

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 14th June 2018

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

Chalfont St Peter

CH/2017/1890/FA Ward: Austenwood Page No: 3

Proposal: Part single/part two storey rear extensions, two storey front infill extensions, front rooflights, central roof lantern and rear roof dormers to facilitate habitable accommodation in roofspace (amendment to planning permission CH/2017/0682/FA)

Recommendation: Conditional Permission

Woodfield, 2 Claydon End, Chalfont St Peter, Buckinghamshire, SL9 8JX

Little Chalfont

CH/2018/0075/FA Ward: Little Chalfont Page No: 9

Proposal: Detached dwelling within curtilage with attached garage and creation of a new vehicular access (amendment to approved planning CH/2016/0549/FA)

Recommendation: Conditional Permission

Land Adjacent To Giles House and To Rear Of Larkes Field, Doggetts Wood Lane, Little Chalfont, Buckinghamshire, HP8 4TH

Latimer & Ley Hill

CH/2018/0247/FA Ward: Ashley Green Latimer And Page No: 17
Chenies

Proposal: Change of use to a nursery (Use Class D1)

Recommendation: Conditional Permission

The Great Barn, Blackwell Hall Lane, Latimer, Buckinghamshire, HP5 1TN

The Lee

CH/2018/0466/FA Ward: Cholesbury, The Lee, Page No: 25
Bellingdon

Proposal: Part single/part two storey side/rear extension.

Recommendation: Conditional Permission

Barn House, Oxford Street, Lee Common, Buckinghamshire, HP16 9JP

Chesham

CH/2018/0570/FA Ward: Asheridge Vale And Page No: 29
Lowndes

Proposal: Two storey side and single storey rear extension, open porch to front

Recommendation: Refuse permission

160 Chartridge Lane, Chesham, Buckinghamshire, HP5 2SE

Amersham

CH/2018/0572/FA

Ward: Amersham On The Hill

Page No: 33

Proposal: Part two storey, part single storey rear extension with front dormer window

Recommendation: Conditional Permission

Breyll Path, 18 Green Lane, Amersham, Buckinghamshire, HP6 6AR

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 14th June 2018

CH/2017/1890/FA

Case Officer: Murtaza Poptani
Date Received: 09.10.2017
Parish: Chalfont St Peter
App Type: Full Application
Proposal: Part single/part two storey rear extensions, two storey front infill extensions, front rooflights, central roof lantern and rear roof dormers to facilitate habitable accommodation in roofspace (amendment to planning permission CH/2017/0682/FA)
Location: Woodfield
2 Claydon End
Chalfont St Peter
Buckinghamshire
SL9 8JX
Applicant: Mr Fernandez

Decide by Date: 04.12.2017
Ward: Austenwood

SITE CONSTRAINTS

Article 4 Direction
Adjacent Conservation Areas
Adjacent to Unclassified Road
Conservation Area
Heathrow Safeguard (over 45m)
Mineral Consultation Area
Northolt Safeguard zone
Established Residential Area of Special Character

CALL IN

Councillor Wertheim had called this application to Committee regardless of the Officer's recommendations in view of local concerns.

Councillor Darby had called this application to Committee regardless of the Officer's recommendations in view of local concerns.

Councillor Harrold had called this application to Committee if recommended for approval in view of local concerns.

SITE LOCATION

The application site accommodates a significant sized two storey detached dwelling situated to the western side of Claydon End and is set within a substantial sized curtilage. The land slopes upwards at a gentle

gradient from east to west and the dwelling benefits from off road parking to the front driveway. The neighbouring properties are predominantly in the form of detached two storey dwellings with similar front and rear building lines. The site is situated within the built up area of Chalfont St Peter and is not within a Conservation Area.

THE APPLICATION

The application proposes the erection of a part single/part two storey rear extension, two storey front infill extensions, front rooflights, central roof lantern and rear roof dormers to facilitate habitable accommodation in the roofspace as an amendment to approved planning CH/2017/0682/FA. The proposed amendments are as follows:

- Insertion of 2 dormers to the rear roof slope, each measuring 1.6 metres in width and 1.6 metres in height;
- Erection of a bay window feature to the first floor rear extension measuring 4.6 metres in width and 1.4 metres in depth;
- Insertion of 5 rooflights and a roof lantern;
- Minor alterations to the fenestration detailing;
- Omission of the single storey side extension.

(Officer note: Amended plans were received from the agent removing the substation to the rear of the site from the curtilage and showing a patio area and retaining wall to the rear.)

(Officer note: Further amended plans were received from the agent on 29 March 2018 removing the single storey side extension and front portico porch from the plans.)

RELEVANT PLANNING HISTORY

CH/2017/0602/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 8 metres, a maximum height of 3.704 metres and a maximum eaves height of 2.882 metres. Prior approval not required.

CH/2017/0682/FA - Part two storey, part single storey rear extension, single storey side and two storey front extensions. Conditional permission. Not implemented.

PARISH COUNCIL

Strongly object. Gross over development indicated by large areas of flat roof, extension beyond front and rear building lines and extended too close to the boundary in an area characterised by open frontages. Gutter overhanging neighbours. Overbearing. Poor design out of keeping with other 6 properties on this open area. Third floor out of keeping with the street scene. Overlooking properties on both sides leading to loss of privacy. Loss of light. Drafting errors still remain despite previous comments, this makes it impossible to know what exactly is being applied for. Extensive ground works not detailed. Despite note that no trees or hedges will be destroyed, a mature beech hedge will certainly be removed if allowed. Concerned that this is planning approval by stealth with third application and an application for demolition and redevelopment with even larger property is possible unless stopped now.

Amended plans comments - Strongly object. Objections remain, generally a gross over development indicated by large areas of flat roof, extension beyond front and rear building lines and extended too close to the boundary in an area characterised by open frontages. Overbearing. Poor design out of keeping with other 6 properties on this open area. Third floor out of keeping with the street scene. Overlooking properties on both sides leading to loss of privacy. Loss of light.

REPRESENTATIONS

Six letters of representation received which are summarised as follows:

- We object on the grounds of loss of amenity, privacy and enjoyment of our patio and garden by being overlooked by second storey accommodation in the roof.
- The guttering will overhang our boundary.
- The dwelling would be overbearing and out of keeping with other houses in the road.
- The number of windows would result in a loss of privacy.
- The extension is close to the boundaries and will obscure the light and privacy to the adjacent properties.
- The application form that no hedges or tree will be removed but this is incorrect.
- There are numerous drafting errors on the submitted drawing many of which have been carried over from the previous application.
- The residents have a right to light which would be impinged by the proposed extensions.
- The highway would be blocked by construction traffic.
- The application does not comply with local plan policies GC1, GC3, H11, H13, H14, H15, H16, Chalfont St Peter Neighbourhood plan policies H6 and H7 and the principles set out in the Council's Residential extension and householder development Supplementary Planning Document (SPD).
- The first floor bay projection which has side windows directly overlooking the properties at numbers 1 and 3 Claydon End.
- Second floor accommodation was not shown on application reference CH/2017/0682/FA as the applicant was aware that the additional accommodation and second floor windows would be unacceptable.
- The introduction of six over six sash windows and a classical style portico would seem to be an attempt to bring a classical style to the building. The scale and proportions are all wrong and the result is a very poor architectural ensemble that fails to fit satisfactorily into the mid twentieth century style of the rest of the street and consequently fails to comply with the Council's design criteria.

Two further letters of representation received in relation to the amended plans which are summarised as follows:

- There are still drafting errors on the submitted plans.
- The proposed works are still contrary to Local Plan policies.
- Our original objections still stand and must be taken into account.

CONSULTATIONS

None.

POLICIES

National Planning Policy Framework.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H13, H14, H15, H16, H17, H18, TR11, TR16.

Residential extension and householder development SPD - September 2013.

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

The Chalfont St Peter Neighbourhood Plan: 2013 - 2028: Policies H6 and H7.

