



## Planning Committee (CDC)

**Thursday, 9 August 2018 at 6.30 pm**

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

### A G E N D A

Item

- 1 Evacuation Procedure
- 2 Apologies for Absence
- 3 Minutes (*Pages 1 - 12*)  
  
To approve the minutes of the Planning Committee held on 12 July 2018.
- 4 Declarations of Interest
- 5 Deferred Applications - CH/2018/0265/FA & CH/2018/0266/HB, The Nags Head Public House London Road Little Kingshill
- 6 Items for Noting
- 7 **Report on Main List of Applications (*Pages 13 - 92*)**

The Lee

CH/2017/2235/FA

Ward: Cholesbury, The Lee,  
Bellingdon

Page No: 2

Recommendation: Refuse permission

1 and 2 Kingswood Cottages, Swan Lane, The Lee, Great Missenden,  
Buckinghamshire, HP16 9NU

Amersham

CH/2018/0080/FA

Ward: Amersham Town

Page No: 9

Recommendation: Refuse Permission with further action

PHD Modular Access Service Limited, Bramble Lane, Amersham, Buckinghamshire,  
HP7 9DN

8 **Reports On Alleged Breaches Of Planning Control**

Amersham

2017/00159/AB **WITHDRAWN**

Ward: Amersham Town

Page No: 2

Alleged breach: Without planning permission, the construction of a single storey rear and side extension.

Rookwood Lodge, Stanley Hill, Amersham, Buckinghamshire HP7 9HH ("the land")

Amersham

2017/00234/AB

Ward: Amersham on the Hill

Page No: 9

Alleged breach: Untidy site adversely affecting the amenity of the area

Land between 32-33 Green Lane, Amersham, Buckinghamshire HP6 6AS ("the land")

Chartridge

2018/00002/AB

Ward: Cholesbury, The Lee,  
Bellingdon

Page No: 14

Alleged breach: Failure to remove a structure namely a large metal container after development has been completed, in open Green Belt and AONB.

High Mead, Chesham Road, Bellingdon, Buckinghamshire HP5 2XU

Chalfont St Peter

Alleged breach: Without planning permission, the material change of use of a garden outbuilding on the Land to a self-contained unit of residential accommodation.

Land to the rear of 23 High Street, Chalfont St Peter, Buckinghamshire SL9 9QE ("the Land")

## 9 Exclusion of the Public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

- |             |   |
|-------------|---|
| Paragraph 1 | Information relating to any individual  |
| Paragraph 2 | Information which is likely to reveal the identity of any individual.   |
| Paragraph 3 | Information relating to the financial or business affairs of any particular persons (including the authority holding that information).   |
| Paragraph 4 | Information relating to any consultation or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter raising between the authority or a Minister of the Crown employees of, or office holders under, the authority.  |
| Paragraph 5 | Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.   |
| Paragraph 6 | Information which reveals that the authority proposes <ol style="list-style-type: none"><li>To give under any enactment a notice under or by virtue of which requirements are imposed on a person.</li><li>To make an order of direction under any enactment.</li></ol> |
| Paragraph 7 | Information relating to any action taken or to be taken in connection with prevention, investigation or prosecution of crime.   |

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

**Membership: Planning Committee (CDC)**

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

**Date of next meeting – Thursday, 6 September 2018**

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## **CHILTERN DISTRICT COUNCIL**

### **MINUTES** of the Meeting of the **PLANNING COMMITTEE (CDC)** held on **12 JULY 2018**

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

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

**APOLOGIES FOR ABSENCE** were received from Councillor J Cook

#### **9 MINUTES**

The Minutes of the meeting of the Planning Committee held on 14 June 2018, copies of which had been previously circulated, were approved by the Committee and signed by the Chairman as a correct record.

#### **10 DECLARATIONS OF INTEREST**

Councillor P Jones declared a personal interest in planning application CH/2018/0247/FA. Nature of interest – Councillor Jones knew one of the objectors as a casual acquaintance..

Councillor P Jones declared a personal interest in planning application CH/2018/0619/AV. Nature of interest – Councillor Jones had attended the Club as a football referee.

Councillor M Titterington declared a personal interest in planning application CH/2018/0619/AV. Nature of interest – Councillor Titterington lived four houses away from the entrance to the football ground and his property backed onto the cricket ground.

**11 DEFERRED APPLICATION - CH/2018/0247/FA****The Great Barn, Blackwell Hall Lane, Latimer**

It was reported at the meeting that a further letter of objection had been received and an email from the agent had been sent to all Committee Members.

The officer recommendation to grant permission subject to the conditions proposed in the report was put to the Committee by the Chairman and agreed at a vote.

**RESOLVED**

**Conditional Permission with conditions as set out in the report.**

**12 ITEMS FOR NOTING****RESOLVED -**

**That the reports be noted.**

**13 REPORT ON MAIN LIST OF APPLICATIONS****RESOLVED -**

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

APPLICATIONS

**CH/2018/0243/FA** Land at The Green Man Public House, 2 High Street,

Prestwood, Buckinghamshire, HP16 9EB

Speaking for the objectors, Gary Wyatt

Speaking for the application, Jeremy Heppell

Following a debate on whether the proposal overcame the harm to the character and appearance of the areas identified by the Planning Inspector in relation to the Appeal on application CH/2017/0838, the Chairman proposed that the application be deferred to enable officers to try and resolve continuing concerns regarding the building line, vision splay and hard landscaping, which was agreed unanimously at a vote.

RESOLVED

That the application be deferred.

CH/2018/0619/AV

Penn and Tylers Green Football Club, Elm Road, Penn, Buckinghamshire, HP10 8LG

An email from local Member Councillor J Waters was read out to the meeting, requesting that the advertising boards be removed out of season. It was reported that a further 5 letters of objection had also been received, one of which had been sent to all members of the Committee.

The officer recommendation to grant consent subject to the conditions proposed in the report, together with an additional condition to require the reverse of the advertising boards to be painted green, was put to the Committee by the Chairman and agreed at a vote

RESOLVED

Conditional Consent with a further condition requiring the reverse of the boards to be painted green.

CH/2018/0776/FA

Noigls, 2 Chestnut Close, Chalfont St Peter, Buckinghamshire, SL9 0AE

Speaking for the objectors, John Williams  
 Speaking for the application, Roger Messias

Mr Messias stated that he was a resident of Seer Green and knew Councillor Patel. Councillor Patel confirmed that he had no interest to declare as the acquaintance did not constitute a personal interest for the purposes of the Code of Conduct.

The officer recommendation to grant permission subject to the conditions proposed in the report was put to the Committee by the Chairman and agreed at a vote

RESOLVED

Conditional Permission

#### 14 REPORTS ON ALLEGED BREACHES OF PLANNING CONTROL

<b>RESOLVED -</b>	
<b>1.</b>	<b>That the planning applications be determined in the manner indicated below.</b>
<b>2.</b>	<b>That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern &amp; South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.</b>



## APPLICATIONS

2016/00238/AB/1 56 Copperkins Lane, Amersham, Buckinghamshire, HP6 5RA.

It was reported that the owner's agent had sent a letter to all members of the Committee making representations on this matter, that an application to retain the single storey rear extension has been submitted via the Planning Portal and the owner's agent had asked for enforcement action to be deferred pending the outcome of that application.

The officer recommended follow up action be authorised but deferred pending the outcome of the planning application for retrospective permission. This was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. Such action to be deferred pending the outcome of the application submitted for retention of the unauthorised development.

In the event of non-compliance with the Enforcement Notice, the Head of Planning and Economic

Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

2016/00238/AB/2

56 Copperkins Lane, Amersham, Buckinghamshire, HP6 5RA.

It was noted that the owner's agent had sent a letter to all members of the Committee making representations on this matter and seeking a deferment to enable further information to be obtained in support of an appeal against the refusal of application CH/2017/1363/EU.

Having considered these representations and the officer's response, the recommendation that follow up action be taken was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

2017/00341/AB

Land adjacent to 56 Copperkins Lane, Amersham, Buckinghamshire, HP6 5RA.

It was reported that the owner's agent had sent a letter to all members of the Committee making representations on this matter and that the owner had started to remove the area of hardstanding.

The officer recommended that follow up action be deferred as the owner was seeking to remove the unauthorised hardstanding. This recommendation was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be deferred.

2017/00058/AB

2 Wardes Close, Prestwood, Buckinghamshire, HP16 0SA  
("the Land")

The officer recommendation that follow up action be taken was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

2017/00127/AB

Bat and Ball Public House, Penfold Lane, Holmer Green,

Buckinghamshire, HP15 6XW ("the Land")

The officer recommendation that follow up action be taken was put to the Committee by the Chairman and agreed at a vote

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

2017/00232/AB

Austenwood Cottage, 39 Austenway, Chalfont St Peter, Buckinghamshire, SL9 8NN ("the Land")

The officer recommendation that follow up action be taken was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such

Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

2017/00242/AB

Green Park, Copperkins Lane, Amersham, Buckinghamshire, HP6 5SS ("the Land")

Having noted that further investigation into the circumstances of the occupants of the site would need to be undertaken, the officer recommendation that follow up action be taken was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

2017/00314/AB

Sellengers Round, 68 High Street, Prestwood,

## Buckinghamshire HP16 9EN

The officer recommendation that follow up action be taken was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

2018/00001/AB

Land Between Mantles Green Cottage and Mantles Farm Fields, Hyde Heath Road, Hyde Heath, Buckinghamshire ("the Land")

The officer recommendation that follow up action be taken was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and

Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

2017/00314/AB

Merryhill Farm, Windsor Lane, Little Kingshill, Buckinghamshire

The officer recommendation that follow up action be taken was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

2018/00023/AB

2A Browns Road, Holmer Green, Buckinghamshire, HP15

2SL ("the Land")

The officer recommendation that follow up action be taken was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

EN/18/2036

Costa Coffee, 59 - 61 St Peters Court, High Street, Chalfont St Peter, Buckinghamshire, SL9 9QQ ("the Premises")

The officer recommendation that follow up action be taken was put to the Committee by the Chairman and agreed.

Resolved:

That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils' Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and



Democratic Services be authorised to serve a Breach of Condition Notice or such Enforcement Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

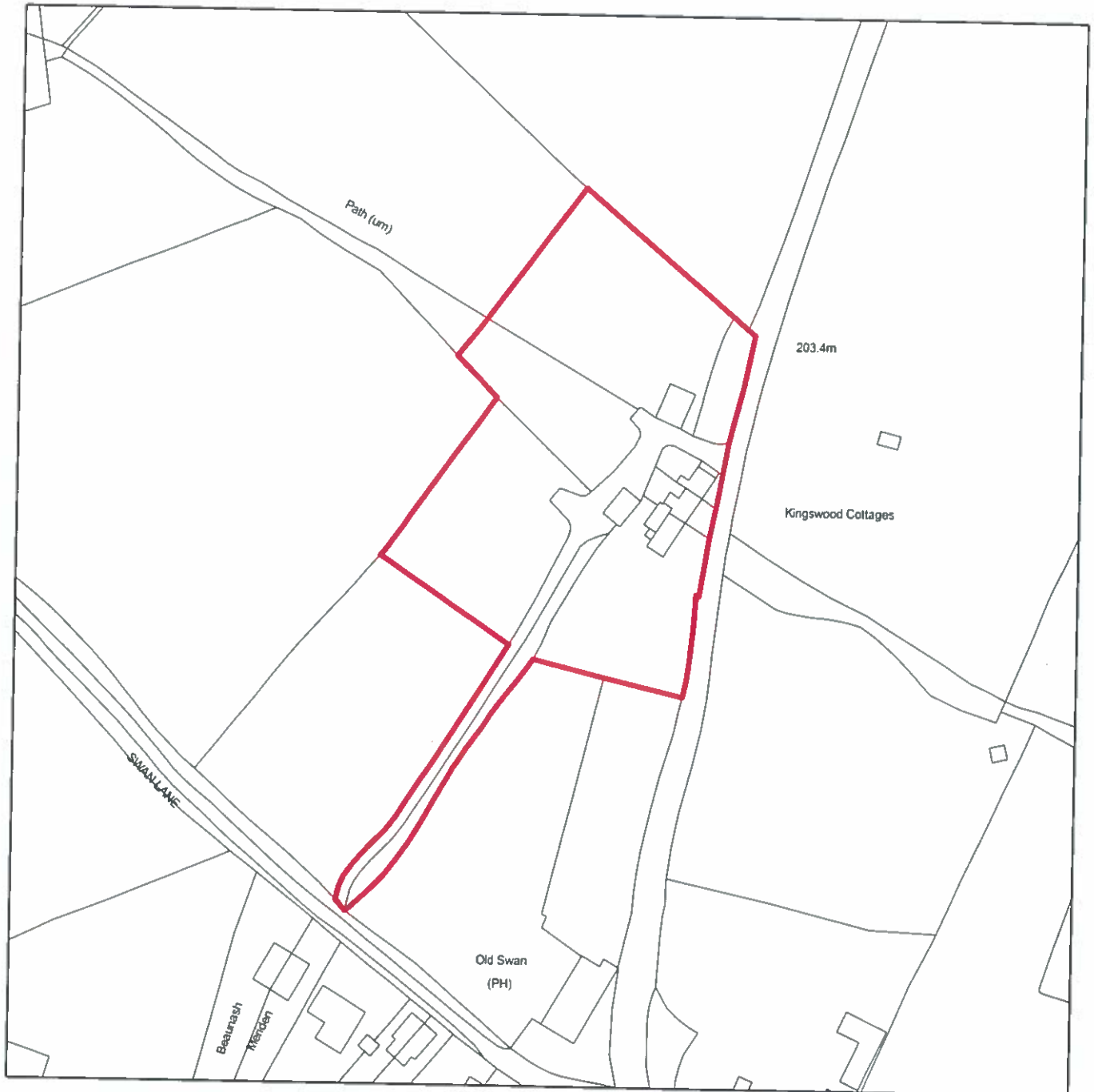
**The meeting ended at 8.48 pm**

# CH/2017/2235/FA



**CHILTERN**  
District Council

1 and 2 Kingswood Cottages, Swan Lane, The Lee  
Great Missenden, Buckinghamshire HP16 9NU



Scale: 1:1,250

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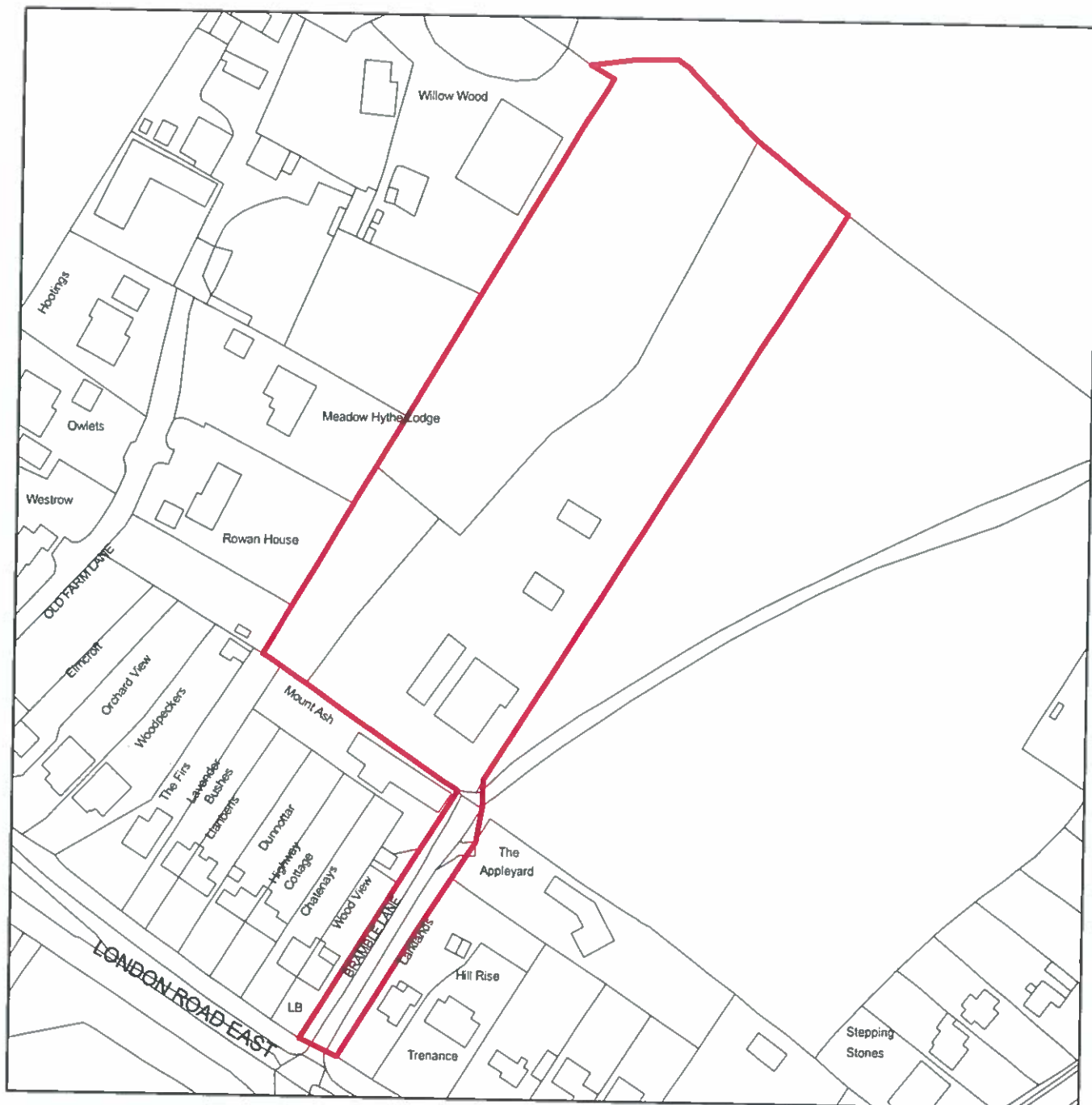
<b>Organisation</b>	Chiltern District Council
<b>Department</b>	Planning & Environment
<b>Comments</b>	
<b>Date</b>	
<b>SLA Number</b>	100033578.2016

# CH/2018/0080/FA



**CHILTERN**  
District Council

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Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578 2016

## PLANNING COMMITTEE - 9 August 2018

### REPORT OF THE OFFICERS

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

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#### AGENDA ITEM No. 5

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### 5 DEFERRED APPLICATIONS

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5.1 **CH/2018/0265/FA and CH/2018/0266/HB** (*Case Officer: Emma Showan*)

**ROOF EXTENSION TO EXISTING BUILDING AND ATTACHED TWO STOREY BUILDING TO CREATE 9 NEW BEDROOMS, NEW KITCHEN, EXTENSION TO THE DINING ROOM AND STORE**

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

**MATTER FOR CONSIDERATION**

5.2 Additional information received following the decision at Planning Committee to defer the application to allow the applicant to make a case for Very Special Circumstances to outweigh the identified harm to the Green Belt, and any other harm.

