 and 17 metres would separate the two flank walls. Furthermore, given the orientation of No. 24, at its widest point, the proposed dwelling would extend to the rear at two storey height by 7 metres beyond the rear elevation of No. 24. Give these separations, and the proposed roof shape of dwellings 4/5, it is considered that the impact on sunlight/daylight and overbearingness would be sufficiently mitigated. Meanwhile, to the north of the site, the dwelling on Plot 1 would be sited forward of the dwelling on Plot No. 34 and again adequate separation of 10 metres between the two flank walls will remain.

14. In regards to intrusion, the dwelling on Plot 1 would have two first floor windows in the flank elevation facing the neighbour on Plot 2 and these windows would serve two dressing rooms. No first floor windows are proposed in the flank elevation facing No. 34. Plots 2 & 3 only contain obscure glazed windows in the first floor elevation, while the dwelling on Plot 4 would contain one obscure glazed window in the first floor elevation and one other bedroom window which would not be obscurely glazed. Finally, the dwelling on Plot 5 would have four first floor windows, of which only two would be obscurely glazed. The non-obscure windows would serve bedrooms. Nonetheless, given the relationship and separation between this dwelling and No. 24, the two proposed windows would face onto the garage and flank elevation of No. 24 (which contains one bedroom window). In addition, the mature boundary trees, including a number of protected trees, and hedging are such that it is not considered that the first floor flank elevation windows at Plot 5 would be unduly intrusive to No. 24. Finally, conditions can be attached to ensure where necessary that windows are obscurely glazed and no additional windows are inserted. Accordingly, no objections are raised with regards to the impact of the proposal on neighbouring amenity.

### **Parking/Highway implications**

15. In line with Development Plan Policy TR16, three car parking spaces are required for dwellings in excess of 120 square metres. The proposal meets with this requirement, with all five properties providing two parking spaces on a designated area of hardstanding and one space within a car port. As such, no objections are raised with regards to the number of parking spaces to be provided.

16. The application also proposes the creation of three accesses onto Oval Way. The Highways Authority has been consulted and reviewed the proposal. Whilst it is confirmed that adequate visibility splays can be achieved, concerns have been raised in regards to the shared access serving Plots 3, 4 and 5 which is not considered sufficient to serve the three dwellings. Furthermore, the parking arrangement for the dwellings, in particular Plots 3 and 4, is considered to be unacceptable, given that these plots have insufficient

manoeuvring space and so vehicles would need to reverse for long distances before potentially reversing out onto Oval Way. Accordingly, the Highways Authority object to the proposal.

### **Ecology**

17. The County Ecology Advisor has no objection to the proposal, provided the recommendations included within the ecology reports are included within a landscape and ecological management plan and the plans contain landscape details which will ensure that a net gain for biodiversity is achieved and all wildlife is protected during the development.

### **Trees**

18. The District Tree and Landscape Officer has assessed the proposal and raised a number of concerns in regards to the impact on the trees protected by Preservation Orders within the site. The full comments are set out above, but in summary, there is concern regarding the proximity of Plot 5 to the trees protected by Tree Preservation Order No 33 of 1989 and the recent planting on the boundary of Stow Lodge with Orchard Close. Furthermore, there is concern about the loss of the oak and the blue cedar in the rear gardens. On this basis, the development fails to comply with Local Plan Policy GC4 which seeks to retain existing established trees in sound condition and of good amenity value and Policy TW3 which states that any development that would result in the loss of a tree or trees subject to a Tree Preservation Order, or which would have a significant adverse effect on the appearance, or health, or stability of such tree or trees, will not be permitted.

### **Affordable housing**

19. For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are now specific circumstances set out in the NPPG (National Planning Practice Guidance) where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including developments of 10 units or less, which have a gross floor space of less than 1,000sqm. In this instance, the proposal would result in a floor space of 998.69 square metres and so this falls below the 1,000 square metre threshold set out in the NPPG and no affordable housing contribution is required.

### **Working with the applicant**

20. In accordance with paragraphs 186 and 187 of the NPPF Chiltern District Council take a positive and proactive approach to development proposals focused on solutions. Chiltern District Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case, the proposal did not accord with the Development Plan, and no material considerations were apparent to outweigh these matters. It was not considered that any changes during the course of the application would have reasonably overcome these issues, so the application was recommended for refusal on the basis of the submitted plans.

### **Human Rights**

21. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

### **RECOMMENDATION: Refuse permission**

**For the following reasons:-**

1 The application site is located within an Established Residential Area of Special Character wherein residential development can be acceptable in principle, subject to the proposed development not being detrimental to the special character of the area from which it derives its distinctiveness and the development maintaining and/or improving local character. The proposed plots would be substantially narrower than others in the locality and the three buildings proposed would be much taller than their nearest neighbours. In addition, four semi-detached dwellings are proposed and these would be out of character with the other, two storey detached residential buildings in the locality. In addition, by reason of the overall appearance and layout of the proposed detached and semi-detached properties, particularly in relation to the car ports at Plots 3 and 4 which would be sited to the rear of these properties, the proposal would appear at odds with the existing character and appearance of the immediate street scene and wider locality. The development would erode the special qualities of the area, and fail to integrate with, and respect and reflect the existing built form in the locality. In addition, given the above, the development would harm the setting of the nearby Gerrards Cross Centenary Conservation Area, failing to preserve important views looking into and out of the conservation area. As such, the proposal is contrary to Policies CS4 and CS20 of the Core Strategy for Chiltern District (Adopted November 2011), Policies GC1 and H4 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and the National Planning Policy Framework.

2 The shared access serving Plots 3, 4 and 5 measures a width of 3m which is not sufficient to serve three dwellings. The Highway Authority would require an access drive serving three dwellings to be a minimum of 3.2m. Furthermore, it is evident that Plots 3 and 4 have insufficient manoeuvring space and therefore vehicles would have to reverse for long distances before potentially reversing out onto Oval Way. This is not deemed acceptable to the Highway Authority as this is a shared access and the proposal is therefore contrary to Policies TR2 and TR3 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

3 The application site contains two Tree Preservation Orders alongside a number of other trees close to the boundaries. It is proposed to remove many of the trees within the site, including an oak and blue cedar situated in the former rear garden of Stow Lodge. Furthermore, the dwelling on Plot 5 is close to the trees on the boundary with Orchard Close and within the root protection area of the Norway maple and adjacent lime. Meanwhile, the proposed garage would be within the root protection area of the copper beech. This would comprise the trees' future growth and development, and on this basis the development fails to comply with Policies GC4 and TW3 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and the National Planning Policy Framework.

## **CH/2017/2077/FA**

Case Officer: Emma Showan  
Date Received: **08.11.2017** Decide by Date: **26.01.2018**  
Parish: **Little Chalfont** Ward: **Little Chalfont**  
App Type: Full Application  
Proposal: **Proposed rear and side extension and all associated works**  
Location: **138 Elizabeth Avenue**  
**Little Chalfont**  
**Amersham**  
**Buckinghamshire**  
**HP6 6RG**  
Applicant: **Mr & Mrs Nicholas & Diana Varley**

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to Unclassified Road  
Bovingdon Technical Radar Zone  
Within 500m of SINC NC1

### **CALL IN**

This application has been made by Councillor Varley and is therefore to be determined by the Planning Committee.

### **SITE LOCATION**

This application relates to a site in the built-up area of Little Chalfont. The applicant property is a single storey detached bungalow with modestly proportioned dormers in the front and rear elevations. It is sited in a row of other similarly designed and proportioned bungalows along Elizabeth Avenue which is a suburban, residential road.

### **THE APPLICATION**

This application proposes single storey rear and side extensions.

The proposed single storey rear extension would have a maximum width of 3.6 metres, depth of 3 metres and flat roof height of 2.9 metres.

The proposed single storey side extension would have a maximum width of 3.3 metres, depth of 7.3 metres and a dummy pitched roof height of 4.5 metres, with a flat roof to the rear with a height of 2.7 metres.

The accommodation would incorporate a guest bedroom and en-suite and enlarged kitchen/dining space.

### **RELEVANT PLANNING HISTORY**

CH/2003/2174/FA - Dormer window in front and rear elevation, conditional permission.

CH/1978/1301/FA - Erection of single storey rear extension for use as kitchen and bathroom, conditional permission.



Classification: OFFICIAL

## **PARISH COUNCIL**

No objection.

## **REPRESENTATIONS**

None received at time of drafting report.

## **CONSULTATIONS**

None relevant.

## **POLICIES**

National Planning Policy Framework.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4 and CS20.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, H13, H14, H15, H16, TR11 and TR16.

Residential Extensions and Householder Development Supplementary Planning Document (SPD) - Adopted 10 September 2013.

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015.

## **EVALUATION**

### **Principle of development**

1. The application site is located in the built-up area of Little Chalfont where extensions to existing dwellings are acceptable in principle, subject to complying with the relevant policies of the Development Plan.

### **Design/character & appearance**

2. The applicant property is a detached bungalow with modest front and rear dormers. It is situated along Elizabeth Avenue, a suburban residential road in Little Chalfont. Along this section of Elizabeth Avenue, the prevailing house types are detached bungalows characterised by modest ridge and eaves heights with small front gable end projections and the occasional dormer. The dwellings are all set back from the highway with hedging to the front boundaries and areas of hardstanding to the front. Across the road, there is a row semi-detached bungalows while to the west flank boundary of the applicant property there is a larger two storey dwelling.