EVALUATION

Principle of development

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

Design/character & appearance

2. The application property is a significant sized two storey detached dwelling set within a substantial sized curtilage. As aforementioned, this application is an amended scheme to approved planning reference: CH/2017/0682/FA. The proposed amendments are the insertion of 2 dormers to the rear roof slope, erection of a bay window feature to the first floor rear extension, insertion of 5 rooflights and a roof lantern, minor alterations to the fenestration detailing, construction of a patio area and retaining wall to the rear and omission of the single storey side extension. As such, this report will assess the implications of the specific amendments as the main body of the extensions have already been permitted. In terms of the dormer windows, Policy H18 requires them to respect the scale, proportions, existing windows and other features of the external appearance of the roof and elevation in which they are located. The proposed rear dormers would be set down below the ridge of the main roof, would be set a satisfactory distance above the eaves and from the left and right roof edges such that they would be considered as subservient forms of development and would not dominate the rear roof slope. The proposed roof lantern would be set back from the front and rear elevations and would not appear out of character and the proposed rooflights would constitute permitted development under Class C of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and therefore do not require express planning permission. The bay window feature to the first floor rear elevation would replicate the approved ground floor rear bay feature and would be in keeping with the vernacular of the property. The minor alterations to the fenestration detailing would also be of sympathetic appearance. The rear garden of the site slopes upwards at a gentle gradient, resulting in the partial excavation of the garden area immediately to the rear of the property. This would result in the erection of a retaining wall with an approximate height of 1 metre which would be acceptable. A condition requiring a cross section of the retaining wall and patio area to be submitted for approval would be attached to the permission. It is therefore considered that the proposed amendments would satisfactorily integrate with the character of the approved extensions and the host dwelling and the overall height, width and scale would be proportionate and subservient. The siting of the majority of the extensions to the rear and that the proposal would not reduce the spacing of the dwelling to the side boundaries at first floor level is such, that the proposal would not have an adverse impact on the character of the locality. No objections are raised with regard to Local Plan Policies GC1, H13, H14, H15, H16, H17, H18, Core Strategy Policy CS20 and Policies H6 and H7 of The Chalfont St Peter Neighbourhood Plan.

Residential amenity

3. The adjacent dwellings to the north and south have a similar rear building line as the application property and all benefit from west facing rear gardens of significant width and length. Although the proposed rear extensions would be of significant size, the first-floor element would not encroach any closer to the side boundaries than the existing dwelling, would have a modest rearward projection of 4 metres, and the hipped roof design assists in reducing the bulk and massing of the roof void. The single storey rear extension would be characterised with a low height pitched roof and would not appear intrusive. As such, it is considered that the proposed extensions would not appear as an unduly prominent or visually intrusive feature when viewed from either neighbouring property. Furthermore, the proposed rear extensions would have a lesser impact on No. 1 Claydon End due to the northern orientation of the application dwelling and therefore would not result in a direct loss of sunlight or overshadowing. The view from the glazing to the first and second floors of the rear elevation would be similar to what exists at present and by virtue of the modest size of the rear dormers, would not result in a material loss of privacy. Specific concerns have been raised in regards to the angled glazing to the first floor rear bay feature. Due to the modest size of the glazing panels and that they would face towards the lower end of the adjacent neighbouring gardens, this element would not result in direct overlooking of the garden areas immediately to the rear of the adjacent properties and would not result in a material loss of privacy. A condition would be attached to the permission to prohibit the installation of any

further windows to the first floor flank elevations and for the proposed first floor flank windows to be obscured glazed and fixed shut up to an internal height of 1.7 metres in order to protect the privacy of the adjacent properties. No objections are therefore raised with regard to Local Plan Policies GC3, H13(i) and H14.

Parking/Highway implications

4. The dwelling benefits from off road parking for 4 cars to the front driveway. As such the proposal would have no adverse parking implications having regard to the Council's Parking Standards and no objections are raised with regards to Policies TR11 and TR16.

Impact on designated/non-designated heritage asset

5. There are no designated/non-designated heritage assets in close proximity to the application site.

Affordable housing

6. Not applicable to this application.

Other matters Response to Further Objection Statement

7. The concerns outlined in the representations are addressed as follows:

- The red line outlining the curtilage has been amended to exclude the substation to the rear of the site.
- The submitted block plans show the single storey side extension to be set in from the shared boundary and would not encroach over the boundary with No. 1 Claydon End.
- The boundary treatments would be retained in their current form.
- The loss of the boundary hedge is not deemed material in the consideration of this application.
- The existing and proposed elevations and floor plans appear to be considered to be drawn correctly and do not prejudice the application.
- It is acknowledged that the site is not level, however the rear extension would be built on the same ground level as the existing dwelling. This would involve some partial excavation of the rear garden and would not affect the design or residential amenity. A condition would be attached to the permission requesting land level and retaining wall details.
- The dimensions of the rear and side extensions and roof form have previously been approved under ref: CH/2017/0682/FA. The application dwelling is situated within a spacious curtilage and can accommodate the extension without appearing unduly cramped or overdeveloped and would comply with Policy H13 and GC1.
- The first-floor element would not encroach any closer to the side boundaries, would have a modest rearward projection of 4 metres and the hipped roof design assists in reducing the bulk and massing of the roof void. The single storey rear extension would be characterised with a low height pitched roof. Therefore the proposed works would have an acceptable level of impact on the neighbouring properties and would comply with Policy H14.
- With regards to the roof, although it would accommodate a crown roof section, this would be partially obscured by the pitched roof to all sides and would be of acceptable appearance. Furthermore, the modest depth of 4 metres of the first floor element is considered subordinate and due to the set back position of the dwelling from the highway boundary, the crown roof would not appear unduly prominent within the surrounding locality. The proposed extension would utilise matching materials.
- The proposed extension at first floor level, would not encroach any close to the side boundaries than the existing dwelling and would comply with Policies H16 and H11.
- Both of the adjacent dwellings at No. 1 and 3 Claydon End benefit from rear gardens of significant width and depth and are west facing and as such, the extension would not appear unduly overbearing or would adversely restrict the outlook from the neighbouring dwellings and their gardens.

Conclusions

8. For the aforementioned reasons, the application is recommended for approval.

Working with the applicant

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

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

10. In this case, Chiltern District Council determined the application based on the amended plans which are considered acceptable.

Human Rights

11. 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 C431 Materials to Match Existing Dev

3 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 windows/dormers/rooflights 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 elevations of the extensions hereby permitted.

Reason: To protect the amenities and privacy of the adjacent properties.

4 The first floor windows in the flank elevations of the existing dwelling shall only be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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

5 Full details of the retaining wall to the rear patio area as shown on the Block Plan (Drawing No. GSB/2/2018/SITE/LOC received on 29 March 2018) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on site. The retaining wall shall be constructed in accordance with the approved details prior to the first occupation of the dwelling. The retaining wall shall be retained thereafter in accordance with the approved details.

Reason: In the interests of visual amenity.

6 AP01 Approved Plans

CH/2018/0075/FA

Case Officer: Vicki Burdett
Date Received: 16.01.2018 Decide by Date: 15.06.2018
Parish: Little Chalfont Ward: Little Chalfont
App Type: Full Application
Proposal: Detached dwelling within curtilage with attached garage and creation of a new vehicular access (amendment to approved planning CH/2016/0549/FA)
Location: Land Adjacent To Giles House and To Rear Of Larkes Field
Doggetts Wood Lane
Little Chalfont
Buckinghamshire
HP8 4TH
Applicant: Lois Gastoneaux Homes

SITE CONSTRAINTS

Article 4 Direction
Townscape Character
Established Residential Area of Special Character

CALL IN

Councillor Martin has requested that this application be determined by the Planning Committee if recommending approval.

SITE LOCATION

The application site is located on the north eastern side of Doggetts Wood Lane in Little Chalfont and currently forms part of the gardens of the existing dwellings at Giles House and Larkesfield. The proposal would subdivide the south eastern part of these gardens to create one new residential plot. The site is located within an Established Residential Area of Special Character.

THE APPLICATION

The application seeks permission to make amendments to previous planning permission CH/2016/0734/FA for the provision of a detached single dwelling with detached garage and new access.

The proposed amendments comprise of the following:-

- Vehicular access to be 0.8m wider and access moved 2.9m to the north west boundary
- The garage is to be re-located from the south east boundary to the north west boundary
- Drive and soft landscaping to the front of the house altered
- New single storey extension to link the garage to the house
- Lowering of ground floor level whilst maintaining approved ridge height
- First floor footprint is 1.05m (7%) wider and 0.625m (5%) deeper
- Parapets to the front
- Addition of a single storey rear extension
- Stone detailing to the windows and brickwork with new stone portico to replace the mono-pitched canopy
- Lead dormers to the front and rear

The proposed single storey link extension would provide a boot room and utility and would adjoin to the flank elevation of the re-located garage with a clearance of 0.44m from the rear elevation of the garage, maintaining a gap of 2m to the north-west flank boundary, with the bin store moved with the garage. The proposed single storey link extension would have a depth of 10.5m, width of 2.87m and height of 3.3m (incorporating a crown roof). The proposed garage would have a height of 3.75m in comparison to the 4.3m (incorporating a crown roof) as originally approved.

The proposed first floor footprint would comprise of it being 1.3m closer to the south-east flank boundary with Wynchwood and the main house moved 0.25m further away from the north-west flank boundary with Giles House. This would maintain a minimum of 4.5m from the first floor flank wall to the north-west flank boundary and 5.46m from the first floor flank wall to the south-east flank boundary.

The proposed single storey rear extension would have a depth of 5.2m from the approved rear elevation, width of 5.6m and height of 3.5m (incorporating a flat roof) and would maintain a distance from the north-west boundary of 4.5m.