5.3 Planning applications CH/2018/0265/FA and CH/2018/0266/HB were considered by Members at the Planning Committee of 26<sup>th</sup> April 2018. (Committee Reports are attached as **Appendix FP.01**). The recommendations of the Officers was that the Planning application be refused for the following three reasons (summarised) and the application for Listed Building Consent be refused for the last reason only.

5.3.a. That the proposal is a disproportionate addition to the original building, thereby constituting inappropriate development in the Green Belt and having a detrimental impact on the openness of the Green Belt;

5.3.b. The impact of the substantial extension, which almost doubles the size of the existing building, the large expanse of hardstanding and a new access with signage or dragons teeth would fail to conserve or enhance the high landscape quality of the AONB;

5.3.c. The listed building would be overwhelmed by the proposed extension and it would not respect its character, significance or setting.

It was concluded that no very special circumstances had been demonstrated to outweigh the harm to the Green Belt and the other harm identified. It should be noted that the NPPF has been revised (July 2018) since the previous Committee meeting. It does not change the assessment of this application, as the relevant parts of the Green Belt section remain the same. The new paragraph numbers of the NPPF are given below.

5.4 Members deferred their decision to allow the Applicant to submit a case for Very Special Circumstances to attempt to justify the development and put forward a case to demonstrate that, despite the identified harm to the open Green Belt, Chilterns AONB and Listed Building, Very Special Circumstances exist which are sufficient to overcome these concerns.

5.5 Paragraph 144 of the NPPF (July 2018) is clear that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly

outweighed by other considerations. It must be noted that Very Special Circumstances have a very high bar indeed and should not be easily repeated on other sites, otherwise they are not "very special" to this particular site. For example, an alleged need for tourism "in the area" is woefully insufficient, as it does not relate to this specific site and could indeed relate to any number of sites in the local area.

- 5.6 The Applicant's Agent has submitted a letter with several arguments for the proposal. Firstly, they attempt to argue that the proposal is not inappropriate development as it is not a disproportionate addition to the original building. As the extension would almost double the size of the building, this is clearly a spurious argument. It is clearly a disproportionate addition and Members previously noted this, otherwise a case for Very Special Circumstances would not necessarily have been required.
- 5.7 The letter from the Agent also then sets out a case for Very Special Circumstances, three letters of support from local businesses and information from the Tourist Board for Bucks. These have already been sent direct to Members.
- 5.8 The Agent's letter contains a table setting out what they consider to constitute a case for Very Special Circumstances (VSC). This contains 14 points, which are set out below. The Agent has described how much weight they think each point should be given, i.e. substantial, moderate or limited weight. The section below highlights the 14 points in order of alleged weight to be attributed to them, followed by the Council's comments on each point.

Alleged weight that the Agent considers should be attached to these VSC: *Substantial*

*"The proposal does not contribute to urban sprawl."*

*"The site is previously developed land."*

*"The proposal would have no detrimental impact to the historical fabric of the building."*

*"The proposal would have no detrimental impact to the Chilterns AONB."*

*"The design is acceptable."*

None of these points constitute VSC. Whether or not the proposal contributes to urban sprawl or is on previously developed land are irrelevant, as it is still inappropriate development. In addition, Officers strongly dispute that there is no harm to the listed building, the AONB or that the design is acceptable. The extension is a monolithic block tacked onto the most prominent corner of the listed building and would result in clear harm in these respects. However, importantly, even if these aspects were acceptable, the above points still do not constitute VSC. They would simply be neutral points, i.e. an absence of harm to the AONB and listed building. Any absence of harm in one respect does not overcome harm in another respect. If this was accepted as a VSC, it would allow for any well designed building in the open Green Belt to overcome the harm to the Green Belt. This would clearly be nonsensical and as such, these points raised by the Agent do not carry any weight whatsoever as VSC, let alone the alleged substantial weight.

Alleged weight that the Agent considers should be attached to these VSC: *Moderate*

*"The proposal would contribute to the vitality of the A4/A3 use."*

*"The proposal would enable a wider mix of hotel accommodation."*

*"There is an absence of hotel accommodation in the locality."*

*"The proposal would contribute to job creation."*

*"The proposal would increase the capacity for local sports teams."*

In relation to the first point above, there has been no case made regarding the viability of the

Public House/restaurant, in terms of it being likely to close if the proposed works did not take place. In fact, comments from Members at the previous Committee meeting suggested it was a busy pub and viability/vitality is not an issue. No survey results or local room occupancy data have been submitted to attempt to show that a wider mix of hotel accommodation is required or that existing hotels are operating at full capacity. In relation to the latter four points, these are nowhere near detailed enough to constitute VSC. They could literally apply to any site in the locality and are not specific to this site in any way. By definition therefore, they are not very special circumstances to this site. As such they have no weight in the decision making process.

Alleged weight that the Agent considers should be attached to these VSC: *Limited*

*"As 88% of the District is in the Green Belt, the potential for new development sites is limited."*

*"The proposal could contribute to local Council tax."*

*"The new parking area would reduce surface water runoff."*

*"The proposal is unlikely to have a significant impact on the road network."*

It is noted that the Agent acknowledges these points have limited weight as VSC. In fact, Officers consider they have no weight and border on being spurious points. The first two points are extremely generalised and could again apply to any site in the Green Belt. It does not relate in any way to this specific site. The point about the new parking area reducing runoff is not understood, as the hardstanding within the site would be more than doubled by the new car park, thus clearly not reducing runoff. However, even if it did reduce runoff, this would be of such a limited benefit. Furthermore, whether or not the proposal does not have a significant impact on the road network is irrelevant, as this is again, simply, a neutral point, i.e. an absence of harm to the highway network. It does not contribute anything towards VSC.

- 5.9 The submitted three letters of support are again noted, but they simply contain generic points that could apply to any site in the Green Belt. They are not a site specific assessment and therefore do not constitute VSC, or contribute towards such a case. The letter from the Bucks Tourism Board is a County wide assessment of hotel occupancy rates and therefore is not specific to this site, or even to this local area. It could literally apply to any site in the entire County. A local study demonstrating that there is a shortage of hotel accommodation in the Great Missenden area has not been provided, nor has a sequential type assessment to show that this particular site is the only feasible site for any extra hotel bedrooms to be located. Without this level of site specific detail, it has not been shown that the extension to The Nags Head is essential or indeed required. The submitted letters could apply to any site in the Green Belt and AONB and are woefully insufficient to contribute towards a case for VSC.
- 5.10 Aside from the three supporting letters submitted by the Applicant, only one additional supporting representation has been received. No other letters of support from third parties/the local community have been received. Accordingly, it is not considered that the need for additional accommodation and facilities at The Nags Head has been adequately demonstrated. The submitted case for Very Special Circumstances is extremely weak and nowhere near sufficient to outweigh the substantial harm to the Green Belt, AONB and the listed building. As such, Officers continue to strongly recommend that the applications are refused, for the reasons previously advised, and set out again below.

**Planning application CH/2018/0265/FA;**

**Recommendation: Refuse permission**

1. The site is within the open Green Belt where most development is inappropriate and there

is a general presumption against such development. The proposed extension is considered to be a disproportionate addition over and above the size of the original building, and as such, the development does not fall into any of the categories listed in Policy GB2 of the Local Plan and paragraphs 89 and 90 of the National Planning Policy Framework. It therefore constitutes inappropriate development in the Green Belt. Furthermore, given the scale of the proposed extension and the expanse of hardstanding proposed for the new car parking area, the development would have a detrimental impact on the openness of the Green Belt. No very special circumstances have been demonstrated which clearly outweigh the harm to the Green Belt. As such, the proposal is contrary to Policy GB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

2. The proposed development consists of a substantial extension which almost doubles the size of the existing building, a large expanse of hardstanding on land which is currently grass, and a new access onto Nags Head Lane which would require road signs or dragon's teeth to enforce a one way system. The proposal will create a much more dominant building within the landscape and a development which fails to conserve or enhance the rural character of the area or high landscape quality of the AONB. As such, the proposal is contrary to Policies GC1 and LSQ1 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the National Planning Policy Framework.
3. The proposed extension would be harmful to the significance of the listed building as former cottages because of the proposed scale and therefore what is proposed is not considered to be the optimum viable use. It is clearly the most profitable use and the benefits of this will be largely private benefits. Paragraph 126 of the National Planning Policy Framework states that Local Planning Authorities should take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation." This proposal is not consistent with the conservation of the listed building due to the impact of the scale of what is proposed, the historic building would be overwhelmed by the addition and the harm that this would cause is not outweighed by additional public benefits. The additional hardstanding for the new parking area and the consequent reduction of garden would also harm the setting of the listed building. The less than substantial harm identified is not outweighed by public benefit or securing the building's optimum viable use and the application is therefore contrary to Policies LB1 and LB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

**Listed Building Consent application CH/2018/0266/HB;**

**Recommendation: Refuse consent**

1. The proposed extension would be harmful to the significance of the listed building as former cottages because of the proposed scale and therefore what is proposed is not considered to be the optimum viable use. It is clearly the most profitable use and the benefits of this will be largely private benefits. Paragraph 126 of the National Planning Policy Framework states that Local Planning Authorities should take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation." This proposal is not consistent

with the conservation of the listed building due to the impact of the scale of what is proposed, the historic building would be overwhelmed by the addition and the harm that this would cause is not outweighed by additional public benefits. The additional hardstanding for the new parking area and the consequent reduction of garden would also harm the setting of the listed building. The less than substantial harm identified is not outweighed by public benefit or securing the buildings optimum viable use and the application is therefore contrary to Policies LB1 and LB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

*Background papers: None*

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**AGENDA ITEM No. 6**

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**6 ITEMS FOR NOTING**

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**6.1 NEW PLANNING AND ENFORCEMENT APPEALS**

**CH/2017/1442/FA** - Conversion and change of use of a former poultry barn and surrounding land to a residential dwelling and use of adjacent hay barn for garaging and ancillary residential purposes, Land at the front of Highlands, Cherry Lane, **Woodrow**

**CH/2017/1569/PNO** - Prior Notification under Class O of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of Use from office (Use Class B1(a)) to eighty three residential units (Use Class C3), Pollards Wood, Nightingales Lane, **Chalfont St Giles**

**CH/2017/1804/FA** – Change of use of land to equestrian and erection of stable building, Great Green Street Farm, Green Street, **Chorleywood**

**CH/2017/1909/FA** – Erection of one dwelling with new vehicle access, Land off Chessfield Park to rear of 87 Amersham Road, **Little Chalfont**

**CH/2017/2194/SA** - Application for a Certificate of Lawfulness for a proposed operation relating to the erection of loft dormer windows, rooflights in main roof, and new side facing window to first floor, 34 Bellingdon Road, **Chesham**

**CH/2018/0063/FA** - First floor extension with mansard roof and dormer windows on side elevations, replacement conservatory, single storey front extension, (amendment to CH/2017/1573/FA), Bendrose Laurels, White Lion Road, **Little Chalfont**

**CH/2018/0382/FA** – Single and two storey front and rear extensions, 2 Green Lane, **Amersham**

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**6.2 APPEAL DECISIONS**

**CH/2016/2222/FA** – Erection of detached outbuilding (retrospective), Hullavington, Burtons Lane, **Little Chalfont**

Officer Recommendation - Refuse Permission

Committee Decision - Refuse Permission

**Appeal Allowed (21.06.2018)**

**CH/2017/0436/OA** - Outline application for the development of site to provide up to 9



dwellings (matters to be considered at this stage: access), Land to Rear of 149 to 157 Chartridge Lane (Access From De Vere Close), **Chesham**  
Officer Recommendation - Refuse Permission  
**Appeal Dismissed (04.07.2018)**

**CH/2017/1898/FA** - Two storey front and rear extensions, single storey rear extension and engineering works to the rear and front garden, double part subterranean garage to front, Ti Soleil, Lincoln Road, **Chalfont St Peter**  
Officer Recommendation - Refuse Permission  
**Appeal Dismissed (18.06.2018)**

**CH/2017/2315/FA** - Part two storey, part single storey rear extension and front roof dormer window, Breyll Path, 18 Green Lane, **Amersham**  
Officer Recommendation - Refuse Permission  
**Appeal Dismissed (27.06.2018)**

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### 6.3 PRIOR NOTIFICATION NOT NEEDED

**CH/2018/0818/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 4.5 metres, a maximum height of 3.5 metres and a maximum eaves height of 3.0 metres, St Francis, 1 Windmill Wood, **Amersham**

**CH/2018/0896/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 8 metres, a maximum height of 2.95 metres and a maximum eaves height of 2.95 metres, Salla Kee, Long Walk, **Little Chalfont**

**PL/18/2052/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 4 metres, a maximum height of 4 metres and a maximum eaves height of 3 metres, 6 Manor Road, **Chesham**

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### 6.4 WITHDRAWN APPLICATIONS

**CH/2018/0167/FA** - Demolition of existing dwelling and construction of an apartment building, consisting of 10no. 2 bed apartments with new access off Clare Park, Trees, 36 Stanley Hill, **Amersham**

**CH/2018/0741/FA** - Demolition of existing dwelling and residential annexe and erection of two 6 bedroom dwellings with associated parking and landscaping, Nine Elms, Jordans Way, **Jordans**

**CH/2018/0752/FA** - First floor side and single storey rear extensions, 3 Denham Walk, **Chalfont St Peter**

**CH/2018/0766/SA** - Application for a Certificate of Lawfulness for proposed swimming pool enclosure incorporating roof lanterns, Tudric Hall (Formerly Mulberry Lodge), Lee Clump Road, **The Lee**

**CH/2018/0821/SA** - Application for a Certificate of Lawfulness for a proposed operation relating to single storey rear extension, Vine Cottage, 6 Layters Avenue, **Chalfont St Peter**

**CH/2018/0908/FA** - Change of use to a cafe (Use Class A3), 42 The Broadway, **Amersham**

**CH/2018/0909/HB** - Internal and external alterations to facilitate change of use to a café. 42 The Broadway, **Amersham**

**PL/18/2339/TP - Felling of an oak protected by a Tree Preservation Order, 14 Chiltern Manor Park, Great Missenden**

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**6.5 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED**

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

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

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

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**7 REPORTS ON MAIN LIST OF APPLICATIONS** AGENDA ITEM No. 7

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**8 REPORTS ON ALLEGED BREACHES OF PLANNING CONTROL** AGENDA ITEM No. 8

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**9 EXCLUSION OF THE PUBLIC** AGENDA ITEM No. 9

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That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act

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Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 9th August 2018

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

**The Lee**

**CH/2017/2235/FA**                      Ward: Cholesbury, The Lee, Bellingdon      Page No: 2

Proposal: Replacement dwelling and outbuilding

Recommendation: Refuse permission

**1 and 2 Kingswood Cottages, Swan Lane, The Lee, Great Missenden, Buckinghamshire, HP16 9NU**

**Amersham**

**CH/2018/0080/FA**                      Ward: Amersham Town                                      Page No: 9

Proposal: Change of use from sui generis to scaffolding storage yard (Class B8) (Retrospective)

Recommendation: Refuse Permission with further action

**PHD Modular Access Service Limited, Bramble Lane, Amersham, Buckinghamshire, HP7 9DN**

# REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

## Main List of Applications 9th August 2018

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### CH/2017/2235/FA

Case Officer: Emma Showan  
Date Received: 01.12.2017  
Parish: The Lee

Decide by Date: 23.05.2018  
Ward: Cholesbury, The Lee,  
Bellingdon

App Type: Full Application  
Proposal: Replacement dwelling and outbuilding  
Location: 1 and 2 Kingswood Cottages  
Swan Lane  
The Lee  
Great Missenden  
Buckinghamshire  
HP16 9NU

Applicant: Mr Young and Mrs Thomas

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to Unclassified Road  
Area Special Adv. Control  
Within Chilterns Area of Outstanding Natural Beauty  
Adjacent Public Footpaths and Public Rights Of Way  
Within Green Belt other than GB4 GB5  
Public footpath/bridleway  
Within 500m of Site of Importance for Nature Conservation NC1

### CALL IN

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

### SITE LOCATION

This application relates to two semi-detached cottages in the open Green Belt outside of The Lee. The cottages were formerly occupied by different generations of the same family, with No. 1 forming an annex to the main family dwelling, No. 2. The cottages caught fire in 2017 which subsequently rendered the building structurally unstable and since then the property has remained unoccupied. The cottages comprised a linear 1.5 storey building with rendered walls and dormer windows set within a stepped hipped roof finished with red clay tiles. They were sited parallel to Swan Lane with a frontage directly onto the highway but away from the nearest neighbouring properties. The site is also located in the Chilterns Area of Outstanding Natural Beauty.