3. It is proposed to erect a single storey side extension and a single storey rear extension. The proposed single storey side extension would be set back from the front elevation and forwards of an existing single garage in the applicant's rear garden. The extension would have a dummy pitched roof with a maximum height of 4.5 metres at the ridge and a flat roof to the rear with a height of 2.7 metres. It would fall comfortably below the ridge height of the main roof and would reflect the pitch of the main roof also, helping the extension to integrate with the main property. In addition, this extension would be set off the boundary with the neighbour to the west by approximately 1.5 metres and this would help to maintain a degree of spaciousness around the property and prevent the resultant dwelling from appearing overly cramped. In regards to the rear extension, this seeks to infill a corner between the existing reception room and kitchen. It would not project to the rear or to the side further than the existing elevations and would add a modest increase to the footprint of the dwelling - approximately 11 square metres. This element of the proposal would not be visible from the streetscene.

4. Furthermore, it is noted that it is proposed to render the external walls of the extensions which would lead to a departure from the predominantly brick face of the host property. However, the property already has a small area of light coloured render to the front gable end projection and other properties within this row of dwellings have been rendered in a light colour also. Therefore this element of the proposal would not be unacceptable or unusual in the locality. As such, given the modest proportions of the two extensions and the sympathetic choice in facing materials, no objections are raised in regards to the impact on the character of the area.

#### **Residential amenity**

5. The applicant property has two adjacent neighbours, No. 140 to the east which is a similarly designed single storey bungalow and No. 136 to the west which is a two storey detached property. The rear extension would infill an existing corner and subsequently would not project to the side or to the rear any further than the existing elevations. It would however extend along the boundary with No. 140 and would project beyond the rear elevation of this neighbour also. However, given the modest height of this extension and the fact that it would not project any further than the existing rear wall, it is not considered to be unduly overbearing to the neighbour. No flank windows are also proposed and this will also protect against intrusion. In respect of the side extension which would face the neighbour at No. 136, this extension would also be modest and it would be set off the boundary by 1.5 metres so that it would not appear cramped or overbearing in relation to the neighbour. Again, no windows are proposed in this flank elevation so intrusion in this respect is limited. It should be noted that no objections have been raised from either neighbouring property.

#### **Parking/Highway implications**

6. Although access to the single garage would be restricted by the erection of the side extension, the applicant property would retain adequate driveway parking capable of accommodating at least three vehicles clear of the highway. As such, there would be no adverse parking implications, having regard to the Council's standards.

#### **Working with the applicant**

7. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

Chiltern District Council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, Chiltern District Council has considered the details as submitted which were considered acceptable.

#### **Human Rights**

8. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

#### **RECOMMENDATION: Conditional permission**

##### **Subject to the following conditions:-**

- 1 C108A General Time Limit
- 2 C432 Materials As on Plan or spec

3 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no windows shall be inserted at any time in the east flank elevation of the rear extension hereby permitted.

Reason: To protect the amenities of the neighbouring property.

4 AP01 Approved Plans

## **CH/2017/2160/FA**

Case Officer: Murtaza Poptani

Date Received: 14.11.2017

Parish: Chesham Bois

Decide by Date: 09.01.2018

Ward: Chesham Bois And Weedon Hill

App Type: Full Application

Proposal: Single storey rear extension

Location: 40 Long Park  
Chesham Bois  
Amersham  
Buckinghamshire  
HP6 5LA

Applicant: Mr Asa Bridle

### **SITE CONSTRAINTS**

Article 4 Direction

Adjacent to Unclassified Road

Bovingdon Technical Radar Zone

Within 500m of SINC NC1

Established Residential Area of Special Character

### **CALL IN**

Councillor Graham Harris - I have looked at this application and I am concerned that the proposed extension will have an over bearing impact on the houses on either side. If the application is recommended for approval could I ask that it is called in for a committee decision.

### **SITE LOCATION**

The application site accommodates a semi-detached two storey dwelling situated to the southern side of Long Park and is set within a long, near rectangular shaped curtilage, which angles toward the rear of the site. The site is situated within the built up area of Chesham Bois and is also within an Established Residential Area of Special Character (ERASC).

### **THE APPLICATION**

This application proposes the erection of a single storey rear extension. The extension would measure a maximum of 4.8 metres in depth, 7.5 metres in width and 3.6 metres in height with a mono-pitched roof. The eaves would have a maximum height of 2.5 metres and would accommodate a metal roof with 3 rooflights.

The extension would provide enlarged kitchen accommodation and would be constructed of external painted render under a powder coated metal roof.

### **RELEVANT PLANNING HISTORY**

None in connection with this application.

### **PARISH COUNCIL**

No objections.

## REPRESENTATIONS

Three letters of representation have been received their summarised material comments being as follows:

- The extension is of disproportionate size to the house and is completely overbearing in size to both ourselves and our neighbours.
- The extension will be visually intrusive from our garden and all surrounding gardens and the height and depth of the proposed extension will surely overshadow neighbouring properties.
- A metal roof is far from ideal, out of keeping and from experience is very noisy in wet weather.
- The extension will be overbearing when viewed from our side and rear windows. It would also result in a loss of light and views to our side facing windows.
- It will not follow the pattern of neighbouring development
- There will be a loss of privacy from the side kitchen door.

## CONSULTATIONS

None relevant.

## POLICIES

National Planning Policy Framework (NPPF).

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4 and CS20.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H13, H14, H15, TR11 and TR16.

Residential extension and householder development Supplementary Planning Document (SPD) - September 2013.

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015.

## EVALUATION

### Principle of development

1. The application site is located within the built up area of Chesham Bois wherein residential extensions are acceptable in principle subject to complying with the relevant Development Plan Policies.

### Design/character & appearance

2. The single storey rear extension would span the full width of the rear elevation of the host dwelling and would be characterised with a mono-pitched roof. Although the extension would be of a significant depth, due to its single storey form, sympathetic design and the size of the host dwelling and the curtilage it is set within, is such that the proposal is considered to constitute a subservient addition and would satisfactorily integrate with the vernacular of the of the host dwelling.

3. Whilst not commonplace, the use of powder coated metal sheeting for the roof is not considered to be objectionable. Subject to the use of an appropriate colouring, it is considered that the roof would not appear as a visually intrusive feature in the context of the subject dwelling.

4. Given the siting of the extension to the rear of the site, it is considered that the proposal would not adversely affect the character or appearance of the street scene or the wider ERASC. No objections are therefore raised with regard to Local Plan Policies GC1, H13, H14, H15 and Core Strategy Policies CS20.

### **Residential amenity**

5. The adjacent dwelling to the north-east at No. 42 Long Park benefits from a single storey rear extension which serves an open plan kitchen/dining area. This kitchen/dining area is served by 2 large windows to the south-western flank elevation facing the application site and by glazed doors and windows in the rear elevation. It is acknowledged that the light and aspect to these flank windows would be affected by the proposed extension, however, these are considered to be secondary sources of light and outlook, with the main source being sited in the rear elevation.

6. With regards to the adjoining dwelling to the west at No. 38 Long Park, this property has also been extended by way of a single storey rear extension, albeit set away from the boundary. Taking into consideration that the proposed extension would incorporate a low eaves height of 2.5 metres, that the dwellings to this side of Long Park benefit from south facing rear gardens and that a single storey rear extension with a depth of 3 metres, a ridge height of 4 metres and an eaves height of 3 metres could be erected under the provisions of Class A of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which would have a greater impact due to its significant height to the side facing windows to No. 42 and the rear facing windows of No. 38, it is considered that the overall impact on the amenities of the neighbouring dwellings would be at an acceptable level. With regards to the proposed side kitchen door being inserted in the existing dwelling, this would constitute permitted development and does not require the benefit of formal planning permission. No objections are therefore raised with regards to Policies GC3, H13(i) and H14.

### **Parking/Highway implications**

7. Whilst the proposal would result in additional floorspace it would have no adverse parking implications having regard to the Council's Parking Standards. No objections are therefore raised with regards to Policies TR11 and TR16.

### **Conclusions**

8. For the reasons listed above, the application is considered acceptable and compliant with all relevant policies.

### **Working with the applicant**

9. Chiltern District Council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, Chiltern District Council determined the application based on the submitted plans which were considered acceptable.

### **Human Rights**

10. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

### **RECOMMENDATION: Conditional permission**

#### **Subject to the following conditions:-**

- 1 C108A General Time Limit
- 2 C432 Materials As on Plan or spec
- 3 AP01 Approved Plans

## CH/2017/2185/FA

Case Officer: Margaret Smith  
Date Received: 23.11.2017  
Parish: Little Chalfont  
App Type: Full Application  
Proposal: Demolition of existing buildings, erection of two-storey community centre, alteration to existing access, formation of new vehicular access and provision of cycle parking, car park, bin stores, boundary treatment and landscaping  
Location: Little Chalfont Village Hall  
Cokes Lane  
Little Chalfont  
Amersham  
Buckinghamshire  
HP7 9QB  
Applicant: Little Chalfont Parish Council

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to A and B Road  
Area Special Advertising Control  
Bovingdon Technical Radar Zone  
Community Assets/ CDC Owned Land  
Within Green Belt other than GB4 GB5  
A and B Roads  
Tree Preservation Order  
Tree Preservation Order (A/G/W)  
Ancient Woodland  
Adjoining Public Amenity Open Space  
Public Amenity Open Space

### CALL IN

Councillor Phillips has requested that this application be determined by the Committee regardless of the officer's recommendation.

