



Planning Committee (CDC)

Thursday, 26 April 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 - 3*)

To sign the Minutes of the meeting held on 15 March 2018 previously circulated.

3 Apologies for Absence

4 Declarations of Interest

5 Deferred Applications - CH/2017/1824/FA & CH/2017/2015/RC

6 Enforcement Notices - 1994/0687/EN & 1994/0688/EN

Land at Owlets, Old Farm Lane, London Road East, Amersham (Previously known as Land at Westrow Mushroom Farm, London Road East)

7 Enforcement Notice - 1999/0826/EN

Land and Buildings at 67 Woodside Road, Amersham, Buckinghamshire.

8 Items for Noting

- 8.1 New Planning and Enforcement Appeals
- 8.2 Appeal Decisions
- 8.3 Permission/Prior Approval Not Required
- 8.4 Withdrawn Applications
- 8.5 Information Regarding Planning Applications to be Determined

9 Report on Main List of Applications (*Pages 4 - 112*)

Chalfont St Peter

CH/2017/2270/FA Ward: Chalfont Common Page No: 2

Recommendation: Conditional permission

Dorleigh, 18 Deancroft Road, Chalfont St Peter, Buckinghamshire, SL9 0HF

Great Missenden

CH/2018/0265/FA Ward: Great Missenden Page No: 9

Recommendation: Refuse permission

The Nags Head Public House, London Road, Little Kingshill, Buckinghamshire, HP16 0DG

Great Missenden

CH/2018/0266/HB Ward: Great Missenden Page No: 19

Recommendation: Refuse consent

The Nags Head Public House, London Road, Little Kingshill, Buckinghamshire, HP16 0DG

10 Exclusion of the Public

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.

11 Private Reports: (if any)

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 – Tuesday, 15 May 2018

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the **PLANNING COMMITTEE (CDC)** held on **15 MARCH 2018**

PRESENT: Councillor D Phillips - Chairman

Councillors: J Cook
J Gladwin
M Harrold
C Jones
J MacBean
S Patel
J Rush
C Wertheim

APOLOGIES FOR ABSENCE were received from Councillors M Titterington, J Burton, P Jones and N Rose

81 MINUTES

The Minutes of the meeting of the Committee held on 22 February 2018, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

However, the Chairman asked that informative 3 agreed for CH/2017/1422/OA, Former Mushroom Farm, South Heath, be amended to make clear that the road should be maintained.

82 DECLARATIONS OF INTEREST

There were no declarations of interest.

83 TREE PRESERVATION ORDER NO. 2 OF 2017 - LAND AT 30 SANDELSWOOD END, KNOTTY GREEN

RESOLVED

That the Tree Preservation Order No 2 of 2017 made on 21 December 2017 be confirmed without modification.

84 ITEMS FOR NOTING

RESOLVED -

That the reports be noted.

85 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/2017/1956/FA 2 Leachcroft, Chalfont St Peter, Gerrards Cross, Buckinghamshire, SL9 9LG.

Speaking as the applicant, Mr Michael Brosnan

Permission Refused with further action authorised, see Minute 86 below.

CH/2017/2202/FA 7 Long Row, Moat Lane, Prestwood, Buckinghamshire, HP16 9BS.

Speaking for the applicant, Mr Darren Eggleton

A further email had been sent to Councillor Gladwin objecting to the development.

Conditional Permission with a further condition requiring that the building remain ancillary to the main house and not be occupied as an independent dwelling.

86 CH/2017/1956/FA - 2 LEACHCROFT, CHALFONT ST PETER, GERRARDS CROSS, BUCKINGHAMSHIRE, SL9 9LG

RESOLVED

The Planning Committee authorised follow up action to be taken in accordance with Central Government Guidance in para 207 of the National Planning Policy Framework (NPPF) and Chiltern District Council's Planning Enforcement Policy and the Planning Committee authorises the service of such Enforcement Notices in respect of the development as may be considered appropriate by the Director of Services. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Director of Services and in the event of non-compliance with the notice the Director of Services is authorised to instigate legal proceedings, in consultation with the Head of Legal and Democratic Services and/or direct action to secure compliance with the notice.

The meeting ended at 7.26 pm



Dorleigh, 18 Deancroft Road, Chalfont St Peter, Buckinghamshire,
SL9 0HF



Scale: 1:1,250

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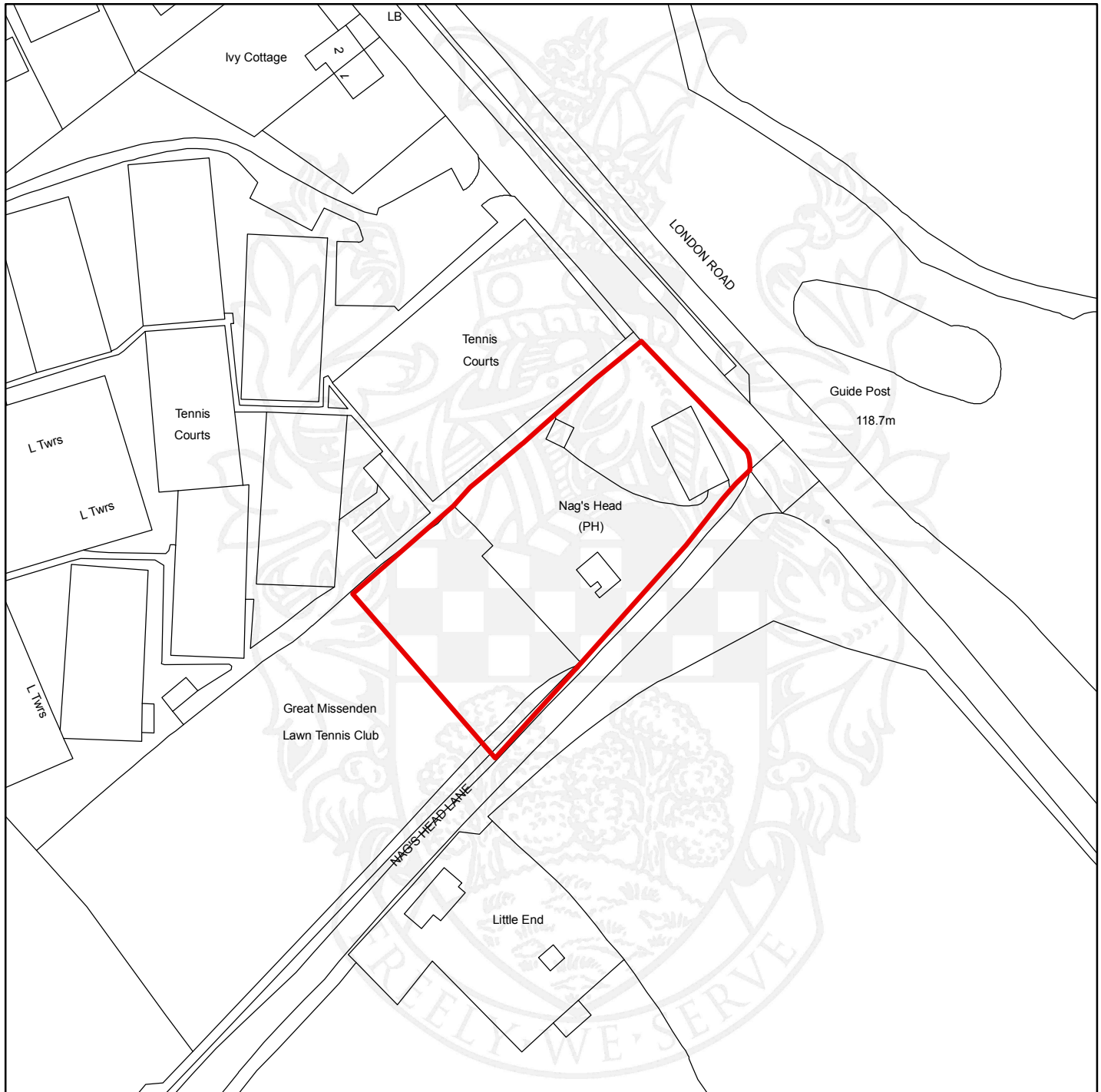
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

CH/2018/0265/FA



CHILTERN
District Council

The Nags Head Public House, London Road, Little Kingshill,
Buckinghamshire, HP16 0DG



Scale: 1:1,250

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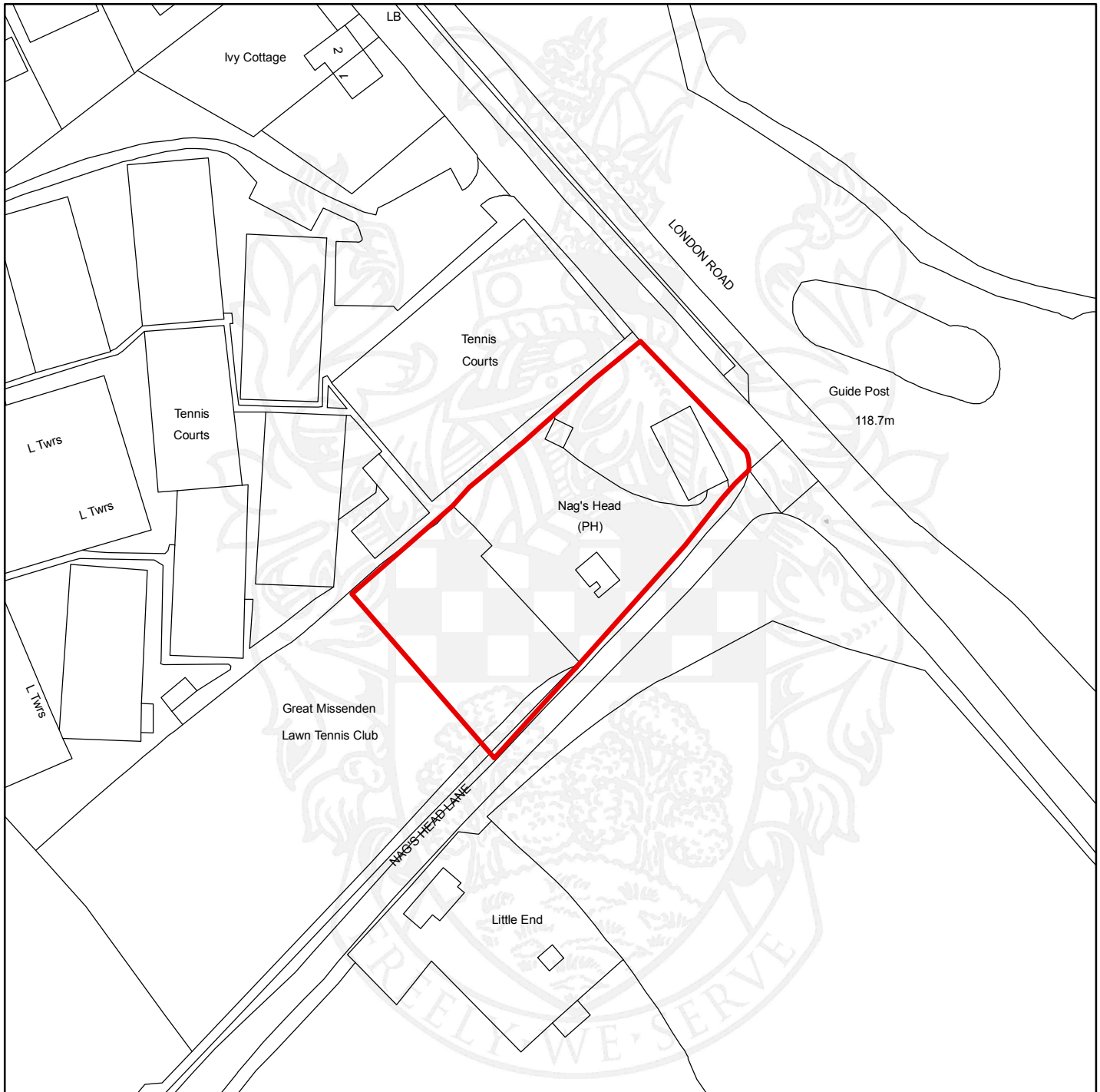
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

CH/2018/0266/HB



CHILTERN
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Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

PLANNING COMMITTEE – 26 April 2018

REPORT OF THE OFFICERS

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

AGENDA ITEM No. 5

5 DEFERRED APPLICATIONS

5.1 **CH/2017/1824/FA** (*Case Officer: Emma Showan*)

DEMOLITION OF EXISTING HOUSE AND ERECTION OF THREE 5 BEDROOM HOUSES, SERVED BY EXISTING ACCESS

Rowanlinden, 70 Long Park, Chesham Bois, Buckinghamshire, HP6 5LF

MATTER FOR CONSIDERATION

5.2 Members will be aware that this planning application was heard by the Planning Committee at the meeting of 22nd February 2018. The original Case Officer's report is attached at *Appendix FP.01*.

5.3 The application was deferred to allow the applicant to submit amended plans in order to overcome Members' concerns in regards to the impact of the proposal on the character of the area and also the impact of the proposal on the amenities of the neighboring property, No. 66 Long Park.

5.4 These details have now been submitted. Officers consider this to be acceptable and the report sets out this reasoning in more detail.

PARISH COUNCIL

5.5 The amended plans do not address our previous objections. The siting of the three plots are still too close together and result in a cramped form of development which is not in keeping with the surrounding area. The proposals would result in overdevelopment and would erode the local character.

5.6 A major concern is the increase in traffic along the existing narrow access route and the resultant danger to road safety and walkers using the adjacent footpaths. As you are aware The Highway Authority also have concerns regarding the suitability of the private section of Long Park, as the access is of an inadequate width to serve additional vehicle movements and the visibility from the fork of the private road onto the main part of the private road is substandard.

REPRESENTATIONS

5.7 Seven letters of objection have been received which have been summarised as follows:

- Neither the content or the tone of the discussion at the Committee meeting was fully reflected in the minutes
- It seemed to onlookers that sever Councillors expressed important reservations which were wider than the narrow conclusion put forward by the Chair
- It appears that the developer is shoe-horning three houses into a portion of the plot which is inappropriate
- Houses are out of keeping with the local environment in terms of scale and proximity to one another

- Not in-keeping with the Established Residential Area of Special Character
- Poor access with no passing places and a junction with poor visibility
- Refuse/recycling service is problematic for existing properties
- No revised tree report
- Detrimental effect on the cost of the upkeep of the road
- Access for emergency vehicles will be difficult
- Additional vehicle movement will infringe on neighbouring property
- Need for affordable housing not 5 bedroom homes
- Overdevelopment
- No regard for local community

CONSULTATIONS

5.8 Buckinghamshire County Highways Authority: No additional comments made.

Building Control Officer: No comment.

District Tree and Landscape Officer: No additional comments made.

EVALUATION

5.9 **Principle of development**

No objections were previously raised in regards to the principle of development on the site.

Design/character and appearance

5.10 The amended plans have re-sited the three proposed dwellings further forward within the site so that the dwelling on Plot 1 would now sit in a comparable position to No. 66 Long Park. The front elevation of Plot 1 would be set slightly further to the rear of the front projection at No. 66 and the rear elevation would extend beyond the rear wall at No. 66 by 2 metres. The two dwellings on Plots 2 and 3 would be set stepped back from Plot 1, following the shape of the site. It is considered that this amended siting would integrate with the existing building line along this part of Long Park. Adequate spacing in accordance with the provisions of Local Plan Policy H11 would be retained between the proposed dwellings and the plot shapes and sizes too are considered to integrate with the other properties in the vicinity. The design of the dwellings has been amended to comprise integrated garage parking and the separate garage parking has been removed from the proposal. The removal of this front garaging has opened up the site and reduced the number of buildings on site which is of benefit. No objections were previously raised in regards to the appearance of the proposed dwellings and no new objections are raised now.

Neighbouring amenity

5.11 No objections were previously raised in regards to loss of neighbouring amenity. It remains that the first floor windows in the flank elevations will be obscure glazed while the amended siting of Plot 1 in relation to No. 66 is such that the proposal would have an improved impact on this neighbour, compared with the initial scheme. The dwelling on Plot 1 would now be better aligned to No. 66 and would remain set off the boundary, helping the proposal to appear less overbearing. In addition, the re-siting of the three dwellings further forward within the site has increased the spacing between these dwellings and the neighbours to the rear at The Grove, reducing the risk of intrusion further. Adequate gardens have been retained for future occupiers and there remains space within the site for bin storage.

Parking/highway implications

5.12 No objections were previously raised in regards to the proposed parking and access arrangements. It remains that adequate parking will be provided for on site. Meanwhile, in

regards to the proposed access, it was considered that as the access from the private section of Long Park to the main section of Long Park already serves more than three dwellings, the erection of an additional two properties would not lead to an intensification of the site to such an extent that there would be an adverse impact on the highway.

Trees

- 5.13 The District Tree and Landscape Officer has been re-consulted but no additional comments have been made.

Conclusion

- 5.14 Overall it is considered that the amended plans overcome the previous concerns raised by the Members in regards to the design and siting of the proposed dwellings.

Recommendation

Grant planning permission subject to the following conditions:

1. C108A - General Time Limit
2. Before any construction work commences on the site, details of the materials to be used for the external construction of the development hereby permitted, including the facing materials, roofing materials and surface materials for the paths and parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality, in accordance with policies GC1 and H3 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).

3. Prior to the commencement of any construction works on site, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the residential units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality and the residential amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 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).

4. Prior to the occupation of the development hereby permitted, the access onto Long Park shall be laid out in accordance with the approved plans and visibility splays shall be provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: in order to minimise danger, obstruction and inconvenience to users of the highway and of the development, and to provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the

access, in accordance with policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

5. The scheme for parking indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with policies TR2, TR3, 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 policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

6. Prior to the occupation of the development hereby permitted, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the residential units hereby permitted.

Reason: To protect, as far as possible, the character of the locality and the amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 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).

7. Prior to the occupation of the development hereby permitted, full details of the proposed refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage shall be provided in accordance with the approved plans.

Reason: To ensure that adequate bin stores are provided, in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no roof lights, windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time in the flank elevations of the properties hereby approved.

Reason: To protect the amenities and privacy of the adjoining properties, in accordance with policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

9. This permission is granted on condition that none of the trees or hedges on the site (other than those specified to be removed on the plans hereby approved), shall be felled, topped, lopped or uprooted without the prior approval in writing of the Local Planning Authority for a period of five years from the date of implementation of this permission. Furthermore, the existing soil levels around the boles of the trees so retained shall not be altered.

Reason: In order to maintain, as far as possible, the character of the locality.

10. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which

shall include indications of all existing trees and hedgerows on the land, with details of those to be retained, and those to be felled being clearly specified.

Reason: In order to maintain, as far as possible, the character of the locality.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to maintain, as far as possible, the character of the locality.

12. The flank windows on the proposed dwellings will remain obscurely glazed in accordance with the approved plans.

Reason: To protect the amenities and privacy of the adjoining properties, in accordance with policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

13. APO1 - Approved plans

Background papers: None

5.15 **CH/2017/2015/RC** (*Case Officer: Margaret Smith*)

PROPOSED ALTERATIONS TO PROVIDE ADDITIONAL CAR PARKING INCLUDING ADAPTATION OF EXISTING HIGHWAY VEHICULAR ENTRANCE, FORMATION OF NEW VEHICULAR EXIT AND ASSOCIATED WORKS

Chiltern District Council, King George V House, King George V Road, Amersham, HP6 5AW

MATTER FOR CONSIDERATION

5.16 Members will be aware that this planning application was heard by the Planning Committee at the meeting of 11th January 2018. The original Case Officer's report is attached at *Appendix FP.02*.

5.17 The application was deferred to allow the applicant to submit more details, specifically clarification that the disabled spaces can be adequately accessed without affecting the proposed layout, that the gap between space No. 8 and the "re-marked" bay is sufficient for vehicles to safely pass/manoeuvre, and where lost trees and planters would be replaced and that once those details are received, the application should be brought back to the Planning Committee.

5.18 These details have now been submitted. Officers consider this to be acceptable and the report sets out this reasoning in more detail.

EVALUATION

5.19 The applicant has now provided further information. Following the deferral by Members, two additional plans have been received that seek to address the concerns raised. The distance between the disabled parking spaces and the parking spaces to the north has been clarified as measuring 6 metres, to enable vehicles to manoeuvre into the spaces and an additional gap of 1.2 metres is proposed between the proposed disabled spaces, which is the distance stipulated in the Parking and Manoeuvring Standards set out in the Transport chapter of the adopted Local Plan to enable disabled drivers and/or passengers to satisfactorily enter and

exit vehicles using wheelchairs, when necessary.

- 5.20 The gap between space no. 8 and the retained space immediately to the north would be 4 metres and the gap between the re-marked bay to the west and space no. 8 would be 6.4 metres and the gap between that re-marked bay and the pavement would be 3.5 metres. White lines would be hatched as shown on the submitting layout to preclude parking to the west of space no. 8. Consequently, the tightest gap would be 3.5 metres between that proposed re-marked bay and the pavement but that would exceed the 2.5 metres minimum width in order to account for the slight turn that would be needed by vehicles travelling past these spaces.
- 5.21 These amended proposals now include the proposed planting of two additional standard sized trees between the proposed spaces 13 and 14, and between spaces 20 and 21. A 0.6 metre gap is proposed between these spaces in order to enable sufficient space for those trees to be planted 'beyond' the area in which doors would be opened so that they would be less likely to be damaged. These proposed trees would help mitigate against the loss of the existing trees in this part of the car park. Two standard sized trees are also now proposed to be planted either side of the proposed exit barrier, outside the visibility splays, and that would be of benefit to the character of the area, as they would also be visible from vantage points beyond the Council's premises.

CONCLUSIONS

- 5.22 It is considered that these amended proposals satisfactorily clarify and address the matters for which the application was deferred from the previous Planning Committee meeting and the additional landscaping would provide added benefit to visual amenity.

Recommendation

Resolve to recommend Council to approve own development on the basis of the amended details.

Background papers: None

AGENDA ITEM No. 6

6 ENFORCEMENT NOTICE 1994/0687/EN (*Case Officer: Kirste Elliot*)

Without planning permission, change of use of the Mushroom Farm building from agricultural use to use for business, for general industrial, warehouse and storage use falling with use class B1, B2 and B8.

ENFORCEMENT NOTICE 1994/0688/EN

Breach of Condition 5 (none of the dwellings hereby permitted shall be occupied until the existing mushroom farm building has been demolished and all resulting debris removed from the site) of Planning Application 91/0035/CH, in that one of the detached houses has been erected and is occupied, without steps being taken for the demolition of the existing mushroom farm building.

Land at Owlets, Old Farm Lane, London Road East, Amersham (Previously known as Land at Westrow Mushroom Farm, London Road East)

MATTER FOR CONSIDERATION

6.1 The Council has received a formal request for withdrawal of two enforcement notices (references: 1994/0687/EN and 1994/0688/EN) relating to land at Owlets, Old Farm Lane, London Road East, Amersham which formed part of the site previously known as Land at Westrow Mushroom Farm, London Road East. The request is made on the basis that the requirements of the notices have been complied with. The purpose of this report is to formally consider that request.

6.2 A copy of the enforcement notices and site location plan are attached at *Appendix FP.03*.

RELEVANT PLANNING HISTORY

6.3 CH/1991/0035/OA - Demolition of existing mushroom farm buildings and erection of 2 detached houses and garages and two detached bungalows and garages. Refused, appeal allowed and permission granted subject to conditions. Condition 5 of this permission states:

6.4 'None of the dwellings hereby permitted shall be occupied until the existing mushroom farm building has been demolished and all resulting debris removed from the site.'

6.5 CH/1991/1494/DE - Demolition of existing mushroom farm buildings, erection of two detached houses and garages, two detached bungalows and garages and alterations to existing access (details pursuant to planning permission 91/0035/CH) Conditional permission, implemented.

6.6 CH/1992/0699/FA - Retention of detached house and detached domestic double garage and games room (amendment to planning approval 91/1494/CH) Conditional permission. (This permission relates to the house known as 'Owletts')

6.7 The detached house was completed and became occupied in breach of condition 5 of planning permission CH/1991/0035/OA. In addition, the mushroom farm building remaining on the site and the subject of the condition had been the subject of an unauthorised material change of use for business/general industrial/warehouse and storage purposes. As such, the following enforcement notices were issued on 05 August 1994:

1994/00687/EN

6.8 Alleged breach: Without planning permission, change of use of the Mushroom Farm building shown hatched red on the attached plan from agricultural use to use for business, for general industrial, warehouse and storage use falling within use class B1, B2 and B8 of The Town and Country Planning (Use Classes) Order 1987.

6.9 Requirements: (i) cease the use of the site for business, general industrial, warehouse and storage purposes (ii) remove from the site and equipment, machinery article or other thing brought on to the site in connection with any business, general industrial, warehouse and storage purposes the subject of this enforcement notice.

6.10 Time for compliance: 9 months

1994/0688/EN

6.11 Alleged breach: It appears to the Council that Condition 5 of planning application 91/0035/CH dated 7th January 1991 has not been complied with, in that one of the detached houses has been erected and is occupied, without steps being taken for the demolition of the existing mushroom farm building.