## THE APPLICATION

This application proposes the erection of a replacement dwelling and outbuilding.

The proposed dwelling would have a maximum width of 16.3 metres (to include the bay window), depth of 12.6 metres and pitched roof height of 8.5 metres, with an eaves height of 6 metres. It would utilise the existing access but would not be built on the same footprint as the previous cottages, instead moving further into site and approximately 9 metres away from the east boundary with Swan Lane (in comparison, Kingswood Cottages fronted directly onto Swan Lane).

The proposed outbuilding would have a maximum width of 11 metres, depth of 6.2 metres and pitched roof height of 4.8 metres, with an eaves height of 2.3 metres. It would provide two parking spaces and a bike/garden equipment store and would be located forwards of the front elevation of the proposed dwelling.

A Design & Access Statement has been submitted by the applicant.

## RELEVANT PLANNING HISTORY

CH/2017/1263/EU - Application for a Certificate of Lawfulness for an existing use relating to the use of the land as residential garden land associated with the residential occupation of 1 and 2 Kingswood Cottages; Certificate granted.

CH/1997/1501/FA - Alterations to access and replacement detached single garage, conditional permission.

CH/1993/0215/FA - Detached domestic double garage incorporating garden shed, conditional permission.

CH/1990/1275/FA - Alterations, rear roof extension and single storey side/rear extension, conditional permission.

CH/1990/1018/FA - Alterations, rear roof extension, single storey side/rear extension and detached quadruple garage and stores, refused permission.

CH/1989/2666/FA - Part single, part two storey rear extension, conditional permission.

## PARISH COUNCIL

The Lee Parish Council has given careful consideration to the above planning application and would like to offer the following comment based on two key aspects of the proposal:

- 1) The design of the new house - in mock-Georgian style
- 2) The height of the new building (8.45m to the ridge which is 40% higher than the existing building which is approx. 6m)

1) In Para 6.15 of the applicant's Design and Access document, it states: "Swan Bottom contains an array of building styles, scales, materials and design features. Consequently, there is no specific design ethos that a replacement dwelling should follow". As the local PC, we should point out that whilst there may be a variety of styles, there are certainly no mock-Georgian style properties of this type and size anywhere in the area. The applicant states that the style choice is in fact acceptable under both National Planning Policy Framework (NPPF) and CDC Policies and uses this in its 'evidence'. Our local knowledge is such that we can confidently state this is not the case.

As such the Parish Council believes that the proposal does not really respond to local character and history and reflect the identity of local surroundings and materials? (NPPF). Neither does it reflect and respect the character of the surrounding area and those features which contribute to local distinctiveness? (CDC's Policy

CS20: Design), or maintain or improve local character and the natural environment (CDC's Policy CS20: Design). Specifically in the context of AONB: we believe the proposals does little, if anything, to conserve and, where appropriate, enhance the special landscape character and high scenic quality of the area.

2) CDC Policies clearly state: "that size, design, and the degree of harmony with the local vernacular style of architecture should be used to assess whether a development meets the aim of protecting and enhancing the Chilterns AONB. Development which does not meet these objectives should be resisted".

Taking into account our point 1) above together with the fact that the proposed is 40% higher than the current building, The Parish Council would like to suggest that planning permission is not granted for the application as it currently stands.

## **REPRESENTATIONS**

One letter of objection received which can be summarised as follows:

- Neighbours along Swan Lane were not notified of the planning application
- The proposed dwelling is not in keeping with the other properties in Swan Lane and/or Swan Bottom
- There are no neo-Georgian properties in the area and the proposal would be totally out of keeping in the AONB
- No objection to building on the site, but objection to the plans as they are now

## **CONSULTATIONS**

**Buckinghamshire County Ecology Officer:**

The Ecologist is satisfied that the surveys have been undertaken according to current guidance and that the mitigation is appropriate. A number of conditions are recommended in order to enhance the site for biodiversity.

## **POLICIES**

National Planning Policy Framework.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, CS20, CS22, CS24 and CS26.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2011) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, GC4, GB2, GB7, GB8, GB15, LSQ1, H9, H11, H12, TR11, TR2, TR3, TR11 and TR16.

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

## **EVALUATION**

### **Principle of development**

1. The site is located in the open Green Belt where, in accordance with Policy GB8 of the Local Plan, any proposal to rebuild or replace a derelict dwelling, will be considered on the same basis as a proposal to build a new dwelling on a new site. The submitted Design & Access Statement confirms that much of the building was gutted as a result of a fire in early 2017 and this has rendered it uninhabitable and structurally unstable. This would mean that in accordance with Policy GB8, any proposal to replace the current derelict, uninhabitable, dwelling would be inappropriate development in the Green Belt.

2. However, Chapter 13 of the NPPF states that, whilst most development in the Green Belt is considered to be inappropriate, paragraph 145 of the NPPF (as revised, July 2018) lists some forms of development which are not considered to be inappropriate. This includes the replacement of a building, provided the new

building is in the same use and not materially larger than the one it replaces. This clause makes no reference to a building needing to be habitable. The lawful use of the existing building is still residential, even though the dwellings may be uninhabitable following a fire. Therefore, as the NPPF is more up to date than the Local Plan, the allowance for a replacement building in the NPPF should carry more weight than Policy GB8. As such a replacement building is acceptable in principle, subject to the strict proviso in the NPPF that it is not materially larger than the existing building. Furthermore, the site lies in the Chilterns Area of Outstanding Natural Beauty (AONB) and therefore the proposal should conserve, and where considered appropriate and practicable, enhance the high scenic quality of the landscape. All other relevant Development Plan policies should also be complied with.

3. It is noted that Local Plan Policy GB7 states that the rebuilding or replacement of an existing habitable dwelling will be acceptable in principle providing the new dwelling is not materially larger than that to be demolished after taking into account any extension that could have been built as 'permitted development' by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However this policy is not strictly relevant, as the existing dwellings are not habitable.

### **Loss of a dwelling**

4. It is also worth noting that this application concerns No. 1 and No. 2 Kingswood Cottages. The Design & Access Statement states that the properties originally formed three dwellings which were amalgamated into two units several decades ago. The two properties were then occupied by the same family with No. 1 forming an annexe to the main family dwelling (No. 2), prior to the destruction of the dwellings by fire in early 2017. There is no planning history to show that No. 1 ever formally became ancillary to No. 2 and there are no records to suggest when the three cottages become amalgamated to form one residential unit. Indeed, in a Certificate of Lawfulness application, reference CH/2017/1263/EU, it was concluded that: 'consideration of all available evidence is that there are two separate properties and whilst the whole application site is ancillary residential garden land, part of it forms the curtilage to 1 Kingswood Cottages and part to 2 Kingswood Cottages.' As such, it is clear, on the basis of the evidence available, Local Plan Policy H9 is applicable to this application. However, since the existing building on site was damaged by fire in early 2017 and the building is uninhabitable and derelict, there are presently no habitable dwellings on the site. In this unique case, it could therefore be argued that Development Plan Policy H9 is not applicable in this instance, as there would be no loss of habitable dwellings, should the building be demolished. As such, on the basis that there are no habitable dwellings on site at present, the proposal would result in a net gain of one dwelling. No objections are therefore raised regarding Policy H9.

### **Impact on the Green Belt**

5. In accordance with the NPPF, the replacement of an existing building in the Green Belt can be acceptable, but only where the new building is in the same use and not materially larger than that to be demolished. There is no allowance for any extant permitted development rights to be taken into account, but even if there was, these would add less than 10 sqm to the property, therefore have little relevance. The siting of the new building overlaps the footprint of the existing and, although it is sited further from the lane, the siting is considered acceptable in principle. In floorspace terms, the existing building has a floor area of 313 square metres and the proposed dwelling would have a floor area of around 440 square metres (including the large detached triple garage, which must be taken into account in this assessment). This is an increase of over 40% in floorspace terms, which is clearly materially larger than the existing building. Furthermore, the visual perception of bulk is mostly derived from the eaves height of a building above ground level. Most of the sections of eaves on the existing building are low and around 2.5m to 3.0m in height, with some limited areas of taller two storey level eaves. The eaves of the replacement building are all a very high 6.1m in height, thus most of the walls of the replacement dwelling would be notably higher than even an average two storey property (5m) and would be around twice as high as the existing walls. This would give rise to a considerably bulkier form and appearance than the existing low cottages. In addition, the overall ridge height of the

existing low cottages is around 6m, whereas the ridge of the proposed building is 8.6m, with a flat crown. This would also render the proposed building notably larger in overall size and bulk than the existing. It is clear that the replacement dwelling would appear far more bulky than the existing modest cottages, and is clearly materially larger than that to be demolished. Therefore it fails to comply with the advice in the NPPF. As such the proposal comprises inappropriate development in the Green Belt, which is harmful by definition. In accordance with the NPPF, this is substantial harm to the Green Belt.

6. In addition to the above, given that the proposed building would be notably larger than the existing, it would also have a moderate adverse impact on the openness of the Green Belt.

### **Character and appearance**

7. As noted the application site is within the Chilterns Area of Outstanding Natural Beauty. Local Plan Policy LSQ1 and Core Strategy Policy CS22 set out the principles that should be followed in the AONB and the latter policy states that all development proposals must be in accordance with the Chilterns Buildings Design Guide. In this respect the Design Guide states that developers should identify the main architectural features of traditional buildings in the area and interpret these in the design. The Guide states that the materials and roof are key elements when views of a building in the landscape are possible, as in this case. It states that developments should normally include a pitched roof with a central ridge and should avoid deep floor plans which create large roof spans, which are often unacceptably shallow in pitch. Gable ended roofs are advocated as typical of the Chilterns AONB and a double roof with valley gutters and parallel ridges is preferable to a large bulky roof form, in order to minimise the mass. Furthermore, the Design Guide states that roofs should preferably be of clay tiles, with slates only used when common in the locality. Roofs should normally be of a pitch of at least 40 degrees and the Design Guide states that roofs of 30 degrees appear uncharacteristically flat.

8. Kingswood Cottages is characterised by a low, linear series of what were originally three terraced cottages. The cottages fronted directly onto Swan Lane and were characterised by rendered walls and six pitched roof dormer windows which were set within a red clay tile roof. They had a rustic appearance with three entrances marked by three pitched roof porch canopies. The nearest properties to the application site are generally modestly proportioned and have a rural 'cottage-like' appearance.

9. In the case of the proposed house, the roof is of an uncharacteristically shallow pitch of 25 degrees. The proposed roof, with its large flat crown and deep square form, is entirely uncharacteristic of the AONB and does not reflect the clear advice in the Design Guide. In addition, the proposed dwelling has been designed in a neo-Georgian style with very high eaves (6m in height), a shallow hipped to flat crown roof. A dwelling of this type is not traditional or typical of buildings within the Chilterns AONB and does not accord with the clear guidance set out in the Chilterns Building Design Guide. The symmetrical and grand façade of the proposed dwelling, which is designed as a very bulky neo-Georgian mansion, with projecting brick columns and regularised windows, would be out of keeping with the cottages and more rural properties in the vicinity. It would be at odds with the local vernacular and this, combined with the proposed formal planting and the sweeping gravel drive which combines a turning circle forwards of the property means that the formal style of the proposed dwelling would be at odds with the local, more rural vernacular. As noted, the dwelling would be visible from the surrounding roads and countryside, from where it would appear overly prominent and visually intrusive. It would not therefore conserve or enhance the natural beauty of the landscape within this part of the AONB.

10. As such, the proposal is contrary to Policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and Policies GC1 and LSQ1 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

### **Residential amenity**



11. The proposed dwelling would be set away from the nearest residential properties. It would be sited within extensive grounds and as such, it is considered that the proposal would not have an adverse impact on neighbouring amenity.

12. With regards to amenities of future occupiers of the dwelling, the proposed dwelling would have adequate light and outlook and access to a substantial garden in accordance with the provisions of Development Plan Policy H12. Adequate bin storage can also be provided within the site and so no objections are raised in this respect.

### **Parking/Highway implications**

13. It is proposed to utilise the existing access to Kingswood Cottages and no objections are raised in this respect. In terms of the provision of parking spaces, it is proposed to erect an outbuilding with parking spaces for two vehicles alongside an area of hardstanding with space for additional parking. Notwithstanding the objections above to the large size and bulk of the proposed outbuilding, three spaces can clearly be provided in accordance with Development Plan Policy TR16 and there would be no adverse parking implications resulting from this proposal.

### **Ecology**

14. The County Ecology Advisor has raised no objection to this application, subject to the inclusion of conditions to enhance the biodiversity on site.

### **Affordable housing**

15. For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are now specific circumstances set out in the NPPG (National Planning Practice Guidance) where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including developments of 10 units or less, which have a gross floor space of less than 1,000 square metres.

### **Conclusions**

16. For the reasons set out above, the proposal clearly fails to comply with the NPPF and several Development Plan policies. Objections are raised to the loss of a dwelling, the fact that the dwelling is notably bulkier and materially larger than the existing, and the resulting impact on the Green Belt. Further concerns arise in relation to the bulk and design of the proposed neo-Georgian dwelling, which is entirely uncharacteristic of the area and the AONB landscape. In the case of inappropriate development in the Green Belt, the NPPF is clear that such development must not be approved unless very special circumstances exist which are sufficient to outweigh the harm arising from the proposal. In this case, no such circumstances have been submitted and, whilst the existing building is fire damaged, that does not mean a significantly larger building is acceptable. As such, no very special circumstances exist and the application is recommended for refusal.

### **Working with the applicant**

17. 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 of principle. 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**

18. 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 In accordance with paragraph 145 of the National Planning Policy Framework, as revised in July 2018 (NPPF), the replacement of a building in the Green Belt can be acceptable but only where the new building is in the same use and not materially larger than the one it replaces. In this instance, by reason of its significantly larger floorspace, double the existing eaves height, notably greater ridge height, bulky square footprint and design, the proposed dwelling plus large detached garage structure would be materially larger than the modest cottages to be demolished. The proposal would therefore constitute inappropriate development in the Green Belt which is seriously harmful by definition. Furthermore, given the increased bulk, the proposal would have a greater impact on the openness of the Green Belt than the existing cottages. As such the proposal is contrary to Policy GB2 of The Chiltern Local Plan, Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, and paragraph 145 of the NPPF (July 2018).
- 2 The proposed dwelling, with its neo-Georgian design with high eaves, shallow pitched large flat crown roof, and bulky square footprint, is not typical of buildings within this part of the Chilterns Area of Outstanding Natural Beauty and does not accord with the guidance set out in the Chilterns Building Design Guide, adopted as Supplementary Planning Guidance. The dwelling would be visible from the surrounding countryside, from where it would appear overly prominent, visually intrusive and entirely out of character in the rural landscape. The proposal would therefore fail to conserve or enhance the natural beauty of the landscape within this rural part of the Chilterns AONB and is contrary to Policies CS20 and CS22 of the Adopted Core Strategy for Chiltern District (Adopted November 2011) and Policies GC1 and LSQ1 of the Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

## CH/2018/0080/FA

Case Officer: Adam Pegley  
Date Received: 16.01.2018  
Parish: Amersham  
App Type: Full Application  
Proposal: Change of use from sui generis to scaffolding storage yard (Class B8) (Retrospective)  
Location: PHD Modular Access Service Limited  
Bramble Lane  
Amersham  
Buckinghamshire  
HP7 9DN  
Applicant: PHD Modular Access Service Ltd

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to A and B Road  
Adjacent to Unclassified Road  
Area Special Advertisement Control  
Biodiversity Opportunity Areas  
Adjoining High Pressure Line  
Critical Drainage Area  
Within Green Belt other than GB4 GB5  
A and B Roads  
Tree Preservation Order (A/G/W)  
Adjoining Ancient Woodland  
GB settlement GB4,6,12,23,H7,13,19

### SITE LOCATION

The site is located off Bramble Lane, which is a narrow road accessed from the A413 in Amersham. Bramble Lane has a number of residential properties located along it, with the site the subject of this application located at the end of the lane. The site is located within the Green Belt.

### THE APPLICATION

The application is for retrospective planning permission for the change of use of the site from a Sui Generis Use (the site was previously operating as a gardening contractor's yard) to a scaffolding storage yard (Use Class B8).

### RELEVANT PLANNING HISTORY

CH/1980/0271/FA - Retention of storage of one 15' touring caravan. Refused Permission.

CH/1981/0661/FA - Demolition of buildings and erection of extension for use as workshops, offices and storage. Conditional Permission.

CH/1984/2132/FA - Three new buildings for offices and machine stores. Conditional Permission.

CH/1988/0746/FA - Single storey extensions to provide machine stores/workshop, erection of two buildings to provide diesel tanks and pesticide store. Refused Permission. Split Decision.

CH/1988/0747/FA - Single storey rear extension to existing offices. Refused Permission. Appeal Dismissed.

CH/1993/1206/FA - Alterations and single storey extension to workshop/storage building (amendment to planning permission CH/2132/84). Conditional Permission.

## **TOWN COUNCIL**

None received at time of drafting report.