### SITE LOCATION

The application site is located on the north-west side of Cokes Lane near to its junction with White Lion Road and lies to the north of the library and to the south of the car park. The application site fronts Cokes Lane but the rear part of the site extends southwards to the rear of the library and abuts the access to Dr Challoner's High School.

The application site lies wholly within the Green Belt and the 6 metre strip of land comprising the rear part of the site comprises Public Amenity Open Space and Common Land. The whole of the site is within Snells Wood, which is protected by Tree Preservation Order No. 4, 1948 and part of the site also comprises Ancient Woodland. The boundary with the Built Up Area excluded from the Green Belt runs along the edge of the south-east side of the carriageway of Cokes Lane.

On the south-east side of Cokes Lane facing towards the application site is a designated shopping frontage comprising an attractive 2 storey terrace with discreet roof dormers.

Classification: OFFICIAL

The site comprises 3 single storey buildings, the main building having a footprint of about 214 square metres and with an eaves height and ridge height of 2.6m and 4.3m respectively. The 2 buildings at the rear have lower ridge heights. The existing gross floorspace according to the applicant's agent comprises about 317 square metres.

There is a hardsurfaced parking area adjacent to the frontage comprising about 75 square metres and accommodating 8 spaces, accessed from Cokes Lane.

### **THE APPLICATION**

The application seeks planning permission to demolish all the existing buildings and to erect a 2 storey Class D1 community centre.

The proposed building would have a rectangular footprint and would be sited about 7 metres from the site's frontage adjacent to the northern boundary of the site. The proposed building would have a footprint of about 372 square metres and a gross floorspace of 744 square metres and would have an eaves height of 5.8 metres and an overall height of 8 metres, with a fully hipped roof with a crown top. The proposed building would be constructed using multi bricks and slate-type roofing with large glazed elements and 2 rooflights are proposed on the crown top to provide light to the central area of the upper floor.

The proposals also include the re-siting of the vehicular access to the site and the creation of a separate pedestrian access. The proposals show the laying out of 22 on-site parking spaces, 3 of which would be for the disabled and 2 motorcycle spaces and a bicycle rack would also be provided.

The trees and vegetation in the north-west quadrant of the site would be retained and pockets of soft landscaping are shown to be provided in the rear, south-west corner, adjacent to the north elevation of the proposed building and adjacent to the frontage of the site.

### **RELEVANT PLANNING HISTORY**

CH/1982/1551/FA Precast concrete building (12.63M x 5.57m) (41'4 x 18'3) for use as a scout hut. Conditional Permission.

CH/1980/0768/FA Replacement of existing scout hall. Conditional Permission.

CH/1980/1617/FA Demolition of three timber buildings and replacement with new timber building. Erection of link canopy. New porch and brick façade to south east elevation of existing hall. Conditional Permission.

CH/1981/0546/FA Retention of extended tarmac car park. Conditional Permission.

CH/1989/0688/FA Alterations to fenestration and construction of outer brick skin. Conditional permission.

CH/1993/0878/FA Re-roofing. Conditional Permission.

### **PARISH COUNCIL**

'The Parish Council supports this application'.

### **REPRESENTATIONS**

One letter of objection has been received from an adjoining occupier on the following grounds:

- Council Tax payers will be paying for this proposed development;
- The existing hall is of sufficient size;
- There are other larger halls in the locality that may be used if necessary;

Classification: OFFICIAL



Classification: OFFICIAL

- The proposed additional car parking is unnecessary;
- Trees have already been removed;
- Part of the site is in the Green Belt;
- The application was submitted just before the Christmas period.

## **CONSULTATIONS**

### **Buckinghamshire County Council - Highway Authority**

Any response to be reported orally at Committee.

### **Chiltern and South Bucks District Councils - Arboriculturalist:**

'.....There would be an objection in principle to both the loss of woodland protected by a Tree Preservation Order and to the loss of ancient woodland. Consequently I would object to the application. I am particularly concerned about the proximity of the community building to the trees T11 - T15, the loss of the hornbeam T25 and the unnecessary tree loss within the parking area because of the poor layout.'

### **Buckinghamshire County Council - Ecology Adviser**

Any response to be reported orally at Committee.

### **Chiltern, South Bucks and Wycombe District Councils - Access Officer for the Disabled**

Any response to be reported orally at Committee.

## **POLICIES**

National Planning Policy Framework (NPPF), March 2012. Whilst the NPPF replaced the previous Planning Policy Statements and Guidance Notes, it does not replace existing local policies that form part of the development plan. It does state, however, that the weight that should be given to these existing local policies and plans will be dependent on their degree of consistency with the NPPF. Therefore, the closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given to them.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS3, CS4, CS15, CS20, CS24, CS25, CS26, CS27, CS28, CS29, CS30, CS31 and CS32.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC2, GC3, GC4, GC14, GB1, GB2, GB24, GB30, TR2, TR3, TR11, TR15, TR16, CSF1, TW2, TW3, and TW6.

Sustainable Construction and Renewable Energy Supplementary Planning Document (SPD) Adopted 25 February 2015.

## **EVALUATION**

### **Principle of Development**

1. The site is within the Metropolitan Green Belt in which there is a presumption against inappropriate development. Para 89 of the NPPF states that the construction of new buildings is inappropriate with certain limited exceptions, including the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces and the redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. The proposed development would be more than 100% larger than the existing development on this site and would be materially larger and so would not meet that exception.

2. The NPPF defines previously developed land as that which is occupied by a permanent structure, including the curtilage of the developed land and any associated fixed structure infrastructure, although it

should not be assumed that the whole of the curtilage should be developed, for example, private residential gardens.

3. With regard to this application, the site currently comprises 3 single storey buildings with a gross floorspace of about 317 square metres and with a hardsurfaced area for car parking adjacent to the road frontage of about 75 square metres. By way of comparison, the proposed development would have a footprint of 372 square metres, greater than that cumulatively existing, and a gross floorspace of 744 square metres, more than double that which currently exists.

4. Furthermore, the proposed development would 'replace' the existing single storey buildings that have a maximum eaves and ridge height of 2.6m and 4.3m respectively with a 2 storey building with an eaves and ridge height of 5.8m and 8m respectively. The additional footprint, floorspace and volume would be noticeable from a number of public vantage points, including Cokes Lane, the Community Library, the public car park and the access to Dr. Challoner's School and Snell's Wood.

5. The proposed development would also introduce fixed surface infrastructure onto a wider area of the site, for example tarmac, resulting in the loss of existing trees and other vegetation and that would also be noticeable from the public vantage points.

6. As viewed in the context of the NPPF, the proposed building is materially larger than the existing buildings and so would not fall within that category and the proposed development would not fall within the category that allows in principle for the redevelopment of a previously developed site because it would include a greater spread of development onto land that is not currently developed, also it would have a noticeably greater impact on the openness of the Green Belt by virtue of the greater footprint, floorspace and volume proposed and it would adversely affect the purposes of the Green Belt as it would visually encroach onto the openness of this site and the adjacent sites. In addition, the proposals include the provision of an increased number of on-site parking spaces to 22 and the increased vehicular activity associated with the increased floorspace would also have a noticeably greater impact on the character and amenities of this part of the Green Belt.

7. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

8. The points that have been advanced as comprising very special circumstances include the need of the Village Hall to meet modern community needs, which was a concern raised by local residents and the fact that the existing buildings are no longer fit for purpose, costly to maintain and in need of upgrading, and the Parish Council has confirmed its support for this application. However, these do not constitute very special circumstances that clearly outweigh the harm to the Green Belt in principle and the additional visual harm, including the loss of vegetation that positively contributes to the undeveloped character of the Green Belt, and the harm as a result of intensification, including vehicular activity.

9. Consequently, the proposed development constitutes inappropriate development and no very special circumstances have been advanced that clearly outweigh the harm in principle and the other additional harm. As such the proposals are contrary to the policies of the NPPF, saved Local Plan policies GB1, GB2 and GB30 and policies CS1 and CS3 of the adopted Core Strategy.

### **Design/Character & Appearance**

10. The premises on the north-west side of Cokes Lane comprise the public car park which includes a single storey building, the single storey buildings on the application site and the single storey Library, all of

which are viewed in the context of mature, deciduous trees and the backdrop of the Ancient Woodland. In contrast, this proposed development would result in the introduction of a two storey building with a reduction in soft landscaping.

11. Although the proposed building is aesthetically acceptable in itself, comprising multi bricks with slate-type roofing and large glazed elements, the proposed height and bulk would be unduly noticeable and obtrusive as viewed from public vantage points, coupled with a spread of hardsurfacing and parked vehicles.

12. The proposals also include little opportunity for landscaping to soften the visual impact of the proposed development, which would exacerbate the noticeable loss of existing boundary hedging and mature trees and the introduction of more obtrusive built development.