- 6.12 Requirements: (i) demolish the mushroom building shown hatched red on the attached plan (ii) remove all resulting debris from the site.
- 6.13 Time for compliance: 9 months
- 6.14 The notices were upheld at a subsequent appeal (ref: T/APP/C/94/X0415/635515-6/P6 dated 28 April 1995) subject to variation of the time for compliance from 9 to 12 months.
- 6.15 CH/1996/0646/FA - Demolition of industrial building, re-contouring of spoil heap and erection of detached bungalow and house and two detached double garages and accesses. Conditional permission, implemented.
- 6.16 CH/1996/1085/FA - Erection of detached house and double garage served by new access (amendment to siting approved under reference 96/0646/CH) Conditional permission, implemented.

TOWN/PARISH COUNCIL

- 6.17 N/A

REPRESENTATIONS

- 6.18 An application form requesting the withdrawal of extant Enforcement Notices 1994/0687/EN and 1994/0688/EN has been submitted. No further comments relating to this matter have been provided.

CONSULTATIONS

- 6.19 N/A

POLICIES

- 6.20 N/A

ISSUES

- 6.21 Section 173A of the Town and Country Planning Act 1990 provides Local Planning Authorities the power to withdraw an enforcement notice issued by them. Enforcement notices are a charge on the land to which they relate. The withdrawal of the notice allows the removal of the land charge.
- 6.22 Where it becomes evident that an enforcement notice is no longer relevant because the notice has been complied with and the breach is unlikely to occur again, it is prudent to withdraw the enforcement notice.
- 6.23 Council records show that the dwellings permitted by virtue of planning permissions (references CH/1996/0646/FA and CH/1996/1085/FA) have been erected and are occupied. These dwellings are known as Meadow Hythe Lodge and Rowan House and are located on the area of the Westrow Mushroom Farm site formerly occupied by the mushroom farm building the subject of condition 5 of the 1991 planning permission for the redevelopment of the entire site. For the avoidance of any doubt, the mushroom farm building has been demolished in compliance with enforcement notice 1994/0688/EN and as the building no longer exists and has been replaced with housing, the requirements of enforcement notice 1994/0687/EN have also been complied with. By reason the site has been redevelopment it is not considered likely that the breaches of the planning control the subject of the enforcement notices will recur in the future. As such, it is hereby recommended that the enforcement notices be withdrawn and the legal charges removed from the land.

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

Recommendation

The Planning Committee authorises the withdrawal of enforcement notice(s) 1994/0684/EN and 1994/0688/EN issued on 05/04/1994.

Background papers: None

AGENDA ITEM No. 7

7 ENFORCEMENT NOTICE 1998/0826/EN (Case Officer: Suleman Uddin)

Without planning permission, a material change of use of a two storey building from ancillary storage purposes in connection with the shop use at 67 Woodside Road to residential use.

Land and Buildings at 67 Woodside Road, Amersham, Buckinghamshire

MATTER FOR CONSIDERATION

- 7.1 The Council has received a formal request for withdrawal of an enforcement notice (ref: 98/0826/EN) relating to land at 67 Woodside Road, Amersham HP6 6AA. The request is made on the basis that planning permission was granted for the development the subject of the enforcement notice and consequently the notice ceases to have effect where inconsistent with that planning permission. The purpose of this report is to formally consider that request.

- 7.2 A site location plan and copy of the enforcement notice are attached at *Appendix FP.04*.

RELEVANT PLANNING HISTORY

- 7.3 CH/1996/0186/FA - Demolition of a single storey storage building and erection of a two storey storage building at rear of site for use ancillary to shop. Conditional permission. Condition 3 states:
- 7.4 'The building hereby permitted shall only be used for ancillary storage purposes in connection with the shop use at 67 Woodside Road and for no other purposes without prior written consent of the Local Planning Authority.'
- 7.5 The planning permission was implemented and the two storey outbuilding was subsequently converted into residential accommodation.
- 7.6 CH/1998/1533/FA - Change of use of first floor flat to ancillary storage area for shop and change of use of detached two storey building from ancillary storage to dwelling house. Permission refused.
- 7.7 Following refusal of planning application CH/1998/1533/FA, the following enforcement notice was issued on 5th February 1999:

98/0826/EN

- 7.8 Alleged breach: Without planning permission, a material change of use of two storey building shown hatched red on the attached plan from ancillary residential storage purposes in connection with the shop use at 67 Woodside Road to residential use.
- 7.9 Requirements: (i) cease the use of the building shown hatched red on the attached plan for residential use.
- 7.10 Time for compliance: 6 months
- 7.11 The enforcement notice was appealed with the appeal being dismissed and the enforcement notice upheld by the Planning Inspector (decision issued December 1999, appeal ref: T/APP/X0415/C/99/1020434).
- 7.12 Although the Inspector dismissed the appeal and upheld the enforcement notice, he did not support the Council's criticisms of the development as specified in the reasons for the enforcement notice relating to the position of the flats behind the shops, the lack of adequate amenity space and cramped location. The applicant therefore submitted the following planning application to overcome the issues the Inspector did raise (car parking).
- 7.13 CH/2000/0762/FA -Change of use of first floor flat to provide extension to ground floor retail facilities and retention of use of detached two storey building as two independent residential units. Conditional permission, condition 1 states:
- 7.14 'Within 6 months of the date of this permission, the residential accommodation above the existing shop at 67 Woodside Road shall cease. The first floor accommodation above the existing shop at 67 Woodside Road shall thereafter only be used for purposes in connection with and ancillary to the retail use of that ground floor premises and for no other purposes. For the avoidance of any doubt the first floor shall not be used to provide any ancillary residential accommodation.-Reason: To prevent the intensification of the use of the overall site and provision of a further independent planning unit without corresponding parking provision which may cause danger and inconvenience to highway users'.

TOWN/PARISH COUNCIL

- 7.15 N/A

REPRESENTATIONS

- 7.16 An application form requesting the withdrawal of extant Enforcement Notice 98/0826/EN has been submitted. No further comments relating to this matter have been provided.

CONSULTATIONS

- 7.17 N/A

POLICIES

- 7.18 N/A

ISSUES

- 7.19 Section 173A of the Town and Country Planning Act 1990 provides Local Planning Authorities the power to withdraw an enforcement notice issued by them. Enforcement notices are a charge on the land to which they relate. The withdrawal of the notice allows the removal of the land charge.
- 7.20 Section 180 of the Town and Country Planning Act 1990 provides:
(1)Where, after the service of—

(a) a copy of an enforcement notice; or

(b) a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

7.21 Planning permission CH/2000/0762/FA was granted after the enforcement notice 98/0826/EN was issued and granted planning permission for the development (change of use of the two storey outbuilding for residential use) that had already been undertaken and which was the subject of the Enforcement Notice. In view of Section 180 of the 1990 Act, the enforcement notice therefore ceased to have effect following the grant of the 2000 planning permission and is no longer enforceable. As such, it is hereby recommended that the enforcement notice be withdrawn and the legal charge removed from the land.

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

Recommendation

The Planning Committee authorises the withdrawal of enforcement notice 1998/0826/EN issued on 05/02/1999.

Background papers: None

AGENDA ITEM No. 8

8 ITEMS FOR NOTING

8.1 NEW PLANNING AND ENFORCEMENT APPEALS

2015/00071/AB - Appeal against Enforcement Notice alleging without planning permission, the change of use of the land and building from agriculture and/or forestry to use for residential purposes (Class C3) and associated operational development consisting of the alteration and extension the building to facilitate the unauthorised use, The Cottage, Woodlands Farm, Shire Lane, **Cholesbury**

8.2 APPEAL DECISIONS

2015/00182/AB - Appeal against without planning permission, the change of use from Public House (Class A4) to use as a single dwelling (Class C3) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The Pheasant Inn Public House, Village Road, **Ballinger**
Appeal Allowed (26.02.2018)

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

Officer Recommendation: Conditional Permission

Committee Decision - Conditional Permission

Appeal Dismissed (06.03.2018)

CH/2017/0846/FA - Re-development of site, 5 detached dwellings (4 with integral garages, 1 detached garage), associated hard landscaping, parking and creation of vehicular access, Land at and To The Rear Of 206 - 208 Chartridge Lane, **Chesham**

Officer Recommendation - Conditional Permission

Committee Decision - Refuse Permission

Appeal Allowed (23.03.2018)

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**
Officer Recommendation - Conditional Permission
Committee Decision - Conditional Permission
Appeal Allowed (27.02.2018)

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**
Officer Recommendation - Conditional Permission
Committee Decision - Refuse Permission
Appeal Dismissed (05.04.2018)

CH/2017/1485/FA - Demolition of existing garage and erection of two storey detached dwelling and cycle shed, Summerlands, 17 South Road, **Amersham**
Officer Recommendation - Conditional Permission
Committee Decision - Refuse Permission
Appeal Dismissed (06.03.2018)

8.3 **PERMISSION/PRIOR APPROVAL NOT REQUIRED**

CH/2018/0010/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 two residential units (Use Class C3), 31A Hill Avenue, **Amersham**

CH/2018/0058/PNDS - Prior Notification under Class P of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of Use of second floor from storage or distribution (Use Class B8) to two residential units (Use Class C3), Second Floor, Churchfield House, Churchfield Road, **Chalfont St Peter**

CH/2018/0101/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 eight residential units (Use Class C3), Cairn House, Elgiva Lane, **Chesham**

CH/2018/0160/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/2018/0161/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 3.32 metres, a maximum height of 2.95 metres and a maximum eaves height of 2.95 metres, 27 Narcot Road, **Chalfont St Giles**

CH/2018/0187/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 8 metres, a maximum height of 3 metres and a maximum eaves height of 3 metres, Carlotta, 45 Lower Road, **Chalfont St Peter**

CH/2018/0280/PNE - Notification of proposed single storey rear extension; depth extending

from the original rear wall of 4.05 metres, a maximum height of 3.57metres and a maximum eaves height of 2.25 metres, 47 Lye Green Road, **Chesham**

CH/2018/0346/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 4.8 metres, a maximum height of 3.85metres and a maximum eaves height of 2.45 metres, 3 Long Meadow, **Chesham**

8.4 **WITHDRAWN APPLICATIONS**

CH/2017/1769/FA - Part two storey part single storey front, side and rear extension, increased ridge height and replacement roof, conversion of garage to habitable accommodation, external insulation to rendered areas, Kirkwall, 8 Highlands Lane, **Chalfont St Peter**

CH/2017/1902/FA - Construction of an agricultural building with associated access track, Land Off Paddock Way, Paddock Way, Ashley Green, **Chesham**

CH/2017/2205/FA - Single storey side extension and increase in ridge height to allow first floor front and side extensions and rear juliette balconies, Felstead, 52 Nortoft Road, **Chalfont St Peter**

CH/2018/0004/FA - Replacement dwelling with detached garage, Lavenders, Village Way, **Little Chalfont**

CH/2018/0146/FA - Side dormers and rear gable window to form loft conversion, removal of chimney stack, 12 Linfields, **Little Chalfont**

CH/2018/0155/FA - Detached garage, Kenway, Rushmere Lane, **Orchard Leigh**

CH/2018/0418/SA - Certificate of lawfulness for a proposed part two storey/ part single storey rear extension, single storey side extension and erection of a detached outbuilding, Salla Kee, Long Walk, Little Chalfont, **Chalfont St Giles**

CH/2018/0457/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 5.7 metres, a maximum height of 3.514metres and a maximum eaves height of 2.749 metres, Updown Cottage, 5 Dibden Hill, **Chalfont St Giles**

8.5 **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.

9 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 9

AGENDA ITEM No. 10

10 EXCLUSION OF THE PUBLIC

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 exempt information as defined in Part 1 of Schedule 12A of the Act

Chalfont St Peter

CH/2017/2270/FA Ward: Chalfont Common Page No: 2

Proposal: Single storey rear, side and front extensions. New crown roof over existing and proposed. Raising of existing eaves height. Front open canopy porch. Rendered finish to existing and proposed external walls. Demolition of existing detached garage.

Recommendation: Conditional permission

Dorleigh, 18 Deancroft Road, Chalfont St Peter, Buckinghamshire, SL9 0HF

Great Missenden

CH/2018/0265/FA Ward: Great Missenden Page No: 9

Proposal: Roof extension to existing building and attached two storey building to create 9 new bedrooms, new kitchen, extension to the dining room and store

Recommendation: Refuse permission

The Nags Head Public House, London Road, Little Kingshill, Buckinghamshire, HP16 0DG

Great Missenden

CH/2018/0266/HB Ward: Great Missenden Page No: 19

Proposal: Roof extension to existing building and attached two storey building to create 9 new bedrooms, new kitchen, extension to the dining room and store

Recommendation: Refuse consent

The Nags Head Public House, London Road, Little Kingshill, Buckinghamshire, HP16 0DG

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 26th April 2018

CH/2017/2270/FA

Case Officer: Vicki Burdett
Date Received: 12.12.2017
Parish: Chalfont St Peter
App Type: Full Application
Proposal: Single storey rear, side and front extensions. New crown roof over existing and proposed. Raising of existing eaves height. Front open canopy porch. Rendered finish to existing and proposed external walls. Demolition of existing detached garage.
Location: Dorleigh
18 Deancroft Road
Chalfont St Peter
Buckinghamshire
SL9 0HF
Applicant: Mr & Mrs Jacques Kriel

Decide by Date: 27.04.2018
Ward: Chalfont Common

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Mineral Consultation Area

CALL IN

The application has been called in by Councillors Isobel Darby and Linda Smith regardless of the recommendation.

SITE LOCATION

The application relates to a detached bungalow located in Deancroft Road, Chalfont St. Peter. The existing dwelling stands as its original footprint and has not been previously extended. The application site is flanked to both sides by similar detached bungalows which benefit from previous extensions; No. 16 is located to the north west and No. 20 to the south east. Deancroft Road is made up of a mixture of chalet-style bungalows and traditional bungalows with a mixture of finishes, including render and brickwork.

The houses in Deancroft Road are set within staggered building lines which all benefit from deep rear gardens and the provision of driveways to the front of the houses. Some houses benefit from front gardens and some have been tarmacked or gravelled over to benefit from further off-street parking.

THE APPLICATION

The application proposes the erection of a roof extension to provide accommodation at first floor level, front, side and rear extensions, single storey rear extension, a front porch canopy, demolition of existing detached garage and the incorporation of 8 roof lights in the flank roof slopes.

The proposed front extension would have a depth of 2.5m, width of 5m (incorporating the proposed side extension) and height of 6.2m. The proposed open porch canopy would be constructed in front of this, with a depth of 1m, width of 5.3m and height of 3m (incorporating a flat roof).

The proposed side extension would have a depth of 14.3m (incorporating the proposed front and rear extensions), width of 1m and height of 6.2m.

The proposed rear extension would have a depth of 3m, width of 9m (incorporating the proposed side extension) and height of 6.2m. The proposed single storey rear extension would extend from the rear elevation of the proposed rear extension by 1.8m, width of 4.1m and height of 2.6m (incorporating a flat roof).

The proposed roof extension would incorporate a gabled roof with a hipped element at the front and would be raised by approx. 0.4m to an overall height of 6.2m. The eaves would also be raised by approx. 0.75m and the resultant roof would include four roof lights in each flank roof slope.

The proposed extensions would be finished in white render and timber boarded cladding with grey roof tiles.

RELEVANT PLANNING HISTORY

None relevant.

PARISH COUNCIL

Chalfont St Peter Parish Council made the following comments:

12th January 2018:

'Strongly object. Overdevelopment indicated by areas of flat roof and increase of roof height. Out of keeping with the street scene in a road of bungalows, due to scale and size. Loss of privacy for neighbours from windows at first floor level. Too close to boundary at second floor, less than 1m. Overbearing, 6m of two storey development past rear building line, will also lead to loss of light. Concern over inaccuracies in design statement. Parking indicated not viable'.

1st February 2018 (following amended plans):

'Strongly object. Overdevelopment. Minor changes have not addressed concerns. Out of keeping with the street scene in a road of bungalows, due to scale and size. Loss of privacy for neighbours from windows at first floor level. Too close to boundary at second floor, less than 1m. Overbearing, two storey development past rear building line, will also lead to loss of light. Parking indicated not viable and space outside neighbours bedroom. Window will cause loss of privacy and may lead to pollution/fumes'.

23rd February 2018 (following further amendments):

'Strongly object. Latest amendments do not address any of the issues. Overdevelopment. Out of keeping with the street scene in a road of bungalows, due to scale and size. Harmful to character of area. Loss of privacy for neighbours from windows at first floor level. Too close to boundary at second floor, less than 1m. Overbearing, two storey development past rear building line, will also lead to loss of light. Parking indicated not viable and space outside neighbours bedroom will cause loss of privacy and may lead to pollution/fumes. Against the Neighbourhood Plan objective for housing to fit the character of local vicinity.'

REPRESENTATIONS

A total of 7 contributors have objected to the proposed scheme, raising the following concerns:

- The size and scale of the proposed development is not in keeping with the properties and character of Deancroft Road
- Bungalows are generally of a similar size, in chalet style and are sympathetically designed
- Huge and too large for the plot
- Potential to set a dangerous precedent for the road
- Overdevelopment
- Cramped appearance
- Would extend 6m past the rear of No. 16
- Overbearing to neighbours
- Overlooking from windows
- Raising of eaves is not modest
- Close proximity to the boundary with No. 16
- Loss of sunlight
- Overshadowing
- Length of roof ridge is longer than others in Deancroft
- No other dwellings in the road with grey roof tiles
- Demand for bungalows
- Closeness from proposed parking space to bedroom window of No. 16

It is noted that throughout the duration of this application, amendments have been made which are as follows:

- First floor rear extension reduced in depth
- Single storey rear extension reduced in height
- Single storey rear extension increased in width to the south
- Flat roof section removed and pitched
- Front first floor window reduced in size, feature window removed and replaced with regular rectangular window
- Rear feature window revision to shape, opening lights introduced
- Number of roof lights reduced from 14 to 8
- Hipped element to front of roof

CONSULTATIONS

None relevant/received at time of drafting report (28th February 2018).

POLICIES

National Planning Policy Framework

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies - GC1, GC2, GC3, H11, H13, H14, H15, H16, TR11 and TR16.

Residential Extension and Householder Development Supplementary Planning Document (SPD) - September 2013

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015

Chalfont St Peter Neighbourhood Plan - November 2016: Policies H6 and H7

EVALUATION

Principle of development

1. The application site is located in the built up area of Chalfont St Peter, wherein residential development is considered acceptable, subject to complying with relevant Development Plan Policies.

Design/character & appearance

2. Policy CS20 of the Core Strategy outlines that all new development should be of a high standard of design which reflects and respects the character of the surrounding area. Local Plan Policy GC1 refers to the design and appearance of the development and requires all proposals to be assessed with regard to the scale of development, height, siting and relationship with adjoining boundaries and highway, car parking, materials, form, detailing of building work in sensitive locations and design against crime.

3. The resultant dwelling would not be sited forward of the existing building line nor would the footprint be any closer to the north west flank boundary adjoining No. 16. The dwelling would be of a larger scale in comparison to the existing dwelling and would be readily visible in the street scene of Deancroft Road. However, it would not be higher than neighbouring properties and would incorporate a gabled roof with a hipped element at the front which would match other dwellings in the street scene such as Nos. 1, 4, 7, 8 and 17 Deancroft Road. As aforementioned, the resultant dwelling would have a ridge height of 6.2m which would result in an increase of 0.4m and raising of the eaves by 0.75m. It is considered that due to the height of surrounding properties in the street scene and immediate neighbouring dwellings, the proposed height would not cause any detrimental impact to the character and appearance of the street scene nor the host dwelling.

4. Concerns have been raised over the proposed materials (white render and grey roof tiles). In Deancroft Road the houses are finished in both brickwork and render. The external walls would be finished in white render which would match both neighbouring properties and even though the use of grey roof tiles is not apparent in the existing street scene, by virtue of the street not being within a Conservation Area or an Established Residential Area of Special Character (ERASC), the proposed materials are not considered to be detrimental. It is also considered necessary to mention that planning permission would not be required to change existing roof tiles to a different colour subject to the provisions of Class C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In this case, the refusal of the use of grey roof tiles would not be defensible at appeal and regardless of this, they are not considered to cause any significant harm to the street scene of Deancroft Road or appear at odds, uncharacteristic or an alien feature in the area.

5. In terms of the bulk and scale of the proposed extensions, from the street scene the dwelling would be wider by approx. 1m and higher by 0.6m. The raising of the roof is to allow habitable accommodation in the existing roof space. From the street scene, it is considered that the proposed extensions would appear modest and subordinate with the existing dwelling and surrounding properties and would not appear cramped or obtrusive. The large proportion of the extension is at the rear which includes a single storey element. The proposed resultant dwelling would continue to retain space between the elevations and boundaries and to the rear of the site. The resultant dwelling would be considered to integrate acceptably within the application plot and surrounding dwellings by virtue of the size, bulk, scale and positioning.

6. As such, it is considered that the proposed extensions would not detract from the character and appearance of the street scene of Deancroft Road and would comply with Local Plan Policies GC1, H13, H15 and CS20 of the Core Strategy.

Residential amenity

7. Local Plan Policy GC3 refers to the protection of amenities throughout the district, it seeks to achieve good standards of amenity for the future occupants of the development and to protect the amenities enjoyed by the occupants.

8. Local Plan Policy H16 refers to the required distances between the flank elevations of a proposed side and/or rear extension of two storeys or more, or a side and/or rear extension at or above first floor level, the distance between the flank elevation of the extension at or above first-floor level and the boundary should be in accordance with Local Plan Policy H11. Policy H11 further stipulates that a distance of 1 metre between the flank elevation at or above first-floor level and the property's boundary must be maintained. In this case, the point of where the first-floor level starts at the north-west flank elevation would be located 1.5 metres from the north-west flank boundary adjoining No. 16, the edge of the roof slope would retain a gap of 0.8m and would have a height of 2.9m. As such, the section at first-floor level and above would retain a gap of over 1 metre, and would therefore comply with the provisions of Local Plan Policies H11 and H16.

9. The flank elevations of No. 16 and No. 20 Deancroft Road would face the host dwelling both of which have on-facing windows. The proposed extensions include four ground floor windows and four roof lights in both flank elevations. The main purpose of roof lights is to provide light into habitable rooms and do not serve the purpose of a window. However, in this case, due to the close proximity to No. 16, it is considered necessary to impose a condition that the roof lights in the north-west flank roof slope are obscurely glazed to protect the neighbouring property's amenities and to prevent direct overlooking. Due to the separation distance between the host dwelling and No. 20 of approx. 4m, it is not considered necessary to impose this condition for the other flank roof lights. There is also concern over the proposed dining room window, bathroom, and study windows in the north-west flank elevation at ground floor level. There are a number of ground floor windows in the flank elevation of No. 16 facing the host dwelling, and these proposed windows could potentially overlook into habitable rooms. Due to the proposed windows not serving habitable rooms (bathroom and study) and the dining room window looking onto the private patio area of No. 16, it is also considered necessary for these windows to be obscurely glazed to protect the amenities of No. 16. By virtue of the proposed windows at the rear, and other side, it is considered the resultant dwelling would still benefit from a significant amount of light.

10. In regards to overshadowing, a loss of light test has been undertaken to assess whether the proposal would result in a significant loss of light to habitable rooms of No. 16 and No. 20 Deancroft Road. For a significant loss of light to occur, the proposal would need to fail the 45 degree and 25 degree test on both floor plan and elevation form. The 45 degree test is used to check new development that is perpendicular to a window, in this case, a 45 degree line was drawn from the closest rear facing windows of both No. 16 and No. 20 towards the host dwelling. The 45 degree line from No. 16 was drawn from the centre point of the rear patio doors serving the living room where the line did not intersect with the proposed extensions at first floor level and intersected with the single storey rear extension. In the case of single storey extensions, a 60 degree line is utilised, where in this case, the line did not intersect. Furthermore, by virtue of the low eaves of the dwelling, it is considered that light is able to reach over the ridge of the roof due to the gable style and between the buildings. Due to the siting of No. 20, the proposed rear elevation would not extend past the rear elevation of No. 20, as such this neighbouring property would not suffer from any loss of light to the rear windows. A 25 degree test was submitted with the application, which shows a line drawn from the lowest habitable room in the flank elevation of No. 16 towards the host dwelling where the line intersected with the existing dwelling. It is considered that an increase of 0.75m in eaves height and 0.4m in ridge height would not significantly cause any additional loss of light in comparison to the existing dwelling. The 25 degree line was drawn from the flank elevation of No. 20 towards the host dwelling where the line did not intersect. To conclude, due to the close proximity of No. 16 and No. 18 the neighbouring property already suffers from a loss of light to the rooms facing the host dwelling, but the proposals would not be considered to significantly

worsen the situation. Therefore, it is considered that the proposed extensions would not result in any significant loss of light to neighbouring properties.

11. As such, it is considered that the proposed extensions would not result in an overbearing or obtrusive appearance when viewed from neighbouring properties and would not detrimentally impact the amenities or cause any overlooking issues or loss of light which would therefore comply with Local Plan Policies GC2, GC3, H13 and H14.

Parking/Highway implications

12. In accordance with Local Plan Policies TR11 and TR16, this dwellinghouse would require three on plot parking spaces. The application site benefits from a driveway to the front of the dwellinghouse which illustrates the provision for at least three vehicles. The proposed layout appears to include the existing area of grass, it is considered necessary to impose a condition that the parking layout is implemented prior to the occupation of the extensions. As such, the proposed scheme complies with Local Plan Policies TR11 and TR16.

Conclusions

13. To conclude, the proposed development is therefore recommended for approval as it is not considered to detrimentally harm the character and appearance of the street scene nor result in overbearing impacts for neighbouring properties.