The proposed dormers would comprise of replacement dormers at the rear (in the same location as originally approved) and two new dormers at the front elevation. The proposed front dormers would each have a width of 2m, depth of 2.17m and height of 1.8m. The dormers, including the replacements at the rear, would have flat roofs and finished in lead.

Other alterations are proposed such as:

- South east flank elevation; the re-location of the chimney to this elevation, additional roof light, removal of a first floor window, two additional ground floor windows and doors to the single storey link extension and the single storey rear extension.
- North-west flank elevation; an additional roof light and two ground floor windows and a door to facilitate the new single storey link extension and additional lightwell to basement

RELEVANT PLANNING HISTORY

CH/2016/0734/FA - Conditional Permission - Detached single dwelling with detached garage and new access

CH/2016/0549/FA - Conditional Permission - Detached dwelling within curtilage and new access

CH/2007/0107/FA - Conditional Permission - Single storey rear extension

CH/2006/2117/FA - Withdrawn - Single storey rear extension

CH/2006/0179/FA - Unconditional Permission - Retention of wrought iron entrance gates and piers

CH/2003/0399/FA - Conditional Permission - Two storey and first floor side/rear extensions and detached double garage

CH/1987/0990/SA - PN - Use of one room of dwellinghouse as a part time dental surgery

PARISH COUNCIL

Little Chalfont Parish Council made the following comments (15th February 2018):

'The Parish Council objects to this application as the proposal would be an overdevelopment of a relatively small site and would be out of keeping with the area. It would also have an adverse impact on the amenity of the neighbours'.

REPRESENTATIONS

A total of 14 objection letters have been received. However, two of these letters were from the same household, as such 13 shall be taken into consideration. The concerns raised are summarised as follows:-

- The bulk of the property is excessive given the size of the site and surrounding buildings
- Out of keeping with the area
- Contrary to Local Plan Policies H4 and H12
- Substantial loss of privacy and increase in noise
- Loss of hedge will result in overbearing impacts
- Concerns over structural impact on neighbouring properties due to the loss of trees and new build
- Proposed large basement is less than 6m away from Wynchwood
- Trees and mature bushes are important features in the street scene
- Small garden for the size of development
- Light pollution
- Proposed amendments comprise of a house double the size of the originally approved
- Edges of the plot are extremely close to adjacent houses and appear at odds
- Loss of privacy and view
- Proposed siting of garage could be detrimental to the roots of the specimen tree
- 40% wider and 30% deeper
- Detrimental to Conservation Area
- Party wall risks

It is considered necessary to mention that some of the above concerns such as loss of views and party wall risks are not planning considerations and the site does not fall within a Conservation Area.

CONSULTATIONS

Chiltern and South Bucks Joint Building Control Service raised no objections (20th February 2018).

BCC Highways Authority raised no objections (14th February 2018).

The District Tree Officer made the following comments (27th March 2018):

'The application proposes a house in the former garden to the side of Giles House with the plot including part of the rear garden or Larksfield. The remaining curtilage of Giles House has now been separated from the plot by a close-boarded fence and a new conifer hedge. The application proposes a new access onto Doggetts Wood Lane. The amended plans for this current application show this moved closer to the access to Giles House and with a curved drive. This would pass through a mixed hedge about 3.5m in height and a conifer hedge about 2m in height just behind involving the loss of sections of both. There is also a line of saplings about 3m in height just within the plot and some of these would be lost. The house is in a similar position to that approved under CH/2016/0549/FA but it is now larger and includes an attached garage. It is shown within an area of lawn and would not require any direct tree loss. The conifer hedging along the boundary with Wynchwood, which is about 6m in height, is shown to be removed and replaced by a laurel hedge. Some young conifer hedging and various shrubs within the former garden of Giles House have been removed since the last application. A large Norway spruce beside the access to Giles House would be just outside the plot. The proposed rear garden would require the loss of the conifer hedge between the two existing rear gardens which is just over 2m in height. The existing trees in the rear garden or Larksfield are shown to be retained. These include a birch about 18m in height that would be outside the plot and a smaller birch about 10m in height. I have no objections to the application provided there is adequate protection for the retained trees and hedges.'

POLICIES

National Planning Policy Framework

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, H4, H11, H12, H18, H20, TR2, TR11 and TR16.

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

EVALUATION

Principle of development

1. The application site is located in Doggetts Wood Lane, close to the junction with Cokes Lane. The site currently forms part of the garden areas of Giles House and Larksfield. The plots on this part of Doggetts Wood Lane and the surrounding ERASC are generally rectangular in shape, comprising relatively large, detached houses.

2. In terms of the assessment of this application, only the amendments in comparison to the original approval will be assessed as summarised above.

Design/character & appearance

3. Local Plan Policy H4 contains a number of criteria with which a proposal for a new dwelling in an ERASC should comply. Criteria (i), (ii), (iii) and (vi) relate to the proposed plots and require that the size of such plots should not be at variance with others in the vicinity, having an existing frontage to an existing road and have a width that is closely similar to other plot widths in the vicinity. In comparison to the original approval, the footprint of the dwelling has been increased in width (by a total of approx. 3.6m) (by the single storey side extension link to the garage and increase in width at the south-east elevation) and depth by virtue of the proposed single storey rear extension with a depth of 5.2m. In comparison to the original approval, the overall floor space increases are listed below with the basement and ground floor levels entailing the majority of the increase.

Basement (originally approved): 103.05sqm

Basement (proposed): 214.59sqm

Increase of 111.54sqm (108%)

Ground (originally approved): 155.04sqm

Ground (proposed): 222.32sqm

Increase of 67.28sqm (43.4%)

First (originally approved): 160.34sqm

First (proposed): 170.82sqm

Increase of 10.48sqm (6.5%)

Second (originally approved): 82.8sqm

Second (proposed): 86.28sqm

Increase of 3.48sqm (4.2%)

Original overall floor area: 501.23sqm

Proposed overall floor area: 694.01sqm

Total increase of floor area from original approval: 38.46%

4. The proposed relocation of the garage is not considered to be an issue; it will remain a double garage as previously approved and will be 0.5m smaller in height with a crown roof. The relocation of the garage would remain in keeping with the main dwelling and subordinate in its appearance to the main house. The garage would be sited approx. 4m from the front elevation of the house which will be linked by a single storey extension. From the street scene of Doggetts Wood Lane, the proposed link extension would be screened by the proposed garage and would retain a gap of approx. 2m to the north-west flank boundary. Local Plan Policy H17 states that subject to compliance with Local Plan Policy H14, a single storey side extension can be constructed up to the side boundary of the property except in areas characterised by spacious layouts where relatively large distances are important elements in the street scene. In this case, a gap will be retained of 2m and would therefore comply with the provisions of Local Plan Policy H17.

5. Local Plan Policy H18 emphasises that dormer windows should respect the scale, proportions, existing windows and other features of the external appearance of the roof and elevation in which the dormer window(s) would be constructed and with external materials to match those of the existing roof and existing windows in the same elevation as the dormer window(s). Any dormer window which is flat-roofed and excessively large in term of its width and/or height in relation to the roof in which it is located, will be refused. The proposed front dormer windows would be located centrally within the front roof slope and would appear symmetrical and subordinate. The design details would match the proposed windows and would not appear at odds from the front elevation. They would be finished in lead, which would be different in material to the proposed roof, which would be plain clay roof tiles. However, it is considered that they would still integrate acceptably within the roof slope and would not appear at odds or uncharacteristic. It is noted that other properties along Doggetts Wood Lane already have second floor dormer windows at the front elevation and so this element of the proposal would not be unusual in the locality. As such the proposed front dormers and replacement rear dormers would comply with Local Plan Policy H18.

6. The proposed parapet at the front elevation would be readily visible from the street scene of Doggetts Wood Lane. The eaves of the parapet would be sited approx. 0.5m higher than the eaves of the main roof. The parapet would have a maximum projection of 2m from the front elevation of the dwelling and would have a width of 15.5m and height of 6.5m. The proposed dwelling would alter in appearance to a Georgian style property, and this would only be acceptable if it would be considered to integrate within the street scene of Doggetts Wood Lane and not appear uncharacteristic or an alien feature in the wider locality. As the site falls within an Established Residential Area of Special Character, it is vital that the resultant dwelling does not detract from the sensitive nature of the character in this area. The Chiltern and South Bucks Townscape Character Study (November 2017) refers to Doggetts Wood Lane as a high quality example of the 'Woodland Roads' and 'Green Suburban Roads' character typologies, with a small area of high quality 'Open Plan Suburban', and is particularly well preserved and maintained. Within Doggetts Wood Lane a number of examples of different style dwellings exist, in particular with close relation to the proposed parapet, 'Shortwood' and 'Brockhampton' have similar parapet details over the front entrance door and at 'Shortwood' at the rear also. The dwelling at 'Brockhampton' also has similar fenestration details representing a Georgian style property. Furthermore, there appears to be a pattern of large detached dwellings in Doggetts Wood Lane but detailing and materials do differ, such as 'Shorthills' which comprises a large modern dwelling finished in grey render, grey roof tiles and black fenestration details.