13. As such, the proposed development is contrary to saved Local Plan policy GC1 and policy CS20 of the adopted Core Strategy.

#### **Residential amenity**

14. Policy GC3 seeks to protect the amenities of existing adjoining properties and ensure that good standards of amenity are provided for the future occupiers of development. The nearest existing residential occupiers are the occupiers of the upper floors of the parade on the opposite side of Cokes Lane at a distance of more than 23 metres. Consequently, although 1st floor windows are proposed facing eastwards towards 14 - 17 Cokes Lane, the separation is sufficient to ensure that there would be no undue loss of privacy sufficient to justify a reason for refusal.

#### **Refuse Storage Provision and Collection**

15. The applicant has proposed the siting of a bin store close to the front of the site.

#### **Parking/Highway implications**

16. 22 car parking spaces are proposed within the site, including 3 spaces for disabled users. The existing premises comprising 317 square metres have 8 on-site car parking spaces, but that represents an existing shortfall of 55 spaces. In order to comply with the Council's Parking and Manoeuvring Standards for the proposed Class D1 Public Assembly Building, 149 on-site car spaces would need to be provided. However, given that the existing situation is a material consideration, it would only be reasonable to require the provision of a further 85 on-site parking spaces for the additional floorspace proposed, resulting in an overall on-site requirement of 93 parking spaces. In addition, 1 coach space is required per 100 square metres and even if the existing situation is accepted as a material consideration, 3 coach spaces would need to be provided for the additional floorspace proposed as well as space for the loading and unloading of delivery vehicles.

17. The proposed building would comprise a Parish Council office, 2 ground floor rooms and a large 1st floor function room/activity space. It is, therefore, reasonable to conclude that the proposed development would necessitate the on-site provision of more than 22 parking spaces.

18. Although, it is a material consideration that there is a public car park adjacent to the application site, this is often fully utilised especially at school opening and closing times when there are serious congestion problems from on-street car parking. Furthermore, there would be likely to be conflict between cars manoeuvring into and out of proposed parking spaces 1 and 22 with the proposed motorcycle spaces and access from Cokes Lane, and between cars manoeuvring into and out of proposed parking spaces 2 - 7 and the proposed access way into the rear of the site.

### **Vehicular Access**

19. With regard to the impact of the proposal on the highway, the response of Bucks County Council Highway Authority will be reported to the Planning Committee.

### **Trees and landscaping**

20. Policy GC4 of the Local Plan states that existing trees and hedgerows in sound condition and of good amenity and wildlife value, together with any other existing landscape features of the site that are an important part of its character should be retained. Also policy TW3 of the Local Plan states that any development that would result in the loss of protected trees will not be permitted and policy TW6 sets out the Council's policy protecting the loss of woodland, which in this case is Ancient Woodland.

21. The Council's Arboricultural Officer has raised objection to the proposed development because the siting of the proposed building would be likely to result in pressure for the reduction or removal of an important beech tree, would result in the loss of a group of native trees and would result in the loss of one of the hornbeams fronting Cokes Lane that is part of the Ancient Woodland, and the loss of other trees at the rear of the site on the edge of the existing area of Ancient Woodland.

22. Furthermore, the proposed landscaping is insufficient to adequately soften views of the proposed development from public vantage points. Consequently, the proposed development is contrary to saved Local Plan policies GC4, TW3 and TW6.

### **Ecology**

23. Policy CS24 states that the Council will aim to conserve and enhance biodiversity within the District. In this respect it states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest. This is consistent with paragraph 118 of the NPPF that aims to conserve and enhance biodiversity.

24. The Bucks County Council Ecologist has been consulted and any response will be reported orally to the Planning Committee.

### **Sustainable Development and Planning Balance**

25. At the heart of the NPPF is a presumption in favour of sustainable development and in accordance with paragraph 14, development proposals that accord with the Development Plan should be approved without delay. Where the Development Plan is out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

26. The Core Planning principles set out in paragraph 17 of the NPPF include always seeking to secure high quality design and protecting the Green Belts.

27. The above assessment has identified significant and demonstrable harm in relation to the impact of the proposal on the character and amenities of this part of the Green Belt, the visual character and appearance of this area, highway safety and the natural attributes of the site. Given the degree of harm identified, the benefit of a larger community centre is not considered to outweigh the harm in this instance.

### **Working with the applicant**

28. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the applicant/agent and was

focused on seeking solutions to the issues arising from the development proposal. In this case, the agent was advised prior to the submission of the application that the proposal did not accord with the Development Plan, that no material considerations are apparent to outweigh these matters of principle.

### **Human Rights**

29. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

### **RECOMMENDATION: Refuse permission**

#### **For the following reasons:-**

1 The site is within the Metropolitan Green Belt where most development is inappropriate and there is a general presumption against such development. The proposed development does not fall into any of the categories listed in Policy GB2 of the Local Plan and paragraphs 89 and 90 of the National Planning Policy Framework and therefore constitutes inappropriate development in the Green Belt. Furthermore, given the existing open and semi-rural character of the site, the proposed introduction of two storey development and greater spread of hardsurfacing would have a severe detrimental impact on the openness of the Green Belt. No very special circumstances have been demonstrated which outweigh the harm to the Green Belt in principle and other additional harm, including visual harm from the introduction of the proposed 2 storey building and from the parking and manoeuvring of vehicles. As such, the proposal conflicts with the purposes of including land within the Green Belt and is therefore contrary to Policy GB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

2 The proposed development would be of a scale and layout that is out of keeping with the character of this stretch of Cokes Lane that lies within the Green Belt and that comprises woodland and modest, single storey buildings within well treed curtilages. Furthermore, the proposed landscaping is insufficient to adequately soften views of the proposed development from public vantage points. Consequently, the proposed development is contrary to Policies GC1 and GC4 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and Policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011 and the provisions of the National Planning Policy Framework.

3 Part of the application site is designated as Ancient Woodland and trees on the site are protected by Tree Preservation Order No. 4, 1948. The proposed development would be likely to result in pressure for the reduction or removal of an important beech tree T13, would result in the loss of a group of native trees G16 and would result in the loss of one of the hornbeams H21 fronting Cokes Lane that was originally part of the Ancient Woodland and the loss of other trees at the rear of the site on the edge of the existing area of Ancient Woodland that fall within group G7. As such, the proposed development is contrary to policies GC4, TW3 and TW6 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

4 The proposed development would not meet the Parking and Manoeuvring Standards set out in Chapter 9 of the adopted Local Plan and would, therefore, be likely to result in the on-street parking of vehicles, which would result in danger and inconvenience to users of the public highway. As such, the proposed development is contrary to Policies TR11 and TR16 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

**The End**



## Appeal Decision

Hearing Held on 23 November 2017

Site visit made on 23 November 2017

**by AJ Steen BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 January 2018**

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**Appeal Ref: APP/X0415/W/17/3179939**

**Owl Meadow, Hog Lane, Ashley Green HP5 3PY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs John and Liz Nassari against the decision of Chiltern District Council.
  - The application Ref CH/2016/2416/FA, dated 23 December 2016, was refused by notice dated 21 February 2017.
  - The development proposed is conversion and extension of existing barn to provide single accessible dwelling.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. An alternative drawing was submitted with the appeal that suggested different window sizes and positions to seek to overcome the Council's reason for refusal relating to the character and appearance of the area. The Council raised no objections to considering this revised scheme as part of the appeal, so I have taken this into account in coming to my decision.
3. The use of the existing building and surrounding land was discussed at the hearing and it was suggested that it is used as part of the garden of Owl Meadow and that this may have become lawful through the passage of time. However, it is not for me, under a section 78 appeal, to determine whether or not that use has become lawful. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Town and Country Planning Act 1990 regardless of the outcome of the appeal.
4. The Council's decision notice includes a reason for refusal relating to highway safety at the vehicle access point due to the visibility splays. However, further information was submitted following that decision and the Council accepted that the visibility splays proposed were sufficient subject to an appropriate condition should I allow the appeal.
5. I drew the parties attention to *Smith v The Secretary of State for Communities and Local Government* [2017] EWHC 2562 (Admin) prior to the hearing and *John Turner v Secretary of State for Communities and Local Government and East Dorset Council* [2016] EWCA Civ 466 was brought to my attention during the hearing. I have taken these into account in coming to my decision.