## **REPRESENTATIONS**

9 letters of objection received and 1 letter of comment stating the following (summarised):

- They start work before 8.00am and the noise they make is a nuisance, some major vehicles have started arriving as early as 5am.
- Concern over the height of the scaffolding being stored.
- Hedging does not appear to be being maintained.
- Adverse impact on the environment from 20+ tonne HGVs, previous lessors used much smaller vehicles.
- Bramble Lane is only 11ft wide, and is in a very bad state of repair.
- Muddy silt regularly affects the 5 residential driveways, and the bank adjacent to the land is being eroded.
- Highway concerns over the practicability of the lane, it has no passing places, plus adverse weather renders it inappropriate. The entrance off the A413 is not really wide enough and the vehicles are so wide they damage the grass verges.
- Concerns over highway safety regarding the disruption from loading/unloading.
- Environmental issues and drainage issues raised regarding a change in environment and in increase in parking spaces and concrete bases.
- There has been a significant increase in traffic generation compared to the previous use.
- The metal scaffolding, in comparison to the previous use as a gardening contractor yard, is a far more alien feature in the landscape and do not blend in.
- Noise implications arising from the deliveries and the day-to-day site operations.
- Deliveries were previously at set times in the AM and PM, now it is continuous throughout the day.
- The use of the site is intensifying as the months go by.
- Material is burnt at the site which smokes the whole neighbourhood out.
- Additional lighting has been erected on site, often during the hours of darkness, causing an adverse impact.

## **CONSULTATIONS**

### **Buckinghamshire County Council Highways:**

Consider that the existing Sui Generis use as a contractor's yard would generate vehicular movements comparable to or in excess of the proposed B8 storage yard use. Therefore as the proposals would not result in an intensification in use of the site, the Highway Authority have no objection to the proposals.

### **Buckinghamshire Ecology Advice Service:**

The current planning application needs to conform to the National Planning Policy Framework (NPPF) and other policies. As such we would expect the applicant to ensure a net gain for biodiversity is achieved. To this end the Ecology advice service have recommended a condition requiring the submission of a landscape and ecological management plan (LEMP). Details of what should be included within the LEMP as set out in full within the ecology consultation letter.

**Buckinghamshire Strategic Flood Management Team:**

A holding objection lodged regarding the retrospective development. Further detail required regarding surface water management, the applicant must provide site details disclosing both the impermeable and permeable surface area of the site. If the impermeable area has not increased it is requested that the applicant provides details of the surface water drainage system.

**POLICIES**

National Planning Policy Framework.

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GB2, GB22A.

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

**EVALUATION**

**Principle of development**

1. The site is within the Green Belt in close proximity to the settlement of Amersham. Within such areas, Local Plan Policy GB2 states that the making of material change of use of the land may be given provided openness is maintained and the openness of the Green Belt is preserved. The National Planning Policy Framework states that (paragraph 89) the redevelopment of previously developed sites may be an exception to inappropriate development given the same provisions. Further, Local Plan Policy GB22A relates to Business, General Industrial and Storage or Distribution within the green belt and sets criteria where such development would be granted.

**Design & Impact on the openness of the Green Belt**

2. The use of the site as a storage distribution centre for scaffolding does result in a significantly different overall appearance of the yard. Previously, as a gardening contractor's yard, the site had less of an industrial appearance with were less storage of metal and other man-made items, with a greater focus on natural materials and storage which incorporated well into the site's Green Belt setting. Residents have stated concern that the scaffolding site represents a far more alien feature than the gardening contractor's yard which blended in more appropriately to this location. The site retains some open space, particularly along natural pathways in-between the storage of various scaffolding. The scaffolding storage is well organised however at points can extend to significant heights in excess of 4 metres.

3. Local Plan Policy GB22A includes provision for business, general industrial and storage or distribution development in the green belt. Set criteria is established for when such development is considered acceptable, including GB22(c) where the site was last used for business, general storage or distribution purposes previously. Given the site's history, it is considered that the site would fall within this category. However, Policy GB22A(c) clearly states for this category to be acceptable, sites must be in accordance with Local Policy GB2(f), which is principally concerned that material changes of use of the land must maintain openness and not conflict with the purposes of including land in the green belt.

4. Considering the impact of the change of use on the openness of the green belt, in comparing the new development to the previous gardening contractor's yard and having regard to aerial imagery, it is considered that there has been an urbanizing effect arising from the development and indeed, a material increase in the height and scale of the developed area of the site arising from the high scaffolding and significant material

increase in storage on the site. As such, it is not considered that the openness of the Green Belt has been maintained, and objection is raised with regard to Local Plan Policies GB2 and GB22A.

### **Residential amenity**

5. The comments of the neighbouring properties are noted. There has been significant objection to this development from local residents, who have raised a number of concerns, in particular the hours of operation of the scaffolding centre and the fact that the access drive is inadequate for purpose. Residential properties are located adjacent to the site to the West, South and South East, and although this site previously had a business/industrial use, clearly any material change of use must not adversely impact on neighbouring amenity to comply with Local Plan Policy GC3. The use of the site for scaffolding storage and distribution will invariably bring with it a significant impact on the locality through terms of noise above and beyond the previous use, e.g. metal hitting metal, and it is noted that a large number of deliveries are also having perceived noise implications. The increased height of scaffolding storage also detracts from the rural character of the area, particularly views North into the open green belt, and such is considered to cause an overbearing impact for neighbours immediately adjacent. Given the above, it is considered the development causes a significant adverse impact on neighbouring amenity and objections are raised with regard to Local Plan Policies GC3 and GC7.

### **Parking/Highway implications**

6. No objections have been raised by Buckinghamshire County Council Highways who consider there would not be a material increase in traffic generation, given the site was previously in business/industry use. However, comments from the neighbouring properties are noted, which highlight consistently those deliveries to and from the site have materially increased and the hours increasingly unsociable - from 5am has frequently been reported. With a high number of residential properties in the area, it is not considered this is acceptable in this location. Whilst business use is accepted, it clearly must be sensitive to its surroundings and green belt location. It does appear the current use of the site employs a significant number of large, heavy trucks and goes significantly above and beyond any previous use of the site in utilising HGVs. Furthermore, concern is raised about the acceptability of the road given the reports of a significant increase in vehicular traffic. As such, objection is raised with regard to Local Plan Policy TR2, which requires satisfactory access onto the existing network, and states traffic of excessive volume, size or weight will not be accepted on unsuitable roads.

### **Conclusions**

7. In summary, planning harm has been identified from the development, in particular that the use urbanises the area and adversely impacts on the openness of the green belt, the amenities of neighbouring properties and the material increase in size of vehicular traffic being unacceptable on this unsuitable road. The development is considered contrary to Local Plan Policies GB2, GB22A, GC3 and TR2 and as such the officer's recommendation is for refusal.

### **Working with the applicant**

8. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant/Agent and was focused on seeking solutions to the issues arising from the development proposal. In this case, the Applicant/Agent was informed/advised that the proposal did not accord with the Development Plan, that no material considerations are apparent to outweigh these matters of principle and was provided with an opportunity to comment before refusal was recommended.

9. With regard to a refusal, if the applicant/agent had sought pre-application advice, and had subsequently not paid full regard to the response that CDC had given, then this should be referred to in the above paragraph also.

## **FURTHER ACTION**

### **Human Rights**

10. Rights protected by Articles 1 of the First Protocol and 8 of the Convention (the right to protection of property and the right to respect for private and family life) are qualified in terms of restrictions imposed in the public interest. The rights of the contravener should not automatically be favoured at the expense of adversely affecting the amenities of occupiers of neighbouring properties or amenities of the area generally.

11. When considering enforcement action, it is necessary to weigh up the harm to public amenity caused by the breach in relation to the impact upon the contravener. Such action has to be considered to be a balanced and proportionate interference with the landowner's right to respect for his home and right to peaceful enjoyment of his possessions. In this regard we are mindful that the taking of enforcement action must be proportionate and reasonable.

12. Given the serious harm identified in this report that is caused by the development, it is considered appropriate to pursue enforcement action as a mechanism for resolving the breach of planning control.

13. It is acknowledged that to refuse planning permission for this development and to take enforcement action would represent an interference with the applicant's rights to the enjoyment of their possessions under Article 1 of the first Protocol of the Human Rights Act 1998 and rights to home and family life under Article 8, however it is necessary to balance such interference against the issues of wider public interest in respect of the significant harm identified as set out in this report. In this case it is considered that the harm to the issues of wider public interest as identified above outweigh the interference with the applicant's rights under Article 8 and Article 1 of the First Protocol.

14. The right to a fair trial under Article 6 is protected through the established appeal procedure.

### **RECOMMENDATION: Refuse Permission with further action**

For the following reasons:-

- 1 An adverse impact of the development on the openness of the Green Belt has been caused by the urbanizing effect arising from the development and indeed, a material increase in the height and scale of the developed area of the site arising from the high scaffolding and significant material increase in storage on the site above and beyond the previous use, which was as a gardening contractor's yard primarily involved in green storage and distribution. As such, it is not considered that the openness of the green belt has been maintained, and objection is raised with regard to Local Plan Policies GB2 and GB22A of the Adopted Chiltern District Local Plan 1997 (including Adopted Alterations May 2001 and July 2004) Consolidated September 2007 & November 2011.
- 2 The development results in the employment of a significant number of large, heavy trucks and goes significantly above and beyond any previous use of the site in utilising large HGVs. Furthermore, concern is raised about the acceptability of the road given the reports of a significant increase in vehicular traffic. Concerns are raised over satisfactory access onto the existing network, and the traffic is of excessive size and weight which is not acceptable on the unsuitable road. As such, the development conflicts with Local Plan Policy TR2 of the Adopted Chiltern District Local Plan 1997 (including Adopted Alterations May 2001 and July 2004) Consolidated September 2007 & November 2011.
- 3 Residential properties are located adjacent to the site to the West, South and South East, and although this site previously had a business/industrial use, the use of the site for scaffolding storage

and distribution brings with it a significant impact on the locality through terms of noise above and beyond the previous use and it is noted that a large number of deliveries are also having an adverse impact in this regard. The increased height of scaffolding storage also detracts from the rural character of the area, particularly views North into the open green belt, and such is considered to cause an adverse impact for neighbours immediately adjacent. Given the above, it is considered the development causes a significant adverse impact on neighbouring amenity and objections are raised with regard to Local Plan Policies GC3 and GC7 of the Adopted Chiltern District Local Plan 1997 (including Adopted Alterations May 2001 and July 2004) Consolidated September 2007 & November 2011.

- 4 If the Committee refuses planning permission in light of the identified harm it is recommended that follow up action is taken in accordance with Central Government Guidance in para 207 of the National Planning Policy Framework (NPPF) and Chiltern District Council's Planning Enforcement Policy and the Planning Committee authorises the service of such Enforcement Notices in respect of the development as may be considered appropriate by the Head of Sustainable Development. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Sustainable Development. In the event of non-compliance with the Notice, the Head of Sustainable Development having delegated authority to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or direct action to secure compliance with the Notice.

**The End**



CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 9th August 2018

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**Amersham**

**2017/00159/AB**

Ward: Amersham Town

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Alleged breach: Without planning permission, the construction of a single storey rear and side extension.

**Rookwood Lodge, Stanley Hill, Amersham, Buckinghamshire HP7 9HH ("the land")**

**Amersham**

**2017/00234/AB**

Ward: Amersham on the Hill

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Alleged breach: Untidy site adversely affecting the amenity of the area.

**Land between 32-33 Green Lane, Amersham, Buckinghamshire HP6 6AS ("the land")**

**Chartridge**

**2018/00002/AB**

Ward: Cholesbury, The Lee, Bellingdon

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Alleged breach: Failure to remove a structure namely a large metal container after development has been completed, in open Green Belt and AONB.

**High Mead, Chesham Road, Bellingdon, Buckinghamshire HP5 2XU**

**Chalfont St Peter**

**EN/18/2074**

Ward: Central

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Alleged breach: Without planning permission, the material change of use of a garden outbuilding on the Land to a self-contained unit of residential accommodation.

**Land to the rear of 23 High Street, Chalfont St Peter, Buckinghamshire SL9 9QE ("the Land")**

# REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

## Alleged Breaches of Planning Control 9 August 2018

<b>SUBJECT:</b>	<i>Planning Enforcement Report – 2017/00159/AB</i>
<b>RESPONSIBLE OFFICER:</b>	<i>Steve Bambrick – Director of Services</i>
<b>REPORT AUTHOR:</b>	<i>Adam Pegley</i>
<b>WARD:</b>	<i>Amersham Town</i>
<b>SITE ADDRESS:</b>	<i>Rookwood Lodge Stanley Hill Amersham Buckinghamshire HP7 9HH (the "Land")</i>
<b>BREACH:</b>	<b>Without planning permission, the construction of a single storey rear and side extension</b>

### 1.0 INTRODUCTION & SUMMARY

1.1 The site is a residential dwelling situated on Stanley Hill, located within the Metropolitan Green Belt

1.2 A single storey rear and side extension (the subject of this report) has been constructed to the rear of the property without planning permission.

### 2.0 MAIN ISSUES

2.1 Consideration of why the unauthorised extension is not compliant with local and national planning policy allied with the expediency of enforcement action in the public interest.

### 3.0 RECOMMENDATION SUMMARY

3.1 That it is expedient in the public interest to issue an Enforcement Notice requiring the removal of the unauthorised single storey rear and side extension from the Land, as it is contrary to relevant planning policy.

### 4.0 RELEVANT POLICIES

#### National and Regional Policies

National Planning Policy Framework (NPPF), 2012 – "the Framework"

#### Local Policies

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GB2, GB13, H14, H15, LSQ1, TR11 and TR16.

Adopted Council Enforcement Plan.

## **5.0 RELEVANT PLANNING HISTORY**

5.1 CH/2010/2042/FA - Part two storey, part first floor front/side/rear extension incorporating side porch, single storey rear extension and front porch. Dismissed. Appeal Dismissed.

CH/2013/1594/PNE - Single storey rear extension 7.99 metres beyond the rear wall of original dwelling. Prior Approval Given.

CH/2014/0200/PNE - Single storey rear extensions 7.99 metres beyond the rear wall of original dwelling. Prior Approval Not Required.

## **6.0 BACKGROUND INFORMATION**

6.1 Planning permission is required for this single storey rear and side extension, yet no application has been forthcoming and the unauthorised development remains in situ. The unauthorised development has been witnessed by Council officers who have recorded their findings as part of enforcement case 2017/00159/AB and photographic and other documentary evidence has been saved in the repository attached to this record.

6.2 Contact was made with the owner who has thus far failed to meaningfully engage with the Council.

## **7.0 CONSULTATIONS AND REPRESENTATIONS**

None.

## **8.0 PLANNING CONSIDERATIONS**

The extension is estimated to be treble the footprint of the original dwelling.

The Main Issues

- Impact on the openness of the Green Belt
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### **8.1 Impact on the openness of the Green Belt**

The site is located within the Metropolitan Green Belt. Paragraph 145 and 146 of the National Planning Policy Framework identify development within the Green Belt which is and is not inappropriate. In relation to extensions, paragraph 145 includes the following as an exception to inappropriate development, "*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*".

8.2 The unauthorised extension extends over 10 metres to the rear of the dwelling into the open Green Belt. This has resulted in a significant adverse impact on the openness of the Green Belt by not respecting the provisions of the Framework and including a disproportionate addition over and above the size of the original building. Consequently, the single storey rear extension would constitute inappropriate development which, by definition, is harmful to the Green Belt.

8.3 Local Plan Policy GB13 is clear. Extensions to dwellings will be permitted, but only providing that they are *subordinate to the size and scale of the original dwelling* and *are not intrusive in the landscape*. The intent of this policy is to re-inforce the Council's policy to control the size and scale of extensions to dwellings in the open countryside, in order to achieve consistency with the function of the Green Belt by keeping land open. Therefore, only limited extensions will be permitted to existing dwellings. It cannot

be considered that this is a "limited" extension, which at a depth of over 10 meters plus the side extension, goes significantly above and beyond the "permitted development" allowance for larger home extensions. The extension represents a significant and substantial increase in floor space and as such is not considered subordinate or modest in size. Observation of the photographs of the extension (see Appendix A and at the end of this report) show a clear alteration to the character of the dwelling by virtue of the extension, which clearly dominates the existing dwelling. As such, the rural appearance of the area has been adversely affected.

8.4 In summary, the unauthorised extension is inappropriate development which would harm the openness of the Green Belt. Objection is also raised to the development on its size, scale and resultant adverse impact. The Framework advises that substantial weight should be given to any harm to the Green Belt.

8.5 Furthermore, whilst prior approval was given in 2014 for an 8m rear extension, what has been built goes significantly above and beyond this approval and indeed incorporates a large side extension joint with a rear extension. The additional build form envelopes around the original dwelling in such a way as to completely dominate the dwelling and cause a severe adverse impact on the original buildings design and character. The extensions are clearly contrary to the Council's clear design policies and are considered unacceptable. In addition, although the sheer scale of the extensions represents the principle planning harm, the materials used do not harmonise with the existing dwelling, with white render contrasting heavily with the original multi-brick design of the dwelling. Such an extension has clearly not been designed to respect the proportions, materials or character of the original house."

8.6 No planning permission has been submitted for the development and no very special circumstances necessary to justify the development exist. The proposal, therefore, conflicts with paragraphs 143 to 145 of the National Planning Policy Framework and Local Plan Policies GC1, H14, H15, GB2 and GB13.