7. The introduction of a Georgian style property is considered to integrate with other dwellings in Doggetts Wood Lane and not detract from the character and appearance of the area. As aforementioned, there are other examples of alternative style dwellings within the Established Residential Area of Special Character in

Doggetts Wood Lane and the proposed alterations are not considered to be detrimental or uncharacteristic in the street scene. As such, the proposed amendments are considered acceptable and comply with Local Plan Policies GC1, H4, H11, H17, H18, H20 and Core Strategy Policy CS20.

Residential amenity

8. Local Plan Policy GC3 refers to the protection of amenities throughout the district. In considering proposals for development throughout the District, the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.

9. The neighbouring property to the south-east of the site, 'Wynchwood' does not incorporate any habitable room windows in the side elevation facing the new dwelling. The proposed width increase would result in the dwelling being located between 5.5m and 6m to the south-east flank boundary adjoining 'Wynchwood'. Both flank elevations would incorporate a first floor window to accommodate en-suite bathrooms which have been illustrated on the submitted drawings to be obscurely glazed to prevent any unacceptable overlooking to either neighbouring properties, this would be conditioned to ensure the windows remain obscurely glazed. The proposed single storey rear extension would not affect the amenities of either neighbouring properties due to the significant distances in between. No further objections were raised previously in regards to neighbouring amenity but further comments have been raised by neighbours regarding a potential loss of privacy. As aforementioned, the proposed increase in floor space is mainly within the basement and the proposed alterations at ground, first and second floor level will not result in a height increase, any overlooking windows nor a loss of light. It is also considered necessary to mention that the proposed ground floor flank windows would be screened by hedging along the boundaries and the roof lights at second floor level would only serve as sources of light as they would be constructed too high within the roof slope to look out from. As such, the proposed scheme would not therefore have a detrimental impact on the amenities of neighbouring properties and no objections are raised with regard to Local Plan Policies GC2 and GC3.

Parking/Highway implications

10. The parking standard for the new dwelling is three spaces. The proposed garage and driveway would be able to accommodate at least three vehicles within the site. The Highway Authority has also raised no objections to the proposal with regard to highway safety. As such, the proposed scheme complies with Local Plan Policies TR11 and TR16.

Conclusions

11. To conclude, the proposed scheme is considered acceptable.

Working with the applicant

12. 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 Agent and has focused on seeking solutions to the issues arising from the development proposal.

Chiltern District Council works with 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

13. 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 C433 Materials General Details

3 No development shall take place until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall clearly show the trees and hedges to be retained and those to be removed, along with the positions of tree protection fencing. Before any other site works commence on the development hereby permitted this tree protection fencing shall be erected around all the trees and hedges to be retained in accordance with both this plan and British Standard 5837:2012. The fencing shall then be retained in these positions until the development is completed. During this period no construction work shall take place, no materials whatsoever shall be stored, no fires shall be started, no excavation shall take place and there shall be no change in ground levels within these enclosed areas.

Reason: To ensure that the retained trees and hedges on the site are safeguarded during building operations and to maintain the character of the area.

4 No tree or hedge shown to be retained on the plans hereby approved shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees shall not be altered.

Reason: To maintain, as far as possible, the character of the locality.

5 Prior to the commencement of development, full details of the method of disposal of the excavated soil, including any distribution of soil within the site or its removal from the site, resulting from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Any distribution of soil within the site or its removal from the site shall take place prior to any building works hereby permitted commencing above ground level. The submitted details shall also include details of the likely number of traffic movements associated with the removal of any soil from the site. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development is not detrimental to the character of the locality or the amenities of any neighbouring dwelling.

6 Prior to the initial occupation of the dwelling hereby permitted, the scheme for access, parking, manoeuvring and garaging shall be laid out in accordance with the plans hereby approved and that area shall not thereafter be used for any other purpose. The hard surface for this area shall either be made of porous materials, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. The parking and turning area 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 and to minimise flooding and pollution.

7 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A to B of Part 1, Schedule 2 to the said Order shall be erected, constructed, or placed within the curtilage of the dwellinghouse unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will in any way be detrimental to the character of the locality or the amenities of adjoining properties.

8 Before the first occupation of the dwelling hereby permitted the windows at first floor level in the side flank elevations shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is 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 properties and approved dwellings.

9 AP01 Approved Plans

CH/2018/0247/FA

Case Officer: Emma Showan
Date Received: 12.02.2018
Parish: Latimer & Ley Hill

Decide by Date: 11.06.2018
Ward: Ashley Green Latimer And Chenies

App Type: Full Application
Proposal: Change of use to a nursery (Use Class D1)
Location: The Great Barn
Blackwell Hall Lane
Latimer
Buckinghamshire
HP5 1TN

Applicant: Ashridge Care Ltd

SITE CONSTRAINTS

Article 4 Direction
Area Special Advertisement Control
Within Chilterns Area of Outstanding Natural Beauty (AONB)
Biodiversity Opportunity Areas
Bovingdon Technical Radar Zone
Critical Drainage Area
Within Green Belt other than GB4 GB5
Listed Building
Within 500m of Site of Importance for Nature Conservation NC1

CALL IN

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

SITE LOCATION

This application relates to The Great Barn at Blackwell Farm. Blackwell Farm is located in the open Green Belt and Chilterns Area of Outstanding Natural Beauty outside of Latimer. The Great Barn forms part of the farm complex but was converted to office use (Use Class B1) in 2003 and has remained in this use since then, although the premises are currently vacant. The complex is accessed off Blackwell Hall Lane which serves a number of other farms and barns, in addition to some residential dwellings. The Barn is also a Grade II Listed Building.

THE APPLICATION

This application proposes the change of use of the existing barn from an office (Use Class B1) to a nursery (Use Class D1).

No external changes are proposed.

A supporting statement has been submitted by the applicant in response to neighbouring concerns. It is summarised as follows:

- The proposed nursery will allow for 40 children to attend between the ages of 3 months to 5 years

- There is sufficient parking within the existing area allocated to The Great Barn and extensive hard standing surrounding the Barn to accommodate additional vehicles
- The traffic flow will be a one way system to prevent traffic from backing up onto Blackwell Lane
- The previous tenants had desk space for over 26 employees and over 800 visiting field based staff with no detrimental impact on parking or Blackwell Hall Lane
- There have been no reported traffic accidents in the last 5 years
- Old McDonalds Day Nursery in Latimer is located adjacent to an unclassified road and was granted planning for 60 children and 25 staff
- The arrival and departure times of parents dropping children will be staggered
- There is no application for the construction of a formal play area nor change of use of any of the agricultural land
- There are a number of day nurseries located within a farm setting; Old McDonalds Nursery, Bovingdon; Monkey Puzzle Day Nursery, Potten End; Mead Open Farm Day Nursery, Leighton Buzzard

A supporting statement has been submitted by the owner of The Great Barn which is summarised as follows:

- Since last July, there has been no interest, save from the current applicant, for use of the barn as an office
- The government is encouraging farm diversification and the generation of employment in rural areas and there is no other use for The Great Barn forthcoming
- The latest tenant was a care service provider with 26 permanent employees and 856 other employed members of staff. On the minimal assumption that these care service providers came to the office once a month, this would equate to 43 employee visits per day, so there would have been an average of nearly 70 employees coming to the Barn every day. The day nursery expects 35 cars dropping off and collecting children plus 14 staff, i.e. 84 visits per day which is an increase of 20%
- There are passing places and the increased vehicle capacity is within the capacity of the lane
- There have been no accidents along this stretch of Blackwell Hall Lane in the last 19 years
- There is extensive parking available around the Barn, with a possible layout of 24 parking spaces and 5 drop off spaces on existing hardstanding. These spaces conform to the Council's standards
- The Great Barn is 90 metres away from Blackwell Hall and 120 metres from Higher Blackwell. Under application CH/2012/0832/FA for a similar proposal it was considered that the proposal would not result in undue disturbance to neighbours, even though a dwelling was only 34 metres away
- There are no plans to cease agricultural production on any land in connection with this application

RELEVANT PLANNING HISTORY

CH/2003/2079/HB - Retention of internal alterations (amendment to Listed Building Consent 00/745/CH), unconditional consent).

CH/2000/0745/HB - Internal and external alterations to barn, conditional consent.

CH/2000/0744/FA - External alterations and change of use of barn to office, conditional permission.

