

RECOMMENDATION

The Officer recommendation remains to defer to grant Conditional Permission, subject to prior completion of a Legal Agreement to secure the affordable housing contribution and subject to the conditions set out in *Appendix 1* with the decision delegated to the Head of Sustainable Development.

AGENDA ITEM No. 7

- 7 CH/2014/0018/FA - TWO STOREY SIDE EXTENSION WITH BASEMENT LEVEL
WINDMILL FARM, WINDMILL HILL, COLESHILL, AMERSHAM,
BUCKINGHAMSHIRE, HP7 0LZ.
(Case Officer: Emily Walsh)**

Matter for consideration

- 7.1 This planning application was reported to the Planning Committee on 3rd April 2014 with the recommendation to “Defer to grant conditional permission subject to advertising the application as a departure from the Development Plan and following the completion of a Legal Agreement to cover the points set out in the report. Decision delegated to the Head of Sustainable Development”. The original Committee report is attached as *Appendix 2*.
- 7.2 The proposed extension was considered to result in harm to the setting of the adjacent windmill, a Grade II listed building, but no objections were raised with regard to its impact on the Green Belt or the Area of Outstanding Natural Beauty. However, the applicants have commenced work on an extension to the principal (North) elevation of the dwelling, which constitutes permitted development, and also benefit from two extant planning permissions for extensions to the eastern and southern elevations of the side wing (reference: CH/2011/1584/FA and CH/2012/0498/FA), which could be implemented or implemented in part. Cumulatively, the proposed extension, the permitted development extension, and the extant planning permissions would fail to maintain the openness of the Green Belt and fail to conserve or enhance the high scenic quality of the Chilterns Area of Outstanding Natural Beauty. In addition, as part of her original consultation response, the District Historic Buildings Officer (HBO) made reference to the need for planning permissions CH/2011/1584/FA nor CH/2012/0498/FA (including the south extension of the wing) to be null and void.
- 7.3 As a way forward, the applicant agreed in writing ahead of the drafting of the previous Planning Committee report to enter into a Legal Agreement to revoke the two unimplemented planning permissions and to remove permitted development rights to prevent the construction of the permitted development extension to the principal elevation. With regard to the setting of the listed building, whilst the proposed extension itself was considered to result in harm to the setting of the listed building, it was considered that the public benefit secured through the use of the Legal Agreement, as set out below, was sufficient to outweigh the harm resulting from the proposed extension.
- 7.4 Therefore, the scheme was considered acceptable, subject to a Legal Agreement being completed prior to planning permission being issued. The Heads of Terms for the Agreement are set out as follows:

1. To revoke the outstanding planning permissions for extensions granted under references CH/2011/1584/FA and CH/2012/0498/FA.
 2. Agree to cease work on the permitted development extension to the principal (north) elevation and return the land to its former condition.
 3. To remove permitted development rights to the dwelling covering all extensions to the principal (north) elevation.
 4. Agree to no compensation arising for the refusal of an application that would normally have been permitted development, in respect of point 3 above.
- 7.5 After negotiations regarding the wording of the Legal Agreement, the applicant's solicitor has disputed the need for the first term of the Legal Agreement – to revoke extant planning permissions CH/2011/1584/FA and CH/2012/0498/FA – and has not progressed with the completion of the Legal Agreement. In light of this, and the fact that further correspondence remains unanswered, Officers have reviewed the situation and consider all four Heads of Terms remain relevant. Given this, Officers now recommend the refusal of planning permission.

RECOMMENDATION

Members delegate the Head of Sustainable Development to refuse planning permission for the reasons set out below if the Legal Agreement has not been completed by 12th September 2014 in accordance with the original Heads of Terms. In the event of an appeal, the Head of Sustainable Development in consultation with the Head of Legal Services negotiate and enter into any Legal Agreement that is considered necessary to secure an appropriate form of development.