Working with the applicant

14. 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

15. 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 Before the first occupation of the extensions hereby permitted the windows at ground and first floor level in the north-west flank elevation shall be fitted with obscured glazing and any parts of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: To protect the amenities and privacy of the adjoining property.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the flank roof slopes of the extension hereby permitted.

Reason: To protect the amenities and privacy of the adjoining property.

5 The extensions hereby permitted shall not be occupied until the parking layout as shown on Drg No: pl-003 A has been implemented. The parking spaces shall thereafter be retained permanently and unobstructed except for the parking of vehicles in accordance with the approved plan. The hardsurfacing to provide these spaces shall be of a permeable material, or alternatively provision shall be made to direct water run-off from the hardsurface to a porous or permeable area within the curtilage of the dwelling.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of the highway and to ensure that the additional hard surfacing does not impact on flooding or pollution of watercourses.

6 AP01 Approved Plans

CH/2018/0265/FA

Case Officer: Emma Showan
Date Received: 14.02.2018 Decide by Date: 23.04.2018
Parish: Great Missenden Ward: Great Missenden
App Type: Full Application
Proposal: Roof extension to existing building and attached two storey building to create 9 new bedrooms, new kitchen, extension to the dining room and store
Location: The Nags Head Public House
London Road
Little Kingshill
Buckinghamshire
HP16 0DG
Applicant: Mr A Michaels

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Area of Special Control of Advertisements
Adjacent Listed Buildings
Within Chilterns AONB
Biodiversity Opportunity Areas
Critical Drainage Area
Within Green Belt other than GB4 GB5
Listed Building
Within 500m of Site of Importance for Nature Conservation
Thames Groundwater Protection Zone GC9

CALL IN

Councillor Gladwin has requested that this application be determined by the Planning Committee if the Officer's recommendation is for refusal.

SITE LOCATION

The application site is located on a corner plot to the south-west of London Road and to the north-west of Nags Head Lane, which is situated to the south of Great Missenden. The site consists of the public house, beer garden and parking area.

The site is within the open Green Belt and Chilterns Area of Outstanding Natural Beauty (AONB). It is also adjacent to the Conservation Area, which is situated to the north-east of the site. The public house itself is a Grade II Listed building.

THE APPLICATION

The application seeks planning permission to extend the existing public house to the south-west to provide an additional 9 bedrooms, extended kitchen and dining room. The proposed extension measures approximately 13.8 metres wide by 11.6 metres deep. It is proposed to extend the ridge of the existing building by approximately 1.8 metres and then drop down by 1.5 metres to the remainder of the extension

which has a ridge height of 7 metres and an eaves height of 4.5 metres. This element of the extension will be at a lower ground level than the existing building.

A roof gable is proposed on the western (rear) elevation incorporating two pitched roof dormer windows and a gable roof incorporating a further two pitched roof dormers is also proposed on the southern side elevation, facing Nags Head Lane. The proposed materials are brick and clay tiles to match the existing.

It is also proposed to use the existing access as the entrance to the site and to create a new access onto Nags Head Lane as an exit. The car parking area will be extended to the south-west of the building to include an additional 20 spaces. New planting is also proposed to the rear of the site.

It is also noted that this application follows on from a previous refusal for a similar scheme (CH/2017/0914/FA). While the proposed floor layouts and footprint will remain as previously proposed, the external elevations have been amended to reduce the bulk of the proposal. In this instance, the ridge height has been reduced from 7.6 metres to 7 metres, with the eaves being reduced from 5 metres to 4.5 metres. The elevations of the extension have also been altered so that the extension incorporates pitched roof dormers as opposed to a full first storey. The access and parking arrangements have remained as previously proposed.

The applicant has submitted a Statement of Significance & Heritage Impact Assessment and a Design & Access Statement.

RELEVANT PLANNING HISTORY

CH/2017/0914/FA - Erection of a building to create 9 new bedrooms, new kitchen, extension to dining room and store. Refused permission for the following reasons:

- The proposed extension is considered to be a disproportionate addition over and above the size of the original building, and as such the proposal constitutes inappropriate development in the Green Belt. Given the scale of the proposed extension and the expanse of hardstanding proposed for the new car parking area, the development would have a detrimental impact on the openness of the Green Belt
- The proposal will create a much more dominant building within the landscape, combined with a large expanse of hardstanding and a new access requiring signage or dragon's teeth and, so the development would fail to conserve or enhance the rural character of the area or high landscape quality of the AONB
- The proposal is not consistent with the conservation of the Listed building due to the impact of the scale of what is proposed, and the historic building would be overwhelmed by the addition and the harm that is caused is not outweighed by additional public benefits

CH/2017/0915/HB - Internal and external alterations with the erection of a building to create 9 new bedrooms, new kitchen, extension to the dining room and store. Refused permission as the proposal is not consistent with the conservation of the Listed building due to the impact of the scale of what is proposed, and the historic building would be overwhelmed by the addition and the harm that is caused is not outweighed by additional public benefits

CH/2008/0311/FA - New car park and vehicular access onto Nags Head Lane, refused permission.

CH/2001/1283/HB - First floor rear extension including new external stair (amendment to Listed Building Consent CH/1999/1841/HB), conditional consent.

CH/2001/1282/FA - First floor rear extension including new external stair (amendment to planning permission CH/1999/1840/FA) for use of whole first floor to provide seven rooms for bed and breakfast accommodation, conditional permission.

Classification: OFFICIAL

CH/1999/1841/HB - First floor rear extension, conditional consent.

CH/1999/1840/FA - First floor rear extension, conditional permission.

CH/1980/0287/FA - Erection of single storey rear and side extension, conditional permission.

PARISH COUNCIL

None received at time of drafting report.

REPRESENTATIONS

One letter of support has been received from Great Missenden Lawn Tennis Club, which is located adjacent to the site. The Club wishes to support the application on the basis that they feel there is a need for more overnight accommodation in the area and the new parking layout seems a safer solution than what is there at present.

CONSULTATIONS

Buckinghamshire County Highways Officer: No comments received at time of writing report. However, it is noted that the scheme for parking and access has not been amended from application CH/2017/0914/FA and therefore the Highways Officer comments in regards to this application are of relevance. These comments are summarised below:

"Initially objected to the proposal due to the intensification of an access where visibility is substandard. No objection to the amended plans, which propose a new access onto Nags Head Lane, provided a one-way system through the site can be enforced. Concern over the width of the access road through the site at certain points as it will be shared by pedestrians and vehicular traffic."

Building Control Officer: The work will need to comply with Part M (Access and use of buildings) of the Building Regulations. This will require access for someone in a wheelchair from disabled parking via a suitable ramp or level approach to the new entrance door into the extended bedroom block. Additionally at least one of the new bedrooms and en-suite shower should be compliant for someone in a wheelchair. The other facilities should be accessible for persons with ambulant disabilities, including the stairs."

District Tree Officer: "The application proposes an extension with a similar footprint to the previous refused application CH/2017/0914/FA and also proposes a similar parking arrangement to the revised plans for that application.

The application does not include the Arboricultural and Planning Integration Report previously submitted but it does include the revised Tree Protection Plan for the refused application. However this plan and the Site Plan for the current application show different tree retention proposals.

Two old apple trees in poor condition would be lost for the proposed extension and both plans show their removal. However the Tree Protection Plan shows the additional loss of another nearby fruit tree and a small ash on the boundary, neither of which are considered to be important.

The application proposes an additional parking area, which would require the loss of a hawthorn for the proposed exit drive. However there is a difference in ground levels of about 0.5m between the existing beer garden and Nags Head Lane and it is not clear how the proposal would deal with this. However the Tree Protection Plan shows the additional loss of a hazel, an apple tree and a cherry tree beside the car park and a small beech beside the exit. These are all fairly small trees up to about 10m in height of limited importance.

Classification: OFFICIAL

The Site Plan also shows some indicative additional tree and hedge planting separating the proposed additional parking area from the field beyond.

I have no objections to the application provided there is adequate protection for the retained trees."

Historic Buildings Officer: Comments are repeated as follows:

"Description of the site and surroundings;

The Nag's Head is a grade II listed seventeenth, eighteenth and nineteenth century building that was originally two cottages. It is prominently sited on the corner of London Road and Nags Head Lane. Located just outside Great Missenden, it is surrounded by open countryside, apart from the tennis club to the west. It has a large rear garden laid mainly to grass and its setting is considered to be a rural public house. The left hand cottage fronting London Road has a hipped roof and is a taller building with a high eaves and ridge line while the right hand cottage has a gabled roof with much lower eaves and ridge. The building is red brick with clay tiles. Timber framing is visible internally in the rear cross wing and on the gable end of the right hand cottage. The rear wing, probably 19th century, is considerably taller than the front building, having a hipped roof and is constructed of large flint panels with brick dressings, and has a cat slide roof dropping down over a single storey addition to the north which is visible from the London Road when approaching from Great Missenden.

Attached to the west of this is a more modern pitched roofed large extension incorporating the kitchen on the ground floor and bedrooms above. This most recent extension; constructed at the beginning of this century under CH/2000/1471/FA and CH/2001/1283/HB unfortunately has a detrimental impact on the special interest of the listed building. The scale and bulk and design of this of this extension dominates and detracts from the rear elevation. The flint wing has a span of five metres but the extension has a span nearer to six metres and is 1.5 metres longer with an external fire escape on the rear elevation. The side cat slide roof facing Nags Head Lane projects beyond the side elevation of the frontage building and has two bulky dormer windows. The link between the two hipped gables on the rear elevation has a flat roof higher than the adjoining eaves but the approved plans show a pitched roof here and this flat roof has a further detrimental impact.

The proposal and relevant planning history;

The extension of the Nag's Head has been the subject of two pre-application submissions and a formal planning and Listed Building Consent application which were refused last year (CH/2017/0915/HB and CH/2017/0914/FA). Initially it was proposed to build an extension directly onto the historic fabric of the rear of the building (CH/2016/40021/IQL). The potential harm to the historic fabric and loss of significance due to the covering up of the rear was highlighted in response, as was the scale of the proposed extension. A further pre-application submission was made (CH/2016/40109/IQM) in response to the comments from the earlier application. The subsequent proposal was a plan only, no elevations were provided; these proposals responded to earlier comments in that the extension was attached to the modern rear extension. However, the issue of scale was not addressed, as this extension proposed a further eight bedrooms and double the size of the historic building. The applicants were again encouraged to reduce the size of the extension to make it clearly subordinate. The applicants were also encouraged to simplify the design so as not to detract from the listed building.

The previous refused proposal was identical to the current application in floor plan but the eaves were higher enabling windows beneath the eaves rather than the dormers currently proposed. Also, extension roofs were all hipped rather than half hipped and the elevation fronting Nags Head Lane proposed two hipped roofs with a central valley rather than the currently proposed fully hipped roof with a central flat and lantern light. This design proposed nine large bedrooms plus a dining room and kitchen extension and store rooms which is one more bedroom than the previous proposal and two more than currently exist within the Nag's Head, although the existing bedrooms are significantly smaller than those now proposed. The extension is a large

square block extending out towards Nag's Head Lane so that it would also be visible from the London Road and will be viewed in the context of the street frontage of the listed building.

The current application proposes a lower the ridge and eaves level to the application previously refused, but otherwise the application is identical in plan; the issue of scale and the impact on the listed building has not been addressed.

The proposed extension still extends the existing large rear extension (with the same ridge and eaves level) by two metres; making it more than three metres longer than the historic buildings at the rear.

The extensions have not addressed the unauthorised flat roof on the rear elevation.

The proposed extension is 12 metres long and 14 metres wide; around double the size of the historic building. The spans on the extension are around six metres but the original buildings have spans of 5 metres or less; adding to the bulk of the extensions and not assisting with subservience.

The ridge height of the main part of the extension has been reduced from 7.6 metres to 7 metres, with the eaves being reduced from 5 metres to 4.5 metres compared with the previously refused application; but this has not reduced the bulk of the building significantly and has necessitated the introduction of half a hipped roof and dormer windows which add clutter and are not a feature of the original building. The roof design has also had to be amended from the former double pile roof with two hipped roofs facing Nags Head Lane (which would have provided restricted head height on the first floor); to a crown roof; again not a traditional form for small scaled vernacular buildings.

The reduction in ridge and eaves level has been achieved by a reduction in ground level; the proposed overall height of the structure has not changed significantly.

The issue of scale and bulk has not been sufficiently dealt with. This is a very substantial extension which, in addition to the existing large extension will swamp the original historic buildings. The proposed extension would be bulky and detract from views along the side the listed building from the London Road, and coming north towards the listed building from the south along Nags Head Lane, the extension would dominate and block views of the listed building.

The proposed new access and new extensive area of parking in the rear garden would cause harm the open rural setting of the listed building.

In general terms, extensions to listed buildings need to be modest in scale and clearly subordinate so as not to harm the designated asset. Extensions which have narrow spans and follow the form of the original buildings but in a more subordinate scale are more likely to be acceptable. The Nag's Head is significant as two former cottages with surviving timber framing in a rural setting that has been used for many years as a public house. The fact that they are small scale cottages needs to be taken into account when developing any proposal. The current applications still propose extensions which are more than double the size of the historic buildings; the large, bulky, non-traditional in form - having a fully hipped square roof with a central flat, and is not considered to be subordinate and the scale, massing, bulk and design would be harmful to the listed building and its rural setting.

A small extension to the existing unsympathetic modern extension rear to enable improvements to be made to its appearance is likely to be acceptable, but the proposed substantial extension which would swamp the historic buildings is not considered acceptable. Historic maps show there was a small narrow outbuilding located against the western boundary with the tennis courts; some additional letting rooms could perhaps located here which followed that scale and form and which would have less impact on the listed buildings.

Relevant legislation, policies and guidance;

The Council has had special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses, as required under Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Furthermore, the application has been considered on the basis of the Chiltern District Council adopted Local Plan (consolidated Nov 2011) LB 1, LB 2

NPPF - Core planning principles, Part 7 paras. 58, 60, 61, and Part 12 Conserving and Enhancing the Historic Environment paras 126, 129, 131, 132, 133; paragraph 133 is copied below;

"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use."

Historic England Guidance; Setting of Heritage Assets 2011, Managing Significance in Decision-Taking in the Historic Environment- 2015, and Making Changes to Heritage Assets- 2016."

Conclusion:

It is considered that the proposed extension would cause 'substantial harm' to the significance of the designated heritage asset and its rural setting, and no public benefit to balance that harm has been identified; contrary to paragraphs 133 of the NPPF and policies LB1 and LB 2 of the Local Plan and the 1990 Act. I would support refusal of this application on these grounds."

POLICIES

National Planning Policy Framework (NPPF), 2012.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS19, CS20, CS22, CS25, CS26 and CS29.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, LSQ1, GB2, LB1, LB2, CA2, TR2, TR3, TR11 and TR16.

EVALUATION

Principle of development

1. The site is located within the open Green Belt where most development is inappropriate and there is a general presumption against such development. Chapter 9 of the NPPF emphasises the importance of Green Belts and states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

2. Paragraph 89 of the NPPF outlines some exceptions to this, including the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original

building. This is supported by Local Plan Policy GB2. The original building has previously been extended under planning permission CH/2001/1282/FA and Listed Building Consent CH/2001/1283/HB. Accordingly, the existing building, including the permitted extension, has an external floor area of 358.6 square metres.

3. This application follows on from planning application CH/2017/0914/FA for a similar proposal which was refused for the following reasons:

- The proposed extension is considered to be a disproportionate addition over and above the size of the original building, and as such the proposal constitutes inappropriate development in the Green Belt. Given the scale of the proposed extension and the expanse of hardstanding proposed for the new car parking area, the development would have a detrimental impact on the openness of the Green Belt
- The proposal would create a much more dominant building within the landscape, combined with a large expanse of hardstanding and a new access requiring signage or dragon's teeth, so the development would fail to conserve or enhance the rural character of the area or high landscape quality of the AONB
- The proposal is not consistent with the conservation of the Listed building due to the impact of the scale of what is proposed, and the historic building would be overwhelmed by the addition and the harm that is caused is not outweighed by additional public benefits

4. The application proposes floor layouts and a footprint in accordance with that which was previously proposed although the external elevations have been amended to reduce the bulk of the proposal. As such, this application will assess the impact of the proposed changes and whether these are sufficient to overcome the previous reasons for refusal, as listed above.

5. As the proposed extension has not changed in its dimensions from the previous scheme, it will measure approximately 43.7 square metres and will still double the size of the original building, increasing it by approximately 113%. It is accepted that the ridge height has been reduced from 7.6 metres to 7 metres, with the eaves height being reduced from 5 metres to 4.5 metres. This has reduced the bulk and volume of the building and it has improved the appearance of the proposed extension so that it does appear more subordinate to the original part of the public house. However, the proposal would still more than double the size of the original building, increasing the footprint by approximately 113%, which is considered to be a disproportionate addition over and above the size of the original building, contrary to the provisions of the NPPF and Local Plan Policy GB2.

6. The essential characteristics of Green Belts are their openness and their permanence, and one of the purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment. Openness can be defined as the absence of development and therefore, the erection of a large extension which more than doubles the size of the original building, and the creation of a larger car park on land which is currently free from development, would not preserve the openness of the Green Belt. The proposal would therefore constitute inappropriate development.

7. Specifically, Paragraph 87 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Paragraph 88 goes on to say 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 applicant has put forward a supporting statement outlining their case for very special circumstances. This can be summarised as:

- The public house requires a degree of development to make it financially viable and as a new kitchen is required, it is unlikely that the premises will be able to function while the scheme is being constructed
- Support for tourism and the effect on Listed buildings can constitute very special circumstances.

9. The above is noted, however it remains that the proposal currently constitutes inappropriate development in the Green Belt. The following sections in the report will identify if any other harm exists, before a balanced judgement is made as to whether any very special circumstances exist to outweigh the harm to the Green Belt and any other identified harm.

Design/character & appearance

10. The application site is in a relatively remote location which has a distinctly rural character. It is surrounded on three sides by fields and is within the Chilterns AONB and adjacent to the Great Missenden Conservation Area.

11. In accordance with Paragraph 115 of the NPPF, great weight should be given to conserving the landscape and scenic beauty of the AONB, which has the highest status of protection in relation to landscape and scenic beauty. Policy LSQ1 of the Local Plan states that the scale, size, siting and design of the development as well as the external materials to be used, shall be considered in assessing whether the development is appropriate within the AONB, and policy CS22 of the Core Strategy seeks to safeguard views in and out of the area.

12. The previously refused scheme was considered acceptable in terms of its impact on the Conservation Area, however objections were raised in regards to the dominance of the building within the landscape and the detrimental impact of the expanse of hardstanding proposed and the new access requiring signage or dragon's teeth which were all considered to be contrary to the rural nature of the locality.

13. In an attempt to overcome these concerns, the amended plans propose a reduced ridge height across the extension and a re-imagined design whereby the first floor is set within the eaves with first floor head space being provided by pitched roof dormers. This has had a positive impact in reducing the visual impact of the proposal. However, despite the positive design changes, it remains that the proposal more than doubles the depth of the building and so it would fail to conserve the high scenic landscape value of the AONB or the rural character of the area. Alongside this, the creation of a larger car park would result in the loss of grass and amenity space which would further detract from the open and rural nature of the locality and the unspoilt beauty of the AONB.

14. The creation of a second access onto Nags Head Lane was previously rejected in that the loss of hedging along this road and laying of hardstanding would puncture the landscape and increase the visibility of the car park, to the detriment of the open and rural character of the area. This application continues to propose a second access in this location, and therefore the requirement for additional signage and/or dragon's teeth at the exit of the second entrance, and so the same concerns remain extant. It is also noted that an application for a new car park and access onto Nags Head Lane was refused on this site in April 2008 (CH/2008/0311/FA) due to the adverse impact it would have on the openness of the Green Belt, the natural beauty of the AONB and the setting of the Listed Building. With no changes to the site circumstances since the previous refusals, the objections to the impact of the proposal on the character of the area remain.

Impact on the Listed Building

15. The Historic Buildings Officer previously objected to the proposal on the grounds that the scale of the proposed extension would overwhelm the historic building and that this harm would not be outweighed by public benefits. Although it is accepted that the proposal has been reduced in height and the design amended to better integrate with the original building, the proposed extension would retain the same footprint and remain large. The Historic Buildings Officer continues to recommend refusal on the grounds of the extension being overly large and therefore causing substantial harm to the Listed Building. Furthermore, given the large area of car parking proposed, this would have a detrimental impact on the setting of the Listed Building, contrary to Local Plan Policy LB2.

Residential amenity

16. The proposed development is located at a sufficient distance from neighbouring properties and so it remains that it would not adversely affect any residential amenities.

Parking/Highway implications

17. The proposed parking and access arrangements remain as proposed under application CH/2017/0914/FA. No highway objections were previously raised and so no new objections are raised now.

Trees and landscaping

18. The proposal would require the loss of various trees and a hawthorn, but the District Tree Officer has accepted that these are all fairly small trees being of limited importance. As such, there are no objections to the application, provided there is adequate protection for the retained trees.

Very special circumstances

19. The applicant has put forward a case for very special circumstances outlining that the public house requires a degree of development to make it financially viable and as a new kitchen is required, it is unlikely that the premises will be able to function while the scheme is being constructed. In addition, it is acknowledged that support for tourism and the effect on listed buildings can be considered to be very special circumstances and it is put forward that 'the proposed design and use of materials of the building will be perceived as a subservient extension to the host building set within the context of the both the Listed building and the tennis club buildings.'

20. Although these points are acknowledged, no evidence has been submitted to substantiate these points and demonstrate that the proposed extension is required to maintain the viability of the existing public house and that there is a need for additional tourist accommodation in the area. Alongside this, the Historic Buildings Officer maintains that the extension is overly large to the detriment of the Listed Building with the hardstanding too having a negative impact on the building's setting. The onus is on the applicant to demonstrate that very special circumstances exist and, in this case, it has not been shown that circumstances exist which are sufficient to outweigh the harm to the Green Belt and other harm identified in this case, the harm to the landscape value of the AONB, the rural character of the area and the harm to the Listed building. The proposal therefore fails to overcome the previous reasons for refusal and remains contrary to the provisions of the NPPF and The Chiltern District Local Plan.

Working with the applicant

21. 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

22. 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 open Green Belt where most development is inappropriate and there is a general presumption against such development. The proposed extension is considered to be a disproportionate addition over and above the size of the original building, and as such, the 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. It therefore constitutes inappropriate development in the Green Belt. Furthermore, given the scale of the proposed extension and the expanse of hardstanding proposed for the new car parking area, the development would have a detrimental impact on the openness of the Green Belt. No very special circumstances have been demonstrated which clearly outweigh the harm to the Green Belt. As such, the proposal is 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 consists of a substantial extension which almost doubles the size of the existing building, a large expanse of hardstanding on land which is currently grass, and a new access onto Nags Head Lane which would require road signs or dragon's teeth to enforce a one way system. The proposal will create a much more dominant building within the landscape and a development which fails to conserve or enhance the rural character of the area or high landscape quality of the AONB. As such, the proposal is contrary to Policies GC1 and LSQ1 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the National Planning Policy Framework.

3 The proposed extension would be harmful to the significance of the listed building as former cottages because of the proposed scale and therefore what is proposed is not considered to be the optimum viable use. It is clearly the most profitable use and the benefits of this will be largely private benefits. Paragraph 126 of the National Planning Policy Framework states that Local Planning Authorities should take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation." This proposal is not consistent with the conservation of the listed building due to the impact of the scale of what is proposed, the historic building would be overwhelmed by the addition and the harm that this would cause is not outweighed by additional public benefits. The additional hardstanding for the new parking area and the consequent reduction of garden would also harm the setting of the listed building. The less than substantial harm identified is not outweighed by public benefit or securing the building's optimum viable use and the application is therefore contrary to Policies LB1 and LB2 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.

CH/2018/0266/HB

Case Officer: Emma Showan
Date Received: 14.02.2018 Decide by Date: 23.04.2018
Parish: Great Missenden Ward: Great Missenden
App Type: Listed Building Consent
Proposal: Roof extension to existing building and attached two storey building to create 9 new bedrooms, new kitchen, extension to the dining room and store
Location: The Nags Head Public House
London Road
Little Kingshill
Buckinghamshire
HP16 0DG
Applicant: Mr A Michaels

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Area of Special Control of Advertisements
Adjacent Listed Buildings
Within Chilterns AONB
Biodiversity Opportunity Areas
Critical Drainage Area
Within Green Belt other than GB4 GB5
Listed Building
Within 500m of Site of Importance for Nature Conservation NC1
Thames Groundwater Protection Zone GC9

CALL IN

Councillor Gladwin has requested that this application be determined by the Planning Committee if the Officer's recommendation is for refusal.

SITE LOCATION

The application site is located on a corner plot to the south-west of London Road and to the north-west of Nags Head Lane, which is situated to the south of Great Missenden. The site consists of the public house, beer garden and parking area.

The site is within the open Green Belt and Chilterns Area of Outstanding Natural Beauty (AONB). It is also adjacent to the Conservation Area, which is situated to the north-east of the site. The public house itself is a Grade II Listed building.

THE APPLICATION

The application seeks planning permission to extend the existing public house to the south-west to provide an additional 9 bedrooms, extended kitchen and dining room. The proposed extension measure approximately 13.8 metres wide by 11.6 metres deep. It is proposed to extend the ridge of the existing building by approximately 1.8 metres and then drop down by 1.5 metres to the remainder of the extension

which has a ridge height of 7 metres and an eaves height of 4.5 metres. This element of the extension will be at a lower ground level than the existing building.