PARISH COUNCIL

In respect of this particular application, Latimer and Ley Hill Parish Council would ask Chiltern District Council Planning Department to take account of the following comments which reflect concerns raised by local residents to the Parish Council:

- The proposed nursery will bring more traffic into the rural lanes of Latimer/Ley Hill which are already very busy
- The vast majority, if not all the clients will be from outside the Parish
- Latimer already has a nursery - Old MacDonald's Nursery

- The applicant needs to be able to demonstrate that the parking currently available is adequate for all traffic at peak times, i.e. dropping off and picking up. The Old MacDonald's Nursery at Latimer often has over 30 cars in the car park at peak times
- The approach via Blackwell Hall Lane is narrow, especially from Ley Hill and not really suited for increased traffic. Can we suggest no right turn out of the entrance to try and prevent traffic going up Blackwell Hall Lane towards Ley Hill?
- The junction of Blackwell Hall Lane and Latimer Road is not suited to increased traffic. The Latimer Road is very busy at peak times which is going to coincide very much with the peak times with the nursery. Visibility from Blackwell Hall Lane when turning onto the Latimer Road is poor from the right (from Chesham) and will be an accident waiting to happen
- As most of the clients will come from Chesham, it would be better for a site in Chesham to be found. This would help to reduce the amount of traffic on already overcrowded lanes in the surrounding Parishes

REPRESENTATIONS

Nine letters of objection from four parties have been received which have been summarised as follows:

- No information is provided as to the proposed number of children
- Blackwell Hall Lane is not a sustainable location; there is no pavement access
- It is stated that there are 15 parking spaces but there is no plan to show these and the barn currently only has planning permission for 8 spaces
- The parking arrangements are ill thought out and under provided
- Visibility is deficient in both directions
- Concerns about the accesses onto Blackwell Hall Lane and Latimer Road
- National speed limit along Blackwell Hall Lane
- Concern over lack of passing places and intensification of traffic
- Increase in traffic to and from the site
- Change of use of surrounding land to accommodate outdoor play space
- Noise and disturbance and disruption
- Changes to the integrity of the Listed building
- Inappropriate development
- The location of a nursery adjacent to a cattle farm is not a suitable location for a nursery
- No internal/external changes are proposed but toilet facilities etc. would need to be accommodated
- There have been a number of accidents at the T-junction between Blackwell Hall Lane and Latimer Road
- The offices have been successfully rented out since being completed
- There have been two major incidents involving farm machinery catching fire
- The proposal will change the atmosphere of Blackwell Hall Lane completely
- There are many other sites available in the locality that are better suited and closer to where children live, rather than generating traffic movements/exhaust pollution/energy use
- Lack of notification
- A report undertaken by ADL Traffic Engineering Limited has also been submitted

CONSULTATIONS

Buckinghamshire County Highways Officer: 'I write further to my comments dated the 12th April 2018, in which the Highway Authority had recommended the refusal of the application on the basis of inadequate visibility splays and the unsustainable nature of the site. Since these comments were submitted to the Local Planning Authority, the applicant has engaged in further discussions in order to overcome these concerns. The following comments consider the additional information submitted and should be read in conjunction with my original comments.'

An amended site location plan has been submitted to the Local Planning Authority, which shows that the adjacent fields either side of the proposed access point are within the control of the applicant. Further to this, speed survey information has been submitted to the Highway Authority which demonstrates 85th percentile speeds of 31mph in both directions on Blackwell Hall Lane, which would equate to visibility splays of 2.4m x 45m in both directions. I am confident that these visibility splays are achievable from the proposed access point in correlation with the amended site location plan submitted by the applicant.

In terms of the access width, I note that at the junction with Blackwell Hall Lane, the access width would measure in excess of 4.8m, which I can confirm is acceptable and would allow for the simultaneous two-way flow of vehicles in this location. However, within the site, I note that the access would measure in the region of 2.4m - 3.2m. Whilst I note that the applicant proposes to utilise a one-way system for the development, the Highway Authority would require an access width of at least 3.2m for the entirety of the access to allow for vehicles to utilise the access road effectively. The Highway Authority would also require details of the enforcement of the one-way system to be submitted, which I note could be dealt with by way of condition.

From the submitted site plan, I note that 29 parking spaces are provided to serve the site, with 5 of these designated for use as a pick-up/drop-off area. You have informed me that this level of parking is sufficient; however I would have concerns with both the arrangement and dimensions of the parking spaces provided. An amended arrangement will need to be provided, however I am satisfied that this could be dealt with by way of condition.

Concerns remain however regarding the sustainability of the site. From the proposed nursery, it is in excess of 500m to the nearest bus stop. As the recommended maximum walking distance to a public transport access point is a 400m/5 minute walk, the development site is therefore considered to be in a comparatively unsustainable location from a public transport accessibility perspective. Proposals for development generally need to be well connected to non-car modes of travel in order to meet the overarching sustainable development principles set out in the National Planning Policy Framework. This particular site is detached from the existing urban areas and is in a location that does not have pedestrian footways, cycle or public transport access. Paragraph 35 of the NPPF states that "developments should be located... to... have access to high quality public transport facilities". A development which does not provide any pedestrian footway links, cycle links or access to public transport is therefore in direct contradiction to the aims of the NPPF.

Mindful of the above, I must recommend the refusal of this application.'

Historic Building Officer: Comments to be reported verbally at the Planning Committee meeting.

POLICIES

National Planning Policy Framework (NPPF), 2012.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS16, CS19, CS20 and CS22.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated 2007 & November 2011: Saved Policies GC1, GC3, GB2, GB22A, LSQ1, LB4, TR2, TR3, TR11 and TR16.

EVALUATION

Principle of development

1. The application site is located within the open Green Belt and within the Chilterns Area of Outstanding Natural Beauty. Most development in the Green Belt is inappropriate and there is a general presumption against such development. However, in accordance with the provisions of the NPPF and Local Plan Policy GB2,

certain forms of development may be considered acceptable and this includes the change of use of existing permanent and substantial buildings, in accordance with Policy GB29.

2. Policy GB29 sets out that the re-use of buildings in the Green Belt for commercial, industrial, recreational or other uses (except residential uses) will be permitted provided that: it does not result in employment generation on a significant scale; it does not conflict with Policy GB24 (concerning the loss of community facilities) or Policy H9 (concerning the loss of residential buildings and land); and it is not inappropriate development.

3. Based on the above, it is not considered that the proposal would result in employment generation on a significant scale. The existing use of The Great Barn is B1 offices and the previous tenant of the premises had desk space for over 26 permanent employees and over 800 visiting field based staff (who would also visit the premises on occasion). In contrast, the proposed nursery would employ 14 staff and would accommodate 40 children across the day. This is not considered to be employment generation on a significant scale. In addition, the proposed change of use would not concern the loss of a community facility and nor would it concern the loss of residential buildings or land.

4. In regards as to whether the proposal would constitute inappropriate development, a number of criteria must be complied with. In this instance, the building has been substantially complete and has existed for many years prior to this application being made. The building is of permanent and substantial construction and would not require new building work to make the building suitable for its new use. The building was renovated to accommodate the change of use to offices. Furthermore, it should be demonstrated that the proposed use would not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it. In this respect, no extensions are proposed or are required in connection with the proposed use, there is no outdoor playing areas/play equipment proposed so there is no requirement of the proposed use outside of the building and there is no proposal for additional parking areas or the creation of additional hardstanding. Accordingly, it is not considered that the change of use would result in a greater impact on the Green Belt than the existing use. Furthermore, it is noted that Core Strategy Policy CS19 states that the Council will seek to develop a sustainable rural economy by supporting proposals for agricultural diversification where this will benefit the local community and allowing existing, lawful, suitably constructed buildings in the Green Belt to be re-used for commercial purposes in cases where this complies with other policies. Although the proposed nursery is not in a sustainable location, away from public transport links and walking distance from only a very small number of dwellings, the building is existing and therefore the proposal would make use of previously developed land. As such, no objections are raised to the principle of the proposed change of use.

5. It is also noted that The Great Barn is a Listed Building and so, in accordance with Policy LB4, it must be demonstrated that the existing use cannot reasonably be continued and the change of use should also have no adverse impact on the special architectural or historic interest of the building.

6. The site is also located within the Chilterns Area of Outstanding Natural Beauty (AONB) so any development should conserve, and where considered appropriate and practicable, enhance the special landscape character and high scenic quality of the AONB.

Design/character & appearance

7. The proposed change of use would not require any external alterations to the existing building, and nor is any additional hardstanding or external play equipment proposed within this application. The change of use is not therefore considered to have a detrimental impact on the character of the area, beyond the existing use of the Barn as office space. Furthermore, Local Plan Policy LB4 states that the change of use should not be approved unless it can be reasonably demonstrated that the existing use cannot be continued. In this respect,

the submitted supporting statement made by the owner of the premises states that The Great Barn has remained vacant since June 2017, when the previous tenant went into administration. Since then, estate agents have been appointed but there has been no interest from any prospective tenant for use of the premises as an office. This is supported by a statement from commercial property consultants Chandler Garvey who have confirmed that of two interested parties (a children's nursery operator and office users), only the nursery operator has remained interested as the office users withdrew their interest as the broadband was not sufficient for their needs. The consultant is also of the opinion that the premises are not suitable for office use for a number of reasons, including; economic uncertainty; broadband speed; no shops or local facilities; no public transport; and the open plan layout is not ideal for a lot of office users. Alongside this, as no internal or external alterations are proposed as part of the change of use, it is considered that the proposal would not have an adverse impact on the character of the Listed Building and would comply with the provisions of Local Plan Policy LB4.