## **9.0 HUMAN RIGHTS ACT**

The following articles of the Human Rights Act 1998 are considered to be relevant in this case: Part 1 Article 8 - the right to respect for private and family life, home and personal correspondence. Part 2 Article 1 of the First Protocol - the right to protection of property, including peaceful enjoyment of possessions. Both of these rights could be outweighed when considering the general interest and the rights and freedoms of others. The addition of this development causes unacceptable harm to the visual interest and the character of the area in which it is located. The need to remedy the breach is in the interest of the wider community and, with the lack of demonstrable information to the contrary, greater than the needs of the individual.

## **10.0 EQUALITY IMPACT ASSESSMENT**

The Equality Act 2010, which came into effect on 1st October, includes a new public sector Equality Duty, replacing the separate public sector equality duties relating to race, disability and sex, and also covering age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment.

10.1 Part 11, Section 149 provides the following 'Public sector equality duty' on authorities: "(1) – A public authority must, in the exercise of its functions, have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it." It is therefore necessary for the authority, in consideration of this report, as with the consideration of any other proposal, to ensure that the above requirements have been met. There are no equality issues arising from taking the recommended action.

10.2 The breaches of planning control and action to resolve the breaches have been assessed in the context of the Human Rights Act and Equalities Act, and action to resolve the breaches is considered proportionate and in the public interest in order to uphold the planning laws of the land and harm caused to the amenity of the area.

## **11.0 EXPEDIENCY**

The issue of an Enforcement Notice by Local Planning Authorities is discretionary and it is the Council's decision to decide whether a notice is expedient in the public interest. In doing so, consideration must be given to all the options:

### **11.1 Do nothing or under enforce**

The breach of planning control was brought to the Council's attention by a concerned resident. To do nothing at all in this case is likely to attract complaints from residents and is, in the circumstances, unjustifiable.

### **11.2 Negotiate**

The adopted Enforcement Plan states that wherever possible, officers will negotiate to bring a contravention into compliance but goes on to recognise that sometimes enforcement action is necessary to reach the right outcome.

The owner has offered no comment and has not sought to engage with the LPA. The harm caused by the unauthorised development is demonstrable. There is no reason to invite a planning application as the development would not be supported at officer level. For these reasons, it is considered that in order to remedy the breach in a timely manner there is no scope for further negotiation.

### **11.3 Issue an Enforcement Notice**

The only other option available to the Council is to issue an Enforcement Notice. This would have the benefit of remedying the harm that is being caused. It would also boost public confidence in the integrity of the planning system and the decision making of the Council as local planning authority as there is local objection to the unauthorised development. Given the owner's attitude, it is likely that an appeal will be forthcoming but the author of this report believes that the Council's case is sound and any appeal would be likely to be dismissed.

## **12.0 CONCLUSIONS**

The Council's solicitor should be instructed to issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring, within Four (4) months:

### **Requirements:**

- i. Demolish the unauthorised single storey rear and side extension in its entirety (as shown outlined in blue on the attached plan) and remove any resultant debris from the works from the Land.

### **The reason for issuing a Notice**

It appears to the Council that the above breach of planning control has occurred in the last 4 years.

The unauthorised extension has resulted in a disproportionate addition to the original dwelling, is out of scale and extends into open Green Belt land to the rear of the property, such that it would constitute inappropriate development. The extension represents a substantial increase on residential floor space and is not modest and indeed dominates the rear of the existing dwelling through its size and substantial depth.

The unauthorised development is therefore contrary to Policies GC1 and GB13 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and guidance contained in the National Planning Policy Framework.

The Council does not consider that planning permission should be given because planning conditions could not overcome these objections to the development.

**Copies of the notice should be served on:**

Lee Roger Garner – 90 Church Street, Chesham, Buckinghamshire, HP5 1JD

Lucy Garner – 90 Church Street, Chesham, Buckinghamshire, HP5 1JD

The Owner, Rookwood Lodge, Stanley Hill, Amersham, HP7 9HH

The Occupier, Rookwood Lodge, Stanley Hill, Amersham, HP7 9HH

**Signed:**

**Steve Bambrick – Director of Services**

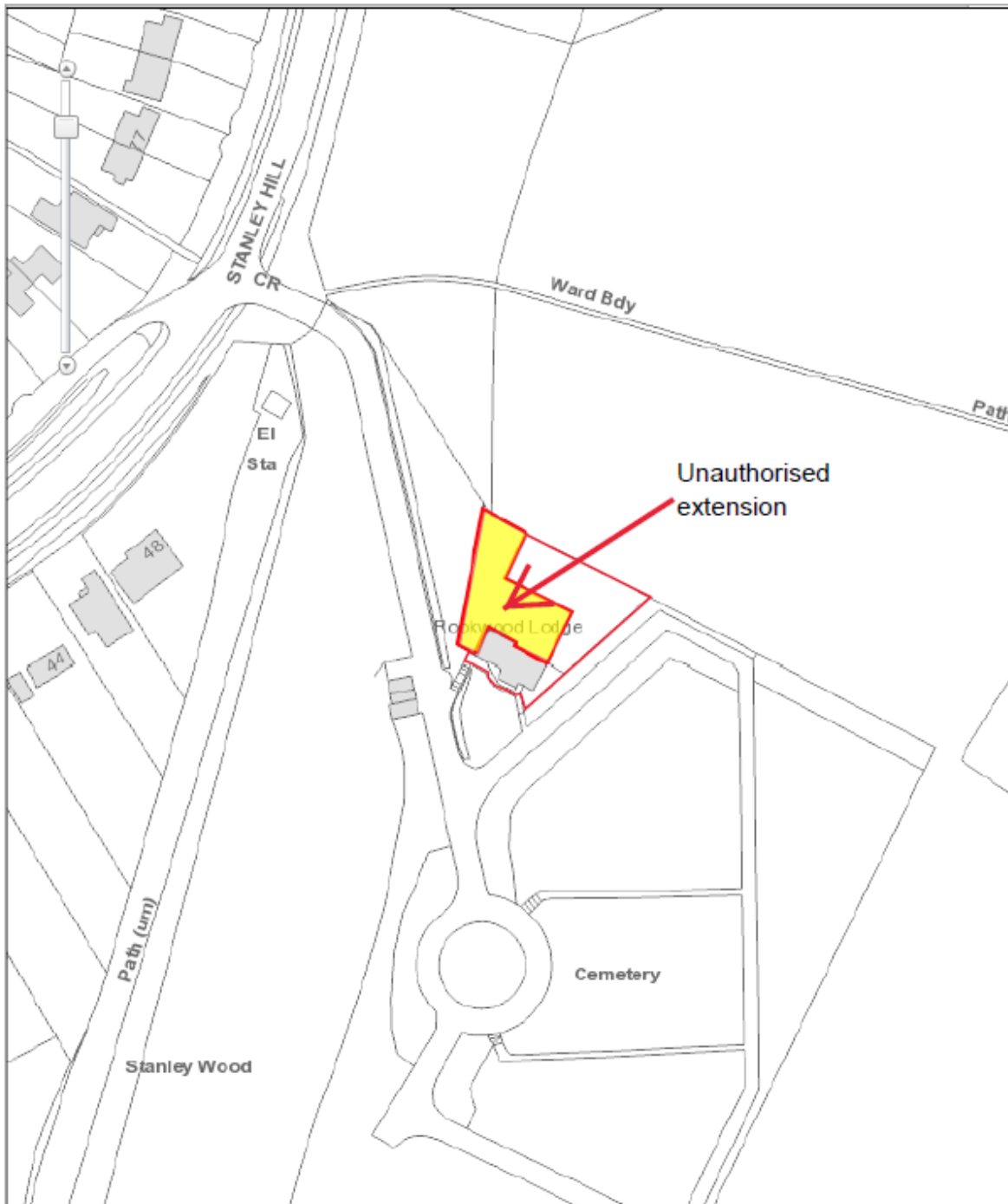
**Dated:**

**Signed:**

**Joanna Swift – Head of Legal and Democratic Services**

**Dated:**

**Site Plan**



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Appendix 'A'





<b>SUBJECT:</b>	<i>Planning Enforcement Report - 2017/00234/AB</i>
<b>RESPONSIBLE OFFICER:</b>	<i>Steve Bambrick – Director of Services</i>
<b>REPORT AUTHOR:</b>	<i>Lyana Radzif</i>
<b>WARD:</b>	<i>Amersham on the Hill</i>
<b>SITE ADDRESS:</b>	<i>Land Between 32-33 Green Lane Amersham Buckinghamshire HP6 6AS (“the land”)</i>
<b>BREACH:</b>	<b>Untidy site adversely affecting the amenity of the area</b>

## **1.0 INTRODUCTION & SUMMARY**

1.1 The site is a strip of land located between Nos. 32 and 33 Green Lane, which is a residential street located within the built up area of Amersham.

1.2 The site remains in an untidy condition with a large number of building materials, slabs of concrete, weeds and unused fence panels. The site does benefit from structurally sound fencing along property boundaries but remains visible and accessible from the road.

## **2.0 MAIN ISSUES**

2.1 Consideration of whether the site adversely affects the amenity of the area, such that it would be expedient to serve a Notice under Section 215 of the Town and Country Planning Act 1990.

## **3.0 RECOMMENDATION SUMMARY**

3.1 That it is expedient in the public interest to issue a Section 215 (“Untidy Site”) - Notice requiring the owner and occupier to remedy of the condition of the land.

## **4.0 RELEVANT POLICIES**

### **National and Regional Policies**

National Planning Policy Framework (NPPF), 2012 – “the Framework”

### **Local Policies**

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

Adopted Council Enforcement Plan

## **5.0 RELEVANT PLANNING HISTORY**

5.1 None.

## **6.0 BACKGROUND INFORMATION**

6.1 The land was sold two years ago, and previously was part of the curtilage of the Pheasant Pub.

6.2 Contact was made with the owner who has thus far failed to meaningfully engage with the Council.

## **7.0 CONSULTATIONS AND REPRESENTATIONS**

None.

## **8.0 PLANNING CONSIDERATIONS**

### The Main Issues

- Whether the current state of the land caused an adverse impact to the amenity of the area, such that it is expedient for the Council to formally require steps for remedying the condition of the land.

8.1 The site is located within the residential street of Green Lane, which is characterised by open frontages with low walls. The land previously was in use as an access to The Pheasant Pub, however it has been purchased within the past 2 years by another owner and the condition of the land has significantly worsened during that period.

8.2 Local Plan Policy GC3 highlights that as a material planning consideration, the amenities of residential properties are particularly important as occupiers spend much of their non-working time there. The current state of the land represents an unkempt strip of land, with a substantial amount of deposited concrete, building materials, wooden pallets, timber, builder's rubble and old fencing. Such haphazard storage of these materials in a residential area, visible from the street scene, represents a wholly uncharacteristic site to the detriment of the amenity of the area.

8.3 Over the past two years, the land has become increasingly unkempt and overgrown. Whilst the owner has taken some steps to secure the boundaries of the site, it remains in an unacceptably untidy condition and for the reasons given above authorisation is sought for the service of a Section 215 Notice.

## **9.0 HUMAN RIGHTS ACT**

The following articles of the Human Rights Act 1998 are considered to be relevant in this case: Part 1 Article 8 - the right to respect for private and family life, home and personal correspondence. Part 2 Article 1 of the First Protocol - the right to protection of property, including peaceful enjoyment of possessions. Both of these rights could be outweighed when considering the general interest and the rights and freedoms of others. The addition of this development causes unacceptable harm to the visual interest and the character of the area in which it is located. The need to remedy the breach is in the interest of the wider community and, with the lack of demonstrable information to the contrary, greater than the needs of the individual.

## **10.0 EQUALITY IMPACT ASSESSMENT**

The Equality Act 2010, which came into effect on 1st October, includes a new public sector Equality Duty, replacing the separate public sector equality duties relating to race, disability and sex, and also covering age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment.

10.1 Part 11, Section 149 provides the following 'Public sector equality duty' on authorities: "(1) – A public authority must, in the exercise of its functions, have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it." It is therefore necessary for the authority, in consideration of this report, as with the consideration of any other proposal, to ensure that the above requirements have been met. There are no equality issues arising from taking the recommended action.

10.2 The breaches of planning control and action to resolve the breaches have been assessed in the context of the Human Rights Act and Equalities Act, and action to resolve the breaches is considered proportionate and in the public interest in order to uphold the planning laws of the land and harm caused to the amenity of the area.

## **11 EXPEDIENCY**

The issue of a Notice by Local Planning Authorities is discretionary and it is the Council's decision to decide whether a notice is expedient in the public interest. In doing so, consideration must be given to all the options:

### **11.1 Do nothing or under enforce**

The breach of planning control was brought to the Council's attention by a concerned resident. To do nothing at all in this case is likely to attract complaints from residents and is, in the circumstances, unjustifiable.

### **11.2 Negotiate**

The adopted Enforcement Plan states that wherever possible, officers will negotiate to bring a contravention into compliance but goes on to recognise that sometimes enforcement action is necessary to reach the right outcome.

The owner has offered no comment and has not sought to engage with the LPA. The harm caused by the unauthorised development is demonstrable. There is no reason to invite a planning application as the development would not be supported at officer level. For these reasons, it is considered that in order to remedy the breach in a timely manner there is no scope for further negotiation.

### **11.3 Issue an S215 Notice**

The only other option available to the Council is to issue an S215 ("untidy site") Notice. This would have the benefit of remedying the harm that is being caused. It would also boost public confidence in the integrity of the planning system and the decision making of the Council as local planning authority as there is local objection to the unauthorised development. Given the owner's attitude, it is likely that an appeal will be forthcoming but the author of this report believes that the Council's case is sound and any appeal would be likely to be dismissed.

## **12.0 CONCLUSIONS**

The Council's solicitor should be instructed to issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring, within Two (2) months:

### **Requirements:**

- ii. Remove from the Land all materials that are being stored in the open. The materials to be removed include bricks, wooden pallets, timber, fencing, concrete, builder's rubble and debris.
- iii. The overgrown grassed areas must be cut back and restored to a tidy condition.

### **The reason for issuing a Notice**

It appears to the Authority that the amenity of a part of their area is adversely affected by the condition of the Land comprising Land between 32 and 33 Green Lane, Amersham, Bucks, HP6 6AS. The area is overgrown and in an untidy condition and being used for the open storage of materials including bricks, wooden pallets, timber, fencing, concrete, builder's rubble and debris. The overgrown and untidy condition of the Land together with the amount of materials being stored in the open is detrimental to the visual amenity of the locality.

Over the past two years the land has become increasingly unkempt and overgrown. During this time various materials have been stored on the land, there is no evidence that this material is attributable in any way to the carrying out of operations or a use of land in accordance with Part III of the Town and Country Planning Act 1990.

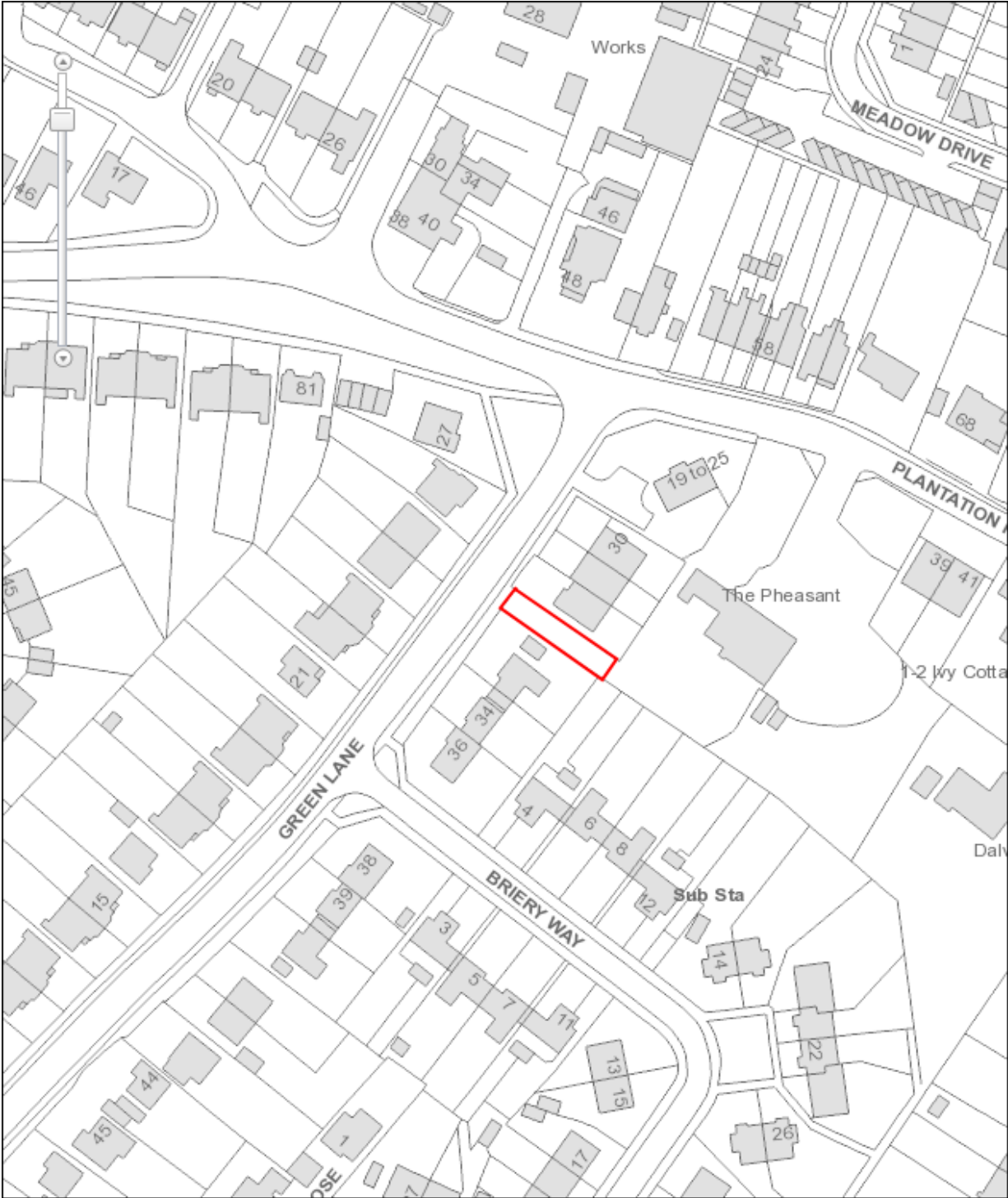
**Copies of the notice should be served on:**

The Owner/Occupier, Land Between 32-33 Green Lane, Amersham, Bucks, HP6 6AS.