## **Main Issues**

6. In light of the above, the main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the existing building and surrounding area;
- Whether there are other considerations weighing in favour of the proposal; and
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

## **Reasons**

### *Inappropriate development*

7. The proposal would extend and convert the former piggery building adjacent to Owl Meadow along with the adjacent silo into residential use. The extensions would result in two of the four walls of the building being removed and the building extending outwards on those sides. In doing so, it would be necessary to remove and replace the roof with a taller roof. Openings would be created in the remaining two walls in different locations to the existing openings in order to provide windows and doors into the building, including access to the silo that would be converted into a bathroom, even in the revised scheme. New floors would need to be created throughout, and the silo would be removed and replaced to enable new footings to be created.
8. Although the existing building is of permanent and substantial construction, it is clear that very great alterations would take place to the building in order to provide the amount of accommodation proposed, with little of the original building remaining following the works. Given those changes, I consider that so little of the original building would be retained that the resulting building would, effectively, be a new building. As the last lawful use of the building was for agricultural purposes, it cannot be considered previously developed land as defined by the National Planning Policy Framework (the Framework).
9. Policy GB2 of the Chiltern District Local Plan (LP) confirms that most development in the Green Belt is inappropriate and that there is a presumption against such development. This reflects the Framework that confirms new buildings should be considered inappropriate within the Green Belt. Both of those policies provide a number of exceptions. These include extensions that do not result in disproportionate additions over and above the size of the original building, although Policy GB2 of the LP limits this to dwellings, and the re-use of buildings that are of permanent and substantial construction, subject to detailed criteria in Policy GB11 of the LP. Rebuilding, providing the new building is in the same use and not materially larger than that it replaces is also an exception, although limited to dwellings in Policy GB2 of the LP. In addition, the Framework includes an exception relating to the redevelopment of



previously developed sites that would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

10. As I have concluded that the proposed development would comprise a new building, I do not consider it is necessary to consider the proposal against policies relating to the extension or re-use of buildings within the Green Belt as set out in Policies GB2 and GB11 of the LP, or the Framework. As the replacement building would be in a new use, it cannot comply with the exception relating to replacement buildings. The site does not comprise previously developed land, so it cannot benefit from the provision within the Framework in relation to the redevelopment of previously developed sites.
11. Consequently, I conclude that the proposed development would comprise inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt. It would result in encroachment into the countryside, one of the five purposes of the Green Belt. As a result, the proposed development would conflict with Policies GB2 and GB11 of the LP as well as the Framework.

### *Openness*

12. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Indeed, openness is one of the essential characteristics of Green Belts.
13. Whilst there is some disagreement as to the increase in size of the building, the floor space would be over 40% larger than the existing building and the ridge height of the roof would be increased. This would result in a significant increase in the size of the building that would affect the openness of the Green Belt in this location.
14. To the rear of the dwelling it is proposed to construct a substantial amount of decking to provide accessible outside amenity space, along with a substantial driveway to the front of the dwelling. In addition, there would be a variety of domestic paraphernalia associated with the use of the dwelling. I note that the amount of decking could be reduced or the deck deleted by condition should I consider that necessary. Nevertheless, the extent of the decking and driveway, in addition to that domestic paraphernalia, would further contribute to the harm to the openness of the Green Belt.
15. The building is located within a small opening surrounded by mature trees and hedges. As a result the building, along with the decking, driveway and other domestic paraphernalia, would not be readily visible from outside the site, particularly when leaves are on the trees, except through the existing access. In addition, the proposed extensions would be to the rear of the building and to the side furthest from the existing access and the driveway and decking would be at ground level. No changes are proposed to the means of enclosure of the property. As a result, the visual impact of the proposed development would be modest.
16. The openness of the Green Belt, however, has a spatial as well as a visual aspect and I conclude that the extent of the combined extensions, decking, driveway and domestic paraphernalia would reduce the openness of the Green

Belt in this location. As a result, it would be contrary to Policy GB2 of the LP and the Framework that seek to protect the openness of the Green Belt.

*Character and appearance*

17. Hog Lane is a rural lane through the countryside, with a number of buildings spread out along the road of a variety of styles and appearance. Most of these are of a traditional design that reflect the rural area, and a number of former farm buildings have been converted to residential use whilst retaining their rural character. There is a mix of materials used in the construction of these buildings, including brick and timber weatherboarding.
18. The existing barn at Owl Meadow is a utilitarian brick building with low eaves and ridge that reflects its original use as a piggery discretely located surrounded by mature trees and hedgerows. Although the essential shape of the building would remain, the appearance of the alterations proposed to the building would result in a significantly altered external appearance.
19. The additional windows proposed include substantial new glazing in a different location to the existing windows and doors. Much of the new glazing proposed would be full height windows and doors. The revised drawing submitted with the appeal reduces the amount and size of glazing. Nevertheless, the amount of glazing proposed would result in a significantly more domestic appearance to the building that would considerably alter its character.
20. The driveway would be constructed of materials that reflect this rural area. Nevertheless its extent, along with the decking and other domestic paraphernalia, would further contribute to the domestic character and appearance of the proposed development.
21. In addition, the walls and roof would be clad in charred cedar. This would reflect the weatherboarding on a number of surrounding buildings and, although different from the existing brick, would not appear out of place in this rural area. However, that would not materially reduce the domestic appearance arising from the extent of glazing proposed and the decking, driveway and other domestic paraphernalia that contrasts with the more rural appearance of the existing building and the character and appearance of the surrounding area.
22. For these reasons, I conclude that the proposed development would harm the character and appearance of the existing building and surrounding area. As such, it would be contrary to Policy CS20 of the Core Strategy (CS) and Policy GC1 of the LP that require a high standard of design that relates well to the characteristics of the site and reflects and respects the character of the surrounding area.

*Other considerations*

23. A number of other matters have been drawn to my attention, including relating to the personal circumstances of the appellant. I confirmed at the hearing that I would not be referring in detail to this information in my decision. Suffice to say that the requirements of the appellants include access throughout the dwelling for multiple wheelchair users. This includes considerations relating to the height of windows and storage, and the width of openings and passageways. Owl Meadow is occupied by close family members and was also

designed to meet the needs of multiple wheelchair users, such that this location would enable a degree of mutual care.

24. The dwelling would be custom built, designed to meet the present and future needs of the appellants and their family, and would be the minimum size necessary to meet those needs. The appellants' evidence at the hearing was that the proposed dwelling would meet their requirements in a convenient location and may reduce their potential burden in terms of needing care in the future. They have been searching for a suitable property for some time in the surrounding area, but homes to meet their requirements are unusual. Consequently, whilst I am sympathetic to the benefits of the mutual support available in this location, it has not been demonstrated that such close proximity is essential, and this affects the weight I am able to attach to this factor.
25. Local and national policies support people to remain in their own homes and be cared for there for their whole lifetime. Planning Practice Guidance promotes access and inclusion, including accessibility and wheelchair housing standards. The proposed development would exceed the Nationally Described Space Standard, which acknowledges that the minimum size is not adequate for wheelchair housing as additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households. The dwelling would have an energy efficient construction and has been designed to provide an energy efficient home. These matters would result in this dwelling contributing to the choice of high quality housing in the vicinity.

## **Conclusion**

26. I have found that the proposed extension and conversion of the barn at Owl Meadow would be inappropriate development that harms the openness of the Green Belt and it would harm the character and appearance of the existing building and surrounding area. The proposed development would meet the specific needs of the appellants and their family and be energy efficient such that this provision, especially given the lack of suitable specialist housing in the locality, would contribute to choice in the district. Those matters carry considerable weight in the planning process. However, that needs to be balanced with the substantial harm to the Green Belt by reason of inappropriateness, and the significant harm to the character and appearance of the area. The Framework confirms that the fundamental aim of Green Belt policy includes keeping land permanently open and the purposes of the Green Belt include safeguarding the countryside from encroachment.
27. Taking those factors into account, I conclude that the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. As such, the proposed development is contrary to Policies GB2 and GB11 of the LP and the Framework that seek to protect the Green Belt from inappropriate development.
28. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*AJ Steen*

INSPECTOR



## **APPEARANCES**

### **FOR THE APPELLANT:**

Philippa Jarvis	PJPC Ltd
John Nassari	Appellant
Liz Nassari	Appellant
Andri White	

### **FOR THE LOCAL PLANNING AUTHORITY:**

Jo Richards MSc	Chiltern District Council
Ian Severn	Planning Officer, Chiltern District Council

### **DOCUMENTS SUBMITTED AT THE HEARING:**

- Document 1: *John Turner v Secretary of State for Communities and Local Government and East Dorset Council* [2016] EWCA Civ 466
- Document 2: Department for Communities and Local Government Technical Housing Standards – nationally described space standard



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# Appeal Decision

Site visit made on 4 December 2017

**by R C Kirby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9<sup>th</sup> January 2018**

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**Appeal Ref: APP/X0415/W/17/3180275**

**1 Shrimpton Close, Knotty Green, Bucks HP9 2AZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs A Varcoe against the decision of Chiltern District Council.
  - The application Ref CH/2017/0450/FA, dated 10 March 2017, was refused by notice dated 5 May 2017.
  - The development proposed is subdivision of plot and erection of new detached dwelling, served by new vehicular access.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area.

## Reasons

3. The appeal site is located on the corner of Shrimpton Close and Mynchen Road. These roads form part of a larger estate characterised by chalet style dwellings. Although many properties within the estate have been extended and updated, and walls, fences and hedgerows abut parts of the highway, I observed that the area has a largely uniform appearance of dwellings in an open and spacious setting. Although enclosed by a tall hedgerow, the appeal site on this prominent corner makes an important contribution to this character.
4. Policy GC1 of the Adopted Chiltern District Local Plan 1997 including Adopted Alterations 2001 (ACDLP) requires development to be of a high standard of design and acknowledges that design includes both the appearance of the development and its relationship to its surroundings. Amongst other matters, this policy states that development should be in accordance with the siting of any existing adjoining buildings and if fronting a road, the scale and alignment of the road in which they are to be located. Policy H3 of the ACDLP and Policy CS20 of the Core Strategy for Chiltern District (CS) have similar aims requiring development proposals to be compatible with the character of the surrounding area and those features which contribute to local distinctiveness.
5. The new dwelling would be of a design that would respect the established character and appearance of the area, and its siting and design in relation to Shrimpton Close would respect these matters also.