Residential amenity

8. The nearest dwelling is Blackwell Hall, opposite the application site, however approximately 85 metres separate The Great Barn from this property. Other residential properties are located at a greater distance from the farm. Subject to a condition restricting operation to the hours set out on the application form (0700-1900 Monday to Friday, closed Saturdays, Sundays and Bank Holidays), it is considered that the proposal would not result in undue disturbance to neighbouring residents.

Parking/Highway implications

9. The Council's parking standards for a nursery school are one space per classroom, plus provision for delivering and collecting children by car. The transport statement states that the number of on-site parking spaces would be 24 spaces, plus 5 drop off spaces, although this is disputed by residents as being too high. Nonetheless, supporting information and a parking plan from the applicant (which has been assessed by the Highways Authority) has confirmed that the existing area of hardstanding outside of The Great Barn can accommodate these parking spaces and there is additional parking provision within the farm that can be utilised. As the proposed nursery will have 5 separate spaces/play areas within the building, the parking requirement for the building would be 5 spaces, in addition to providing adequate space for parents delivering and collecting their children. As in excess of 20 spaces are to be provided, this is considered to be sufficient to meet the needs of the staff and of parents, in line with Development Plan Policy TR16.

10. The County Highways Officer has also assessed the proposal in relation to the visibility splays, the width of the access and the impact of the proposal on the local highway network. The Officer is confident that the required visibility splays can be achieved while the provision of further details of the enforcement of the one way system and the layout of the parking area can be secured by way of condition. Although the Highways Officer has raised concern in regards to the sustainability of the location, given that the premises are already in office use (and not in agricultural use), and have been for a period in excess of 17 years, it is considered that a reason for refusal based on the lack of sustainability could not be substantiated at appeal.

Conclusions

11. The application site consists of a Grade II Listed barn which is currently in office use (Use Class B1). It is proposed to change the use to a nursery. The barn has already been renovated and would not require any external alterations in order to accommodate the change of use. In addition, no other extensions, change of use of agricultural land or additional hardstanding etc. are proposed and so it is not considered that the proposal would have an adverse impact on either the openness of the Green Belt, the setting of the Listed Building or the character of the area. The Highways Authority has assessed the proposal and has confirmed that both the access to the site and the proposed parking provision is adequate, subject to conditions. Meanwhile, given the history of the building and the fact that it has not been in agricultural use for a period of

17 years, it is not considered that a refusal based on lack of sustainability could be substantiated at appeal. Accordingly, the application is recommended for conditional approval.

Working with the applicant

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

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 The use of the nursery building hereby permitted shall only take place only between the hours of 7:00am and 19:00pm on Monday to Friday, and at no time during weekends or bank holidays.
Reason: To protect the amenities of neighbouring properties.
- 3 No external lighting shall be fixed to the buildings or installed within or around the site unless first agreed in writing by the Local Planning Authority.
Reason: In order to maintain the rural character of the locality.
- 4 The Nursery building hereby permitted shall only be used for nursery purposes and for no other purpose(s) [including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].
Reason: Other uses would have different operational and parking requirements and would need to be assessed in terms of preserving the character and appearance of the area and any impact on highway safety.
- 5 No playing of musical instruments or operation of sound amplification equipment for the playing of live or recorded music shall take place at any time within the nursery building hereby permitted or within its curtilage.
Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties.
- 6 No part of the development shall be occupied until an amended scheme for parking and manoeuvring has been submitted to and approved in writing by the Local Planning Authority following consultation with the Highway Authority. The approved scheme shall be implemented prior to occupation of the development and shall thereafter be permanently maintained.
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 No other part of the development shall begin 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 back line of footway and a point 45 metres along the back line of footway 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: To provide adequate intervisibility between the access and the existing public footway for the safety and convenience of pedestrians and users of the access.

8 Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Highway Authority for a one-way system to include signage, lining and details of enforcement. The approved scheme shall be implemented prior to occupation of the development and shall thereafter be permanently maintained.

Reason: To minimise danger and inconvenience to users of the accesses and the adjoining highway.

9 Prior to occupation of the development a Travel Plan Statement shall be submitted to and agreed by the Local Planning Authority. The approved Travel Plan Statement shall be implemented upon first occupation of the development.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with National and local transport policy.

10 AP01 Approved Plans

CH/2018/0466/FA

Case Officer: Emma Showan
Date Received: 08.03.2018
Parish: The Lee

Decide by Date: 14.05.2018
Ward: Cholesbury, The Lee, Bellingdon

App Type: Full Application
Proposal: Part single/part two storey side/rear extension.
Location: Barn House
Oxford Street
Lee Common
Buckinghamshire
HP16 9JP

Applicant: Mr & Mrs M Harris

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Area Special Advertisement Control
Within Chilterns Area of Outstanding Natural Beauty (AONB)
Within Green Belt other than GB4 GB5
Within 500m of Site of Importance for Nature Conservation NC1
GB settlement GB4,6,12,23,H7,13,19

CALL IN

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

SITE LOCATION

This application relates to a detached property located off Oxford Street, in the Green Belt settlement of Lee Common. The site falls within a Defined Row of Dwellings in the Green Belt, as well as within the Chilterns Area of Outstanding Natural Beauty. Oxford Street has a rural nature and is characterised by properties of varying styles, types and sizes.

THE APPLICATION

This application proposes a part single/part two storey side/rear extension.

The proposed extension would 'wrap around' the existing dwelling and would have a maximum width of 12.5 metres, depth of 12.6 metres and pitched gable roof height of 7.6 metres, with an eaves height of 5.2 metres.

The proposal would also entail the demolition of the existing garage and a new integral garage is proposed as part of the extension.

RELEVANT PLANNING HISTORY

CH/1976/1758/FA - Garage extension and new chimney, conditional permission.

PARISH COUNCIL

The Parish Council (PC) is uncomfortable with the overall size and rearward and lateral extension of the dwelling proposed in this case, which with its proposed increase in volume significantly enlarges it by approximately 80% on what is a very narrow plot with limited space for off-street parking.

The PC has concerns that the space that will remain around the dwelling on the east and north sides will, if permission is granted, be unacceptably reduced to the detriment of the street scene which predominantly comprises clearly defined detached dwellings at reasonably spaced intervals.

It further seeks clarification of the applicant's limited proposals for increasing off-street parking required in association with the proposed addition of two double bedrooms and enlargement of a third, and is concerned particularly that the provision a single garage may not effectively or acceptably increase usable provision by virtue of a significant portion of the existing space in front of the dwelling being allocated to the extension and access to the garage.

The PC also asks CDC to note that parking in Oxford Street is generally at a premium and this is particularly an issue at the junction of Oxford Street with Crocketts Lane where Barn House is sited. Any material increase in on-street parking due to increased occupancy of Barn House will in the view of the PC merely aggravate current difficulties encountered by delivery vehicles turning in and out of Crocketts Lane and thus be unacceptable.

The PC notes that there appears to be accommodation in the loft of the dwelling that is not identified by the submitted drawings and seeks clarification as to the nature of the existing accommodation there and any amendments proposed that may unacceptably increase the amount of habitable accommodation at the premises.*

*Officer Note: The roof dormer in the rear elevation is already in existence and so is not proposed as part of this planning application. It can be seen on the existing elevations plan.

REPRESENTATIONS

None received at time of drafting report.

CONSULTATIONS

None relevant.

POLICIES

National Planning Policy Framework.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2011) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, GB4, GB12, LSQ1, H13, H14, H15, H16, H17, TR11 and TR16.

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

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

EVALUATION

Principle of development

1. The site is located within a Defined Row of Dwellings in the Green Belt where extensions to existing dwellings are acceptable in principle, subject to complying with the relevant Development Plan policies. The site also lies in the Chilterns Area of Outstanding Natural Beauty and therefore the proposal should conserve, and where considered appropriate and practicable, enhance the high scenic quality of the landscape.

Design/character & appearance

2. The applicant site consists of a two storey detached dwelling with a projecting gable end to the rear. The north-west side elevation runs directly along the boundary with the neighbour to the north, Mulberry House, and there is currently a 5.5 metre gap between the south-eastern side elevation and the boundary, although this is in part taken up by a single storey garage with a considerable depth. To the front/side, there is an area of hardstanding which provides parking for the dwelling.