**Photograph**



**Site Plan**



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1: 1250

Signed:  
**Steve Bambrick – Director of Services**

Dated:

Signed:  
**Joanna Swift – Head of Legal and Democratic Services**

Dated:

<b>SUBJECT:</b>	<i>Planning Enforcement Report – 2018/00002/AB</i>
<b>RESPONSIBLE OFFICER:</b>	<i>Steve Bambrick – Director of Services</i>
<b>REPORT AUTHOR:</b>	<i>Billy Johal</i>
<b>WARD:</b>	<i>Cholesbury, The Lee, Bellingdon</i>
<b>SITE ADDRESS:</b>	<i>High Mead Chesham Road Bellingdon Buckinghamshire HP5 2XU</i>
<b>BREACH:</b>	<b>Failure to remove a structure namely a large metal container after development has been completed, in open Green Belt and AONB.</b>

## **1.0 INTRODUCTION & SUMMARY**

1.1 The site is within the curtilage of a detached residential dwelling known as High Mead, Chesham Road, Bellingdon, Buckinghamshire HP5 2XU. The address is in the open Green Belt and Chilterns area of Outstanding Natural Beauty (AONB).

1.2 A large green metal container (the subject of this report), which had been used for storage whilst building works were being carried has not been removed although the development is now complete. The container which has no permission has been in situ for four years forward of the principal elevation. Due to the time it has remained in situ it cannot be considered as temporary.

1.3 The Director of Service has delegated authority (Council Constitution, delegation 13(a)) to issue an Enforcement Notice, following consultation with the Head of Legal & Democratic Services. Notices are to be issues in the name of the Head of Legal & Democratic Services.

## **2.0 MAIN ISSUES**

2.1 Consideration of why the storage container has not been removed within a reasonable period of time after development. The failure to remove the container is not compliant with local and national planning policy allied with the expediency of enforcement action in the public interest. A failure to take formal action may result in the container becoming a permanent structure and become immune from enforcement through passage of time.

## **3.0 RECOMMENDATION SUMMARY**

3.1 That it is expedient in the public interest to issue an Enforcement Notice requiring the removal of the storage container.

3.2 That, if necessary, legal proceedings be instituted to secure compliance with the Enforcement Notice.

## **4.0 RELEVANT POLICIES**

### National and Regional Policies

National Planning Policy Framework (NPPF), 2012 – “the Framework

The Town and Country Planning (General Permitted Development) (England) Order 2015 - Class A, Part 4, Schedule 2 - Temporary building and structures

Countryside and Rights of Way Act 2000 - Section 85 - Relevant authority shall have regards to the purpose of conserving and enhancing the natural beauty of AONB

Town and Country Planning Act 1990 - Section 171B - Time limits for enforcement.

#### Development Plan Policies

Policy GC1, GC3, GB2 of the Chiltern Local Plan adopted 1 September 1997 (Including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

Policy GC1 – Scale of development with its surroundings.

Policy GC3 \_ Protection of Amenities throughout the District.

Policy GB2 – Inappropriate development in Green Belt.

Adopted Council Enforcement Plan

### **5.0 RELEVANT PLANNING HISTORY**

5.1 CH/2016/1885/FA – Single storey front extension to replace porch.

### **6.0 BACKGROUND INFORMATION**

6.1 Enforcement Officers initially received a report in October 2012 alleging, the owner who is a builder was running his building business from the dwelling. The owner was spoken to around October 2012 and during the site visit a large metal storage container subject of this report was seen on the land forward of the principal elevation. The owner was questioned about the container and he stated that the container was for storing material and equipment in relation to his home improvements. Home improvements were observed and without further evidence the investigation was closed.

6.2 A similar allegation was received in January 2018 and again Enforcement Officers met with the owner. On this occasion Officers were told that the container which was in the same location as 2012 was being used for landscaping material in connection to works at the address. The owner was asked to remove the container when the work was complete. On 12 July 2018 Enforcement Officers again met with the owner. The owner stated that he had further used the container for storage of material whilst his porch was constructed. The building works are now complete and the owner has not removed the shipping container off the land. The owner wants to retain the container in situ as he intends doing further development at the address. To date no application has been received by the planning department.

6.3 The container by reason of its visual intrusion with the street scene is considered to be an unsightly addition to the road, in view of outdoor amenity areas of neighbouring properties and in stark contrast with its surroundings. The container has been witnessed by Council officers who have recorded their findings as part of enforcement case 2018/00002/AB and photographic and other documentary evidence has been saved in the repository attached to this record.

### **7.0 CONSULTATIONS AND REPRESENTATIONS**

None.

### **8.0 PLANNING CONSIDERATIONS**

The Main Issues

- Quality of Design
- The container benefited from permitted development, Class A, Part 4, Schedule 2 of General Permitted Development Order 2015. However now that development has been completed the container ceases to benefit from permitted development rights and should be removed, before it becomes immune from enforcement through passage of time.
- To preserve the setting of Green belt and area of outstanding natural beauty.

8.1 The storage container is large structure approximately 8ft (2.43m) width, 8.5ft (2.59m) height and 40ft (12.2m) in length. Due to its scale and location on the Land, views to the container from external viewpoints are not limited and it can clearly be seen from multiple vantage points. Notwithstanding this visual intrusion, a container of this size located in such a prominent location and forward of the principal elevation materially and significantly impacts on local amenity.

8.2 The container has been in situ for nearly 6 years whilst building and renovations works were being carried out at the address. The container had benefited from permitted development rights. Now that the development is complete if it was to remain on site through passage of time it could become a permanent structure and immune from enforcement action.

8.3 The container is situated in a Green belt in an area deemed as an Area of Outstanding Natural Beauty and paragraph 80 of NPPF states that one of the fundamental aims of the green belt policy is to preserve the setting and special character of historic towns and to assist in safeguarding the countryside from encroachment.

## **9.0 HUMAN RIGHTS ACT**

9.1 The taking of enforcement action would amount to an interference with the Human Rights of the owners and or occupiers of the site as set out in the Human Rights Act 1998 ("the HRA"). The Council must act compatibly with the rights of the owners and occupiers of the site and must take into account the impact that a decision to take enforcement action will have on those rights. The right to a fair hearing is an absolute right (Article 6)

9.2 The owners and occupiers of the land are aware that the unauthorised development is a breach of planning control and that the Council is considering taking enforcement action.

9.3 The availability of the statutory right of appeal following the issuing of any Enforcement Notice together with the further statutory right of appeal against the decision of the Secretary of State for Communities and Local Government meets the requirements to ensure a fair hearing.

9.4 The right to respect for private / family life and the protection of property (Article 8 and Article 1 of the First Protocol) is a qualified right. Any decision to take enforcement action is taken pursuant to the provisions of Part VII of the 1990 Act, and any action taken will be taken in accordance with the law. Taking enforcement action against breaches of planning control serves a legitimate aim, namely the preservation of the environment in the wider public interest. This has been confirmed by decision of the European Court of Human Rights in the cases of *Buckley v United Kingdom* and *Chapman v United Kingdom*.

9.5 This report provides consideration whether enforcement action is necessary and proportionate in the particular circumstance of the case. In this respect, the Council has considered whether the objective can be achieved by a means which is less interfering with an individual's rights and whether the measure has an excessive or disproportionate effect on the interests of the affected individual(s). The objective in this case is the proper enforcement of planning control. It is not considered that there is any other means by which this objective can be secured which interferes less with the rights of the owner/occupant(s). Nor is it considered that the service of an enforcement notice would have an excessive or disproportionate effect on their rights.



## **10.0 EQUALITY IMPACT ASSESSMENT**

10.1 The Equality Act 2010, which came into effect on 1st October, includes a public sector Equality Duty, relating to race, disability and sex, age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment.

10.2 Part 11, Section 149 provides the following 'Public sector equality duty' on authorities: "(1) – A public authority must, in the exercise of its functions, have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it." It is therefore necessary for the authority, in consideration of this report, as with the consideration of any other proposal, to ensure that the above requirements have been met. There are no equality issues arising from taking the recommended action.

10.3 The breaches of planning control and action to resolve the breaches have been assessed in the context of the Human Rights Act and Equalities Act, and action to resolve the breaches is considered proportionate and in the public interest in order to uphold the planning laws of the land and harm caused to the amenity of the area.

## **11 EXPEDIENCY**

The issue of an Enforcement Notice by Local Planning Authorities is discretionary and it is for the Council's to decide whether a notice is expedient in the public interest. In doing so, consideration must be given to all the options:

### **11.1 Do nothing or under enforce**

The breach of planning control was brought to the Council's attention by a concerned resident. To do nothing at all in this case is likely to attract complaints from residents and is, in the circumstances, unjustifiable.

### **11.2 Negotiate**

The adopted Enforcement Plan states that wherever possible, officers will negotiate to bring a contravention into compliance but goes on to recognise that sometimes enforcement action is necessary to reach the right outcome.

The owner has offered no comment and has not sought to engage with the LPA. The harm caused by the unauthorised development is demonstrable. There is no reason to invite a planning application as the development would not be supported at officer level. For these reasons, it is considered that in order to remedy the breach in a timely manner there is no scope for further negotiation.

### **11.3 Issue an Enforcement Notice**

The only other option available to the Council is to issue an Enforcement Notice. This would have the benefit of remedying the harm that is being caused. It would also boost public confidence in the integrity of the planning system and the decision making of the Council as local planning authority as there is local objection to the unauthorised development. Whilst the owner has not engaged with the Council to date, an appeal may be forthcoming but the author of this report believes that the Council's case is sound and any appeal would be likely to be dismissed.

## **12.0 NEXT STEPS**

If the recommended action is authorised by the Director of Services, the Head of Legal & Democratic Services will be instructed to prepare and issue the Enforcement Notice as detailed below, which will be served by the Enforcement Team

### **13.0 RECOMMENDATION**

The Council's Director of Service exercise his delegated authority to issue an Enforcement Notice of the Town and Country Planning Act 1990 requiring, within Four (4) months:

#### **Requirements:**

- i Remove the building as shown outlined in red on the plan (and shown in the Photograph at Appendix 'A' of this notice) from the Land, including all associated fixtures, fittings and waste materials therefrom.

#### **The reason for issuing a Notice**

It appears to the Council that the breach of planning control has occurred in the last 4 years.

The unauthorised development is of a significant scale and presents as an overbearing, incongruous, obtrusive and unneighbourly addition to the street scene.

As such, the unauthorised development is contrary to Policies EP3 and H13 of the South Bucks Local Plan 1999 and polices contained in the National Planning Policy Framework, Paragraphs 56-58 (Requiring good design)

The Council does not consider that planning permission should be given because planning conditions could not overcome these objections to the development.

#### **Copies of the notice should be served on:**

The Owner, High Mead, Chesham Road, Bellingdon, Buckinghamshire, HP5 2XU

The Occupier, High Mead, Chesham Road, Bellingdon, Buckinghamshire, HP5 2XU

HSBC Bank PLC (Co. Regn. No 14259 40-41-42 of Mortgage Service Centre P.O Box 6308 Coventry CV3 9LB

That legal proceedings be taken, if necessary, to secure compliance with the Enforcement Notice.

I, Steve Bambrick, Director of Services, agree the above recommendation

Signed

Dated

I, Joanna Swift, Head of Legal & Democratic Services, agree the above recommendation

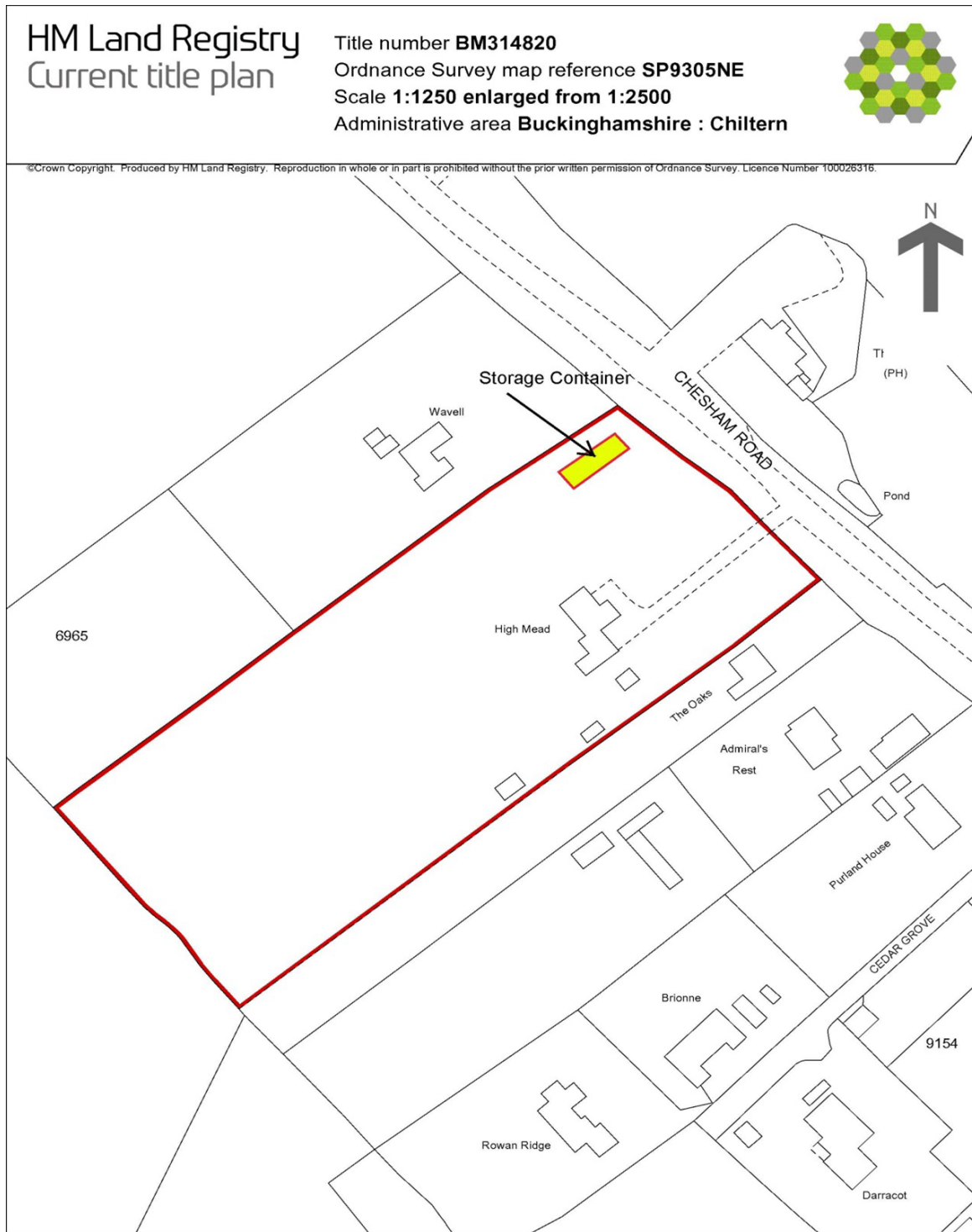
Signed

Dated

Appendix A



# Site Plan



**This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 12 July 2018 at 16:12:15. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.**

**This title is dealt with by HM Land Registry, Leicester Office.**

<b>SUBJECT:</b>	<i>Planning Enforcement Report - EN/18/2074</i>
<b>RESPONSIBLE OFFICER:</b>	<i>Steve Bambrick – Director of Services</i>
<b>REPORT AUTHOR:</b>	<i>Mitchell Kitts</i>
<b>WARD:</b>	<i>Chalfont St Peter</i>
<b>SITE ADDRESS:</b>	<i>Land to the rear of 23 High Street Chalfont St Peter Buckinghamshire SL9 9QE (“the Land”)</i>
<b>BREACH:</b>	<b>Without planning permission, the material change of use of a garden outbuilding on the Land to a self-contained unit of residential accommodation.</b>

## 1.0 INTRODUCTION & SUMMARY

1.1 The Land comprises a ground floor residential unit with residential over that comprises a small suite of like properties in the High Street, Chalfont St Peter. A ‘garden store’ at the rear of the Land has been given over to use as a self-contained residential dwelling.

## 2.0 MAIN ISSUES

2.1 Consideration of why the unauthorised development is not compliant with local and national planning policy allied with the expediency of enforcement action in the public interest.

## 3.0 RECOMMENDATION SUMMARY

3.1 That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and Chiltern & South Bucks District Councils’ Joint Planning Enforcement Plan and that the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

## 4.0 RELEVANT POLICIES

### **National and Regional Policies**

National Planning Policy Framework (NPPF), 2012 – “the Framework”

### **Local Policies**

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies: GC1, GC3, H12 and H20

Adopted Council Enforcement Plan.