A roof gable is proposed on the western (rear) elevation incorporating two pitched roof dormer windows and a gable roof incorporating a further two pitched roof dormers is also proposed on the southern side elevation, facing Nags Head Lane. The proposed materials are brick and clay tiles to match the existing.

It is also proposed to use the existing access as the entrance to the site and to create a new access onto Nags Head Lane as an exit. The car parking area will be extended to the south-west of the building to include an additional 20 spaces. New planting is also proposed to the rear of the site.

It is also noted that this application follows on from a previous refusal for a similar scheme (CH/2017/0914/FA). While the proposed floor layouts and footprint will remain as previously proposed, the external elevations have been amended to reduce the bulk of the proposal. In this instance, the ridge height has been reduced from 7.6 metres to 7 metres, with the eaves being reduced from 5 metres to 4.5 metres. The elevations of the extension have also been altered so that extension incorporates pitched roof dormers as opposed to a full first storey. Meanwhile, the access and parking arrangements have remained as previously proposed.

RELEVANT PLANNING HISTORY

CH/2017/0914/FA - Erection of a building to create 9 new bedrooms, new kitchen, extension to dining room and store. Refused permission for the following reasons:

- The proposed extension is considered to be a disproportionate addition over and above the size of the original building, and as such the proposal constitutes inappropriate development in the Green Belt. Given the scale of the proposed extension and the expanse of hardstanding proposed for the new car parking area, the development would have a detrimental impact on the openness of the Green Belt
- The proposal will create a much more dominant building within the landscape, combined with a large expanse of hardstanding and a new access requiring signage or dragon's teeth and, so the development would fail to conserve or enhance the rural character of the area or high landscape quality of the AONB
- The proposal is not consistent with the conservation of the Listed building due to the impact of the scale of what is proposed, and the historic building would be overwhelmed by the addition and the harm that is caused is not outweighed by additional public benefits

CH/2017/0915/HB - Internal and external alterations with the erection of a building to create 9 new bedrooms, new kitchen, extension to the dining room and store. Refused permission as the proposal is not consistent with the conservation of the Listed building due to the impact of the scale of what is proposed, and the historic building would be overwhelmed by the addition and the harm that is caused is not outweighed by additional public benefits

CH/2008/0311/FA - New car park and vehicular access onto Nags Head Lane, refused permission.

CH/2001/1283/HB - First floor rear extension including new external stair (amendment to Listed Building Consent CH/1999/1841/HB), conditional consent.

CH/2001/1282/FA - First floor rear extension including new external stair (amendment to planning permission CH/1999/1840/FA) for use of whole first floor to provide seven rooms for bed and breakfast accommodation, conditional permission.

CH/1999/1841/HB - First floor rear extension, conditional consent.

CH/1999/1840/FA - First floor rear extension, conditional permission.

CH/1980/0287/FA - Erection of single storey rear and side extension, conditional permission.

PARISH COUNCIL

None received at time of drafting report.

REPRESENTATIONS

One letter of support has been received from Great Missenden Lawn Tennis Club, which is located adjacent to the site. The Club wishes to support the application on the basis that they feel there is a need for more overnight accommodation in the area and the new parking layout seems a safer solution than what is there at present.

CONSULTATIONS

Historic Buildings Officer: Comments are repeated as follows:

"Description of the site and surroundings;

The Nag's Head is a grade II listed seventeenth, eighteenth and nineteenth century building that was originally two cottages. It is prominently sited on the corner of London Road and Nags Head Lane. Located just outside Great Missenden, it is surrounded by open countryside, apart from the tennis club to the west. It has a large rear garden laid mainly to grass and its setting is considered to be a rural public house. The left hand cottage fronting London Road has a hipped roof and is a taller building with a high eaves and ridge line while the right hand cottage has a gabled roof with much lower eaves and ridge. The building is red brick with clay tiles. Timber framing is visible internally in the rear cross wing and on the gable end of the right hand cottage. The rear wing, probably 19th century, is considerably taller than the front building, having a hipped roof and is constructed of large flint panels with brick dressings, and has a cat slide roof dropping down over a single storey addition to the north which is visible from the London Road when approaching from Great Missenden.

Attached to the west of this is a more modern pitched roofed large extension incorporating the kitchen on the ground floor and bedrooms above. This most recent extension; constructed at the beginning of this century under CH/2000/1471/FA and CH/2001/1283/HB unfortunately has a detrimental impact on the special interest of the listed building. The scale and bulk and design of this of this extension dominates and detracts from the rear elevation. The flint wing has a span of five metres but the extension has a span nearer to six metres and is 1.5 metres longer with an external fire escape on the rear elevation. The side cat slide roof facing Nags Head Lane projects beyond the side elevation of the frontage building and has two bulky dormer windows. The link between the two hipped gables on the rear elevation has a flat roof higher than the adjoining eaves but the approved plans show a pitched roof here and this flat roof has a further detrimental impact.

The proposal and relevant planning history;

The extension of the Nag's Head has been the subject of two pre-application submissions and a formal planning and LBC application which were refused last year (CH/2017/0915/HB and CH/2017/0914/FA). Initially it was proposed to build an extension directly onto the historic fabric of the rear of the building (CH/2016/40021/IQL). The potential harm to the historic fabric and loss of significance due to the covering up of the rear was highlighted in response, as was the scale of the proposed extension. A further pre-application submission was made (CH/2016/40109/IQM) in response to the comments from the earlier application. The subsequent proposal was a plan only, no elevations were provided; these proposals responded to earlier comments in that the extension was attached to the modern rear extension. However, the issue of scale was not addressed, as this extension proposed a further eight bedrooms and double the size of the historic building. The applicants were again encouraged to reduce the size of the extension to make it clearly

subordinate. The applicants were also encouraged to simplify the design so as not to detract from the listed building.

The previous refused proposal was identical to the current application in floor plan but the eaves were higher enabling windows beneath the eaves rather than the dormers currently proposed. Also, extension roofs were all hipped rather than half hipped and the elevation fronting Nags Head Lane proposed two hipped roofs with a central valley rather than the currently proposed fully hipped roof with a central flat and lantern light. This design proposed nine large bedrooms plus a dining room and kitchen extension and store rooms which is one more bedroom than the previous proposal and two more than currently exist within the Nag's Head, although the existing bedrooms are significantly smaller than those now proposed. The extension is a large square block extending out towards Nag's Head Lane so that it would also be visible from the London Road and will be viewed in the context of the street frontage of the listed building.

The current application proposes a lower the ridge and eaves level to the application previously refused, but otherwise the application is identical in plan; the issue of scale and the impact on the listed building has not been addressed.

The proposed extension still extends the existing large rear extension (with the same ridge and eaves level) by two metres; making it more than three metres longer than the historic buildings at the rear.

The extensions have not addressed the unauthorised flat roof on the rear elevation.

The proposed extension is 12 metres long and 14 metres wide; around double the size of the historic building.

The spans on the extension are around six metres but the original buildings have spans of 5 metres or less; adding to the bulk of the extensions and not assisting with subservience.

The ridge height of the main part of the extension has been reduced from 7.6 metres to 7 metres, with the eaves being reduced from 5 metres to 4.5 metres compared with the previously refused application; but this has not reduced the bulk of the building significantly and has necessitated the introduction of half a hipped roof and dormer windows which add clutter and are not a feature of the original building. The roof design has also had to be amended from the former double pile roof with two hipped roofs facing Nags Head Lane (which would have provided restricted head height on the first floor); to a crown roof; again not a traditional form for small scaled vernacular buildings.

The reduction in ridge and eaves level has been achieved by a reduction in ground level; the proposed overall height of the structure has not changed significantly.

The issue of scale and bulk has not been sufficiently dealt with. This is a very substantial extension which, in addition to the existing large extension will swamp the original historic buildings. The proposed extension would be bulky and detract from views along the side the listed building from the London Road, and coming north towards the listed building from the south along Nags Head Lane, the extension would dominate and block views of the listed building.

The proposed new access and new extensive area of parking in the rear garden would cause harm the open rural setting of the listed building.

In general terms, extensions to listed buildings need to be modest in scale and clearly subordinate so as not to harm the designated asset. Extensions which have narrow spans and follow the form of the original buildings but in a more subordinate scale are more likely to be acceptable. The Nag's Head is significant as

two former cottages with surviving timber framing in a rural setting that has been used for many years as a public house. The fact that they are small scale cottages needs to be taken into account when developing any proposal. The current applications still propose extensions which are more than double the size of the historic buildings; the large, bulky, non-traditional in form- having a fully hipped square roof with a central flat, and is not considered to be subordinate and the scale, massing, bulk and design would be harmful to the listed building and its rural setting.

A small extension to the existing unsympathetic modern extension rear to enable improvements to be made to its appearance is likely to be acceptable, but the proposed substantial extension which would swamp the historic buildings is not considered acceptable. Historic maps show there was a small narrow outbuilding located against the western boundary with the tennis courts; some additional letting rooms could perhaps located here which followed that scale and form and which would have less impact on the listed buildings.

Relevant legislation, policies and guidance;

The Council has had special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses, as required under Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Furthermore, the application has been considered on the basis of the Chiltern District Council adopted Local Plan (consolidated Nov 2011) LB 1, LB 2

NPPF - Core planning principles, Part 7 paras. 58, 60, 61, and Part 12 Conserving and Enhancing the Historic Environment paras 126, 129, 131, 132, 133; paragraph 133 is copied below;

"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use."

Historic England Guidance; Setting of Heritage Assets 2011, Managing Significance in Decision-Taking in the Historic Environment- 2015, and Making Changes to Heritage Assets- 2016

Conclusion:

It is considered that the proposed extension would cause 'substantial harm' to the significance of the designated heritage asset and its rural setting, and no public benefit to balance that harm has been identified; contrary to paragraphs 133 of the NPPF and policies LB1 and LB 2 of the Local Plan and the 1990 Act. I would support refusal of this application on these grounds."

POLICIES

National Planning Policy Framework.

Core Strategy for Chiltern District - Adopted November 2011: Policies None.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies: LB1.

EVALUATION

1. The application site comprises a Grade II listed building. In this instance the only issue for consideration is whether the proposal would unduly affect the architectural or historic character of the listed building. The District Historic Buildings Officer considers that any harm caused by the proposal would not be outweighed by the benefit and therefore, on this basis, the application fails to meet the relevant criteria of policy LB1 and the provisions of the NPPF, and it is recommended that Listed Building Consent should not be granted.

Human Rights

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

RECOMMENDATION: Refuse consent

For the following reasons:-

1 The proposed extension would be harmful to the significance of the listed building as former cottages because of the proposed scale and therefore what is proposed is not considered to be the optimum viable use. It is clearly the most profitable use and the benefits of this will be largely private benefits. Paragraph 126 of the National Planning Policy Framework states that Local Planning Authorities should take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation." This proposal is not consistent with the conservation of the listed building due to the impact of the scale of what is proposed, the historic building would be overwhelmed by the addition and the harm that this would cause is not outweighed by additional public benefits. The additional hardstanding for the new parking area and the consequent reduction of garden would also harm the setting of the listed building. The less than substantial harm identified is not outweighed by public benefit or securing the building's optimum viable use and the application is therefore contrary to Policies LB1 and LB2 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

CH/2017/1824/FA

Case Officer:	Emma Showan	Decide by Date:	19.02.2018
Date Received:	27.09.2017	Ward:	Chesham Bois And Weedon Hill
Parish:	Chesham Bois		
App Type:	Full Application		
Proposal:	Demolition of existing house and erection of three 5 bedroom houses, served by existing access		
Location:	Rowanlinden 70 Long Park Chesham Bois Buckinghamshire HP6 5LF		
Applicant:	Beacon Build		

SITE CONSTRAINTS

Article 4 Direction
 Adjacent Conservation Areas
 Adjacent Archaeological Notification Site
 Bovington Technical Radar Zone
 Conservation Area
 Within 500m of SINC NC1
 Tree Preservation Order
 Tree Preservation Order (A/G/W)
 Established Residential Area of Special Character

CALL IN

Councillor Harris has requested this application be referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

This application relates to No. 70 Long Park, a residential property in the built-up area of Chesham Bois. The area is characterised by a range of property types, although the majority are large and are set back from the highway. No. 70 too is set back from the main highway and is accessed via a private driveway serving a small handful of properties. It occupies a sheltered site and a plot which is considerably larger than that of neighbouring properties. The site is located within an Established Residential Area of Special Character.

THE APPLICATION

This application proposes the demolition of the existing house and the erection of three 5-bedroom houses.

The house on Plot 1 would have a maximum width of 10.2 metres, depth of 11 metres and crown roof height of 9.2 metres, with an eaves height of 5.5 metres.

The house on Plot 2 would have a maximum width of 10.4 metres, depth of 9.8 metres and roof height of 9 metres, with an eaves height of 5.5 metres.

The house on Plot 3 would have a maximum width of 16.4 metres, depth of 9.8 metres and roof height of 9 metres, with an eaves height of 5.5 metres. This dwelling would have an integral double garage.

Plots 1 and 2 would both be served by separate double garages.

Plot 1 would be served by a new access onto Long Park, while Plots 2 and 3 would use the existing access onto Long Park.

Amended plans have been submitted during the course of the application and these show an amended site layout (the dwellings are set further forward with the site) and minor alterations to the height and design of the proposed dwellings.

RELEVANT PLANNING HISTORY

None relevant.

PARISH COUNCIL

In regards to the original plans: We have no objection in principle to proposed development of the site but have sympathy for owners of 66 Long Park and their concerns about loss of privacy due to the proposed location of Plot 1. We also have concerns about the increase in traffic along the existing narrow access route which will serve the new properties.

In regards to the amended plans: The amended plans show the re-siting of Plot One and two garages. We have heard from a number of local residents regarding this planning application and support their concerns which remain about the increase in traffic along the existing narrow access route and the resultant danger to road safety. The siting of the three plots for the three storey properties are too close together and result in a cramped form of development which is not in keeping with the surrounding area. The proposals would result in overdevelopment and would erode the local character.

REPRESENTATIONS

14 letters of objection received which can be summarised as follows:

- Plot 1 is located immediately adjacent to and half way down the garden at No. 66 so views from No. 66 will be dominated by the side elevation of the new house
- The site elevation of Plot 1 has a number of windows which will overlook the garden and dwelling at No. 66
- Concern about traffic and the new access as the private lane has no passing places leading to the site
- Two of the trees that the Arboricultural report says should be removed are not reference on the plan
- No information about the ground floor level, ridge and eaves levels of the existing and proposed buildings
- The houses are three storey high and are not in-keeping with the other houses in the area
- Concern about access for emergency vehicles
- Residents have a shared financial responsibility for the upkeep of the road
- No. 51 reserves the right, where legally possible to withhold the right of access over their property
- Serious implications for safety given the intensification of the road
- The application should insist that the road is upgraded and that a paved footpath be introduced
- The properties will overlook the bungalows in The Grove
- The process will be noisy and disruptive
- The public footpath should not be closed at any time
- Concerns that the site joins a popular public footpath
- The siting of the three new houses appears to deliberately leave room for more houses to be added later
- Rowanlinden currently has no mains drainage
- There is already great strain on the existing infrastructure and the utilities in particular were not put in to serve so many dwellings
- Not enough parking for the properties
- Three houses on the plot is excessive
- Overdevelopment

- Noncompliance with Policy H12 regarding proposed garden depths
- The Amersham and District Residents Association strongly objects to the proposal

A petition of 26 signatures has been submitted, objecting to the development.

3 neutral letters received which can be summarised as follows:

- Support from No. 12 The Grove in respect of the removal of the trees (as per the plan)
- Support from No. 8 The Grove provided the line of cypress trees, adjacent to the boundary with this property remains intact
- The applicant has offered to make good any damage to the road or verges caused by construction vehicles and to not allow the parking of vehicles on this part of the road
- The applicant has stated that the site was originally sold as 68 & 70 Long Park, as two plots and No. 74 was sold as 72 & 74 Long Park so the intention was always for an additional two houses served by this road

7 letters of objection in response to the amended plans which can be summarised as follows:

- The original concerns remain
- The movement of the dwelling on Plot 1 will mean that this dwelling is now more intrusive and overbearing to No. 66 Long Park
- Overdevelopment
- Concern over footpath
- Any development should be conditioned so that the access/road is kept clear at all times and work should be undertaken within the site
- Loss of privacy to No. 12 The Grove as a result of the proposed third floor rear window
- The amended plan does not show the location of the house at No. 66
- Concern over bats

CONSULTEES

Buckinghamshire County Highways Authority:

The application seeks planning permission to erect three, five-bedroom houses. The houses will be served off Long Park which is privately maintained up to the junction with Green Lane.

In terms of trip generation, I would expect each dwelling to generate 8-10 daily vehicular movements, two-way. As the site already consisted of one dwelling, the overall development has the potential to generate in the region of 16-20 additional vehicular movements (two-way), per day. As the site would be subject to an intensification in use, the access arrangements serving the site will need to be assessed in order to determine their suitability to accommodate the additional movements.

The Highway Authority would have concerns regarding the suitability of the private section of Long Park, as the access is of an inadequate width to serve additional vehicle movements. An access road serving more than three dwellings is usually required to be a minimum of 4.8m wide. Furthermore, the visibility from the fork of the private road onto the main part of the private road is substandard. However, as this road is private, whilst we can raise these concerns to the Local Planning Authority, we cannot justify them as a reason for refusal as the road does not form part of the publicly maintained highway.

Therefore, I will comment on the impact of the development where the public highway meets the private road. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions from the junction commensurate with a speed limit of 30mph.

Mindful of the above, I have no objection to the proposals.

Building Control Officer:

The proposed work is to comply with Approved Document B5-Access and facilities for the fire service.

District Tree and Landscape Officer:

In the early twentieth century various belts of woodland were planted around the grounds of Bois House (now Tenterden). Neither the house nor the woodland is shown in an 1898 Ordnance Survey map but they are present on a 1925 map. Much of the grounds appear to have been sold after the Second World War and housing development on much of the land took place during the 1950s and 1960s. Tree Preservation Order No 11 of 1950 was made around this time to protect these belts of woodland and the whole of the application site is within this protected woodland.

The application includes an Arboricultural and Planning Integration Report.

The application proposes three detached houses within the southern part of the site leaving the northern part, about 40% of the site, as woodland. This woodland includes some very large old trees with some showing signs of deterioration with old age.

Plot 1 would use a new access through some poor hedging while Plots 2 & 3 would use the existing access. Two major trees, T1 oak and T2 hornbeam are shown retained between the drives, largely surrounded by no-dig construction. A clump of trees and shrubs up to about 8m in height that includes T4 holly and T10 birch is shown to be removed. A group of apple and cherry trees, G8, close to the boundary with 66 Long Park is also shown to be removed.

A line of tall cypresses along the rear boundary of Plots 1 & 2 is shown to be retained. There is a group of quite closely-spaced tall trees behind the existing dwelling and the proposed Plot 3. This consists of two very tall ash about 30m in height and various slightly smaller sycamore, ash and beech about 20-25m in height (T14, G15, T16 & G17). Most of these are shown to be removed. There appears to have been some recent damage to the roof of the existing house by some of these trees. One tall ash has a weak twin-stemmed structure and many of the other trees have little lower branching. The other tall ash has a better shape but it would be sheltered by the adjacent trees. I have concerns about the loss of this entire group of trees but I recognise that it would be difficult to retain a limited number of these trees safely.

The Arboricultural and Planning Integration Report lists the trees proposed for removal on section 6.1. This also refers to T15 and G19 for removal but these are not valid references and appear to be an error.

Overall although I have some concerns about the loss of the group of trees behind Plot 3, I would not object to the application provided there is adequate protection for the retained trees.

POLICIES

National Planning Policy Framework.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS5, CS8, CS10, CS11, CS20, 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, H3, H4, H11, H12, TR2, TR3, TR11 and TR16.

Affordable Housing SPD - Adopted 21 February 2012.

EVALUATION

Principle of development

1. The application site is located within the built-up area of Chesham Bois 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 sets out the following criteria to assess new dwellings:
 - 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.

Design/Character and appearance

3. The application site currently comprises a two storey dwelling which is set back from the highway within extensive gardens and a plot that is considerably larger than that of neighbouring properties. The site contains mature vegetation and trees that give the location a green and secluded position at the end of the cul-de-sac. It is proposed to demolish this existing dwelling and to erect three detached properties and their respective garages in its place. While Plot 1 would have a new access onto Long Park, Plots 2 and 3 would rely on the existing access serving No. 70.

4. As the application site falls within an Established Residential Area of Special Character, the criteria for new development are more stringent, in line with Development Plan Policy H4. Taking each of these in turn, the plot size of the proposed dwellings should not be significantly at variance with the other plots in the vicinity. In this case, the plots would be similar to their neighbours in terms of shape and magnitude and they would have a frontage with an existing road. Taking into account the plot widths, the plot sizes of the proposed dwellings would have an average width of 16 metres which compares to the average along this part of Long Park which falls between 20-25 metres. However, Long Park itself is characterised by a range of property types and includes sections along both sides of the highway which contain semi-detached and smaller detached properties with narrower plot widths, akin to those of the proposed dwellings. Accordingly, although smaller than the plot widths of the immediate neighbours, the proposed plots would not be notably out of character with Long Park as a whole and the difference between the proposed plots and their neighbours is not significant enough to be of major concern. In addition, the plot depths and shapes are comparable to their neighbours which further helps the plots to integrate with the others in the vicinity. Taking the next criteria into consideration, each dwelling would respect the existing build line, with the dwelling on Plot 1 being positioned slightly towards the rear of No. 66 Long Park and the dwellings on Plots 2

and 3 being stepped back from Dwelling 1. All the properties would be set forwards within their plots so that they retain adequate garden depths commensurate to others in the locality and adequate spacing would be retained between the properties in accordance with Development Plan Policy H11. Despite having living accommodation set over three levels, this would be achieved through the erection of rear dormers in the properties that allow for habitable accommodation in the roofspace. They are quite clearly two storey properties with further accommodation in the roofspace and the presence of a third floor would not be easily discernible from the front elevation and the dormers would be small and are not considered to dominate their respective roof slopes. Furthermore, the proposed dwellings would be of a similar height to others along Long Park and in accordance with the prevailing development type in the area, with the dwellings being detached and their design and proportions being considered compatible with the character of the existing dwellings in the vicinity. Finally, many of the trees on site will be retained and this part of Long Park will retain its green and relatively secluded position. A condition to ensure no trees are felled and further conditions to ensure a landscaping scheme is approved and implemented would ensure adequate vegetation and greenery remains on site, should planning permission be granted.

5. Although neighbours and the Parish Council have raised concern that the proposed dwellings would constitute overdevelopment and would be out of character with neighbouring properties, it is considered that the site is large enough to adequately take the erection of three new dwellings and adequate spacing would be retained, in accordance with the terms of Development Plan Policy H11, between the dwellings so that they do not appear overly cramped in relation to one another. In fact, it should be noted that the space between the houses is actually greater than the spaces between some of the existing houses along Long Park, so it cannot be said that the development is out of character in terms of spacing. It should also be noted that overdevelopment is just a vague descriptive term, with no precise meaning, and does not constitute harm in itself. A minimum of 3.5 metres would separate the flank walls between Dwellings 1 and 2, while 6.5 metres would separate the flank walls between Dwellings 2 and 3 which is considered to be wholly sufficient. In terms of the proposed design, the three dwellings would be detached properties with pitched roofs and a fairly traditional appearance. Although the properties would contain rear dormers in the roofslope to facilitate habitable accommodation in the roofspace, these dormers would be modestly proportioned and located to the rear where they would not be visible in the streetscene. As such, the properties would appear as two storey from the front elevation and will therefore be in keeping with the neighbouring properties. Accordingly, they are considered to integrate with the character of the other properties along this part of Long Park and a condition requiring the approval of details in relation to the facing materials proposed will ensure that the development integrates within the locality and is not intrusive or overly prominent in the street scene.

Neighbouring amenity

6. The proposed dwellings would be located at the cul-de-sac end of Long Park, adjacent to No. 66. The dwelling on Plot 1 would be set to the rear of No. 66 so that it extends in depth beyond the rear elevation at No. 66. The garage serving this property would also be located at the boundary with No. 66 and in line with the front elevation of this neighbour, but would be single storey and of a modest height. The proposed dwelling on Plot 1 would have a roof which is pitched away from No. 66 which will help to offset its bulk and it is considered that adequate separation between Dwelling 1 and No. 66 will be maintained (approximately 10 metres), and with Dwelling 1 being situated a minimum of 3 metres away from the flank boundary with No. 66, it is considered that the proposal would not appear overly overbearing to this neighbour. In addition, no first floor flank windows are proposed in the west flank elevation of Dwelling 1 facing No. 66 aside from two windows serving bathrooms and these can be subject to a condition requiring them to be obscurely glazed and non-opening. This will eliminate overlooking in this direction and a condition restricting the future insertion of windows in this west flank will also mitigate against future overlooking.

7. To the rear, the three properties would face towards the rear elevations and gardens of properties along The Grove. A number of the occupiers of the bungalows along The Grove have raised concern in

relation to a potential loss of privacy as a result of the rear dormers serving the three properties. Although this concern is noted, it is considered that adequate separation will be retained between the rear elevations of the proposed dwellings and the properties to the rear at The Grove (there would be a minimum of 16 metres between the rear elevations of the proposed properties and their respective rear boundaries), and the retention of adequate boundary screening to the rear will further offset some of the intrusion. Given this separation distance, a refusal based on loss of amenity could certainly not be substantiated at an appeal.