3. It is proposed to extend the dwelling by way of a part single/part two storey side/rear extension. This would entail the demolition of the existing detached garage. The proposed extension would be 'set back' from the main frontage of the host dwelling by approximately 5.5 metres and, when viewed from the public highway, it would have a width half of that of the existing front elevation. Accordingly, the extension would appear as a subordinate addition when viewed from the front elevation. At the rear elevation, the extension would only extend 3.5 metres beyond the existing rear wall, which too is a modest projection when compared with the original dwelling. For the most part, the proposed extensions would be to the east side elevation of the property and they would 'infill' and extend the property to create a squarer footprint as opposed to the existing 'L' shape. Although a large extension in terms of the increase to the dwelling's footprint, the scale of the proposal would not be easily visible from the street scene. It is considered to integrate with the style of the existing dwelling by way of the proposed pitched gable roof and the use of matching facing materials. Although the Parish Council has raised concern that the space around the dwelling would be unacceptably reduced to the detriment of the street scene, it is noted that a minimum of 1.25 metres would separate the proposed south-eastern flank elevation from the boundary and the proposed gable roof would run with the gable end facing the street scene so that the roof pitches away from the neighbour at Barn Lea. The separation distance between the extension and the boundary accords with the provisions set out in Local Plan Policy H11 and given that other properties in the vicinity extend to their boundaries (namely Barn Lea directly adjacent to the applicant site, and Orchard Lea and Birch Croft opposite the site), it is not considered that the concerns of the Parish Council could be substantiated at appeal.

4. Accordingly, given the set-back nature of the proposed extension, its sympathetic design and use of complimentary facing materials, it is considered that the proposal would integrate satisfactorily with the host dwelling and would not have a detrimental impact on the character/appearance of the local area.

Residential amenity

5. Barn House is set back from Oxford Street with two adjacent neighbouring properties, Mulberry House and Barn Lea. Given the siting of the extensions away from Mulberry House, it is not considered that the proposal would have a detrimental impact on the amenities of this neighbour. To the other side, Barn Lea has previously been extended and has a two storey flank wall along the boundary with the application site. No first floor windows exist in the neighbour's west side elevation and as 1.25 metres would separate the proposed extension from the boundary, it is not considered that the proposal would be overbearing to this neighbour. Furthermore, it is noted that no first floor windows are proposed in the side elevation facing Barn Lea and so the proposal would not be intrusive to this neighbour either. It is not considered that any other neighbours would be affected to a detrimental degree by the proposal and it is also noted that no letters of objection have been received by the Local Planning Authority at time of writing.

Parking/Highway implications

6. In accordance with the provisions of Local Plan Policy TR16, three car parking spaces are required for dwellings with a floor area exceeding 120 square metres. The Parish Council has raised concern in regards to the provision of parking at this property, but given that three spaces can be accommodated within the proposed garage and on the area of hardstanding to the front of the property, the proposal would accord with the Council's parking standards for dwellings of this size. Nonetheless, a condition requiring that the garage remains in use for parking and cannot be converted to habitable use without planning permission is considered justifiable in order to ensure that sufficient room for parking is accommodated on site. This condition will be included on the granting of any planning permission. No changes to the access are proposed.

Working with the applicant

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

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 C431 Materials to Match Existing Dev
- 3 Prior to the occupation of the extensions hereby permitted, the scheme for parking and garaging shall be laid out in accordance with the approved plans. The garage hereby permitted shall be reserved for the parking of vehicles and shall not be converted to habitable accommodation or used for any other purpose.
Reason: To ensure adequate on-site parking provision.
- 4 AP01 Approved Plans

CH/2018/0570/FA

Case Officer: Laura Rheiter
Date Received: 27.03.2018 Decide by Date: 11.06.2018
Parish: Chesham Ward: Asheridge Vale And Lowndes
App Type: Full Application
Proposal: Two storey side and single storey rear extension, open porch to front
Location: 160 Chartridge Lane
Chesham
Buckinghamshire
HP5 2SE
Applicant: Mr & Mrs Gill

SITE CONSTRAINTS

Adjacent to C Road
Within Green Belt other than GB4 GB5
Townscape Character

CALL IN

Councillor Bacon has requested that this application be determined by the Planning Committee if the Officers' recommendation is for refusal.

SITE LOCATION

The application site consists of a two storey semi-detached dwelling with an attached garage and is located on the south western side of Chartridge Lane within the built-up area of Chesham. The road is characterised by detached and semi-detached dwellings which are variable in their appearance, size and spacing. The property benefits from a driveway and parking at the front and to the side of the property.

The wider streetscene has a topology of a 'Suburban Road', as set out in the Townscape Character Study.

THE APPLICATION

The application proposes a two storey side and single storey rear extension and open porch to the front. It is proposed to remove the attached garage.

The proposed part two/part single storey side/rear extension would measure 14.8m in depth, 2.6m in width and would have a 7.3m ridge height. The two storey element would measure 10m in depth and 2.6m in width.

The single storey rear extension would have a width of 8.2 metres and a depth of 4.8 metres and a height of 2.7 metres.

The application is nearly identical to the previous application with the only difference being amendments to the proposed rear sliding door and windows.

RELEVANT PLANNING HISTORY

CH/2017/1137/FA - refused - Two storey side and single storey rear extension, open porch to front.

CH/1984/1846/FA - conditional permission - Construction of 2 storey side and single storey rear extensions.

CH/1982/0311/FA - refused. Appeal dismissed - Erection of two storey side extension and single storey rear extension.

TOWN COUNCIL

No objection.

REPRESENTATIONS

None received at time of writing report.

CONSULTATIONS

None relevant.

POLICIES

National Planning Policy Framework, 2012.

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

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

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

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

EVALUATION

Principle of development

1. The site is located in the built up area of Chesham where extensions to existing dwellings are acceptable in principle, subject to complying with the relevant policies of the Development Plan.
2. The application is essentially exactly the same as the refused application CH/2017/1137/FA. The only changes relate to minor window changes at the rear. No attempt has been made to try and overcome the previous refusal.

Design/character & appearance

2. No objections were raised by the Council to the previous application in terms of the design and appearance of the extensions and their impact on the character of the locality. As they are essentially the same extensions now proposed, no new objections can be raised in these respects. The proposed rear extension and front porch would be of a modest size and would integrate satisfactorily with the existing dwelling. The two storey side extension would be of matching eaves and ridge height to the original house but its location would result in the relocation of the main door to the front of the property. The set back from the road frontage and behind the neighbouring dwelling No. 164 would mean that it would not have a detrimental impact on the character of the dwelling or the street scene.

Residential amenity

3. The previous application was refused due to its significantly adverse impact on the amenities of the neighbouring property. The site circumstances have not changed and the relevant policies remain the same, therefore it is not possible to come to a different conclusion in this respect. To do so would be a very inconsistent form of decision making. The proposed part two storey part single storey side extension would

project 9.2 metres beyond the rear elevation of neighbouring dwelling No. 164 Chartridge Lane measured from the kitchen, not including the conservatory. The two storey element would project 4.4 metres beyond 164 Chartridge Lane. The proposed extension would be located 0.9 metres distance from the boundary.

4. Given the size of the proposed extension and the relationship to the neighbouring dwelling No. 164 Chartridge Lane, the proposed two storey side extension would be fully visible and would result in a large mass of tall flank wall close to the boundary, projecting for a significant degree beyond the rear of the neighbouring property. This would have a significantly overbearing effect when viewed from the neighbouring property and its rear garden. It is considered to result in a significant amount of visual intrusion and be prominent and dominant in views from the rear amenity space and conservatory and would appear dominant and significantly overbearing from the south-west facing rear window of No. 164.

5. The proposal would be likely to cause shadowing and loss of light to the south-west facing rear garden and window serving the kitchen of No. 164, as the two storey element significantly breaches the 45 degree line as set out in the Building Research Establishment guidance on site layout planning for daylight and extensions. Furthermore the single storey rear/side extension element also breaches the 60 degree line. As such the proposal would clearly be contrary to policies GC2, GC3, H13 and H14 of the Local Plan.

Parking/Highway implications

6. The number of required parking spaces would be three spaces, in line with the council's Parking Standards. The existing attached garage is proposed to be removed. The property benefits from a large drive with parking for at least three vehicles clear of the highway. The proposal would have no adverse parking implications, having regard to the Council's standards. It is also noted that no objections were raised by the Council to the previous application in relation to parking provision.

Trees/Landscaping

7. There would be no tree or landscaping implications as part of this proposal. An acceptable degree of amenity provision would remain.

Working with the applicant

8. 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. As the scheme is almost identical to the previous refusal and no attempt has been made to address the refusal, 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

9. 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 proposed two storey side extension, by virtue of its depth, height and proximity to the rear amenity space and the south-west facing rear window of no. 164 Chartridge Lane, would have an undue impact upon the amenity of the neighbouring property of no. 164 Chartridge Lane by way of overdominance, visual obtrusiveness and loss of light. The proposals are therefore contrary to policies GC2, GC3, H13 and H14 of the Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and the Residential Extensions and Householder Development SPD.