## 5.0 RELEVANT PLANNING HISTORY

5.1 CH/2011/0998/FA - External staircase and landing to serve first floor flat and insertion of door within existing rear elevation – Approved on 23<sup>rd</sup> August 2011

## **6.0 BACKGROUND INFORMATION**

6.1 Planning permission for the activity described above is required, yet no application to regularise the activity has been forthcoming and the unauthorised development remains in situ. This unauthorised development has been witnessed by Council officers who have recorded their findings as part of enforcement case EN/18/2074 and photographic and other documentary evidence has been saved in the repository attached to this record.

6.2 Contact was made with the owner who has thus far failed to meaningfully engage with the Council.

## **7.0 CONSULTATIONS AND REPRESENTATIONS**

None.

## **8.0 PLANNING CONSIDERATIONS**

8.1 The Main Issue:

### **Impact of the development on the living conditions of present and future occupiers**

Two people occupy the outbuilding and it has one bedroom. National policy on housing standards is set out in detail in the Written Ministerial Statement of 25 March 2015 ("the March 2015 WMS"). This WMS introduces a set of national technical standards, including the Technical housing standards-nationally described space standard ("the National Space Standard"). The March 2015 WMS states that, "from October 2015: existing Local Plan... policies relating to... internal space should be interpreted by reference to the nearest equivalent new national technical standard." For one bed/two person dwellings the National Space Standard sets a minimum of 50 SqM. As the March 2015 WMS is the most up-to-date expression of national planning policy on this matter. The floor plan calculation suggests a GIA of 17 SqM. The unit therefore fails the National Space Standard by some degree and the Standard is clearly expressed as a minimum. The inadequacy of the floor-space arrangement fails to meet the day-to-day needs of its occupants. On the basis of size deficiencies alone, the accommodation provided offers a very poor quality of life for occupants. With such constraints on space, there would be insufficient room for furniture, access and movement, meaning that occupants would have limited scope for even the most basic items of furniture or possessions that could be accommodated. Consequently, the development conflicts with emerging local policy and national policy as expressed and reflected in the March 2015 WMS and the National Space Standard.

## **9.0 HUMAN RIGHTS ACT**

The following articles of the Human Rights Act 1998 are considered to be relevant in this case: Part 1 Article 8 - the right to respect for private and family life, home and personal correspondence. Part 2 Article 1 of the First Protocol - the right to protection of property, including peaceful enjoyment of possessions. Both of these rights could be outweighed when considering the general interest and the rights and freedoms of others. The addition of this development causes unacceptable harm to the amenity interest of the occupants of the 'dwelling'. The need to remedy the breach is in the interest of the wider community and, with the lack of demonstrable information to the contrary, greater than the needs of the individual.

## **10.0 EQUALITY IMPACT ASSESSMENT**

The Equality Act 2010, which came into effect on 1st October, includes a new public-sector Equality Duty, replacing the separate public sector equality duties relating to race, disability and sex, and also covering age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment.

10.1 Part 11, Section 149 provides the following 'Public sector equality duty' on authorities: "(1) – A public authority must, in the exercise of its functions, have due regard to the need to: (a) eliminate

discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.” It is therefore necessary for the authority, in consideration of this report, as with the consideration of any other proposal, to ensure that the above requirements have been met. There are no equality issues arising from taking the recommended action.

10.2 The breaches of planning control and action to resolve the breaches have been assessed in the context of the Human Rights Act and Equalities Act, and action to resolve the breaches is considered proportionate and in the public interest in order to uphold the planning laws of the land and harm caused to the amenity of the area.

## **11.0 EXPEDIENCY**

The issue of an Enforcement Notice by Local Planning Authorities is discretionary, and it is the Council's decision to decide whether a notice is expedient in the public interest. In doing so, consideration must be given to all the options:

### **11.1 Do nothing or under enforce**

The breach of planning control was brought to the Council's attention by a concerned resident. To do nothing at all in this case is likely to attract complaints from residents and is, in the circumstances, unjustifiable.

### **11.2 Negotiate**

The adopted Enforcement Plan states that wherever possible, officers will negotiate to bring a contravention into compliance but goes on to recognise that sometimes enforcement action is necessary to reach the right outcome.

The owner has offered no comment and has not sought to engage with the LPA. The harm caused by the unauthorised development is demonstrable. There is no reason to invite a planning application as the development would not be supported at officer level. For these reasons, it is considered that in order to remedy the breach in a timely manner there is no scope for further negotiation.

### **11.3 Issue an Enforcement Notice**

The only other option available to the Council is to issue an Enforcement Notice. This would have the benefit of remedying the harm that is being caused. It would also boost public confidence in the integrity of the planning system and the decision making of the Council as local planning authority as there is local objection to the unauthorised development. Given the owner's attitude, it is likely that an appeal will be forthcoming but the author of this report believes that the Council's case is sound and any appeal would be likely to be dismissed.

## **12.0 CONCLUSIONS**

The Council's solicitor should be instructed to issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring, within Four (4) months:

### **Requirements:**

- 1 Cease the use of the outbuilding (as shown outlined in blue on the plan and in the photographs at Appendix 'A' of the notice) as a self-contained dwelling.
- 2 Remove the shower from the outbuilding (as shown outlined in blue on the plan and in the photographs at Appendix 'A' of the notice), including all associated fixtures, fittings and waste materials therefrom.

**The reason for issuing a Notice**

It appears to the Council that the above breach of planning control has occurred in the last 4 years.

The unauthorised development that now occupies the space of the former outbuilding on the Land fails to meet minimum floor-space standards thus providing sub-standard living accommodation. It has not been demonstrated that the architectural merits of the development outweigh the failure to meet nationally described floor space standards. Accordingly, this poor quality of design, due to the cramped conditions therein, is harmful to the residential amenity interests of present and future occupiers.

The unauthorised development is therefore contrary to Saved Policy GB1 of the South Bucks District Local Plan Adopted 1999 and polices contained in the National Planning Policy Framework.

The Council does not consider that planning permission should be given because planning conditions could not overcome these objections to the development.

**Copies of the notice should be served on:**

The Owner(s)/Occupier(s) – Land to the Rear of 23 High Street, Chalfont St Peter, Buckinghamshire, SL9 9QE

**Signed:**

**Dated:**

**Steve Bambrick – Director of Services**

**Signed:**

**Dated:**

**Joanna Swift – Head of Legal and Democratic Services**



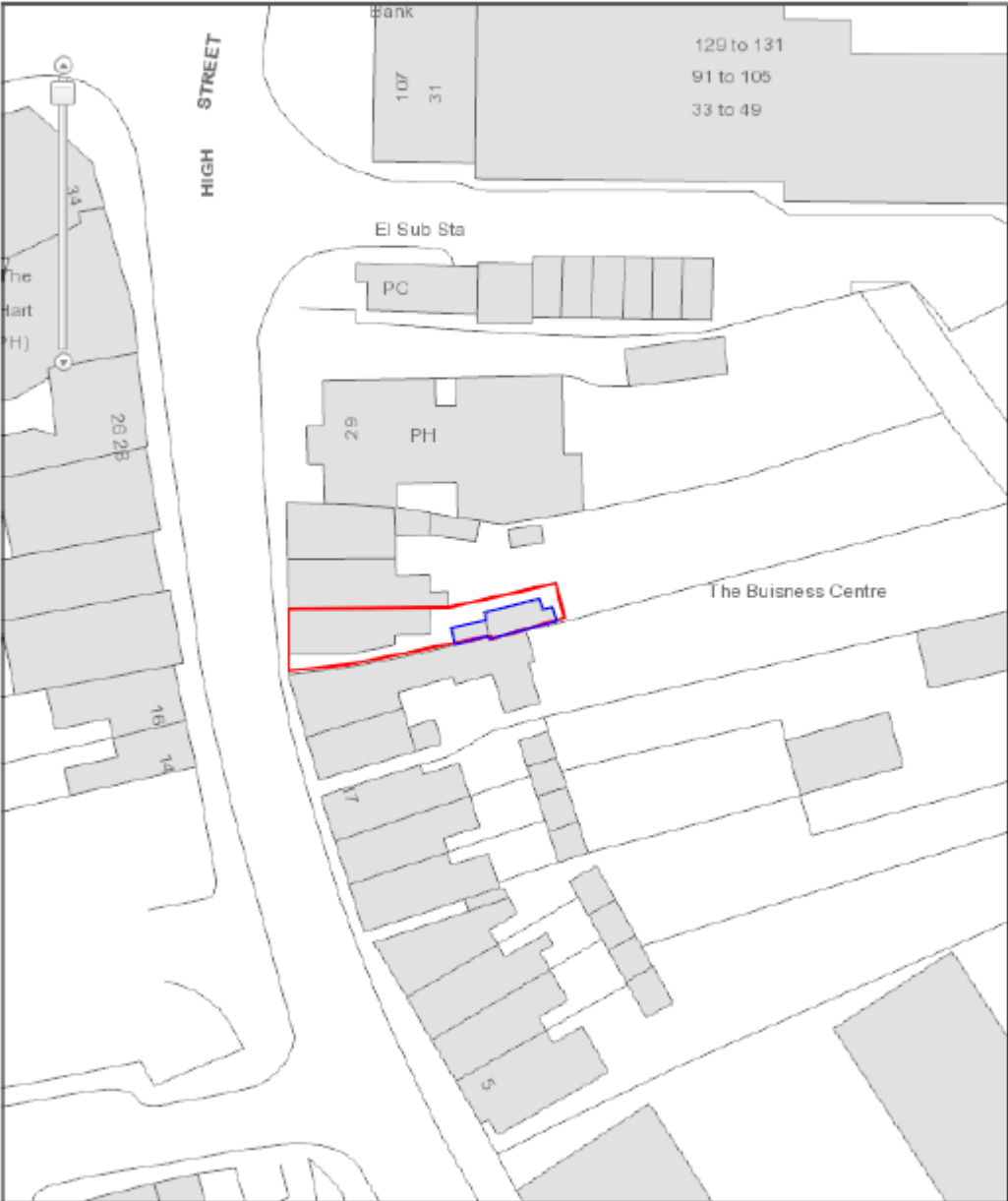
Appendix A





Location Plan

23 High Street, Chalfont St Peter, SL9 9QE



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1: 500

The End

Classification: OFFICIAL

**CH/2018/0265/FA**

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

**SITE CONSTRAINTS**

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

**CALL IN**

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

**SITE LOCATION**

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

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

**THE APPLICATION**

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

Classification: OFFICIAL

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

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

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

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

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

#### **RELEVANT PLANNING HISTORY**

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

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

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

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

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

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

Classification: OFFICIAL

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

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

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

#### **PARISH COUNCIL**

None received at time of drafting report.

#### **REPRESENTATIONS**

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

#### **CONSULTATIONS**

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

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

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

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

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

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

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

Classification: OFFICIAL

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

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

Historic Buildings Officer: Comments are repeated as follows:

"Description of the site and surroundings;

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

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

The proposal and relevant planning history;

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

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

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

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

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

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

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

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

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

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

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

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

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



Relevant legislation, policies and guidance;

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

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

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

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

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

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

Conclusion:

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

## **POLICIES**

National Planning Policy Framework (NPPF), 2012.

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

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

## **EVALUATION**

### **Principle of development**

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

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

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

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

- The proposed extension is considered to be a disproportionate addition over and above the size of the original building, and as such the proposal constitutes inappropriate development in the Green Belt. Given the scale of the proposed extension and the expanse of hardstanding proposed for the new car parking area, the development would have a detrimental impact on the openness of the Green Belt

- The proposal would create a much more dominant building within the landscape, combined with a large expanse of hardstanding and a new access requiring signage or dragon's teeth, so the development would fail to conserve or enhance the rural character of the area or high landscape quality of the AONB

- The proposal is not consistent with the conservation of the Listed building due to the impact of the scale of what is proposed, and the historic building would be overwhelmed by the addition and the harm that is caused is not outweighed by additional public benefits

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

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

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

7. Specifically, Paragraph 87 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Paragraph 88 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

8. The applicant has put forward a supporting statement outlining their case for very special circumstances. This can be summarised as:

- The public house requires a degree of development to make it financially viable and as a new kitchen is required, it is unlikely that the premises will be able to function while the scheme is being constructed

- Support for tourism and the effect on Listed buildings can constitute very special circumstances.

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

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

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

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

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

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

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

### **Impact on the Listed Building**

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

### **Residential amenity**

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

### **Parking/Highway implications**

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

### **Trees and landscaping**

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

### **Very special circumstances**

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

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

### **Working with the applicant**

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

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

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

### **Human rights**

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

**RECOMMENDATION: Refuse permission**

For the following reasons:-

1 The site is within the open Green Belt where most development is inappropriate and there is a general presumption against such development. The proposed extension is considered to be a disproportionate addition over and above the size of the original building, and as such, the development does not fall into any of the categories listed in Policy GB2 of the Local Plan and paragraphs 89 and 90 of the National Planning Policy Framework. It therefore constitutes inappropriate development in the Green Belt. Furthermore, given the scale of the proposed extension and the expanse of hardstanding proposed for the new car parking area, the development would have a detrimental impact on the openness of the Green Belt. No very special circumstances have been demonstrated which clearly outweigh the harm to the Green Belt. As such, the proposal is contrary to Policy GB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

2 The proposed development consists of a substantial extension which almost doubles the size of the existing building, a large expanse of hardstanding on land which is currently grass, and a new access onto Nags Head Lane which would require road signs or dragon's teeth to enforce a one way system. The proposal will create a much more dominant building within the landscape and a development which fails to conserve or enhance the rural character of the area or high landscape quality of the AONB. As such, the proposal is contrary to Policies GC1 and LSQ1 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the National Planning Policy Framework.

3 The proposed extension would be harmful to the significance of the listed building as former cottages because of the proposed scale and therefore what is proposed is not considered to be the optimum viable use. It is clearly the most profitable use and the benefits of this will be largely private benefits. Paragraph 126 of the National Planning Policy Framework states that Local Planning Authorities should take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation." This proposal is not consistent with the conservation of the listed building due to the impact of the scale of what is proposed, the historic building would be overwhelmed by the addition and the harm that this would cause is not outweighed by additional public benefits. The additional hardstanding for the new parking area and the consequent reduction of garden would also harm the setting of the listed building. The less than substantial harm identified is not outweighed by public benefit or securing the building's optimum viable use and the application is therefore contrary to Policies LB1 and LB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

## **CH/2018/0266/HB**

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

### **SITE CONSTRAINTS**

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

### **CALL IN**

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

### **SITE LOCATION**

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

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

### **THE APPLICATION**

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

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

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

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

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

#### **RELEVANT PLANNING HISTORY**

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

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

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

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

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

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

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

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

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

## PARISH COUNCIL

None received at time of drafting report.

## REPRESENTATIONS

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

## CONSULTATIONS

Historic Buildings Officer: Comments are repeated as follows:

"Description of the site and surroundings;

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

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

The proposal and relevant planning history;

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant legislation, policies and guidance;

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

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

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

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

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

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

Conclusion:

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

## **POLICIES**

National Planning Policy Framework.

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

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

## **EVALUATION**

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

## **Human Rights**

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

## **RECOMMENDATION: Refuse consent**

For the following reasons:-

1 The proposed extension would be harmful to the significance of the listed building as former cottages because of the proposed scale and therefore what is proposed is not considered to be the optimum viable use. It is clearly the most profitable use and the benefits of this will be largely private benefits. Paragraph 126 of the National Planning Policy Framework states that Local Planning Authorities should take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation." This proposal is not consistent with the conservation of the listed building due to the impact of the scale of what is proposed, the historic building would be overwhelmed by the addition and the harm that this would cause is not outweighed by additional public benefits. The additional hardstanding for the new parking area and the consequent reduction of garden would also harm the setting of the listed building. The less than substantial harm identified is not outweighed by public benefit or securing the building's optimum viable use and the application is therefore contrary to Policies LB1 and LB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

**The End**



## Appeal Decision

Site visit made on 9 May 2018

**by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 June 2018**

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**Appeal Ref: APP/X0415/W/17/3182498**

**Hullavington, Burtons Lane, Little Chalfont HP8 4BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Emiliios Lemoniatis against the decision of Chiltern District Council.
  - The application Ref CH/2016/2222/FA, dated 26 November 2016, was refused by notice dated 5 June 2017.
  - The development proposed is a beech wood hut.
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### Decision

1. The appeal is allowed and planning permission is granted for beech wood hut at Hullavington, Burtons Lane, Little Chalfont HP8 4BA on accordance with the terms of application, Ref CH/2016/FUL, dated 26 November 2016, and the accompanying submitted plans.

### Procedural Matters

2. The outbuilding, a beech wood hut, has been built and the appeal has been considered on this basis. The application description has been shortened to accurately reflect the built nature of the scheme in the banner heading above. The Appellant's application description contained justification for the hut which has been considered in the reasoning within this decision.