8. With regards to amenities of future occupiers of the dwellings, each dwelling would have adequate light and outlook and access to a private rear garden with a garden depth in excess of 15 metres, and therefore in compliance with Development Plan Policy H12. Adequate bin storage can also be provided within the site and so no objections are raised in this respect.

Parking/highway implications

9. It is proposed to provide a minimum of three parking spaces per dwelling to be laid out on an area of hardstanding to the front of the dwellings and each property would also have access to a double garage. This is in line with the parking standards set out in Development Plan Policy TR16. Furthermore, in regards to the creation of the new accesses, as the proposed access is onto a privately owned highway, no objections can be raised by Buckinghamshire County Highways Authority. Despite being less than 4.8 metres wide, the access already serves more than three dwellings and it is not considered that the erection of an additional two properties would lead to an intensification of the site to such an extent that there would be an adverse impact on the highway. The Highways Authority have also confirmed that there is adequate visibility and no detrimental impact from the proposal at the point where the public highway meets the private road. Finally, in regards to the maintenance of the access along Long Park, this is a civil matter to be discussed between the applicant and the owners/users of the driveway.

Trees

10. The District Tree and Landscape Officer has raised no objections to the proposal.

Affordable housing

11. 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 1,000 square metres. This carries more weight than Policy CS8, as it is more recent, so an affordable housing contribution cannot be sought in this instance.

Sustainability and access

12. Core Strategy Policy CS4 sets out sustainable development principles for new development and in this respect it is noted that the site is within a relatively sustainable location in the built-up area of Chesham Bois which benefits from bus routes, local amenities and existing waste collection routes. As such, no objections are raised in respect of Policy CS4.

Working with the applicant

13. 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

14. 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 Before any construction work commences on the site, details of the materials to be used for the external construction of the development hereby permitted, including the facing materials, roofing materials and surface materials for the paths and parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality, in accordance with policies GC1 and H3 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).

3 Prior to the commencement of any construction works on site, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the residential units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality and the residential amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 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).

4 Prior to the occupation of the development hereby permitted, the access onto Long Park shall be laid out in accordance with the approved plans and visibility splays shall be provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: in order to minimise danger, obstruction and inconvenience to users of the highway and of the development, and to provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

5 The scheme for parking indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with policies TR2, TR3, 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 policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

6 Prior to the occupation of the development hereby permitted, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the residential units hereby permitted.

Reason: To protect, as far as possible, the character of the locality and the amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 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).

7 Prior to the occupation of the development hereby permitted, full details of the proposed refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage shall be provided in accordance with the approved plans.

Reason: To ensure that adequate bin stores are provided, in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no roof lights, windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time in the flank elevations of the properties hereby approved.

Reason: To protect the amenities and privacy of the adjoining properties, in accordance with policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

9 This permission is granted on condition that none of the trees or hedges on the site (other than those specified to be removed on the plans hereby approved), shall be felled, topped, lopped or uprooted without the prior approval in writing of the Local Planning Authority for a period of five years from the date of implementation of this permission. Furthermore, the existing soil levels around the boles of the trees so retained shall not be altered.

Reason: In order to maintain, as far as possible, the character of the locality.

10 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which shall include indications of all existing trees and hedgerows on the land, with details of those to be retained, and those to be felled being clearly specified.

Reason: In order to maintain, as far as possible, the character of the locality.

11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced

in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to maintain, as far as possible, the character of the locality.

12 The flank windows on the proposed dwellings will remain obscurely glazed in accordance with the approved plans.

Reason: To protect the amenities and privacy of the adjoining properties, in accordance with policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

13 AP01 Approved Plans

INFORMATIVES

1 All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England. Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0345 1300228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained. Particular care and vigilance should be taken when roof tiles or slates are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

Main List of Applications 11th January 2018

CH/2017/2015/RC

Case Officer: Mr Mike Shires
Date Received: 27.10.2017 **Decide by Date:** 25.12.2017
Parish: Amersham **Ward:** Amersham On The Hill
App Type: Regulation 3 - Chiltern District Council
Proposal: Proposed alterations to provide additional car parking including adaptation of existing highway vehicular entrance, formation of new vehicular exit and associated works
Location: Chiltern District Council
 King George V House
 King George V Road
 Amersham
 Buckinghamshire
 HP6 5AW
Applicant: Chiltern District Council

SITE CONSTRAINTS

Article 4 Direction
 Adjacent to Unclassified Road
 Community Assets/ CDC Owned Land
 Within 500m of SINC NC1
 Thames Groundwater Prot Zone GC9
 Area for Business, Storage, Distribution

CALL IN

This application has not been called in by a Member but is referred to the Planning Committee, in accordance with the Council's Constitution, as the District Council is the applicant and the proposal is on Council owned land.

SITE LOCATION

The application site comprises the existing District Council offices in Amersham. The U-shaped office building presently has car parking to the south east and south west of the building, along with two smaller sections of basement parking. The car park is currently served by a vehicular access taken from King George V Road.

To the south east of the application site is an existing residential building containing flats for the elderly (Kings Lodge). To the south west are the Police Station, Health Centre and Law Courts. Opposite the site entrance, across King George V Road, is the library car park and King George V playing fields.

THE APPLICATION

Planning permission is sought for the alterations to provide additional car parking including changes to the existing car park entrance, formation of a new vehicular exit and associated works.

The existing entrance/exit will be altered to become the entrance only. It will be narrowed in part and the existing barrier will be positioned closer to the road, allowing two cars to wait off the road before the barrier, instead of the current four. Four new parallel parking bays will be formed just beyond the barrier. A further four parallel parking bays will be formed as the internal access road turns to the right within the site and a new vehicular exit, with an exit barrier, will be formed to King George V Road, between the office building and the existing entrance. A small landscaped area is proposed either side of the new exit and six existing spaces would be lost in this area. A street lighting column would need to be taken down or moved for the new exit to be formed, although this is not a planning matter.

To the south west of the Council offices, between the existing building and the Police Station, a large proportion of the existing paved open space will be replaced by a new row of parking spaces. This would entail the removal of three spaces to allow access to the new area, and a new row of 17 spaces would be formed (including three spaces for Blue Badge holders). Various small trees and raised brick planters would be removed in this area.

The proposal would result in a net gain of 17 parking spaces.

RELEVANT PLANNING HISTORY

None directly relevant to this proposal.

TOWN COUNCIL

Amersham Town Council has no objections to the proposal.

REPRESENTATIONS

None received at time of drafting report.

CONSULTATIONS

District Building Control:

"The proposed work should comply with Approved Document M - Access to and use of buildings."

Buckinghamshire County Council Highway Authority:

"The application seeks planning consent to reconfigure the existing car park to provide 17 additional parking spaces, including 4 dedicated disabled spaces. The proposal includes the adaptation of the existing highway vehicular entrance, and the formation of new vehicular exit onto King George V Road to create a one way in and out system.

In terms of the proposed site layout, I can confirm that the proposed parking spaces are of the appropriate dimensions, and there is adequate space for vehicles to manoeuvre within the site.

It is proposed to alter the existing vehicular access to make it an 'in only' access, which includes narrowing of the access within the site curtilage to reduce the access to single width. The existing barrier entry system is proposed to be relocated closer to the entrance in order to facilitate additional parallel parking spaces along the access road into the site. Currently, the barrier system affords space for four vehicles to queue clear of the highway while waiting to enter the site. By relocating the barrier, the queuing capacity would be reduced to only two vehicles. Having visited the site during the morning peak hour, it is apparent that at numerous times during the morning rush, queues are exceeding two vehicles. Therefore, the proposed new arrangement

would result in vehicles queuing out onto King George V Road. This situation would be further exacerbated by the proposal to locate parallel parking spaces so close to the entrance, as if a vehicle is manoeuvring in/out of these spaces, another vehicle entering the site would be forced to wait for longer.

The proposed barrier entry arrangement would lead to delays to vehicles leaving the highway and has the potential for vehicles to only partially clear the main road before suddenly stopping at the risk of collision from behind. This is detrimental to Highway safety and convenience and the Highway Authority would look to resist any development that could increase this risk. Notwithstanding this, I am satisfied that this concern could be overcome by condition. The applicant could address this either by revising the proposed site layout plan to retain the barrier in its existing location and removing parallel parking bays marked 1 and 2. Alternatively, a different method of parking control could be proposed, such as ANPR or permits, and the barrier system removed.

The application also proposes a new access onto King George V Road to provide an 'exit only'. Adequate visibility splays of 2.4m x 43m in both directions can be achieved commensurate with the speed limit, provided any boundary planting/fencing is kept below 0.6m in height. I am satisfied that this can be secured by condition on any planning permission granted. It is also noted that the location of the proposed new access would require the relocation of the existing street lamp; these works would form part of the S184 process.

To avoid driver confusion, signage and lining to enforce the one way system would be required, which can also be secured by condition.

The site is in a sustainable location only a short walking distance from the railway station and Amersham town centre. In line with the overarching aim of the NPPF to promote sustainable development, some cycle parking spaces should be provided, as the provision of additional cycle parking may encourage more people to travel by alternative modes. I am satisfied that this can be secured by condition.

The reconfiguration of the car park will cause disruption during the construction phase and as such, the applicant is required to submit a Construction Management Plan (CMP). The Highway Authority has concerns that during construction there will be a loss of parking available at the site, which will have a detrimental impact on the surrounding area. In view of this, it is expected that the applicant makes adequate provisions to minimise disruption during the construction phase. As part of the CMP, the applicant would need to provide details of timescales and, where possible, how the maximum amount of car parking will remain undisrupted. Where a loss of parking cannot be avoided, an indication of any potential alternative locations where parking may take place should be provided. Details should also be submitted of how users of the car park will be made aware in advance of works to minimise the impact.

Mindful of the above, I have no objection to the proposed development subject to conditions and informatives."

District Tree and Landscape Officer:

"The site plan shows numbers for the trees, suggesting that a tree survey has been carried out, but no such survey has been submitted with the application. The Council Offices were opened in 1986 and many of the existing trees were planted as part of the landscaping scheme around that time.

There is a line of whitebeams about 8m in height between the current access drive and the apartments at Kings Lodge. The application proposes the removal of a low laurel hedge and the construction of some additional parking spaces on the Kings Lodge side. The External Works Layout plan shows no-dig construction for these spaces, which would be appropriate to reduce root damage.

Two trees T25 & T26 about 10-12m in height are shown for removal for an additional parking space.

The application also shows an additional line of parking spaces in front of the police station. This would require the loss of a raised planting bed, various trees and many shrubs. The tree loss includes three birches about 15m in height and a cherry about 12m in height in addition to a number of smaller trees. I am concerned about the loss of the raised planter and the three birches, which are good trees and have a significant effect in softening the character of the area. I have previously commented that I would prefer a solution that retains the raised planter and the birches. This could be achieved by having a layout with several small side-bays from the main access road with maybe four or five parking spaces on each side.

In conclusion I have some concerns about the tree loss and would prefer a layout that allows the retention of the three birch trees in front of the police station."

POLICIES

National Planning Policy Framework (NPPF)

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, E3, TR2, TR3, TR11, TR15 and TR16.

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

EVALUATION

Principle of development

1. The site is located within the built up area of Amersham and comprises a local authority owned ancillary car park adjacent to the existing District Council offices. It is located within a defined area for business and storage or distribution development are defined on the Proposals Map, where development for such uses is acceptable in principle, subject to a site specific assessment in relation to the impact on the character of the area, amenity of neighbouring properties, highway issues and any other relevant considerations.

2. Recent capacity studies undertaken in Amersham town centre have identified an increasing demand for parking spaces, to serve the needs of both shoppers and rail commuters. This pressure for space was most evident at both Sycamore Road and King George V Road facilities and predictions showed that additional parking will soon be required to meet expected growth. In response and to address this demand, the existing Amersham multi storey car park at King George V Road is currently being enlarged. However an increase in parking facilities for staff at the District Council offices (as proposed) would further help this situation, by alleviating the need for some staff to park in the multi-storey car park. It is further noted that Paragraph 40 of the NPPF states that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure.

Impact on the character of the area

3. The NPPF emphasises that the Government regards the design of the built environment as important. Good design is seen as a key aspect of sustainable development. Local authorities should seek to secure high quality design and it should contribute positively to making places better for people.

4. Policies GC1 and CS20 refer to the design of development at a local level and require that it should reflect the design and character of the surrounding area. The proposed changes to the car park entrance/exit are not considered to adversely alter the character of the street scene, as the site is already an existing car park with access to King George V Road. The area between the offices and the police station is largely contained by the surrounding buildings and not visible in the wider area. This section of the site adjacent to the police station is currently paved and contains various trees and raised planters. However the area is not a formal public open space, nor does it serve a particularly important community function, as it serves as a walkway between the Health Centre (from the direction of the town centre) and the Law Courts. A pathway would be retained in this location, alongside the police station, so pedestrian permeability through the area would not be materially affected. The existing raised planters, seats and paved area towards Chiltern Avenue would also be unaffected. The Tree and Landscape Officer regrets the potential loss of some of the raised planters and the three birch trees next to the police station, which have an effect in softening the character of the area. It is indeed regrettable that the three birch trees in particular in front of the police station are to be lost, however, it is noted that there is some opportunity for new planting around this area, albeit more limited in extent, including . On balance, it is considered that, subject to requiring some new planting, which can be secured by condition, the impact on the character and appearance of the area is acceptable. It is also considered necessary to require a "no-dig" construction method, as proposed, for the alterations and new parking bays around the existing car park entrance, to ensure the health of the row of whitebeam trees.

Residential amenity

5. Policy GC3 requires development proposals to achieve good standards of amenity for the future occupiers of development and to protect the amenities enjoyed by the occupants of existing and adjoining neighbouring properties.

6. The only nearby residential properties are the flats for elderly people in Kings Lodge. The majority of the works would be set away from these properties and the flats already face onto the existing access and car park. The four additional bays would be closer to the flats than the existing parking spaces, however traffic movements in this area would be reduced as this access would be the entrance only, and not for entrance and exit, as is currently the case. The whitebeam trees near to the flats would also be retained. Therefore the proposal is not considered to significantly affect the amenities of these flats.

Highway implications

7. Buckinghamshire County Highway Authority has been consulted and their response is copied in full above, under the Consultations section of this report. The visibility from the new exit from the car park is acceptable. It is noted, however, that concerns are raised regarding the new entrance layout, as the barrier will be located closer to the road, with space for two cars to wait off the road while the barrier opens, rather than the current four cars. The Highway Authority has concerns that this could cause queueing and impact on the highway network. However, it is important to note that the relocation of the entrance barrier could take place without requiring express planning permission. This is because it forms part of the means of enclosure of the site and as it is under 2m in height, and not adjacent to the highway, it could be positioned anywhere on the access road, providing it was not adjacent to the highway. As this element of the proposal does not in itself require planning permission from the LPA, it would not be reasonable to require the changes suggested by the Highway Authority. A condition restricting any barriers closer to the highway than shown is considered reasonable and would represent a highway gain, as no such restriction exists at present. The comments relating to signage and a Construction Management Plan are noted and conditions are considered necessary in respect of these matters.

Conclusions

8. Having regard to all matters above, it is considered that the scheme accords with policies contained in the Development Plan and national guidance set out in the NPPF.

Working with the applicant

9. 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 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 engaged in constructive informal discussion prior to the submission of the application.

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

RECOMMENDATION: Resolve to recommend Council to approve own development

Subject to the following conditions:-

1 C108A General Time Limit

2 The new parking spaces shall not be brought into use until the new vehicular exit onto King George V Road has been formed and the existing access and access road have been altered in accordance with the approved plans.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

3 The new car park exit to King George V Road shall not be brought into use until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the car park access and the existing public highway for the safety and convenience of users of the highway and of the access.

4 Prior to the new layout being brought into use, details of car park signage and markings to highlight the one way entrance and exit system shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall thereafter be implemented as approved and thereafter maintained.

Reason: In order to minimise danger, obstruction and inconvenience to users of the car park and of the highway.

5 Prior to the commencement of the development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Plan shall include:

- Details of construction timescales;
- Details of where parking lost during construction will take place;
- Details of staff information to be provided in advance of works;

The development hereby permitted shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: To minimise danger and inconvenience to car park and highway users.

6 The new areas for parking and manoeuvring shown on the submitted plans shall be retained for those purposes and shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

7 The new parking spaces annotated as spaces 1-4 on the approved site plan shall only be laid out and constructed within the root protection area of the row of whitebeam trees using a method of construction that does not involve the removal of the original ground surface or any damage to tree roots.

Reason: To minimise damage to the roots of the existing established trees and hedgerows within and around the site that are proposed to be retained.

8 C406 Landscaping Scheme to be Submitted

9 C407 Landscaping Scheme to be Implemented

10 Before any new hardstanding is laid out, named types or details of the surfacing materials for the new areas of hardstanding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

11 No gates or barriers shall be erected closer to the road than those hereby approved across either of the vehicular entrance and exit points to King George V Road.

Reason: To ensure adequate visibility is maintained between the car park accesses and the highway, and to ensure sufficient space is retained for vehicles waiting to enter the car park prior to gaining access through the entrance barrier, for the safety and convenience of users of the highway and of the access.

12 AP01 Approved Plans

INFORMATIVES

1 **INFORMATIVE:** The applicant is advised that a licence is required from Bucks County Council for any works affecting the highway. Furthermore, the new and altered accesses should be constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013. In addition, a lamp post will need to be removed/relocated to form the new car park exit and this should be discussed with the County Council. The off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

Highways Development Management
6th Floor, County Hall
Walton Street, Aylesbury,
Buckinghamshire

HP20 1UY

Telephone 0845 230 2882

2 INFORMATIVE: The applicant is advised that, pursuant to Conditions 8 and 9 above, it will be expected that additional landscaping should be incorporated around the new exit onto King George V Road and in the areas annotated for new landscaping on the approved site plan, including in front of the Law Courts. Where possible, suitable tree planting should be incorporated.

3 INFORMATIVE: The applicant is advised that it is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

4 INFORMATIVE: The applicant is advised that no vehicles associated with the building operations on the development site should be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

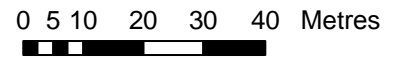
The End



Owlets, Old Farm Lane, London Road East, Amersham. Buckinghamshire. HP7 9DH

Location Plan

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Enforcement Notice 1994/0687/EN

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: CHILTERN DISTRICT COUNCIL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control under section 171A(1)(a) of the Act at the land described below. They consider that it is expedient to issue the notice having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land at Westrow Mushroom Farm, London Road East, Arnersham, Bucks, shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, change of use of the Mushroom Farm building shown hatched red on the attached plan from agricultural use to use for business, for general industrial, warehouse and storage use falling with use class B1, 82 and 88 of The Town and Country Planning (Use Classes) Order 1987.

4. **REASONS FOR ISSUING THIS NOTICE**

1. It appears to the Council that the above breach of planning control has occurred within the last ten years.

There is a general presumption against inappropriate business development in the Green Belt in accordance with paragraph 35 of the Approved Buckinghamshire County Structure Plan (Incorporating Alterations Nos 1, 2 and 3). The Council is prepared to consider the re-use of redundant agricultural buildings for small scale business activities on their merits, in accordance with the criteria set out in Policy GB24 of the Adopted Local Plan for Chiltern District. However, it is considered that the change of use of the mushroom farm to business, general industrial, storage and warehouse use does not comply with the criteria set out in Policy GB24 in a number of respects. The use of this large, substantial modern building, that is visually unattractive and over-dominant on the site, on a holding where no agricultural use is retained, will result in vehicles including commercial vehicles parking around the mushroom farm with the resulting associated activity generated by the parking of vehicles and the land use causing significant harm to the character and appearance of this part of the Green Belt. Moreover, the change of use conflicts with Policy GB2 and more specifically with criteria (ii), (iv) and (vi) of Policy GB24 of the Adopted Local Plan for Chiltern District and Paragraphs 5a and 35 of the Approved Buckinghamshire County Structure Plan (Incorporating Alterations Nos 1, 2 and 3).

2. The change of use of the mushroom farm to business, general industrial storage and warehouse use is unacceptable in principle. It is contrary to the provisions of Paragraphs 18 and 19 of the Approved Buckinghamshire County structure Plan (Incorporating Alterations Nos 1, 2 and 3) and Policy E1 of the Adopted Local Plan for Chiltern District which make no provision for any new employment generating development anywhere in south Buckinghamshire except in those sites where such development is authorised, established or lawful. The Council can therefore see no justification for the development which is contrary to these employment policies which seek to restrict employment generating development with its associated pressures for new housing, related services and traffic generation as part of the central strategy of development restraint in this part of the County.

3. It is considered that both the activities on site themselves by virtue of the change of use, and the traffic movements involved in gaining access to the site result in noise and disturbance to the detriment of nearby residential properties, four of which are sited immediately adjacent to the narrow access to the former mushroom farm. The scheme therefore conflicts with Policy GC3 of the Adopted Local Plan for Chiltern District.

4. Proposal TRS of the Adopted Local Plan for Chiltern District requires the provision of 24 car parking spaces and 1 lorry space to serve the use on site. Plans submitted with Planning application 92/1134/CH show the provision of 21 car parking spaces, which results in a shortfall of 3 car parking spaces and 1 lorry space on site. This shortfall is exacerbated by the fact that 5 of the proposed parking spaces shown on the submitted plans are located immediately adjacent to the only external doors that serve 6 of the units and as such are in practice unlikely to be utilised as access to the units will be prevented by persons parking in these spaces. The change of use therefore results in a shortfall in car parking provision on the site, contrary to Policy TRS of the Adopted Local Plan for Chiltern District, which is likely to lead to the random parking of vehicles on and in the vicinity of the application site resulting in danger and inconvenience to users of the access that serves the site.

5. Furthermore, the proposal, if permitted would create a precedent for other similar proposals, the cumulative effect of which would be to bring about an undesirable change in the appearance of the locality to the detriment of its character. This would be particularly objectionable in view of the location of this site within the Metropolitan Green Belt.

5. WHAT YOU ARE REQUIRED TO DO

(i) cease the use of the site for business, general industrial, warehouse and storage purposes.

(ii) remove from the site any equipment, machinery article or other thing brought on to the site in connection with any business, general industrial, warehouse and storage purposes the subject of this enforcement notice.

Time for compliance: Nine months.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 5th October 1994 unless an appeal is made against it beforehand.



Signed:
Chief Executive & Secretary

Dated: 5th August 1994

Chiltern District Council
Council Offices
King George V Road
Amersham
Bucks HP6 5AW

ANNEA

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 5th October 1994. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed

WHAT HAPPENS IF YOU DO NOT APPEAL

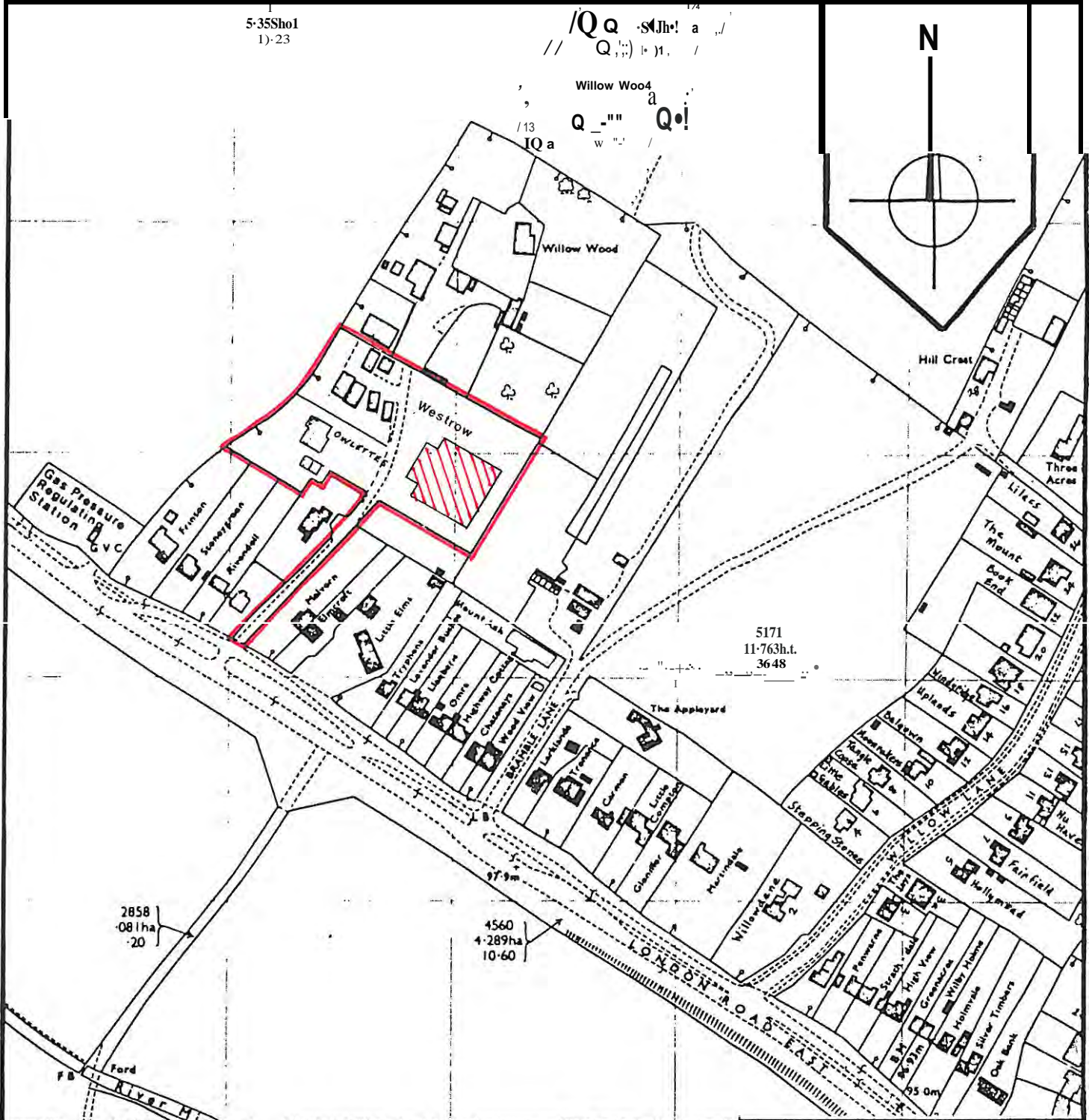
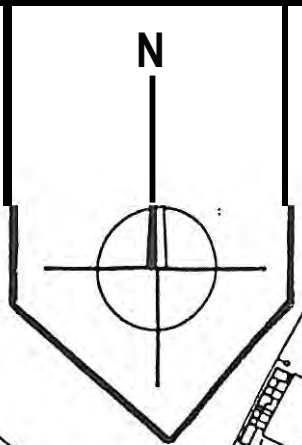
If you do not appeal against this enforcement notice, it will take effect on 5th October 1994 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

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Enforcement

94/0687/EN

Land at

Westrow Mushroom Farm
London Road East
Amersham S18 94

Gen. Ref.