6. However, the new dwelling would be set forward of nearby development on Mynchen Road, and its side elevation facing this road would be at odds with the front facing dwellings nearby. Whilst the mature landscaping is shown to be retained, and would go some way to soften the visual impact of the dwelling, I consider that the tall gable feature would be a prominent, dominant feature in the street scene. The proposal would result in an incongruous feature on this largely open corner site which would significantly reduce the spacious qualities of the area and have a harmful effect upon its character and appearance.
7. The appellants have drawn my attention to the Council's Chiltern Townscape Character Assessment (TCA). Within this document the appeal site is identified as being within Area 3 Mynchen Road Residential Area where medium and small-scale development could potentially be accommodated. The area was assessed as having moderate sensitivity, with no special qualities desirable to safeguard. Whilst noting these matters paragraph 13.4.15 of the document makes it clear that although the principle of development is acceptable, this is subject to appropriate siting, design and mitigation.
8. In this case I have found that the siting of the new dwelling and its appearance from Mynchen Road would be harmful to the character and appearance of the area. Both the policies of the development plan referred to above and the National Planning Policy Framework (the Framework) place importance on good design and the need to take account of the different roles and character of different areas. The appeal proposal, for the reasons given, would fail to achieve this. The reference to the area having no special qualities in the TCA does not lead me to conclude differently.
9. I therefore conclude that the proposal would be harmful to the established character and appearance of this attractive area, which would be in conflict with the aims of ACDLP Policies GC1 and H3, CS Policy CS20, and the design and character core planning principles of the Framework.

### **Conclusion**

10. For the above reasons, and regard to all other matters raised, the appeal is dismissed.

*R C Kirby*

INSPECTOR



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## Appeal Decisions

Site visit made on 27 November 2017

**by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21<sup>st</sup> December 2017**

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### **Appeal Ref: APP/X0415/W/17/3181798**

#### **9 Berkeley Avenue, Chesham, HP5 2RN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Turner against the decision of Chiltern District Council.
  - The application Ref CH/2017/0480/FA, dated 15 March 2017, was refused by notice dated 24 July 2017.
  - The development proposed on the appeal form is described as "Erection of a new dwelling on land at 9 Berkeley Avenue with pedestrian access".
- 

#### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling with pedestrian access at 9 Berkeley Avenue, Chesham, HP5 2RN in accordance with the terms of the application, Ref CH/2017/0480/FA, dated 15 March 2017, subject to the conditions set out in the attached schedule.

#### **Application for costs**

2. An application for costs was made by Mr and Mrs Turner against Chiltern District Council. This application is the subject of a separate Decision.

#### **Procedural matters**

3. The development description on the application form does not correspond with the decision notice or appeal forms and also does not accurately describe the proposed development. I have as a consequence used the description shown on the appeal form and am satisfied that this has not prejudiced the interests of any party.
4. The Council and appellant state that the plans were amended during the formal application. For the avoidance of doubt and in view of the fact that there does not appear to be any dispute between the Council and appellant on this matter, I have proceeded on the basis that the plans under consideration in this appeal are Drawing Nos GA.01 Rev G, GA.02 Rev J, GA.03 Rev I and GA.04 Rev J and am satisfied that this has not prejudiced the interests of any party.
5. The appellant has drawn my attention to 3 previous appeals<sup>1</sup> for residential development at the site. However, because these are not directly comparable to the current proposal in terms of design, scale, form, access, parking and siting, I have given them limited weight in my assessment. In any event, I must consider the appeal scheme on its own merits.

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<sup>1</sup> APP/X0415/A/08/2087026 dated 20 April 2009, APP/X0415/A/12/2173291/NWF dated 10 September 2012 and APP/X0415/W/15/3140559 dated 27 April 2016



6. The Council has referred to a Waste Management Planning Advice Note prepared for Chiltern District Council and Wycombe District Council. Although helpful to prospective applicants, it has not been adopted as a supplementary planning document and I am not aware of it being subject to public consultation. I have accordingly given it limited weight in my assessment.
7. Although the Council has referred to Policy TR15 of the Local Plan<sup>2</sup> in its appeal statement, this was not included in the reason for refusal. However, this policy is not in any event applicable to the proposal as it relates to the design of new car-parks and parking areas in developments, which are not proposed in the current scheme.

### **Main issue**

8. The Council has raised no concerns regarding: (a) the design, form and scale of the dwelling; (b) its impact upon the living conditions of neighbouring occupiers; and (c) the lack of off-road parking facilities and the resultant impact upon the local highway network. Accordingly, within the context of the Council's reason for refusal and the evidence in this case, the main issue is living conditions for future occupiers of the dwelling, with specific regard to:
  - its proximity to the bin collection point
  - its proximity to on-street parking
  - privacy
  - whether it would be accessible, particularly to those with disabilities and meet 'Lifetime Homes' standards.

### **Reasons**

#### *Appeal site context*

9. The appeal site is laid to grass and forms the south-eastern half of the rear garden to No 9 Berkeley Avenue, a mature bungalow that has been extended into its roof space. Berkeley Avenue is characterised by grass verges, street trees and mature 2-storey detached and semi-detached houses, chalet bungalows and bungalows. A large proportion of dwellings on the street have off-road parking within their curtilage.

#### *Living conditions for future occupiers*

10. The Council states that on-road parking would not be conveniently located for future occupiers as it would be too far away from the proposed dwelling. However, even if the dwelling was nearer the road, there is no guarantee that its occupants would benefit from close proximity to their parked vehicles due to it being a public highway with unrestricted parking. In any event, based on the evidence before me and my observations on-site, I do not consider the highway to be so congested with parked cars that future occupiers would have to regularly travel long distances to find a space. I am as a consequence satisfied that any vehicles parked on the road would be in reasonable proximity to the proposed dwelling and not harm the living conditions of future occupiers.
11. The Council states that the bin collection point would be at least 40 metres from its storage area and that the development would as a consequence fail to accord with

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<sup>2</sup> Chiltern District Local Plan, Written Statement, Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 and November 2011

the guidance contained in the Council's Waste Management Planning Advice Note and the Manual for Streets<sup>3</sup>, which both make reference to a 25 metre standard. However, given the broadly level nature of the site and that household waste would only have to be carried to the collection point once a week, I would not consider the additional 15 metres to be so inconvenient to future occupiers as to harm their living conditions.

12. Further concerns are raised by the Council that No 4 Dorney End ('No 4') would compromise the privacy of future occupants of the dwelling, by reason of overlooking from its rear elevation. However, No 4 does not directly face the rear elevation and garden of the proposed dwelling, and any views from it are primarily towards its own garden. Furthermore, the proposed dwelling would have no roof lights or dormer windows to its south-west (side) or south-east (rear) elevations that would otherwise be easier to see into from the rear elevation of No 4. I am as consequence satisfied that future occupants of the dwelling would benefit from a satisfactory level of privacy.
13. The Council also states that despite the dormer window to No 9b Berkeley Avenue being connected to a non-habitable room, that it would create a perception of overlooking that would be harmful to the living conditions of future occupiers. However, in view of this window being faced with obscure glass, I am satisfied that such a perception would be unlikely, but even if this did occur, that it would not be sufficient to warrant refusal.
14. The Council states that the proposal would not comply with Policy CS20 of the Core Strategy as it has not been designed in accordance with 'Lifetime Homes' principles. However, this policy merely states that the Council will 'encourage' new dwellings to be designed to this standard and hence it is not a mandatory requirement. Furthermore, the proposed development would be accessed via a broadly level gradient from the highway and all its living accommodation, save for one bedroom and an ensuite bathroom or store room, would be at ground floor level. In view this, I have concluded that the scheme would be user friendly and highly accessibility to those with disabilities.
15. In view of the above, I have concluded that the development would function well as a residential dwelling and not be harmful to the living conditions of future occupiers. The proposal would as a consequence comply with Policies GC1 and GC3 of the Local Plan and Policy CS20 of the Core Strategy<sup>4</sup>, which cumulatively seek, amongst other things, to ensure good standards of amenity and accessibility for future occupiers of new development.
16. The Council states that the development would result in environmental harm as a consequence of its poor functionality for future occupiers and therefore fail to comply with the Framework's<sup>5</sup> definition of sustainable development. However, for the reasons identified above, I am satisfied that the development would result in a good standard of amenity for future occupants and integrate well into its built environment and therefore comply with Paragraphs 17 (bullet point 4) and 61 of the Framework.