Reasons for Refusal

- 1) Within those parts of the Green Belt which are located outside existing rows of dwellings or settlements as defined on the Proposals Map of the Adopted Chiltern District Local Plan 1997, the extension of an existing dwelling can be considered acceptable where the extension is subordinate to the size and scale of the original dwellinghouse and is not intrusive within the landscape. In this case, the property benefits from two extant planning permissions for extensions to the eastern and southern elevations of the side wing of the dwelling, and work has commenced on an extension to the principal elevation which constitutes permitted development. When the proposed extension is considered cumulatively with the extant planning permissions, or in conjunction with both the extant planning permissions and the permitted development extension, the proposed additions would not be subordinate to the size and scale of the original dwelling. The extensions would significantly increase the scale and bulk of the existing modest dwelling, resulting in a building which is materially larger than the original dwelling and which would be visually intrusive within the Green Belt. As such, the proposal constitutes inappropriate development which would fail to maintain the openness of the Green Belt. The proposal is therefore contrary to Policies GB2 and GB13 of the Adopted Chiltern District Local Plan - 1997 (including Adopted Alterations May 2001 and July 2004).
- 2) When the proposed extension is considered cumulatively with the extant planning permissions, or in conjunction with both the extant planning permissions and the permitted development extensions, the additions would significantly alter the simple functional appearance of the original dwelling, resulting in disproportionate additions and a considerably larger building that would appear visually intrusive within the surrounding landscape. As such, the proposal would not conserve or enhance the

natural beauty of the landscape within this part of the Chilterns Area of Outstanding Natural Beauty. The proposal is, therefore, contrary to Policies GC1 and LSQ1 of the Adopted Chiltern District Local Plan 1997 (including Adopted Alterations May 2001 and July 2004) and Policies CS20 and CS22 of the Adopted Core Strategy for Chiltern District (November 2011).

- 3) The proposed two storey extension will add to the upper storey mass of the existing dwelling, blocking more of the view of the lower part of the adjacent Grade II listed windmill. In views from the south the projection of the proposed extension beyond the existing rear elevation of the wing will give a grander impression of hipped pavilions flanking a central recess in manner akin to that of a small country house. In views of the windmill from the grounds of Grove Mill to the east, the main living accommodation of the dwelling will appear closer to the windmill, and the extension will be more prominent than the narrower end of the existing wing. The increased scale and subsequent change in character of Windmill Farm resulting from the proposed extension will result in harm to the setting and significance of the windmill as a building of humbler but more visible origin, particularly when taking into account the extant permission for a two storey extension to the western side of the dwelling. The proposal would, therefore, result in harm to the setting of the adjacent listed windmill, and as such, is contrary to Policy LB2 of the Adopted Chiltern District Local Plan 1997 (Including the Adopted Alterations May 2001 and July 2004) and the provisions of the NPPF.

AGENDA ITEM No. 8

8 ITEMS FOR NOTING

8.1 NEW PLANNING AND ENFORCEMENT APPEALS

Contact Officer: Jayne Froome (01494 732162)

CH/2013/1860/FA - Conversion of existing outbuilding to an independent dwelling, with alterations to external elevations including insertion of rooflights, Land Adjoining 5 Ballinger Row, Blackthorne Lane, **Ballinger**

CH/2013/1954/FA - Detached outbuilding to front of dwelling, Pynest Green Cottage, Two Dells Lane, **Ashley Green**

CH/2014/0138/FA - Part single storey/part two storey/part first floor extension to create two storey dwelling, front porch extension, stone cladding to part of front elevation, rendering of resulting dwelling, 183 Amersham Way, **Little Chalfont**

CH/2014/0218/FA - Extension to roof space to create second floor accommodation, The Firs, Millfields, **Chesham**

CH/2014/0284/FA - Erection of three single storey detached outbuildings (Retrospective), Land To R/o Of 2 Mill End Close, **Prestwood**

CH/2014/0341/FA - Detached triple garage and retaining wall, Woodlands, Beacon Hill, **Penn**

CH/2014/0348/FA - Single storey side/front/rear extension with accommodation in roof