2/16/SN 2145

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Compiled by L.D.

Printed by

Chiltern
District
Council

Date 8-5-84

Drg.No.

Scale 1/2500

AM/294

Enforcement Notice 1994/0688/EN

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: CHILTERN DISTRICT COUNCIL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control under section 171A(1)(b) of the Act at the land described below. They consider that it is expedient to issue the notice having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land at Westrow Mushroom Farm, London Road East, Amersham, Bucks, shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

On 8th October 1991 The Department of the Environment on appeal, granted outline planning permission for the demolition of existing mushroom farm buildings and the erection of two detached houses and garages and two detached bungalows and garages at Westrow Mushroom Farm at London Road East, Amersham, Buckinghamshire, in accordance with the terms of application number 91/0035/CH dated 7th January 1991 and the plans submitted therewith, subject to conditions:-

Condition 5 is as follows:-

None of the dwellings hereby permitted shall be occupied until the existing mushroom farm building has been demolished and all resulting debris removed from the site.

It appears to the Council that Condition 5 of Planning Application 91/0035/Ch dated 7th January 1991 has not been complied with, in that one of the detached houses has been erected and is occupied, without steps being taken for the demolition of the existing mushroom farm building.

4. **REASONS FOR ISSUING THIS NOTICE**

(i)) It appears to the Council that the above breach of planning control has occurred within the last ten years.

(ii)) On 9th January 1991 a planning application was received by the Local Planning Authority for the demolition of existing mushroom farm buildings and the erection of four replacement dwellings and garages on land at Westrow Mushroom Farm, London Road East, Amersham, the application was given the reference number 91/0035/CH. The application was refused and the applicant appealed against this decision. The Inspector allowed the appeal and granted conditional permission for the development on 8th October 1991. In paragraph 8 of his decision notice, the inspector stated that:

"I consider that this case, which does not involve development normally considered to be appropriate in the Green Belt, turns on whether there are exceptional circumstances to outweigh the presumption against inappropriate development in the green Belt".

In paragraph 11 he states:

"It (the development) would utilise an unattractive area of land used for growing mushrooms in unattractive sheds for four dwellings".

He further states:

"Dwellings in large plots with landscaped gardens would present a far less dominant and more attractive appearance on this site than the present mushroom farm".

In paragraph 12 of the decision notice the Inspector states:

"It is my opinion that in this particular location and setting this proposal would not be totally out of character with the surrounding residential and other development and to my mind it would be an improvement on what exists at present."

It is therefore clear that the removal of the existing mushroom farm buildings was central to the Inspector's view that there were exceptional circumstances to outweigh the normal presumption against inappropriate development in the Green Belt. The corollary of this is that the proposal for four new dwellings would not have been acceptable unless it had included the benefit the Inspector perceived would materialise from the removal of the mushroom farm building. For these reasons the permission is conditional upon the demolition of the existing mushroom farm building prior to the occupation of any of the dwellings. Therefore the fact that the new dwelling on site is already occupied whilst the mushroom building has not been demolished is contrary to the requirements of condition No.5 and undermines the entire reasoning behind the appeal decision. This results in an overdevelopment of the site which highlights the fact that the new dwelling is an inappropriate form of development in the Green Belt and compounds the visually unattractive impact of the mushroom farm building.

5. **WHAT YOU ARE REQUIRED TO DO**

- (i) demolish the mushroom farm building shown hatched red on the attached plan.
- (ii) remove all resulting debris from the site.

Time for compliance: Nine months

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 5th October 1994 unless an appeal is made against it beforehand.



Signed:
Chief Executive & Secretary

Chiltern District Council
Council Offices
King George V Road
Amersham
Bucks HP6 5AW

Dated: 5th August 1994

ANNEX

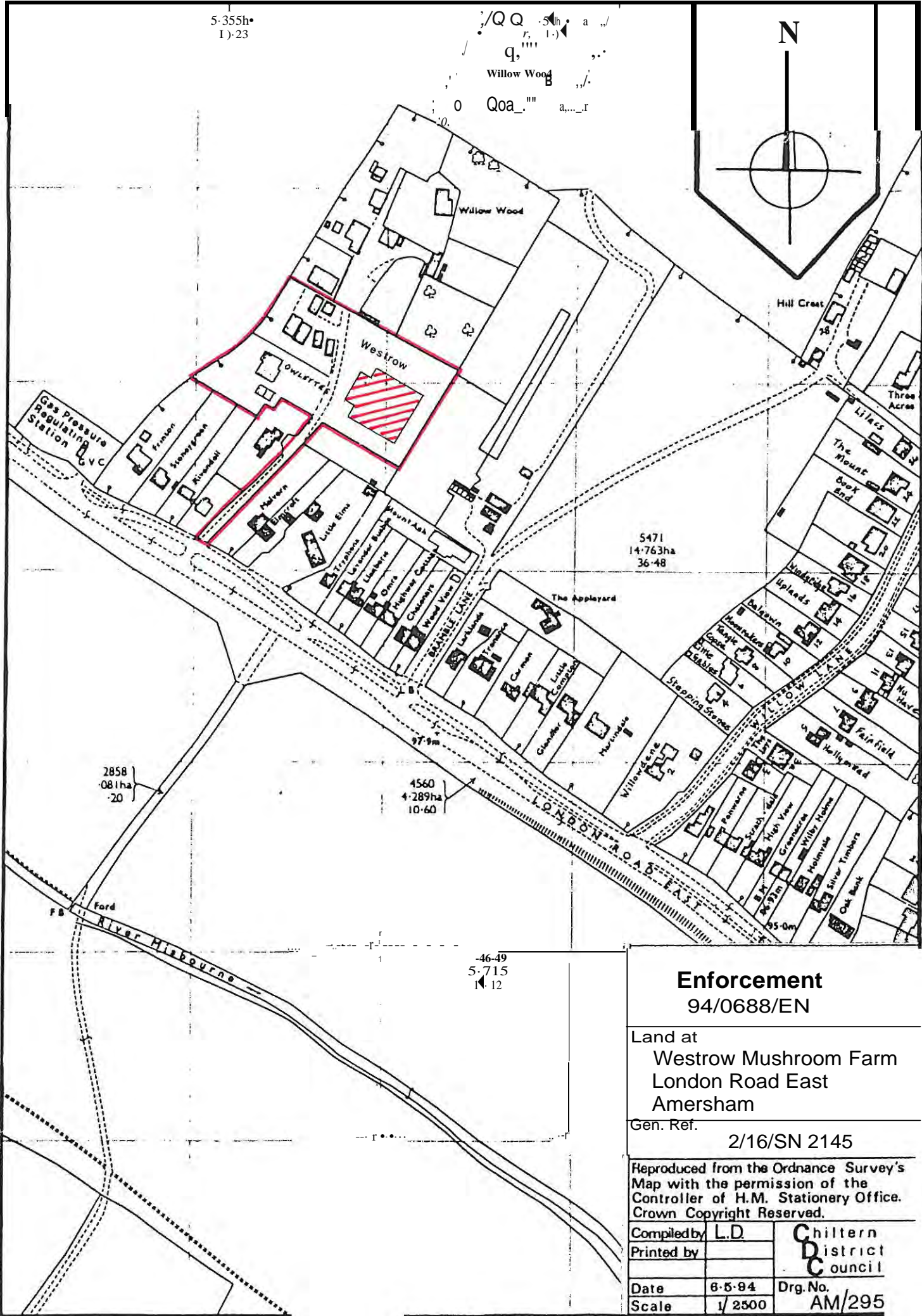
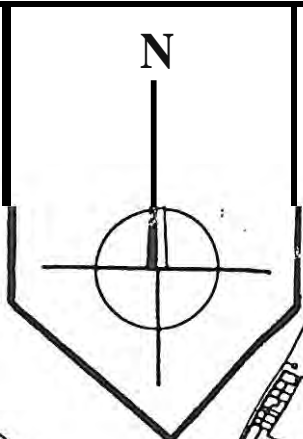
YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 5th October 1994. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 5th October 1994 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

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4560
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Enforcement
94/0688/EN

Land at
Westrow Mushroom Farm
London Road East
Amersham

Gen. Ref. 2/16/SN 2145

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Printed by		
Date	6-5-94	Drg. No.
Scale	1/2500	AM/295

CH/2018/40048/ENWITL



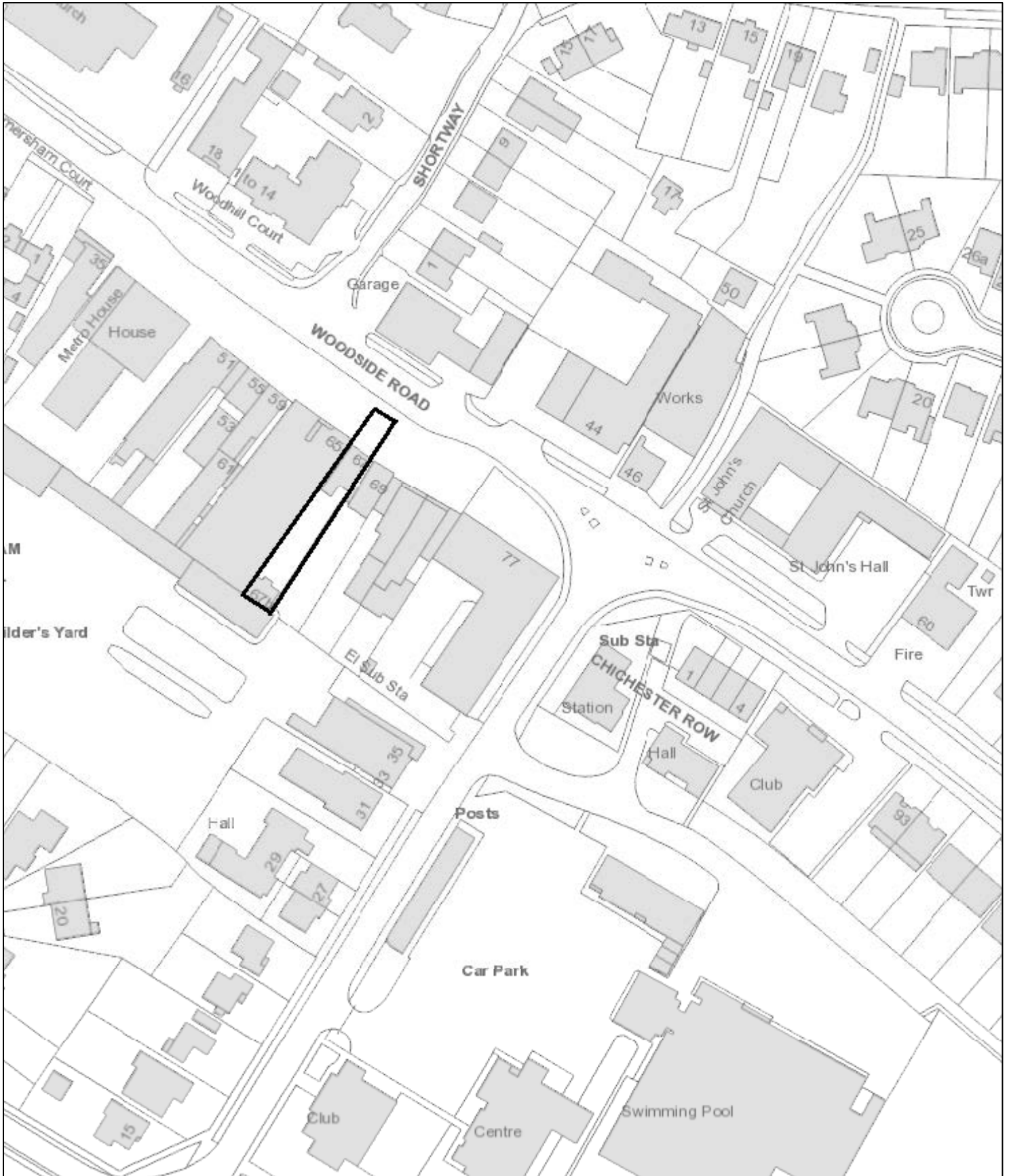
67 Woodside Road, Amersham. Buckinghamshire. HP6 6AA

CHILTERN
District Council

Location Plan

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0 5 10 20 30 40 Metres



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: **CHILTERN DISTRICT COUNCIL**

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control under section 171A(1)(a) of the Act at the land described below. They consider that it is expedient to issue the notice having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land and Buildings at 67 Woodside Road, Amersham, Bucks, shown hatched red and edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, a material change of use of a two storey building shown hatched red on the attached plan from ancillary storage purposes in connection with the shop use at 67 Woodside Road to residential use.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

1. Policy H3 of the Adopted Chiltern District Local Plan - 1997 states that proposals for new dwellings should be compatible with the character of the area by respecting the general density, scale, siting, height and character of the buildings in the locality of the application site. The building being used for residential use is located at the rear of a row of shops along Woodside Road. The Council considers that the inappropriate and cramped location of the building for residential use set behind the row of shops, and the subdivision of this site, creating a residential plot with substandard amenity space, causes overdevelopment of the site and is out of character for the area. The building is therefore not considered suitable for conversion to residential use, and conflicts with Policies H3, H11 & H12 of the Adopted Chiltern District Local Plan 1997.

2. The conversion of the storage building to residential use, if permitted, would set an undesirable precedent for the overdevelopment of commercial sites by the provision of residential units in their rear yards or gardens, which would not provide satisfactory standards of amenity for the occupiers of such residential units.

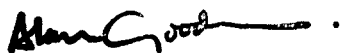
5. **WHAT YOU ARE REQUIRED TO DO**

- (i) Cease the use of the building shown hatched red on the attached plan for residential use.

Time for compliance: Six months.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 5th April 1999 unless an appeal is made against it beforehand.



Signed:
Chief Executive

Chiltern District Council
Council Offices
King George V Road
Amersham
Bucks HP6 5AW

Dated: February 5th, 1999

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 5th April 1999. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 5th April 1999 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



Appeal Decision

Inquiry Held on 21 February 2018

Site visit made on 20 February 2018

by Simon Hand MA

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

Decision date: 26 February 2018

Appeal Ref: APP/X0415/C/17/3172653

Land at The Pheasant Inn Public House, Ballinger, Bucks, HP16 9LF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Jane King against an enforcement notice issued by Chiltern District Council.
 - The enforcement notice, numbered 2015/00182/AB/EN/1, was issued on 3 March 2017.
 - The breach of planning control as alleged in the notice is change of use of the land to use as a single dwellinghouse (Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)).
 - The requirements of the notice are 5.1 cease the unauthorised use of the land as a single dwellinghouse. 5.2 remove all domestic items, furnishings and paraphernalia associated with the unauthorised use of the land from the ground floor of the building, the approximate location of which is shown hatched on the plan, and remove from the land any external signage indicative of the unauthorised residential use.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (d) and (e) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out namely the use of the land and buildings at The Pheasant Inn Public House, Ballinger, Bucks, HP16 9LF, as shown on the plan attached to the notice, for use as a single dwellinghouse subject to the following condition:
 - 1) 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 development falling within classes A, B and E of Part 1 of Schedule 2 to the said Order shall be erected, constructed or placed within the application site.

The Appeal on Ground (e)

2. This ground is that the notice was not correctly served. The appellant argues that at the time the notice was issued Mrs Leighton had an interest in the property. She is now deceased and her estate is being managed by her daughter. Neither was served with the notice. The Council pointed out they served the notice on Mrs Leighton at her address found in the Land Registry.

3. Whether or not the Council had been told in the past of the actual address for Mrs Leighton or her daughter, the fact remains that the Leightons were in regular contact with Mrs King, the appellant, and knew about these proceedings. The Council also contacted Ms Leighton a few weeks before the Inquiry was due to make sure she was aware of the appeal. At no time has Ms Leighton or anyone administering her mother's estate contacted the Council to express any interest in the appeal. Consequently, even if the Council were at fault in failing to deliver the notice, which I am not convinced, there would seem to be no prejudice to Mrs Leighton or the appellant. The appeal on ground (e) fails.

The Appeal on Ground (d)

4. This ground is that the development alleged is immune from enforcement action, because, in this case, the material change of use took place more than 4 years prior to the issue of the notice. The notice was issued on 3 March 2017 so the 4 year period begins 3 March 2013. This issue was fully aired in 2014 when an application for a lawful development certificate for a material change of use of the property to a single dwelling was taken to appeal and following an Inquiry was dismissed¹.
5. The building was originally the Pheasant Inn, a pub with accommodation on the first floor. In 2009 an appeal² found that Mrs King had been operating the business effectively as an A3 restaurant use, with ancillary drinking. The Inspector in 2014 found that although Mrs King had been using the whole of the building as a dwelling for some years there had long been a degree of fluidity between the private and public areas as the kitchen of the pub/restaurant was also the occupier's kitchen. The upstairs accommodation was not therefore self-contained. Given this, the fact that Mrs King may have been using the bar area for day to day domestic activities was insufficient on its own to amount to a material change of use in planning terms. The bar and commercial kitchen were still in place and the restaurant or pub use could be recommenced at any time. The Inspector concluded the character of the property had not materially changed.
6. Since that decision, Mrs King has continued to use the property as a single dwelling and there was plenty of evidence from friends and family to support this view. In 2015 she had the bar and any fixtures and fittings linking it to the cellar removed and the commercial kitchen converted into a dining room, with the former utility/wash-up being converted to a domestic kitchen. From that date the restaurant/pub use could not be recommenced. Mrs King also argues that the property was domestically rated from April 2013. The Council wrote to accept the building was being used wholly as a domestic dwelling and back dated the payments to April 2012. In Mrs King's view therefore it was proven that from April 2012 the building was use as single dwelling.
7. I can understand Mrs King's confusion, especially as she was unrepresented at the Inquiry, but the fact remains the Council Tax banding and planning system are entirely different. The change to domestic council tax is indicative of how the building was being used but not determinative. Until the physical manifestations of the restaurant/bar use were removed the situation remained the same as described by the Inspector in 2014. In my view therefore,

¹ APP/X0415/X/13/2207655. Site visit 18 June, issued 23 July 2014

² APP/X0415/A/09/2099049. Issued 25 June 2009

regardless of how Mrs King used the building, the material change of use to a single dwellinghouse did not occur until 2015, when the internal works were carried out, which is well into the 4 year period. The appeal on ground (d) fails.

The Appeal on Ground (a)

8. The site lies in the green belt, and the Council accept the re-use of the building as a dwelling is not inappropriate development and would not, subject to conditions, affect the openness of the green belt. Their opposition is predicated on the loss of the building as a community asset. Policy CS29 of the Core Strategy (2011) only permits the loss of community assets in exceptional circumstances. Policy GB24 of the local plan (1997) allows the change of use of buildings in use for local community purposes only if a replacement building is provided or the facility is no longer required for any other community use in the village or area that it served. There is no replacement building suggested so the appeal turns on the second limb of GB24. The Council accepted that if GB24 was satisfied that would also amount to the exceptional circumstances required by CS29.
9. In July 2013 the Council declared the pub/restaurant was an Asset of Community Value (ACV). Mrs King asked for that decision to be reviewed and this was refused in November 2015, a decision Mrs King appealed. The appeal was heard at the First Tier Tribunal and a decision given in July 2016, refusing that appeal. The Judge found the building had properly been designated an ACV. Although not currently a community use, as the restaurant run by Mrs King had ceased trading in 2008, the Localism Act allows for a building to be declared an ACV if it was recently used for community purposes and that it is realistic to think there will be a time in the next 5 years when it will again be used as a community asset³. The judge held that it was realistic to think that in the next 5 years a community use could be resumed. Mrs King may accept an offer from the local community to buy the building and cut her losses, she may face enforcement action and the pub may be a viable proposition especially if there is strong local backing for it to succeed⁴.
10. I can briefly rehearse the recent history of the building. Mrs King bought it in 2006 when it appeared to be failing and was little used by the local community. She wanted to run a destination, haute cuisine style restaurant, which after some refurbishment works duly opened. The restaurant operated for 2 years with a turnover of roughly £270,000 and £230,000 in 2007 and 2008 respectively and losses of roughly £47,000 and £87,000 respectively. It closed in November 2008. In 2009 Mrs King applied for a material change of use to a C3 use for the entire building and this was refused on appeal. One of the reasons was that there had been no marketing of the property. Mrs King carried out a marketing exercise and then applied again and again this was refused on appeal⁵ in 2011. The Inspector considered the marketing exercise had over-priced the property and that there was considerable local support for the retention of the pub/restaurant. Because the potential for reuse as a community asset had not been fully explored that also counted against the appeal. In 2014 another appeal was held to determine the application for the lawful development certificate which was refused for the reasons mentioned

³ Section 88(2) of the Localism Act (2011)

⁴ Paragraph 36 of the judgement

⁵ APP/X0415/A/10/2141373

above.

11. The main issues are therefore whether there is a potential for the pub to re-open as a commercial concern, if not whether it could operate as a community pub and if not whether some other form of community use would be realistic.
12. To answer the first question the parties both produced viability assessments carried out by reliable, professional companies. The appellant's assessment was clear there was no chance of a commercial venture succeeding. In short the report found that given the local competition, lack of trading history, small size of the local community and limited size of the pub/restaurant itself, as well as the costs of repair and refurbishment all suggested strongly there was no commercial future for the building.
13. The Council's assessment was not so gloomy, but the best their experts could advise was the possibility of running a niche haute-cuisine enterprise operating at a Michelin star standard to act as a destination in its own right that could command high prices. This would enable the operator to overcome, what seems to me to be the major handicap, that the building is so small. Mrs King operated 38 covers, which allowed room for a sitting area and a small bar area. It is obvious, from reading both reports, that these number of covers are simply too small to make a profit, except in what seems to me to be the wholly exceptional and unlikely event of running a Michelin starred restaurant. Even if an operator was prepared to risk trying to establish such an enterprise, they could afford to pay no more than £118,000 for the property, in an area of high house prices. Consequently, it does not seem realistic to me that the property could reopen on a commercial basis.
14. Much has been made of the apparently inflated price Mrs King paid for the property in the first place, and the excessive price she demanded when trying to sell the property and I shall come onto that in more detail later, but for here I just need to note that I do not consider the Council's policies require someone to sell their asset for virtually nothing. If Mrs King were to give the property away then it is possible someone might be prepared to try and run it as a pub or restaurant, but even in that scenario it would still seem difficult to make a profit. Mrs King could quite lawfully continue to live in the building and not open it as a pub or restaurant and at some point in the future the community asset argument would eventually fall away. The question here is whether that point has now been reached, and whether there is a realistic chance of a community use being undertaken if the building were sold for a realistic price.
15. During Mrs King's efforts to sell the property there was considerable interest from the local community. An organisation called the Ballinger Community Interest Company (CIC) made an offer of £465,000 but Mrs King asked for £550,000. Later an offer of £350,000 seems to have been made and Mrs King asked for proof of funding and it seems none was forthcoming. It is difficult to be certain of the dates or the exact sequence of events as very little documentation was provided. What is certain is that Ballinger CIC were not present at the Inquiry nor did they offer any written evidence. Mrs King provided copies of their last website entry from 2014 and a letter from Companies House which suggested they no longer exist. She speculated they were a front for several local businessmen who wanted to buy the property on the cheap and then redevelop it later. This is pure speculation, but several people spoke against Mrs King, including two local councillors and apart from a

mention that the local group was “potentially vigorous” no-one mentioned the CIC or suggested any other local group that might be interested in purchasing or running the property, and there was nothing in writing despite a lot of third party representations to indicate otherwise.