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<sup>3</sup> Paragraph 6.8.9 of the Manual for Streets, Department for Communities and Local Government and Department for Transport, 2007

<sup>4</sup> Core Strategy for Chiltern District, adopted November 2011, Chiltern District Council

<sup>5</sup> National Planning Policy Framework, Communities and Local Government, March 2012

### *Other matters*

17. I note the Council's concern in respect of potential precedent, but each proposal must be considered on its own merits. In any case, I have concluded that the scheme complies with the relevant development plan policies.
18. Representations have been made that the development would harm the living conditions of neighbouring occupiers at No 4 by reason of it being visually overbearing. However, I am satisfied that this would not be the case as it would be of a similar height to the adjacent property at No 9b Berkeley Avenue and be set approximately 2.4 metres inside the boundary with No 4, which would as a consequence minimise its visual impact.
19. Representations have been made that the development would harm the living conditions of neighbouring occupiers at No 9b Berkeley Avenue by reason of loss of light and a reduction in sunlight received by its solar panels. Whilst I acknowledge that the development would interrupt some direct sunlight to No 9b late in the day because of its position to the west of this dwelling, I am satisfied that this loss would be minimal and not cause sufficient harm to warrant refusal.
20. Further representations have been made that the development would compromise the privacy of neighbouring occupiers at No 4, Nos 9b and 11 Berkeley Avenue and Nos 3 to 9 Berkeley Close. However, I am satisfied that because of the intervening distances involved and the orientation of the proposed dwelling's first floor bedroom window, that the development would not result in any significant overlooking of the above properties or their rear gardens.
21. Representations have also been made that the development has no off-road parking spaces, which would result in additional on-road parking to the detriment of highway safety. However, the Council and Local Highway Authority did not raise any concerns in respect of this and I see no reason to take a different view given the good highway visibility I observed at my site inspection.
22. Concerns have been raised by third parties about the lack of access to the site by emergency vehicles. However, I am satisfied that there would be adequate pedestrian access for paramedics, who could if necessary transfer patients to an ambulance on the highway by wheelchair or stretcher. In terms of access by fire engines, the scheme would be required to comply with the Building Regulations, which is a separate regulatory process. However, given the site's close proximity to the road and the lack of any objections from the Local Fire Authority, I am satisfied that suitable access to the site could be achieved by the fire service in the event of an emergency.
23. Representations have also been made that the location of the dwelling's new patio area would erode the peace and quiet enjoyed by neighbouring occupiers in their rear gardens. However, I am satisfied that the level of noise generated by future occupants would be consistent with the surrounding residential area and that any significant disturbance could be suitably controlled under other legislation.

### *Conditions*

24. The Council has suggested conditions which I have considered in the light of the Framework and National Planning Practice Guidance. I have made some small amendments to clarify certain details and ensure the development is acceptable. A condition requiring development to be in accordance with the plans is needed for the avoidance of doubt and in the interests of proper planning. Given the need to successfully integrate the development into the local environment and ensure a satisfactory surface that minimises noise, a condition relating to external materials

and surface materials is necessary. A condition has also been proposed to ensure that the boundary treatment shown on the approved plans is installed prior to occupation to protect the living conditions of future and neighbouring occupiers.

25. Furthermore, given the development's close proximity to other dwellings, I consider there to be adequate justification to remove permitted development rights for all extensions, alterations, roof extensions and roof alterations to the dwelling. A condition has also been imposed for details of ground floor levels to minimise its visual impact upon the surrounding area and protect the living conditions of neighbouring occupiers. However, in view of the plot being screened from the public realm, I do not consider it necessary for a condition to be imposed for a bin storage enclosure.

### **Conclusion**

26. I have concluded that the proposal accords with the development plan and would provide adequate living conditions for its future occupiers. In view of this and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*Robert Fallon*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:- Drawing nos. GA.01 Rev G, GA.02 Rev J, GA.03 Rev I and GA.04 Rev J.
- 3) No development shall take place until samples of all external facing materials and surface materials for the pedestrian access have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved levels.
- 5) The dwelling hereby permitted shall not be occupied until the boundary treatment shown on approved drawing no. GA.02 Rev J has been installed.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no external alterations, extensions, roof extensions, roof windows or roof lights (aside from that shown on the approved plans) shall be installed or constructed on any part of the dwelling hereby approved without the specific grant of planning permission.

**End of schedule**



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## Costs Decision

Site visit made on 27 November 2017

**by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 02<sup>nd</sup> January 2018**

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### **Costs application in relation to Appeal Ref: APP/X0415/W/17/3181798 9 Berkeley Avenue, Chesham, HP5 2RN**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr and Mrs Turner for a full award of costs against Chiltern District Council.
  - The appeal was against the refusal of planning permission for the erection of a new dwelling on land at 9 Berkeley Avenue with pedestrian access.
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#### **Preliminary matter**

1. The Council and appellant have confirmed that Councillor MacBean is the subject of a separate complaint under the Council's formal complaint process. This is a separate matter between the parties.

#### **Decision**

2. The application for an award of costs is refused.

#### **Reasons**

3. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The application for costs is based on the appellant's view that:- (a) Councillor MacBean behaved unreasonably in calling in the application and contributing to the Planning Committee debate given their friendship with a neighbouring objector; and (b) Council Members gave vague, generalised and inconsistent reasons for refusal, contrary to the recommendation of Council Officers.
5. The Planning Practice Guidance indicates that Councils will be at risk of an award of costs being made against them if they do not behave reasonably in relation to procedural matters at appeal<sup>1</sup>. It also states that Councils will be at risk as a result of the way applications are processed if they fail to determine them within the time limits without giving the applicant a proper explanation for any delay<sup>2</sup>. Although an application for costs may relate to events before the appeal, the Planning Practice Guidance states that costs unrelated to the appeal are not eligible for an award<sup>3</sup>.
6. Given that the appellant's grounds for a procedural award do not relate to the time taken to determine the application and are not based on the processing of the appeal, I have concluded that a full award of costs would not be justified on this

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<sup>1</sup> Paragraph: 047 Reference ID: 16-047-20140306

<sup>2</sup> Paragraph: 048 Reference ID: 16-048-20140306

<sup>3</sup> Paragraph: 032 Reference ID: 16-032-20140306

basis. However, even if the Planning Practice Guidance did permit an award of costs to be based on procedural matters at a Planning Committee meeting, there is no evidence before me that Councillors are not allowed to call-in applications despite their friendship with neighbouring objectors. In view of this, and the number of objections made by third parties, I am satisfied that there were reasonable planning grounds upon which to call-in the application.

7. Furthermore, Councillor MacBean declared a personal interest in the application at the start of the Planning Committee meeting<sup>4</sup>. This declaration was not described as a prejudicial interest in the minutes and there is no evidence before me that Councillor MacBean was required to exclude herself from the meeting in accordance with the Council's constitution or code of conduct for Members. In view of this, I have no reason to conclude that the decision was not lawfully made in accordance with the relevant procedures for Planning Committee and rules governing Member conduct. In any event, the final decision was reached collectively by all Planning Committee Members and not just Councillor MacBean.
8. The Planning Practice Guidance also indicates that Councils will be at risk of an award being made against them if, amongst other things, they fail to produce evidence to substantiate each reason for refusal and/or the reasons given are vague, generalised or inconsistent<sup>5</sup>.
9. Although the appellant states that overlooking of the proposed dwelling from No 4 was not referred to in the previous appeal<sup>6</sup>, I am not of the view that this demonstrates inconsistency as that scheme was not directly comparable to the current proposal in terms of design, scale, form, access and parking. Furthermore, the amenity of future occupiers of the proposed chalet bungalow was not considered to be a main issue in the previous appeal (unlike the present case) and so the Inspector did not make any reference to it in their written assessment.
10. The appellant states that the Council did not provide any evidence of harm in relation to distance between the bin storage and bin collection points and that there was no policy basis to support this. However, I am satisfied that the 25 metre standard sought by the Council in accordance with its Waste Management Planning Advice Note and the Manual for Streets<sup>7</sup> was clear and justified. I am also satisfied that there was a sufficient policy basis for the Council to refuse the scheme on these grounds as Policies GC1 and GC3 of the Local Plan<sup>8</sup> collectively refer, amongst other things, to the need to achieve good standards of amenity for future occupiers and that planning permission will be refused where these are impaired. Although it will be seen from the appeal decision that I disagree with the grounds upon which the Council refused the application, I am nonetheless satisfied that it was able to substantiate these in its reason for refusal.

## **Conclusion**

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Robert Fallon*

INSPECTOR

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<sup>4</sup> Minutes of the Planning Committee meeting held on 20 July 2017, Chiltern District Council

<sup>5</sup> Paragraph: 049 Reference ID: 16-049-20140306

<sup>6</sup> APP/X0415/W/15/3140559 dated 27 April 2016

<sup>7</sup> Paragraph 6.8.9 of the Manual for Streets, Department for Communities and Local Government and Department for Transport, 2007

<sup>8</sup> Chiltern District Local Plan, Written Statement, Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 and November 2011



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## Appeal Decision

Site visit made on 15 December 2017

**by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9<sup>th</sup> January 2018**

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**Appeal Ref: APP/X0415/D/17/3185507**

**120 Bois Lane, Chesham Bois, Bucks, HP6 6DE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs L Williams against the decision of Chiltern District Council.
  - The application Ref CH/2017/0884/FA, dated 24 April 2017, was refused by notice dated 18 August 2017.
  - The development described on the application form is "Proposed two storey side extension and replacement windows. New timber cladding to front elevation, with replacement roof tiles to main house and garage following demolition of single storey side extension".
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. Although the Council has referred to Policy H18 of the Local Plan<sup>1</sup> in its first reason for refusal, I have concluded that this is not applicable as it relates to dormer windows and the proposal is for a 2-storey side extension.