INFORMATIVES

1 Please note that the proposed porch has been omitted on the floor plan. This does not affect the assessment of the drawings. Please ensure in future that the drawings show all proposals.

CH/2018/0572/FA

Case Officer: Mr Mike Shires
Date Received: 27.03.2018
Parish: Amersham
App Type: Full Application
Proposal: Part two storey, part single storey rear extension with front dormer window
Location: Breyll Path
18 Green Lane
Amersham
Buckinghamshire
HP6 6AR
Applicant: Mr Gareth Lloyd

Decide by Date: 12.06.2018
Ward: Amersham On The Hill

SITE CONSTRAINTS

Article 4 Direction
Adjacent Conservation Areas
Adjacent to Unclassified Road
Bovingdon Technical Radar Zone
Conservation Area
Townscape Character
Established Residential Area of Special Character

CALL IN

Councillor C Jones has requested that this application is referred to the Planning Committee, if the Officers' recommendation is to approve.

SITE LOCATION

The application property is a semi-detached "Metro" house characterised by a large predominant sloping roofed side projection, a tiled roof, rendered elevations and benefits from off road parking to the front driveway. The dwelling is situated to the north-western side of Green Lane, is within an Established Residential Area of Special Character and is also within the Weller Estate Conservation Area.

THE APPLICATION

This application proposes the erection of a part two storey, part single storey rear extension and front roof dormer window. The two storey element of the rear extension would measure 4.2 metres in width, 3.3 metres in depth and 7.3 metres in height. The adjoining single storey element would measure 3.3 metres in width, 3.3 metres in depth and a maximum of 3.5 metres in height with a mono-pitched roof. The front dormer would measure 1.8 metres in width and 2.5 metres in height.

The application follows two previous refusals, the first of which was also dismissed at appeal. In comparison to the most recent refusal (CH/2017/2315/FA), the proposal has been amended in the following manner:

- The two storey element has been set in by 0.5m from the existing flank wall and moved slightly further to the SW (by 0.2m).

RELEVANT PLANNING HISTORY

CH/2012/1349/FA - Single storey front extension and garage conversion. Conditional permission. Implemented.

CH/2017/0061/FA - Part two storey/part single storey rear extension and installation of dormer window to front. Refused permission due to the proposals incongruous design and adverse impact on the neighbouring properties amenities. Dismissed at appeal under ref: APP/X0415/D/17/3172946. Appeal decision attached at **Appendix MP.01**.

CH/2017/1839/FA - Part two storey/part single storey rear extension and installation of dormer window to front. Withdrawn.

CH/2017/2315/FA - Part two storey, part single storey rear extension and front roof dormer window. Refused permission for two very specific reasons:

(1) The proposed two storey rear extension would not be set in from the flank elevation and hence would not appear as a subservient addition to the host property when viewed from the side. It would therefore detract from the host property and would harm the character and appearance of both the conservation area and the ERASC.

(2) The proposed two storey rear extension would have a long high unbroken and bland side wall, which would appear overbearing when viewed from No. 19, harming the amenities of this neighbouring property.

TOWN COUNCIL

Members advised that they wholeheartedly agreed with the comments made previously by the Planning Inspectorate in relation to CH/2017/0061/FA and felt that sufficient changes had not been made in the new proposed plans. [Officer Note: It is noted that the Town Council stated "no objections" to this previous, larger, extension. In addition, in fact the appeal decision highlighted three very specific issues, which have now been addressed - see report below.]

REPRESENTATIONS

One letter of objection from No. 19 received (main points summarised):

- This is the fourth application which is not significantly different from the previous three attempts.
- This latest sketch shows no substantial changes in height and length from the previous applications, only a proposal to indent the side wall slightly at the point of the second storey in an attempt to counter the Planning Inspectorate's ruling that the proposal would appear overbearing.
- This latest application does not significantly reduce the bulk of the proposed two-storey development.
- The issues of shadowing and overbearing still persist for harming our amenity at Number 19, and it will considerably impact on our wellbeing, our property's market value and will adversely affect our Human Rights [Officer Note: property values are not a material planning consideration and there is numerous case law to show that the planning system as a whole is compliant with Human Rights legislation.]

CONSULTATIONS

None relevant.

POLICIES

National Planning Policy Framework.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC2, GC3, H13, H14, H15, H17, H18, CA1, CA2, TR11, TR16.

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

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

EVALUATION

Principle of development

1. The site is located within an Established Residential Area of Special Character in the built up area of Amersham where extensions to existing dwellings are acceptable in principle. The site is also located within the Weller Estate Conservation Area wherein any proposals should preserve or enhance the character or appearance of the Conservation Area. In addition, other relevant Development Plan Policies and material considerations should be complied with.

2. By way of background, the application follows two previous refusals for rear extensions, the first of which was also dismissed at appeal. An intervening application was withdrawn. The first of these (CH/2017/0061/FA) was refused and also dismissed at appeal due to the incongruous design and the adverse impact on the amenities of No. 19. Importantly, the Appeal Inspector was very specific about what the issues were. He raised three specific objections:

- The ridge height of the extension was not set down from the main ridge;
- The eaves height of the two storey extension at the rear was lower than the existing eaves, creating an awkward relationship with the existing dwelling; and,
- The flank wall was a solid mass as the rear extension was not set in from the existing flank wall.

The Inspector concluded that all three issues gave rise to a harmful impact on the character of the area. He also concluded that the depth of the extensions and the lack of relief on the flank wall resulted in the extension appearing overbearing when viewed from the neighbouring properties. No objections were raised to the front dormer.

3. For the subsequent application (CH/2017/2315/FA), the applicant addressed the first two issues identified by the Appeal Inspector, namely by setting the ridge down and making the eaves level with the existing eaves. They also reduced the depth of the extensions by 0.7m, which overcame the issue regarding the depth appearing overbearing from both neighbouring properties. But the extension had not been set in from the side wall, which still created a solid flank wall, which would have harmed the Conservation Area and the amenity of No. 19. So the most recent application was refused for these reasons alone, and solely due to the lack of break in the flank wall.

Design/character & appearance

4. As noted above, the first two issues identified by the Appeal Inspector regarding the eaves and ridge were overcome under the subsequent application (CH/2017/2315/FA) and no objections were raised by the Council on these grounds. The only issue identified under the most recent refusal was the lack of relief on the flank elevation, as there was no set-in where the extension joined the existing dwelling. This has now been addressed, as the extension has now been set in at the rear, creating a break to the flank wall. As such, having regard to the Appeal Inspector's comments and the only issue identified under the most recent refusal, the proposal would not harm the character or appearance of the dwelling or the wider Conservation Area.

Residential amenity

5. In relation to the impact on the amenities of No. 19, the Appeal Inspector noted the depth of the two storey extension and the lack of break in the flank wall as the two contributory issues which resulted in an overbearing appearance when viewed from No. 19. Under the subsequent application (CH/2017/2315/FA), the depth was reduced and, importantly, the Council raised no objections regarding the depth. Therefore it is not possible to introduce new concerns in relation to the depth.

6. The only issue identified under the most recent refusal which resulted in an adverse visual impact when viewed from No. 19 was the lack of break in the flank wall. This has now been addressed, as the applicant has now set the extension in from the existing flank at first floor level, further from the side boundary. As such, the most recent refusal has been overcome.

7. No objections were raised by the Council regarding the impact on the amenity of No. 17 under the most recent refusal. As the current proposal is only 0.2m closer to this boundary at two storey level (and still set 3.5m from the boundary), no new objections can be raised in this respect.

8. Having regard to the above assessment, the proposed extensions would no longer harm the amenities of either neighbouring property. It is also important to note that the Appeal Inspector stated the first (much larger) scheme would not result in any material loss of direct sunlight or overshadowing. It is therefore not possible to introduce any new concerns in this respect.

Parking/Highway implications

9. The existing house has a floor area over 120 sqm and has provision for one space on the driveway. This is already a shortfall of two spaces when compared to the standard of three spaces for a house of this size. As the shortfall is not being exacerbated and an existing parking shortfall cannot be penalised, no objections can be raised on parking grounds. Importantly, no objections were previously raised by the Council or Appeal Inspector regarding parking provision in relation to a larger extension.

Conclusions

10. Under the first application (CH/2017/0061/FA), the Appeal Inspector raised three specific concerns. The first two were addressed under a subsequent planning application (CH/2017/2315/FA). The only reason why this most recent application was refused was due to the lack of break in the flank wall. This has now been addressed and new concerns regarding the depth, bulk, etc cannot now be introduced. As such the current proposal is acceptable, having regard to the relevant Development Plan policies and other material considerations.

Working with the applicant

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

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

In this case, Chiltern District Council has considered the details which were deemed to be acceptable.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 C431 Materials to Match Existing Dev

3 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 windows shall be inserted or constructed at any time in either flank elevation of the extension hereby permitted.

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

4 AP01 Approved Plans

The End