16. Although the majority of letters sent in were in support of Mrs King’s appeal, there was a substantial number of letters opposing it as well. What is clear from those who oppose the closure is that they would like a village pub where they can meet and have a drink and something to eat. Unfortunately the only commercial possibility would seem to be a Michelin starred restaurant which would not serve the community at all. The only possibility, it would seem to me, is that the premises are taken over as a community pub. There had been some interest in this from the CIC, although that came to nothing. There would now appear to be no local interest in running the venture themselves and no evidence of any was presented to me, apart from the general, and understandable, desire of some locals who would like the occasional local drink.
17. This is not surprising, as Ballinger is a very small community, and part of a wider group of hilltop villages, including The Lee, South Heath, Swan Bottom with Chartridge in the valley beyond, all within 2km of the Pheasant. There are existing pubs at Chartridge, Swan’s Bottom and The Lee so the immediate locality seems to be very well served for pubs. Several others have closed down, due to difficult trading conditions, but one, the Bell at Bellingdon it is hoped will re-open soon, while the White Lion at St Leonards, which is a few kilometres further away has a new owner and runs with some form of community support. What I take from this evidence is that there is a lot of competition very close by and the Pheasant because of its small size would not be in a good position to compete. Hence, it would seem to me, the lack of any tangible interest.
18. Finally, the Council argue, a different sort of community asset should be considered, although it is difficult to see what else this could be. The building sits next door to a large, well run and popular village hall, while it is across the playing field from a newly refurbished cricket pavilion. I was told there is a community shop and post office in The Lee. The list of community facilities in Policy GB23 includes village halls, shops, schools, pubs, places of worship, youth clubs or scout and guide premises. This is not an exhaustive list but it does cover all the obvious candidates. These already exist nearby, could take place in the village hall or have already been ruled out and no-one has suggested there is a need for a place of worship or a school in Ballinger.
19. I accept that Mrs King has not helped her case by not carrying out an exercise to explicitly rule out other community uses. Nor has she explored the sources of community funds that seem to be available. However, I have some sympathy with her view that it would all be a waste of time as simple common sense suggests there are no other realistic alternative community uses, especially in a small village that is already well served. I do not think it is necessary to make the appellant go through the motions of undertaking such research when there is little doubt about the outcome. Given all the evidence I heard, I think I am now in a position to say that there is no realistic chance that a community use could be resumed at the Pheasant. As such its conversion to a single dwelling would not be contrary to policy GB24, nor CS19 and would not be contrary to the last bulletpoint of paragraph 28 of the NPPF.

20. Only one condition was suggested by the Council and that was to remove permitted development rights for extensions and garden buildings in Classes A, B and E, in order to preserve the openness of the green belt. Subject to that condition I shall allow the appeal and quash the notice.

Simon Hand

Inspector

APPEARANCES

FOR THE APPELLANT:

Mrs King, assisted by Abigail King

Supporting Mrs King

Alex Carleton-Smith
Linda Miller
Chris Carleton-Smith
Robin Budd
Mike Moran
Anthea Hartley
Geoff Hartley
Peter Haggart
Keith Taylor

FOR THE LOCAL PLANNING AUTHORITY:

Scott Stemp (of counsel)

He called
Kirstie Elliott Chilterns DC

Supporting the Council

Peter Jones - District Councillor for Ballinger Ward
Lynda Cook
Nicholas Rose – District Councillor for ward adjacent to Ballinger

DOCUMENTS

- 1 Suggested condition
- 2 Council's closings



Appeal Decision

Site visit made on 19 February 2018

by **Chris Couper BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2018.

Appeal Ref: APP/X0415/W/17/3189447

Braeside, Burtons Lane, Little Chalfont HP8 4BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Ms E Bradley against the decision of Chiltern District Council.
 - The application Ref CH/2017/0808/FA, dated 25 April 2017, was approved on 9 October 2017 and planning permission was granted subject to conditions.
 - The development permitted is the demolition and replacement of the existing dwelling, single storey garage to side.
 - The condition in dispute is No. 9 which states that:
*This permission relates to the details shown on the approved plans as listed below:
Drawing No.(s): 170SK363 received on 15 September 2017, 170 200 03H received on 15 September 2017, 1388_1 A received on 28 April 2017, TP/BLLCH/010 C received on 15 May 2017, 1388_1 A received on 28 April 2017, 170 100 02C received on 15 May 2017, 170 100 03B received on 15 May 2017, 170 100 10A received on 15 May 2017, 170 100 35A received on 15 May 2017, 170 100 36A received on 15 May 2017, 170 200 02E received on 15 May 2017, 170 200 12F received on 15 May 2017, 170 200 13F received on 15 May 2017, 170SK354 received on 7 September 2017, 170SK350 received on 7 September 2017, 170SK358A received on 7 September 2017, 170SK352 received on 7 September 2017, 170SK351A received on 7 September 2017, 170SK353 received on 7 September 2017, 170SK355A received on 7 September 2017, and in accordance with any other conditions imposed by this planning permission.*
 - The reason given for the condition is:
To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.
-

Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. The application for a replacement dwelling with garage was first reported to Committee on 20 July 2017 with an officer recommendation for approval ('the first scheme'). At that committee, members resolved to seek amendments to the proposal. The scheme was amended and was reported back to Committee, where it was approved subject to conditions ('the second scheme'). Condition no. 9 of CH/2017/0808/FA requires the development to be carried out in accordance with an approved list of drawings.
3. The appellant now seeks to amend that condition to refer to those drawings submitted as part of the first scheme. In an email dated 16 February 2018 the Council has provided a list of those drawings, and in an email dated

25 February 2018 the appellant has confirmed that the list is correct. In a letter dated 15 November 2017 she sets out that there are 3 differences between the first scheme and the second scheme. Those comprise changes to the position of the garage, changes to the facing materials and changes to the dwelling's hipped roof. From my inspection of the plans, including drawing nos. 170 200 03 g, 170 200 10 g, 170 200 11 f, 170 200 12 f, 170 200 13 f, 170 200 30 e, and 170 200 31 e, I agree with that summary.

4. The Council and interested parties state that the appellant chose to submit the second scheme, and that if she considered the requested amendments to be unreasonable, she should have requested that the proposal be determined on the basis of the first scheme, and lodged an appeal against any subsequent refusal.
5. I have had regard to the advice in the The Planning Inspectorate Procedural Guide: Planning Appeals – England 2018 which states that the appeal process should not be used to evolve a scheme, and that what is considered by the Inspector should be essentially what was considered by the Council, and on which interested people's views were sought. It states that where, exceptionally, amendments are proposed during the appeals process, the Inspector shall take account of the Wheatcroft Principles when deciding if the proposals can be formally amended.
6. However, the first scheme was the subject of public consultation and it was considered by the Council at committee. Consequently, this is not a case where my consideration of those plans would deprive any parties who should have been consulted on the development of the opportunity of such consultation.
7. Consequently, although the changes to the proposed development are not insignificant, I am satisfied that my consideration of the first scheme would not prejudice interested parties.
8. I have framed the main issues in this case having regard to the officer's committee reports, the committee minutes, and consultation responses.

Main Issues

9. The main issues are the effect that varying the condition would have on:
 - the character and appearance of the area; and
 - the living conditions of adjacent occupiers.

Reasons

Character and appearance

10. This part of Burtons Lane is broadly characterised by substantial detached properties, overwhelmingly finished with a mix of red brick and some sections of exposed timber detailing of their front faces. The dwellings are set back from the lane within spacious landscaped grounds. Trees and hedgerows along the frontage of the plots partially screen many of the dwellings from the road. Those characteristics give the area a sense of cohesion and no doubt contributed to the Council's decision to designate this as an Established Residential Area of Special Character ('ERASC').

11. Opposite Braeside on the other side of Burtons Lane is a former agricultural, eighteenth century barn, sited on the roadside to the west of Loudhams Farmhouse. It is constructed primarily with timber and tiles. Both that barn and Loudhams itself are Grade II listed buildings. They are therefore defined by the National Planning Policy Framework ('Framework') as designated heritage assets.
12. Even in the context of the large dwellings in the area, the apparent bulk and scale of the second scheme would be substantial, partly due to the limited articulation on its front face compared to nearby dwellings, as illustrated by the streetscene drawing no. 170SK358A. The roof form in the first scheme with its more limited hips, would result in an even greater sense of verticality and an increased bulk compared to the second scheme. Although its ridge line would respect the height of its immediate neighbours, the mass of its roof would sit awkwardly alongside the adjacent broader hips at Little Warren and Latimer Lodge. Compared to those dwellings, this one would have a significantly greater rectilinear form and mass.
13. Although the permission is subject to a condition requiring facing materials to be submitted, the plans clearly indicate the use of stained timber cladding, and by reference to the appellant's 15 November letter, that is clearly what she is seeking. She states that the wood finish will create a more distinctive property and allow for a much quicker build. As noted at page 18 of the Design and Access Statement ('DAS') many older farm buildings in the area have a mix of timber and brick finishes. However, in my view, the stained timber cladding here would draw the eye, and would contrast markedly with the prevailing brick finish of its neighbours and on other dwellings nearby. It would highlight the harm caused as a result of the first scheme's inappropriate form.
14. Consequently, whilst trees and landscaping along Burtons Lane limit the extent to which the dwellings here are viewed together in the streetscene, and this plot's existing landscaping could be augmented, the first scheme's form, materials and incongruous juxtaposition with its neighbours would appear out of place.
15. However, whilst the garage would be sited forward of the proposed dwelling, such an arrangement is not unusual along this part of Burtons Lane, as illustrated at page 15 of the DAS. Additionally, the structure's limited height and the site's landscaping along the frontage would ensure that it would be barely visible, if at all, in the streetscene.
16. The historic buildings at Loudhams are on the opposite side of the road to this site, and would be visually separated from the proposed building by landscaping. Consequently, although the proposal would sit awkwardly alongside its immediate neighbours, I agree with the findings in the Heritage Statement that the significance and setting of those designated heritage assets would be preserved.
17. However, for the above reasons the first scheme would cause significant harm to the character and appearance of the area. It would therefore conflict with those parts of Policy H4 of the Chiltern District Local Plan (Consolidated 2011) ('CLP') which require that within an ERASC development must maintain the special character of the area, and that the size, design and external appearance of new dwellings shall be compatible with the character of existing buildings in the vicinity of the site. It would also conflict with CLP Policy GC1's

general requirements that development shall be in scale with its surroundings and reflect the form of adjoining buildings, and that in areas where certain facing materials predominate, development should use matching or similar materials.

18. Core Strategy for Chiltern District 2011 Policy CS20 broadly reflects the Framework's approach in requiring that development reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness. Whilst the Framework cautions against an overly prescriptive approach which may stifle creativity, given the harm that would be caused to this distinctive area, the proposal would conflict with those policies.

Living conditions

19. Given the size of the plots, the extent of landscaped screening, and the distance between the buildings, the occupants of the properties on this part of Burtons Lane can reasonably expect to experience a high level of amenity, with an outlook from their main habitable rooms which is not significantly restricted by adjacent buildings.
20. Little Warren has a kitchen with dining space on the side of the property close to the boundary with Braeside. That room has a window to the side which has an outlook across a narrow passage, over the boundary fence to Braeside's front and side gardens, with that dwelling some distance away.
21. Compared to the second scheme, in the first scheme the proposed garage would be sited further forward, and its side wall would be broadly opposite Little Warren's side facing window. Although that wall would be set in from the boundary, the scheme would significantly alter the largely open and landscaped outlook from that window to one which would be significantly more enclosed. In the context of this area, that impact would be significantly harmful to those occupants' living conditions, although it would be tempered by the fact that the outlook from the kitchen's front facing window would be unaffected.
22. Although the occupants of Little Warren object to the scheme on the basis of the loss of light to that room and overshadowing, having regard to the distance of the proposed garage from the side facing window, the presence of a second window in that room, and the sun's trajectory, those impacts would be limited.
23. Having regard to the first scheme's siting relative to Latimer Lodge, and its limited differences compared to the second scheme on that elevation, it would not impact on those occupants' living conditions to a harmful degree.
24. Nevertheless, given the harm that would be caused to the living conditions at Little Warren, the first scheme would conflict with the requirement in CLP Policy GC3 that development shall protect the amenities enjoyed by the occupants of neighbouring properties.

Other matters

25. The appellant and other parties have referred to various procedural matters, particularly relating to the application's consideration at Committee. However, I have considered the proposal before me on its merits, against the development plan and other material considerations.

26. I have had regard to the s106 unilateral undertaking regarding the augmentation of landscaping on the property's frontage and the provision of appropriate biodiversity mitigation measures. However, condition no. 4 of the planning permission addresses the need for a scheme of biodiversity measures, and the augmentation of existing landscaping does not overcome the harm that I have found.

Conclusions

27. Summing up, I have considered the first scheme in the context of the second scheme, and have noted the differences between the two. In my view, notwithstanding the favourable officer recommendation to committee, those differences 'tip the balance' from a scheme whose impacts would be acceptable, to one which would have a significant harmful impact on the character and appearance of the area, and on the living conditions at Little Warren.

28. For those reasons, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR



Appeal Decision

Site visit made on 2 January 2018

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

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2018

Appeal Ref: APP/X0415/W/17/3187480 206 Chartridge Lane, Chesham, HP5 2SF

- 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 Simco Homes Ltd against the decision of Chiltern District Council.
 - The application Ref CH/2017/0846/FA, dated 3 May 2017, was refused by notice dated 5 September 2017.
 - The development proposed is described on the application form as "Residential development comprising 5 dwellings with associated access, amenity and parking".
-

Decision

1. The appeal is allowed and planning permission is granted for a residential development comprising 5 dwellings with associated access, amenity and parking at 206 Chartridge Lane, Chesham, HP5 2SF in accordance with the terms of the application, Ref CH/2017/0846/FA, dated 3 May 2017, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Simco Homes Ltd against Chiltern District Council. This application is the subject of a separate Decision.

Procedural matters

3. Following determination of the application, amended plans were submitted by the appellant illustrating additional tree planting to the rear of plots 1 to 4. I accepted these as they did not materially change the proposal and the additional tree planting could in any event have been imposed by planning condition. The Council was consulted in respect of this additional information and responded accordingly. I am satisfied that dealing with the appeal on this basis would not prejudice the interests of any party.
4. In view of the amended plans and for the avoidance of doubt, I have proceeded on the basis that the plans under consideration in this appeal are Drawing Nos TL-3848-17-1, TL-3848-17-2D, TL-3848-17-3B, TL-3848-17-4, TL-3848-17-5, the planning statement, the ecological impact assessment and the design and access statement. I am satisfied that dealing with the appeal on this basis would not prejudice the interests of any party.

Main Issues

5. The Council has raised no concerns regarding: (a) the principle of residential development; (b) the design of the dwellings; (c) the scheme's impact upon the living conditions of neighbouring occupiers; (d) impact on trees; and (e) ecological impact. Accordingly, within the context of the Council's reasons for refusal and the evidence in this case, the main issues are:-
- the effect of the development on the character and appearance of the area;
 - whether the development would protect and conserve the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (AONB);
 - the effect of the development on highway and pedestrian safety, with specific regard to whether the scheme makes adequate provision for off-road parking, safe manoeuvrability for larger vehicles, and movement into and out of plots 3 and 4 by private cars.

Reasons

Appeal site context

6. The appeal site consists of No 206 Chartridge Lane, a detached chalet bungalow set on a large plot, and part of the rear garden to No 208. The combined site contains a large garage to the rear, together with a variety of other small outbuildings. It slopes down steeply in a south-westerly direction and is mostly laid to grass, with a large number of small trees, mature shrubs and hedgerows. A substantial tree/shrub belt lies adjacent to the south-west boundary, which helps to divide the site from the Pednor Valley and AONB.
7. Chartridge Lane is characterised by detached bungalows, chalet-bungalows and 2-storey houses, varying in age, scale, architectural design and plot size. The width of open gaps between dwellings also varies and ranges from that of a single pedestrian gate to a driveway/garage. Although many of these properties have extremely long rear gardens, some have been subject to backland and infill development, which collectively help to define the area's overall character. Two such backland dwellings (Nos 202 and 210) lie directly adjacent to the appeal site, which widens towards the rear behind Nos 204 and 208.

Character and appearance

8. The scheme's layout and position at the end of an access road that traverses between existing housing would not be dissimilar to other infill developments on Chartridge Lane, such as that at Dell Close. Furthermore, the proposed dwellings on plots 1-4 would have a 2-storey appearance when viewed from the access road and Chartridge Lane, which I consider to be compatible with the varied form, heights and scale of development in the area. Although representations have been made that the balconies would be out-of-place with the prevailing built-form, I am satisfied that their inconspicuous position to the rear of the dwellings would not harm the character and appearance of the area.
9. Whilst I recognise that the width of open gaps between each dwelling on plots 1-4 would be close to the minimum standard established by Policy H11 of the

Local Plan¹, many other properties in the area have similar-sized gaps, particularly the development at Dell Close. Furthermore, there would be gaps on both sides of the dividing boundary fences between plots 1 and 4, which would result in a much larger overall opening between each dwelling and help maintain reasonable views to the AONB and Pednor Valley beyond. I would also consider the gardens to be relatively spacious and not dissimilar to those assigned to other infill and backland properties. When these factors are considered collectively, I am satisfied that the scheme would not appear cramped or constitute overdevelopment of the site.

10. In view of the above, I have concluded that the development would not be harmful to the character and appearance of the area. The scheme would as a consequence accord with Policies GC1 and H3 of the Local Plan and Policy CS20 of the Core Strategy², which collectively seek, amongst other things, to ensure that new development is of a high quality design that respects the density and character of buildings in the surrounding area.
11. I am also satisfied that the scheme would comply with Paragraphs 58 and 61 of the Framework³, which collectively seek, amongst other things, to ensure that new development responds to local character and integrates into the natural and built environment.

Area of Outstanding Natural Beauty

12. I recognise that the dwellings on plots 1-4 would have a 3-storey appearance when viewed from their rear gardens and that there does not appear to be any other dwellings with a similar rear wall plate height in the local vicinity. However, this height would not be obvious from the Pednor Valley and AONB to the south-west as it would be largely concealed by the mature tree/shrub belt that runs adjacent to the appeal site's rear boundary. Given that the Council's Tree and Landscape Officer has confirmed that this would not be directly affected by the development, I am satisfied that the scheme's visual impact would not be significant and that views of the housing would be heavily filtered from roads and footpaths within the adjacent AONB and Pednor Valley. Although the tree/shrub belt would not completely restrict views of the upper floors of the development, these would be set against the backdrop of other housing in the area and therefore not have any harmful impact on the AONB, its skyline or setting.
13. The Council's Tree and Landscape Officer has requested a condition for additional planting to reinforce the tree/shrub belt. Given the increase in built-form on the site and the development's position towards the top of a valley slope, I would consider this necessary to assist with its integration into the landscaped setting of the AONB and help secure a more substantial long-term green boundary. I have accordingly imposed the requested condition.
14. Although I agree with the Council that landscaping should not be used to make an unacceptable building acceptable, I am satisfied that in the current case, it is being used to improve an acceptable design of scheme and mitigate its overall visual impact, rather than completely screen it.

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

² Core Strategy for Chiltern District, adopted November 2011, Chiltern District Council

³ National Planning Policy Framework, Communities and Local Government, March 2012

15. Although representations have been made that the scheme is difficult to assess without knowing ground levels, I am satisfied that the submitted information contains sufficient detail for me to be able to assess its visual impact upon the AONB in conjunction with my site visit. I have however imposed a condition for details of ground levels to ensure that its height is kept to a minimum.
16. In view of the above, I have concluded that the development would not harm the character and appearance of the AONB. The development would therefore accord with Policy LSQ1 of the Local Plan and Policy CS22 of the Core Strategy, which collectively seek to conserve and enhance the natural beauty of the AONB and its setting.
17. In reaching my decision, I have given great weight to conserving the landscape and scenic beauty of the AONB. As a consequence, I am satisfied that the proposal would comply with Paragraph 115 of the Framework.
18. I am also satisfied that the scheme would blend into and harmonise with the wider landscape and therefore comply with Paragraphs 3.7 and 3.12 of the Chilterns Buildings Design Guide (Feb 2010), as referred to by the Council.

Highway and pedestrian safety

19. The appellant has supplied drawings to demonstrate that a refuse collection vehicle could turn around at the end of the access road. In view of this, and the lack of any objection from the local highway authority, I am content that there would also be adequate room for other large vehicles, the emergency services and private cars to use the access road, notwithstanding the concerns raised by third parties.
20. Furthermore, given the spacious layout of the proposed front gardens, I am also satisfied that there would be adequate room for smaller vehicles to safely manoeuvre out of plots 3 and 4, either by partly reversing into each other's driveways if they are clear (to enable an exit in forward gear), or by reversing a short distance to the access road. Although larger vehicles would not be able to turn around directly in front of plot 4, I would not consider this necessary given its extremely close proximity to the turning head at the end of the access road.
21. Representations have been made that the entry point onto Chartridge Lane would have insufficient visibility and that it would therefore be unsafe. However, the local highway authority and Council have not raised any concerns in respect of this and I see no reason to take a different view as good visibility exists in both directions from its position. I am also satisfied that the additional dwellings would not result in a significant increase in road traffic or congestion.
22. In view of the above, I have concluded that the development would result in a high standard of vehicle accessibility and manoeuvrability. The proposal would as a consequence accord with Policies GC3 and TR11 of the Local Plan and Policy CS26 of the Core Strategy, which collectively seek, amongst other things, to ensure appropriate manoeuvring provision, safe access and good standards of amenity for future occupiers.
23. Turning to the matter of parking, Policy TR16 of the Local Plan states that each dwelling should have 3 spaces, whereas the scheme only provides 2. However, Paragraphs 17 and 39 of the Framework collectively state that growth should be managed to make the fullest use of walking, cycling and public transport

and that local parking standards should take into account the accessibility of development and the availability of public transport. In view of this, and the site's location within an urban area approximately 1 mile from the town centre and train station, and near to local bus stops, I am satisfied that future occupants would have good accessibility to a wide range of employment, services and facilities via walking, cycling and public transport and that a reduced parking standard would therefore be acceptable.

24. Although the Council states that a distance of approximately 1 mile in an uphill direction would discourage less-able bodied people from walking, I am satisfied that this distance would not deter all future occupants. I also recognise that each future household may own more than 2 vehicles, but even if this were the case I am satisfied that there would be adequate space to park these and visitors' cars on the access road without disrupting the free flow of traffic or giving rise to pedestrian danger and/or inconvenience to neighbouring occupiers.
25. In view of the above, I have concluded that the development would accord with Policy GC3 of the Local Plan and Policy CS26 of the Core Strategy, which collectively seek, amongst other things, to ensure that new development provides appropriate vehicular parking and does not inconvenience neighbouring residents or harm their amenities.
26. Although the development would conflict with Policy TR16 of the Local Plan, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.
27. Given that the Framework was adopted more recently than the Local Plan, I have afforded substantial weight to Paragraphs 17 and 39, and my conclusion that the site benefits from a high standard of accessibility by means other than the private car, and concluded that when taken cumulatively, these material considerations outweigh the scheme's conflict with Policy TR16 of the Local Plan in terms of off-road parking. Although the scheme is contrary to the development plan, I therefore conclude that these material considerations indicate that the development should be considered otherwise.

Other matters

28. Although representations have been made in respect of loss of privacy and visual impact to neighbouring properties, I am satisfied that there would be sufficient intervening distance and appropriate boundary treatment to restrict any overlooking and prevent the dwellings from appearing intrusive or oppressive. However, to ensure that privacy continues to be protected following development, I have imposed a condition restricting additional windows being inserted in the side elevations of dwellings on plots 1 and 4 and requiring the side elevation windows on plot 1 to be fitted with obscure glazing.
29. Representations have also been made that the new access road would cause noise and disturbance to neighbouring occupiers, particularly those at No 204. However, I am satisfied that the level of noise generated by the access road would be consistent with the surrounding residential area and not be harmful to their living conditions.

30. Further representations have been made that the scheme would not result in the provision of any social housing. However, the Written Ministerial Statement on small-scale developers⁴ and the Planning Practice Guidance⁵ state that contributions for affordable housing should not be sought from small-scale developments of 10 units or less.
31. Other concerns have been raised as to whether there will be sufficient space for new school children. However, the local education authority has not raised any objections and I have no evidence before me to demonstrate a deficiency in local school places.
32. I note the concerns raised by third parties in respect of pollutants from chimneys. However, these structures would be required to comply with other legislation relating to their construction and subsequent use of fuel to ensure that there were no harmful impacts. I also note the health concerns raised by third parties in respect of pollution and dust from vehicles. However, the Council's Environmental Health Officer has not raised any objections on this matter and I have no evidence before me to indicate that additional traffic would result in an unsafe level of pollution and dust in the area.
33. Neighbour concerns have also been raised in respect of loss of property value and potential structural damage. However, the Planning Practice Guidance states that planning is concerned with land-use in the public interest and not the protection of purely private interests. There is no evidence that the proposal would incur structural damage to neighbouring properties and in any event, this would be a private civil matter. Representations have also been made in respect of loss of view. However, the site is not allocated in the development plan as an important open view and I would not consider it in the public interest to protect the private views of individual properties. Other concerns relating to boundary line disputes are also a private civil matter between the parties.
34. Further concerns have been raised that the development would not allow safe access to the side of No 204 for maintenance. However, I am satisfied that such maintenance would be intermittent and temporary in nature and that this could be carried out safely subject to appropriate safety measures being taken.
35. Representations have also been received raising concerns in respect of precedent and that the development is larger than the scheme previously granted permission. However, each proposal must be considered on its own merits and in any event, I consider the current scheme to be acceptable having regard to the development plan and all other material planning considerations.
36. Further concerns have been raised by third parties about harm to wildlife and ecology. However, no objections were raised by the Council or Buckinghamshire County Council in respect of the appellant's ecological impact assessment and I see no reason to take a different view given my observations on-site. I have however imposed conditions to ensure that the mitigation and enhancement measures referred to in this document are implemented.