### Main Issues

3. Within the context of the Council's reasons for refusal and the evidence in this case, the main issues are the effect of the proposed development on the:-
  - character and appearance of the host building and surrounding area
  - living conditions of neighbouring occupiers, with specific regard to No 118 Bois Lane ('No 118').

### Reasons

4. The appeal site contains a mature 2-storey detached chalet bungalow set well back from the road behind the prevailing building line of neighbouring properties, which consist of a variety of architectural styles. Although it has been subject to some unsympathetic extensions and alterations, its original form is still legible and is characterised by its white roughcast render finish, red brick quoin-style detailing and front and rear dormer projections, which extend almost the full width of the property and have a strong horizontal emphasis.

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<sup>1</sup> Chiltern District Local Plan, Written Statement, Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 and November 2011

The main roof wraps around these dormer projections and extends from the ridgeline down to the eaves above ground floor level, which gives the property its chalet-bungalow character.

5. The site slopes down in an easterly direction and contains a significant number of Tree Preservation Order (TPO) protected trees<sup>2</sup>. There is also a mature Laurel hedge approximately 6 metres in height to the dividing boundary between the appeal property and No 118 Bois Lane. This hedge extends from the highway at the front of the site to the rear elevation of the appeal property.

#### *Character and appearance*

6. The appellant states that the existing dwelling is not of high architectural merit or worthy of preservation in its current form and that the development would result in an overall improvement to the building, when considered cumulatively with the other proposed alterations, which include new windows, cladding, render and roof tiles. However, despite its undistinguished architectural design, I nonetheless consider it to be of a discreet scale and form that has a neutral impact upon the character and appearance of the area.
7. The proposed 2-storey extension would substantially project above the existing eaves and obliterate the continuous plane of the roof which extends from the main ridgeline down to the eaves on the eastern side of the dwelling. Furthermore, its strident 2-storey front projection, substantial flat roof and rectangular form would contrast unsympathetically with the existing front and rear dormer projections, which are of a more modest scale and set in from the roof verges, eaves and ridgeline of the dwelling (and which as a consequence reveal the existing roof plane that underpins the property's legibility as a 2-storey chalet-bungalow). The conflicting form and design of the extension would be compounded by the large patio-style doors, which would be out-of-proportion with the existing window openings to the front elevation. The development would as a consequence dominate the front and rear of the property and fail to integrate with its scale, form and design.
8. Whilst I recognise that the development would not be easily seen from the public highway because of existing landscaping and its setback, it would nonetheless be visible from directly outside the site, which would intensify the harmful impact described above. Furthermore, I cannot be certain that the existing landscaping which screens the site would be retained in perpetuity, which might further expose the scheme.
9. In view of the above, I have concluded that the development would be harmful to the character and appearance of the existing dwelling and surrounding area. The proposal would therefore conflict with Policies GC1, H13 and H15 of the Local Plan and Policy CS20 of the Core Strategy<sup>3</sup>, which collectively seek, amongst other things, to ensure that new extensions: - (a) are of a high standard of design; (b) respect the scale, proportions and detail of existing dwellings; and (c) do not harm the character and appearance of the street scene.
10. The development would also fail to comply with the provisions of the Council's Design Guide<sup>4</sup>, which states that extensions should link well with the existing

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<sup>2</sup> Tree Preservation Order 1989 (No 11 of 1989), dated 10 February 1989, Drawing No CHB/44

<sup>3</sup> Core Strategy for Chiltern District, adopted November 2011, Chiltern District Council

<sup>4</sup> Residential Extensions and Householder Development, Supplementary Planning Document, September 2013



dwelling in terms of fenestration detail, roof style and pitch, and blend in with the street scene.

11. In view of the Framework<sup>5</sup> being more up-to-date than the development plan, I have also given significant weight to Paragraph 64 of this document which states that permission should be refused for development of a poor design that fails to take the opportunities to improve the character and quality of an area.

#### *Living conditions*

12. The Council's Tree and Landscaping Officer has confirmed that because of the 1-metre gap between the extension and existing Laurel hedge, there should be no significant root damage to the latter. In view of this, I consider it unlikely that the existing Laurel hedge would be harmed by construction works, which would as a consequence enable it to fully screen the development from No 118.
13. However, despite the appellant stating that they intend to retain the Laurel hedge, I have concluded that there nonetheless remains a reasonable prospect that it could in the future be removed or reduced in height as:- (a) it might become dangerous, diseased or die; (b) I cannot be certain that it would not need to be reduced or removed for structural reasons at a later date given its close proximity to the extension and the neighbouring property at No 118; and (c) I cannot be certain that it would not be subject to a high hedge complaint by future occupiers of No 118, which might necessitate a reduction in its height. For these reasons, it would not be possible to safeguard the Laurel hedge in perpetuity or prevent it being reduced in height via planning condition as this would not comply with the test laid down in the Framework and Planning Practice Guidance relating to reasonableness. Such a condition would also fail this test as it would fetter the appellant's ability to determine which form of landscaping is appropriate in their own garden.
14. If the hedge were to be removed or significantly reduced in height, the substantial depth of its 2-storey side elevation would be clearly visible from the rear garden of No 118. Given that there is no certainty that a new hedge would be planted and grown to a similar height as that already existing to screen this, I have concluded that the development's substantial depth, 2-storey height and proximity to No 118 would harm the outlook from this property and appear visually intrusive and overbearing to its occupants.
15. Furthermore, the removal or reduction in height of the hedge would also have implications for the privacy of neighbouring occupiers at No 118. Although I am satisfied that overlooking from the side elevation windows could be restricted by a condition for obscure glazing and that there would be limited impact from the first floor rear elevation patio doors which would only allow the end of No 118's garden to be overlooked, I have concluded that the scheme would nonetheless result in a significant loss of privacy to the occupants of this property by reason of overlooking from the first floor front elevation patio doors, which would allow clear views towards the rear patio area of this property and its rear elevation windows. I would not consider it reasonable to impose a condition requiring obscure glazing to this opening as it would be the primary source of outlook from this bedroom. Although the appellant states that the existing dwelling would also result in a loss of privacy to No 118 if the hedge was removed, I would not consider this to be of the same magnitude as

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<sup>5</sup> National Planning Policy Framework, Communities and Local Government, March 2012

the extension openings would be considerably closer to the dividing boundary between both properties.

16. The appellant states that the inability to guarantee the perpetual existence of trees, hedges and other landscaping features is not a valid basis for objecting as no developments would ever be permitted if the trees and hedges that screen them were disregarded. However, if a development has been heavily justified on the basis of it being screened by existing or proposed landscaping, I consider it necessary to assess the likelihood of this being retained or reinstated if it were to be removed. In any event, I do not consider the screening of a development by landscaping to be a sound basis upon which to justify an otherwise harmful design as this could be repeated too easily and often for all forms of poor quality development.
17. I am however satisfied that due to:- (a) No 118 being to the south of the appeal dwelling; (b) the path of the sun; and (c) the intervening distance between the extension and rear patio area of No 118, that the development would not result in a significant loss of daylight or sunlight to this neighbouring property or its rear patio area.
18. In view of the above, I have concluded that there remains reasonable potential for the Laurel hedge to be removed or reduced in height in the future, and that the development would as a consequence be harmful to the living conditions of neighbouring occupiers at No 118 by reason of visual intrusion, loss of outlook and loss of privacy. The proposal would not therefore accord with Policies GC1, GC3, H13 and H14 of the Local Plan which collectively seek, amongst other things, to ensure that new development safeguards the amenities of residential occupiers.
19. For the same reasons, the development would also fail to comply with the provisions of the Council's Design Guide, which seeks to ensure that new extensions do not appear overbearing or intrusive to neighbours, or result in an unacceptable loss of privacy.

#### *Other matters*

20. I recognise that there have not been any objections to the scheme and that the materials would match those to be used in the alterations proposed to the rest of the dwelling. However, this does not justify the harm identified above.
21. I also note the appellant's frustrations regarding the manner in which the formal application was processed, but this has little bearing on the planning merits of the scheme before me and is a matter between the parties.

#### *Planning balance*

22. The appellant has drawn my attention to a number of other developments in support of the proposal, but these are not directly comparable in terms of scale, form, design and position in relation to neighbouring dwellings. I am also not aware of the particular circumstances where planning permission was granted for these and in any event, I must consider the appeal scheme on its own merits. The existence of these other developments does not justify the harm I have identified and nor do the private benefits to the appellant of providing additional living space at first floor level.

23. Whilst I am sympathetic to the appellant wishing to accommodate elderly relatives, I have concluded that there is insufficient evidence to demonstrate that their needs can only be met via the current scheme. I have as a consequence given these circumstances modest weight in my assessment and concluded that these would not outweigh the harm to the character and appearance of the host dwelling and surrounding area, and the living conditions of neighbouring occupiers at No 118.

### **Conclusion**

24. I have found that the appeal proposal would be harmful to the character and appearance of the host dwelling and surrounding area, and the living conditions of neighbouring occupiers. All representations have been taken into account, but no matters, including the benefits of additional living accommodation and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

*Robert Fallon*

INSPECTOR