⁴ Support for small-scale developers, custom and self-builders, Written Ministerial Statement by The Minister of State for Housing and Planning (Brandon Lewis) on 28 November 2014

⁵ Paragraph 031 Reference ID: 23b-031-20161116, Revision Date 16 November 2016

Conditions

37. The Council has suggested conditions which I have considered in the light of the Framework and Planning Practice Guidance. I have made some small amendments to clarify certain details which are not clear from the submission details and enable the development to commence without the need: - (a) to approve all conditions first; or (b) for further information to be submitted to the Council for approval.
38. 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. Conditions are also needed for external materials and details of ground levels to ensure a high quality of development and help the scheme integrate into the surrounding area.
39. To ensure that the south-western tree/shrub belt is protected and substantially reinforced with additional tree planting, a condition has been imposed for a landscaping and tree/hedge protection scheme. This will also require details of all hard surfacing materials to the access road and boundary treatments (to protect the privacy of neighbouring occupiers), and be required to incorporate the enhancements advised in the appellant's ecological impact assessment. Further conditions have been imposed to ensure that all construction works take place in accordance with the mitigation measures outlined in the appellant's ecological impact assessment. I have however not imposed a condition for bin stores as I am satisfied that there remains sufficient space to accommodate these in the garages without preventing cars from being parked in them.
40. To ensure the amenity of neighbouring occupiers is protected at Nos 202 and 210 Chartridge Lane, conditions have been imposed requiring obscure glazing to the side elevations, details of balcony screens and the removal of permitted development rights that would otherwise allow the installation of further side elevation windows.
41. In the interest of highway and pedestrian safety, a condition has been imposed requiring the access to be constructed first to enable construction vehicles to enter the site. In view of the reduced level of car-parking allowed, a condition has also been imposed to restrict any garages from being converted to living accommodation.
42. Although the Council has requested a condition restricting permitted development rights for any extensions, alterations or outbuildings, I do not consider this to be necessary and am of the view that it would unreasonably fetter the rights of occupants to enjoy their own property.

Conclusion

43. I have found that the proposal would; (a) conserve the landscape and scenic beauty of the AONB; (b) not harm the character and appearance of the area; and (c) not harm highway and pedestrian safety. 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 and details:- Drawing Nos TL-3848-17-1, TL-3848-17-2D, TL-3848-17-3B, TL-3848-17-4 and TL-3848-17-5.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No site clearance works or development shall take place until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a plan showing the position of every tree and hedgerow on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees are to be retained and those that are to be removed;
 - ii) a schedule in relation to every tree identified listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and,
 - any proposed pruning, felling or other work;
 - iii) in relation to every existing tree and hedgerow identified to be retained on the plan referred to in i) above, details of:
 - any proposed alterations to existing ground levels, and the position of any proposed excavation, that might affect the root protection area; and,
 - all appropriate tree and hedgerow protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837:2012) (or in an equivalent British Standard if replaced);
 - iv) soft landscaping to include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of new trees, hedgerows and plants noting species, plant supply sizes and proposed numbers/densities;
 - v) boundary treatments;
 - vi) hard surfacing materials for all parking, vehicle and pedestrian circulation areas (to include the access road and turning area);
 - vii) an implementation programme for all soft landscaping works.

For the avoidance of doubt, the soft landscaping scheme to be provided in connection with part iv) shall incorporate the enhancement measures specified in Chapter 7 of the Swift Ecology Ecological Impact Assessment Final Report dated 26 April 2017 (Ref: C1790-1).

The soft landscaping works shall be carried out in accordance with the implementation programme provided in connection with part vii).

The hard surfacing works and boundary treatments for each respective dwelling/plot shall be carried out in accordance with the approved details before the said dwelling is first occupied.

Plots 1, 2, 3 and 4 shall not be occupied until; (a) the hard surfacing works for the access road and turning area; and (b) any boundary treatment works adjacent to the access road and turning area, have been carried out in accordance with the approved details.

- 5) Any trees, hedges or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No new tree or hedgerow planted in accordance with condition 4) shall be pruned or cut in any manner within 5 years from the date of the occupation of the final dwelling to be occupied, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.
- 6) No construction of any dwelling shall take place above damp proof course level until details of all external facing materials and finishes for each dwelling have been submitted to and approved in writing by the local planning authority. The relevant works shall thereafter be carried out in accordance with the approved details.
- 7) No construction of any dwelling shall take place until the new means of access has been sited and laid out in accordance with the approved drawing.
- 8) No works to demolish the existing dwelling (No 206 Chartridge Lane*) shall take place until the appellant has obtained either:
 - i) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specific activity/development to go ahead; or
 - ii) A statement in writing from Natural England to the effect that it does not consider that the specified demolition works require a licence.

* As identified in the Swift Ecology Ecological Impact Assessment Final Report dated 26 April 2017 (Ref: C1790-1).

- 9) All works shall be carried out in accordance with the mitigation measures identified in Chapter 6 of the Swift Ecology Ecological Impact Assessment Final Report dated 26 April 2017 (Ref: C1790-1), unless alternative mitigation measures for Bats are otherwise agreed in writing by Natural England during the licensing process (of which details shall be supplied to the local planning authority for development monitoring purposes within 1 month of the date of agreement by Natural England). If a license is

required, the said mitigation for Bats shall be carried out in accordance with the agreed details and specified timeframe, in addition to the other mitigation measures not relating to Bats identified in Chapter 6 of the Swift Ecology Ecological Impact Assessment Final Report dated 26 April 2017 (Ref: C1790-1).

- 10) Prior to the occupation of the dwellings on plots 1 and 4, details of a screen to the north-western side of the balcony on plot 4 and the south-eastern side of the balcony on plot 1 shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, the screens shall measure a minimum of 1.7m in height above the finished floor level of the balcony. Once installed, the screens and any replacement screens shall be retained in that condition thereafter.
- 11) The dwelling on plot 1 shall not be occupied until the south-east facing side elevation windows have been fitted with obscured glazing, and no part of any window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the windows and any replacement windows shall be retained in that condition thereafter.
- 12) The garages to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 13) 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 windows or dormer windows, other than those expressly authorised by this permission, shall be constructed on the north-west facing side elevation of the dwelling on plot 4 or the south-east facing side elevation of the dwelling on plot 1 without the specific grant of planning permission from the local planning authority. For the avoidance of doubt, the side elevation shall be taken to mean the side elevations to the hipped roof part of the dwelling and those to the front gable projection.

End of schedule



Costs Decision

Site visit made on 2 January 2018

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

an Inspector appointed by the Secretary of State

Decision date: 27th March 2018

Costs application in relation to Appeal Ref: APP/X0415/W/17/3187480 206 Chartridge Lane, Chesham, HP5 2SF

- 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 Simco Homes Ltd for a full award of costs against Chiltern District Council.
 - The appeal was against the refusal of planning permission for a residential development comprising 5 dwellings with associated access, amenity and parking.
-

Decision

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

Reasons

2. 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.
3. The application for costs is based on the appellant's view that Planning Committee Members disregarded the advice of the case officer, consultees and the applicant before making its decision.
4. 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 appeal¹. 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 award².
5. In accordance with section 38(6) of the 2004 Act³ and section 70(2) of the 1990 Act⁴, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point of decision-making is therefore plan-led. In view of this, and my conclusion in the appeal that the development was not in accordance with the adopted parking standards, I do not consider the Council to have behaved unreasonably in this respect.
6. Although it will be seen from the appeal decision that that I disagree with the grounds upon which the application was refused, Councillors are not obliged to follow the recommendations of officers on the provision that they give sound

¹ Paragraph: 047 Reference ID: 16-047-20140306

² Paragraph: 032 Reference ID: 16-032-20140306

³ Planning and Compulsory Purchase Act 2004

⁴ Town and Country Planning Act 1990

and justifiable reasons for doing so. In this respect, I am satisfied that the Committee's concerns in respect of impact on the Chilterns Area of Outstanding Natural Beauty, the character and appearance of the area and whether private vehicles could turn around in front of plots 3 and 4 were justifiable and that it was able to substantiate these.

7. Furthermore, the apportionment of weight relating to planning considerations is a matter for the decision-maker, and in this case there is no evidence to suggest that Planning Committee attached an undue amount of weight to any particular factor. Moreover, there is also no proof to suggest that; - (a) the officer's report had not been made available to Committee; and/or (b) Members made verbal statements at the meeting that they intended to disregard the professional advice of officers; and/or (c) Committee took into account matters that were not material planning considerations.
8. In view of the above, I have no evidence that Committee disregarded the advice of officers on the above matters and do not as a consequence consider the Council to have behaved unreasonably in this respect.
9. However, the Planning Practice Guidance also 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 the substance of the matter at appeal⁵.
10. The submitted plans clearly show a turning head with tracking for a large refuse collection vehicle measuring approximately 10 metres long. When this is considered in conjunction with the response of the local highway authority, I can see no reasonable justification for the Committee Members' conclusion that it was unclear whether larger vehicles could turn safely in this part of the development.
11. However, whilst I consider the Council to have behaved unreasonably on this matter, I can find no evidence in the appellant's submission of how this particular aspect incurred them unnecessary or wasted expense in countering the Council's position at appeal.

Conclusion

12. 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

⁵ Paragraph: 049 Reference ID: 16-049-20140306, Revision date: 06 03 2014



Appeal Decision

Site visit made on 19 February 2018

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2018.

Appeal Ref: APP/X0415/W/17/3189613
34 First Avenue, Amersham HP7 9BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Deidre Milnes against the decision of Chiltern District Council.
 - The application Ref CH/2017/1024/FA, dated 30 May 2017, was approved on 7 November 2017 and planning permission was granted subject to conditions.
 - The development permitted is a single storey front, side and rear extension with accommodation in the roof space and an incorporated basement and porch (amendment to planning permission CH/2012/1143/FA – allowed at appeal) (retrospective).
 - The condition in dispute is No. 4 which states that:
Within 2 months of the date of this decision, a scheme for landscaping and earthworks shall be submitted for the written approval of the Local Planning Authority. The scheme shall specifically include details of the recontouring of the front garden, including details of levels relative to a fixed datum point which will effectively provide screening of the basement extension as hereby permitted from views in the street scene. The approved recontouring scheme shall be completed within 3 months of the date of the approval of details and any associated planting carried out in the first planting season following the completion of the recontouring works. Any trees, shrubs or plants that die within a period of five years from the date of this permission, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.
 - The reason given for the condition is:
To ensure the satisfactory appearance of the dwelling as extended having regard to the appearance of the resultant dwelling within the street scene and visual amenity of the locality.
-

Decision

1. The appeal is allowed and the planning permission Ref CH/2017/1024/FA for a single storey front, side and rear extension with accommodation in the roof space and an incorporated basement and porch (amendment to planning permission CH/2012/1143/FA – allowed at appeal) (retrospective) at 34 First Avenue, Amersham HP7 9BL granted on 7 November 2017 by Chiltern District Council, is varied by deleting condition No. 4.

Main Issue

2. The main issue is the effect that deleting the condition would have on the character and appearance of the host property and the area.

Reasons

3. No. 34 First Avenue is in the course of being altered and extended. Those alterations include a partially completed basement which was granted permission, as part of a wider scheme (Ref: CH/2017/1024/FA).
4. The property is prominently located on the corner of First Avenue and Hundred Acres Lane. The surrounding area includes dwellings in a variety of styles, with those close to the site overwhelmingly of a two storey form. They are finished in a mix of materials, with predominantly red brick of varying hues, together with some render.
5. Given its single storey proportions, 34 First Avenue is somewhat unusual in the immediate area. Few if any nearby properties have visible basement extensions. Although it is partially below ground level, the upper section of this basement can be seen from the street behind the fairly open front garden. The colour of its brickwork differs from that on the floor above.
6. However, the dwelling is set back from the road, and standing across the street on the opposite side of First Avenue and Hundred Acres Lane the basement's red brick finish does not stand out, or contrast markedly with the more dappled red and brown brickwork on the floor above. Moreover, the low level garden wall and piers on the property's front boundary partially obscure the basement in those views.
7. Closer up, on this side of the pavement, the basement is more noticeable. However, in time, as the brickwork weathers, the difference compared to the host's other brickwork is likely to become less apparent. Its windows are fairly small features, which do not significantly imbalance the property's front face. Additionally, given the variety of brickwork and other facing materials in the area, and in the context of No. 34's already somewhat anomalous single storey form, the basement, including its fenestration and brickwork do not jar conspicuously.
8. In order to fully screen the basement from the streetscene fairly substantial recontouring and landscaping would be required. I am concerned that the recontouring could appear somewhat discordant and contrived, particularly if it resulted in a significant and fairly abrupt change in levels close to the lower lying property at 33 First Avenue.
9. The front porch is significantly glazed, giving it a lightweight, fairly recessive appearance. Its colour and materials broadly reflect those used elsewhere in the dwelling's windows and on its roof. The slight protrusion of its roof and drain pipe in front of the bedroom window is fairly innocuous. Whether or not the porch complies with Building Regulations is not relevant to this appeal, and I conclude that it has not harmed the host property's appearance.
10. Amongst other things, Policies GC1, H13 and H15 of the Chiltern District Local Plan 1997 (including adopted alterations 2001) (Consolidated 2011) require that development shall relate well to the site, avoid an adverse impact on the character and appearance of the streetscene and the locality, and shall be in keeping with the existing dwelling, using external materials which match or harmonise with it. The Council's Residential Extensions and Householder Development Supplementary Planning Document 2013 ('SPD') states, amongst other things, that development shall maintain local distinctiveness.

11. For the above reasons I consider that the basement extension has not caused significant harm to the character and appearance of the host property and the area. Rather than enabling the enlarged dwelling to harmonise better with its neighbours, I am concerned that recontouring of the land could result in a rather discordant and contrived appearance. Having regard to the tests in the National Planning Policy Framework, condition no. 4's requirement to screen the development from the streetscene through recontouring and landscaping is therefore unnecessary.
12. There is a modest conflict with Policy GC1's and H15's stance that facing materials on extensions shall match as closely as possible those on the existing building. However, the difference here has not resulted in significant harm, and the deletion of the condition would not result in a conflict with the general requirement of those policies and Policy H13 and the SPD, that development shall be in keeping with the area and shall maintain local distinctiveness.
13. I have considered all representations submitted, including concerns regarding the duration of building works. However, I have limited evidence regarding possible encroachment onto adjacent land, and matters relating to structural integrity. Having focused on the principal matter before me, and considered it on its merits, for the above reasons, I conclude that condition no. 4 is unnecessary. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR



Appeal Decision

Site visit made on 16 January 2018

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th April 2018

Appeal Ref: APP/X0415/W/17/3188120

Rivendell, Marriotts Avenue, South Heath HP16 9QW

- 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 Ms Linda Courtney against the decision of Chiltern District Council.
 - The application Ref CH/2017/1236/FA, dated 1 July 2017, was refused by notice dated 1 September 2017.
 - The development proposed is 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.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal started off under the householder appeal process, but was transferred to the written representations appeal process following the site visit. This was done to allow the Council and interested parties the opportunity to respond to the appellant's statement of case, and for the appellant to provide final comments on the Council's and interested parties' responses. All duly submitted representations have been taken into account in determining this appeal.

Main Issue

3. Based on the Council's reason for refusal, the main issue is the effect of the proposed development on the living conditions of occupiers of the neighbouring property known as Brambles, with particular regard to outlook, light and privacy.

Reasons

4. Marriotts Avenue comprises a number of detached properties of varying sizes and architectural designs. Rivendell is a single storey bungalow smaller in height terms than the neighbouring properties of Brambles and Norver on either side. The topographical change between these three properties is minimal. The proposed development would involve increasing the height of Rivendell to form a chalet bungalow with first floor accommodation. It would also include the construction of a double garage in the front garden with a

- store/workshop space above. The garage would be linked to the main property via a single storey sunroom.
5. Brambles has a double garage in its front garden linked to the main property via a conservatory. The depth of the proposed garage and sunroom at Rivendell would be similar to the depth of the garage and conservatory at Brambles. Windows in the kitchen and conservatory at Brambles face directly towards the shared boundary with Rivendell. At present, views towards this boundary encompass the existing built form of Rivendell, boundary fencing and the front garden of Rivendell.
 6. The proposed garage and sunroom would be sited against the shared boundary and would result in a considerable projection of built development along this boundary. Although there is a distance of around 10 metres from the conservatory windows, this built development would protrude significantly above the boundary fence as shown on the plans. The gable end wall to the garage would be very tall and prominent against the boundary and only partly offset by a kite hip. The roof of the sunroom would be lower and sloping away from the boundary but would still be noticeable. The views from the conservatory windows and the nearer kitchen windows would be impeded with a significant sense of enclosure. As a consequence, there would be negative effects on the living conditions of occupiers of Brambles in terms of outlook. There would also be some effect on the amount of light to these windows, although the separation distance would reduce the overall negative effect.
 7. Views from other windows at Brambles would be less affected due to the angles and height, particularly in terms of the first floor which would look down and obliquely towards the garage and sunroom. The effect on living conditions in terms of outlook from and light to these other windows would be acceptable. However, this does not diminish the negative effects that would be experienced from the conservatory and kitchen windows.
 8. The four rooflights on the side of the extended Rivendell would serve three bathrooms. It would be reasonable to assume that they would be obscure glazed for the privacy of any occupant of those rooms. This could be secured by a suitably worded planning condition. The two rooflights in the proposed garage serving the store/workshop would face towards the main property with angled views to Brambles. There are forward facing bedroom windows at Brambles which would be overlooked as a consequence given the proximity of the two dwellings. The overlooking would be oblique rather than direct views and the extent would depend on the frequency of use of the store/workshop.
 9. The appellant has indicated a willingness to relocate these two rooflights to the front elevation of the garage or restrict their opening mechanisms. The former would require amendments to the plans while the latter may not address overlooking. The appellant also notes that the garage would not be used as living space, but this would be difficult to enforce. Rooflights may be permitted development in some circumstances, but the plans before me include a number of rooflights that would benefit from planning permission were this appeal to be allowed. As a result, there would be some negative effect on the living conditions of occupiers of Brambles from these two rooflights in terms of privacy.
 10. The appellant highlights that detached and linked garages are commonplace along Marriotts Avenue, including Brambles and Norver. In particular, the

appellant notes the proximity of the conservatory and garage at Brambles to No 1 Marriotts Avenue. The occupant at Brambles has responded to say that old Nissen huts were in the location where the conservatory and garage are now sited and so already established a degree of built form in this location. The evidence is not conclusive on this point, but I note that the front window at No 1 does not face directly towards the conservatory and garage at Brambles and instead has angled views. Moreover, No 1 has a detached garage on the other side of the boundary to the garage at Brambles so views from its front window are already enclosed and the levels of light are already reduced.

11. Norver also has a double garage at the front which is attached to the main property if not actually linked internally. However, the garage adjoins a boundary with an area of trees where no property exists. Elsewhere on Marriotts Avenue, the detached garages at The Rosary and Rushymead largely mirror each other and so do not appear to have any significant negative effects on living conditions. The garage at Laurels backs onto an industrial estate with no apparent living conditions issues. The detached garage at Katrina is angled away from Laurels with no direct view from this neighbour.
12. Rhosymedre's garage is on a shared boundary with the bottom of the garden for Sarmia with a much greater distance to any neighbouring windows. Pengrave House has a detached garage on the boundary with Lanterns but it is not evident that direct views exist from this adjoining property in the same way as they do at Brambles. I do not know the planning history of many of the cited examples, but from the evidence before me there is no directly comparable development. I recognise that the appellant has not sought to mislead or claim that there are exact precedents for this development. Nevertheless, I have assessed the proposed development on its own merits and the specific effects on the living conditions of occupiers of Brambles. Therefore, none of the cited examples justify the harm that would be caused to the living conditions of occupiers of Brambles.
13. The appellant highlights the existing effect of Brambles and Norver on views from external spaces and window/doors at Rivendell. However, this is an existing situation in terms of the physical relationship between properties and so does not provide support for the harm that would be caused from the proposed development.
14. Concluding on the main issue, there would be harm to the living conditions of occupiers of Brambles in terms of outlook, light and privacy, with significant negative effects for outlook in particular. Therefore, the proposed development would not accord with Policies GC1, H13 and H14 of the Chilterns District Local Plan 1997 (including alterations adopted 2001). Amongst other things, these policies seek to protect the amenities enjoyed by occupants of existing adjoining properties, avoiding significant detriment and an overbearing appearance for neighbours.

Other Matters

15. I acknowledge that the appellant sought the advice of the Council throughout the planning process, but this does not outweigh the negative effects I have identified. I also note that officers recommended approval but that this was overturned at planning committee. However, committee members are not obliged to follow the recommendations of their officers. The lack of a visit from the Parish Council to the appeal site and the limited number of planning

committee members visiting the site are procedural matters that do not affect the planning merits of the proposal.

16. I note the personal circumstances of the appellant and the desire to have Rivendell altered and reconfigured to meet their needs. However, it has not been demonstrated that the proposal is the only form of development that would address the appellant's personal circumstances. Moreover, planning is generally concerned with land use in the public interest and personal circumstances seldom outweigh other planning considerations.
17. The appellant and interested parties have raised a number of other matters relating to this proposal. These include the potential effect on the character and appearance of the area and the potential effect on the living conditions of occupiers of properties other than Brambles. However, given my findings on the main issue, it has not been necessary for me to consider these other matters in any detail.

Conclusion

18. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR



Appeal Decision

Site visit made on 9 January 2018

by **Julia Gregory BSc (Hons), BTP, MRTPI, MCM**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2018

Appeal Ref: APP/X0415/W/17/3188301

Summerlands, 17 South Road, Amersham HP6 5LX

- 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 Haydn Newlands against the decision of Chiltern District Council.
 - The application Ref CH/2017/1485/FA, dated 3 August 2017, was refused by notice dated 16 October 2017.
 - The development proposed is demolition of existing garage and the erection of a two storey detached dwelling and cycle shed (resubmission of CH/2017/0564/FA).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area, and the adequacy of off-street parking provision.

Reasons

Character and appearance

3. Residential properties in South Road lie within an Established Residential Area of Special Character which is covered by Chiltern District Local Plan policy H4 which specifies that plot sizes are to be maintained. Nonetheless, the resulting plot depth of No 17 after separating the plot for the new dwelling would be similar to that at No 18 on the opposite side of the junction with Lexham Gardens and so that in itself would not harm the special character.
4. The dwelling would be sited fronting Lexham Gardens which would provide the context for considering its effect on the character and appearance of the area. From South Road the dwelling would not be prominent because the dwelling would be set well away from the junction with South Road.
5. The side of No 17 has been extended so that its side elevation facing Lexham Gardens is close to the footway. That proximity to the footway is not reflective of the building line of dwellings in Lexham Gardens which are set back along regular building lines behind front gardens.
6. The new dwelling would be sited on land currently rear garden. The position of its front elevation would not be in line with the adjacent front elevations of the terrace of dwellings to the south. Very regular building lines are a strong

feature of the street scene on both sides of the road, to which the siting of the dwelling would not conform.

7. Furthermore, the dwelling would not reflect the proportions and plot dimensions of those to the south nearby which have narrow frontages facing the street, and long back gardens.
8. Although a previous appeal¹ determined that a different scheme would not be out of place in respect of its footprint, width and height that building would have been significantly narrower in its width and different in its proportions. The building now proposed would be significantly more imposing on the street scene than that previously considered because of its width and consequent front elevation massing.
9. I conclude that the dwelling would not respond to the character and appearance of the area. This would be contrary to Chiltern Local Plan policies GC1, H3 and H4 and policy CS20 of the Core Strategy for Chiltern District, and paragraph 7 of the National Planning Policy Framework.

Parking provision

10. Two parking spaces would be provided in tandem, with access from a private unmade track that would serve this property and a few others. The 2 spaces would replace a garage relating to No 17, but there is plenty of replacement space for parking on the forecourt at the front of No 17 in South Road.
11. The track is single width and there is limited space for turning in the lane. However, there would be limited existing and additional use. For this reason I am satisfied that the additional use of the access and manoeuvring within it would not cause inconvenience to other users of the access or future residents.
12. Because tandem spaces would be provided and they would be tucked away down the track, this could discourage their use. Residents could seek to park on street to avoid shuffling cars if the blocked in car needed to be moved.
13. During the weekday morning of my visit, there was a substantial amount of on street parking locally, although I appreciate that provided only a snapshot in time. However, it is not disputed that Lexham Gardens suffers high parking stress. Nonetheless, only one dwelling would be provided and there is little to suggest that any additional parking that might be generated on street would cause significant inconvenience for highway users and residents in Lexham Gardens.
14. I note that the parking arrangements were the same in the previous appeal scheme already referred to and that this was not a main issue. Furthermore, the Highway Authority did not raise objections to either scheme.
15. I conclude that there would be adequate parking provision and that the development would not be contrary to Chiltern District Local Plan policy TR15. This does not outweigh my concerns about the effect on the character and appearance of the area.

¹ APP/X0415/W/16/3158093

Conclusions

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Julia Gregory

Inspector