### Main Issues

3. The site is within the Green Belt and so the main issues are:
  - Whether the scheme would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
  - The openness of the Green Belt;
  - If the scheme is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

## Reasons

### *Whether inappropriate development*

4. Policy GB2 of the Chiltern District Local Plan (LP) 1997 (with alterations 2001) states most development on the Green Belt is inappropriate and there is a general presumption against such development. However, exceptions are made for certain categories of development. LP policy GB15 states that the construction of ancillary non-habitable buildings within domestic curtilages are permitted separate from the main dwelling where such buildings are both small and also subordinate in scale to the original dwelling.
5. The Appellant indicates that the area around the outbuilding has been used as residential curtilage and had various outbuildings sited upon it. There is hard standing left over from a former green house still on the site. Letters from residents have also confirmed this and aerial photographs in 1999 and 2003 show a significant grassed area to the rear of Hullavington and neighbouring properties which is suggestive of a garden in the vicinity of the hut. On the balance of evidence before me, the residential curtilage would have extended from Hullavington to include the area where the outbuilding is located. Given its small size and subordinate scale, the scheme complies with LP policies GB2 and GB15.
6. However, the Framework establishes that new buildings are inappropriate unless they fall within the exceptions listed within paragraph 89. None of the exceptions specifically refers to curtilage buildings. Paragraph 89, 3<sup>rd</sup> bullet point, covers an exception for the extension or alteration of a building but the outbuilding is located a considerable distance from the dwelling. On this basis, the outbuilding cannot be considered as an extension in the way that a detached garage adjacent to a dwelling might be. On this basis, the scheme would be inappropriate development under the Framework.
7. The LP was prepared in accordance with Planning Policy Guidance 2 (Revised) Green Belts 1995 which has now been superseded by more recent Framework planning policy. The Framework does not provide for ancillary non-habitable buildings development of the type considered here as exception to inappropriate development. For these reasons, greater weight is attached to the Framework's Green Belt policy in this instance and the scheme represents inappropriate development.

### *Openness of the Green Belt*

8. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence. The hut comprises roughly a small semi-spherical structure raised above the ground. The visual perception of the loss of openness is limited by its woodland setting whilst the spatial loss of openness is limited by reason of the hut's small size. Thus, the loss of openness would be limited.

### *Other considerations*

9. The hut has been designed to resemble a brown beech nut in a natural eco build and has been made from UK sourced wood by hand and raised above the ground above a small ladder. It has overlapping curved timber shingle tiles sculpted around a roughly semi-spherical shaped structure and internally, the

space is roughly oval with windows to look at nature and create a space to write. Its benefit to the landscape and scenic beauty of the Chilterns AONB is benign due to its size but it has a fairly unique and quirky appearance and character that blends in its surroundings. Locally, its whimsical natural charm adds considerably to the character and appearance of the area. This is appreciated in filtered views from users of public footpath and from residents, including future generations, of properties along Burtons Lane. Consequently, the hut is of considerable visual interest.

10. In a 2013 appeal decision, the Inspector concluded that the ability to restrict the possibilities for the construction of further outbuildings with permitted development rights would avoid potentially greater harm that would arise with the appeal proposal. On this basis, the withdrawal of permitted development rights amounted to the very special circumstances justifying the development in the Green Belt. In considering a similar condition here, the immediate area around the hut is considered residential curtilage but in the absence of any evidence to the contrary, the residential curtilage does not extend beyond this. Therefore, the erection of buildings beyond the vicinity of the hut and garden area behind the existing dwelling would need planning permission in any case. On this basis, the benefit of imposing any such condition would be small.
11. It has been put to me that the hut could be located close to the main dwelling but the hut's rationale is for close association with woodland. Therefore, there is not a greater than theoretical possibility of this occurring and only limited weight can be given to this as a fallback position. Under permitted development rights, a further outbuilding could be constructed within the garden area immediately behind the existing dwelling but similarly, the likelihood of this is small in the absence of justified need. Thus, the weight to be attached to this consideration would be limited.
12. The hut is located to the rear of a neighbouring property but it would not be intrusive, even with lighting, to the outlook of the occupiers of this neighbouring property by reason of its small size.

## **Conclusion**

13. The proposal is inappropriate development in the Green Belt which is by definition harmful. There is limited harm to the openness of the Green Belt. The Framework establishes substantial weight should be given to any harm to the Green Belt. Only limited weight can be given individually to the benefits of re-siting the hut and the withdrawal of permitted development rights. However, considerable weight is given to the visual interest of the building by reason of its fairly unique and quirky design. Therefore, very special circumstances do exist because the harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The scheme complies with LP policies GB2 and GB15 and although the hut is inappropriate development, there are very special circumstances to permit it. No recommended planning conditions have been brought to my attention, and based on the nature of the completed scheme, none are necessary.

15. For the above reasons, having regard to all other matters raised, including support, I conclude that the appeal should be allowed.

*Jonathon Parsons*

INSPECTOR



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# Appeal Decision

Site visit made on 19 June 2018

**by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> July 2018**

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**Appeal Ref: APP/X0415/W/17/3188800**

**Land to the rear of 149-157 Chartridge Lane, Chesham HP5 2SE,**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Bradford (Howarth Homes) against the decision of Chiltern District Council.
  - The application Ref CH/2017/0436/OA, dated 10 March 2017, was refused by notice dated 12 May 2017.
  - The development proposed is the provision of up to 9 dwellings, with associated access, hardstanding and landscaping.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application is in outline form, with only means of access to be considered at this stage. The description of the application indicates up to 9 dwellings on the site. The Council's decision notice more accurately describes the location of the appeal development than the Appellant's application description and thus has been used above in the banner heading.
3. An accompanied site visit took place but site access was limited to the property at 155 Chartridge Lane.

## Main Issues

4. The main issues are the effects of the proposal on (a) protected species and biodiversity, (b) the character and appearance of the area, having regard to trees, and (c) affordable housing.

## Reasons

### *Protected species and biodiversity*

5. Planning Practice Guidance states that local planning authorities should only require ecological surveys where clearly justified, for example if they consider there is a reasonable likelihood of a protected species being present and affected by the development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
6. The appeal site is surrounded by development and there has been recent housing built in the vicinity of the site. However, it is a large site comprising



several back garden areas and the Appellant's Ecological Desk Based Assessment (EDBA) has identified a number of protected species, Great Crested Newt (if ponds present), Badgers, bats and reptile habitat that could be present serving as potential constraints on the site. The EDBA recommended a site Preliminary Ecological Appraisal (PEA) and such an appraisal was intended to inform whether further surveys would be required.

7. Based on the EDBA, the extent and nature of the site, there is a reasonable likelihood of protected species being present on the site and there is a risk that they could be adversely affected by the proposed development given its nature. Given the size of the site and extent of vegetation, survey work and assessment would be proportionate to the nature and scale of development proposed and the potential impact on protected species and biodiversity.
8. The EDBA stated that if further surveys highlighted the presence of protected species, their retention should be incorporated into the layout and if impacts cannot be mitigated, appropriate mitigation must be provided. However, without survey work and assessment in the form of a site PEA, it has not been demonstrated that this is possible. Furthermore, Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In line with the circular, exceptional circumstances do not therefore exist to allow for a condition requiring further survey(s).
9. On a neighbouring site proposed for development, an ecological assessment just recommended a bat roost survey. However, no details of this assessment have been brought to my attention and my determination is in respect of the appeal site in any case. For all these reasons, it has not been demonstrated that no harm to protected species and biodiversity would arise and thus the proposal would conflict with policy CS24 of the Core Strategy for Chiltern District (CS) 2011.

#### *Character and appearance*

10. Policy GC4 of the Chiltern District Local Plan (LP) 1997 (with Alterations 2001 and Consolidations 2007 and 2011) states that existing trees and hedgerows in sound condition and of good amenity and wildlife value, together with any other landscape features of the site which are an important part of its character, such as ponds, should be retained. The appeal site comprises rear garden areas of properties along Chartridge Lane and an access point off De Vere Close. Some of the rear gardens of properties further along Chartridge Lane have been developed but the presence of vegetation, including trees, remains a strong feature of the area contributing to its verdant character and appearance.
11. The appeal site has various large trees including poplar, spruce, cypress, ash, sycamore, cherry and eucalyptus. Some of these are of considerable height and spread when viewed from outside of the site and the curtilage of No 155. The Appellant's preliminary Arboricultural Impact Assessment concludes that some of the existing trees and vegetation will require removal to facilitate development but that with an appropriate tree survey, better quality trees can be retained.

12. However, means of access is to be considered here and I was unable to access this part of the site as part of my visit and thus it was not possible to fully evaluate the impact of the proposed access on the trees in the vicinity of the access. In this regard, it was not possible to ascertain whether these trees were worthy of retention on visual amenity and health grounds, and the extent to which they would be affected by the means of access. The Appellant's assessment has been undertaken without a detailed site visit, including the physical inspection of trees, and is mainly based on aerial photographs significantly limiting any weight to be attached to it.
13. In the absence of proper evidence on the state and merits of existing trees on the site, it has not been demonstrated that any future development of between 1 and 9 dwellings would not harm the character and appearance of the area. Thus, the proposal would conflict with LP policy GC4.

#### *Affordable Housing*

14. CS Policy CS8 requires a financial contribution for affordable housing on schemes up to 4 dwellings and then a graduated on-site provision, at least one unit for 5 to 7 dwellings and at least 2 units for 8 or 9 dwellings. The Council's Affordable Housing Supplementary Planning Document 2010 sets out the district need for the affordable housing and guidance on securing the housing. There is no mechanism, such as a planning obligation, to secure such a contribution and therefore, there is a conflict with this development plan policy.
15. The development plan is the starting point of any determination. However, account must be taken of any material considerations which may indicate a decision can be taken other than in accordance with the development plan. Written Ministerial Statement (WMS) 2014 states that contributions should not be sought from small-scale developments, including 10 units or less and which have a maximum combined floorspace of no more than 1,000m<sup>2</sup>.
16. In this regard, it is a material consideration of significant weight. The purpose of the WMS is to tackle the disproportionate burden of development contributions on small-scale developers thereby diversifying the house building sector by providing a much-needed boost to small and medium-sized developers. Such a measure is to increase housing land supply. On the basis of the evidence before me, such a consideration is of sufficient weight to indicate that a decision should be taken in accordance with the WMS.
17. The proposal is for less than 10 units but there is a possibility that a development with 9 units or less could have more than 1,000m<sup>2</sup> of floorspace. Given the fundamental nature of this consideration, this issue cannot be resolved at the reserved matters stage. The Appellant has suggested that affordable housing provision would not be required by reason of the nature of the scheme. Had this proposal being dependent upon this matter being resolved, further clarification from parties would have been sought. In this regard, a condition could possibly be imposed to limit the area of floorspace and so negate the need for provision. As there are overriding issues ruling against this proposal, there is no need to do so.

#### *Other matters*

18. The appeal site is within the developed area of Chesham and under the Council's Housing and Economic Land Availability Assessment 2016, the site

has been classified as suitable for development. The Appellant indicates that the development would take advantage of Chesham town centre facilities. The centre has a range of retail, leisure, schools, healthcare, a train station and employment facilities. Future residents would utilise these facilities and there would be jobs created through the construction of the housing. The housing would boost the supply of dwellings. The dwelling density of the development would be compatible with its surroundings.

19. However, there would be permanent harm to the character and appearance of the area and nature conservation for the reasons indicated in the absence of any evidence to the contrary. In this regard, the National Planning Policy Framework states that planning should contribute positively to making places better for people and should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, and providing net gains in biodiversity where possible. Therefore, the identified adverse impacts would outweigh the benefits of the proposal.

### **Conclusion**

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

*Jonathon Parsons*

INSPECTOR

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# Appeal Decision

Site visit made on 5 June 2018

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 June 2018**

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**Appeal Ref: APP/X0415/D/18/3196370**

**Ti Soleil, Lincoln Road, Chalfont St. Peter, Gerrards Cross SL9 9TG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Lance Jordan against the decision of Chiltern District Council.
  - The application Ref CH/2017/1898/FA, dated 10 October 2017, was refused by notice dated 22 December 2017.
  - The development proposed is for two storey front and rear extensions, single storey rear extension and engineering works to the rear and front garden, including front garage.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

## Procedural Matter

3. I have been made aware from both Parties that the appeal dwelling had the benefit of a planning permission (Ref. CH/2016/0177/FA) for two storey front extensions, part two storey/part single storey rear extension, replacement rear and front dormers which was approved in March 2016. However, these plans were not adhered to and gave rise to the retrospective planning application the subject of this appeal.
4. The extensions to the house were substantially complete at the time of my site visit and appear to be broadly in accordance with the elevations as shown on Drawing No. TSPA02 Rev H. I have determined the appeal on this basis.

## Reasons

5. The appeal site is situated within an Arcadian development, defined as an Established Residential Area of Special Character (ERASC) and comprising large detached houses set within generous plots. Designs of houses vary considerably, but within the immediate locality pitched roofs predominate, particularly within the street scene. The appeal site slopes quite significantly from the road down in a south-westerly direction and an area has been excavated within the front garden area to provide level parking in the location where the garage is proposed to be located.

6. The earlier grant of planning permission proposed a largely symmetrical principal elevation with two storey gable projections to each side with a substantial dormer window in the centre over the front door within the recess created. The proposal before me now shows the central area at first floor level as in-filled with a flat roof concealed behind a parapet roof. Although symmetry is maintained this area of in-fill gives the dwelling a contrived appearance that is at odds with the prevailing pattern of development within the locality and the ERASC it finds itself situated within.
7. Turning to the rear, again, a pair of gables were previously proposed and approved and although of differing depths nonetheless, when combined with 2no centrally placed dormers, utilised traditional pitched roof forms. The proposal before me has replaced the latter two features with a significant area of flat roof at first floor level and at the ground floor level to the left hand side to the rear of the elevation. Again, I consider these aspects of the proposal fail to integrate with the appearance of the property and would give rise to contrived, cumbersome and discordant architectural features that do not respect the scale and proportions of the host dwelling.
8. Policy H15 of the Chiltern District Local Plan 1997 (including the alterations adopted 29 May 2001) consolidated September 2007 and November 2011 (LP) in its criterion 3 stipulates that the roof of a two storey or first floor extension should normally be hipped or pitched, and integrated into the existing roof. It goes on to state that a flat roof two storey first floor extension will not be permitted unless the extension is surrounded by existing pitched roofs on the dwelling, and is subordinate to the main roof and not prominent in the street scene or locality.
9. Whilst it may be that the flat roof element to the front elevation is between two pitched roof gables and against the front roof plane of the main roof, it cannot be said that it is surrounded, and by virtue of the difference in ground levels, it is closer to eye level when viewing it from the street which adds to its incongruity; the very fact that the flat roof is concealed behind a parapet does not hide the fact that it is not a pitched roof. Further, whilst I accept that it is lower than the main ridge of the dwelling, in totality, the extensions would not appear subordinate as they draw the eye in an uncomfortable manner and are prominent in the street scene. I accept that the rear extensions are not visible from the public realm, but nonetheless, the design of the first floor flat roof element in particular, appears as a discordant feature which, again, I consider not to be subordinate especially as it projects beyond the left hand rear gable.
10. Whilst I accept that the National Planning Policy Framework (the 'Framework') states that planning policies should not attempt to impose architectural styles or particular tastes through unsubstantiated requirements to conform to certain development forms or styles, it does however state, that it is proper to seek to promote or reinforce local distinctiveness. I consider this to be especially pertinent as the site is located within an ERASC with the Council's Residential Extensions and Householder Development SPD stipulating that an important goal for any extension should be to harmonise with the building, striking a balanced visual relationship with its existing features and integrating in such a way that it does not adversely affect the character and appearance of the locality.

11. I do not doubt that the in-fill extensions make a more efficient and effective use of the available space of the dwelling, however, it appears to me that this is more a case of form following function and I cannot agree that the resultant building would offer a significant improvement over the appearance of the original dwelling and most certainly not over the appearance of the previously approved extensions, the planning permission for which was not adhered to.
12. Turning to the garage proposal, there exists a grass verge with some new evergreen planting within it, behind which (within the application site) is laurel hedging that is planted in what appears to be the original ground level before it drops significantly by virtue of a recently constructed retaining wall and extended parking area. It is not clear from the plans whether this laurel hedging would remain and whether there would be space for the grass banks of the profiles proposed to be constructed between the garage and the north east and southern boundaries. Further, when taking into account the levels of the retained driveway and the area of land removed as shown on the south eastern elevation of the garage, the garage building would appear overly high and would be higher than the adjacent road. It is cited as being at 1.2m above the highway ground level by the appellant and 1.5m by the Council, but nonetheless it would still be visible from the street.
13. The appellant explains that it has since transpired that the ground level of the garage would be substantially lower such that none of its roof would project above the level of the front boundary. Even if I had been so minded to have allowed the appeal, I consider that it would not have been appropriate to impose a condition requiring additional details of this/revised drawings as to do so would amount to a material change to the proposal which would not have been subjected to necessary public consultation. Whilst I note the reference to a sunken garage with grass roof at Willow Cottage, I have been provided with no details on this. It therefore falls upon me to determine the garage based on the plans that are before me which I consider would be unduly high and consequently prominent within the street in a forward location that would appear alien in character and fail to respect the prevailing character of the development within the area.
14. Further, the SPD advises against the siting of garages forward of a dwelling although I accept that if wholly subterranean or at least with a grassed roof level with the highway verge, then such visual impact would be lessened. Notwithstanding this, in addition to the height, the proposed garage would be of a significant width and, therefore, as it stands, I consider that it would not be modest in size or subordinate in scale to the existing dwellinghouse contrary to LP Policy H20; I do however accept that overall it would not give rise to an overdevelopment of the site.
15. I therefore consider that the proposed garage by reason of its siting and scale would give rise to an intrusive feature within the street scene that would be contrary to the prevailing character of the locality and therefore harmful to the character and appearance of the area, including the ERASC.
16. All in all, the proposal conflicts with LP Policies GC1, H13, H15 and H20 in addition to Policy CS20 of the Core Strategy for Chiltern District (adopted November 2011) which together require new development within the District to be of a high standard of design which reflects and respects the character of the

surrounding area and those features which contribute to local distinctiveness which should be in scale with its surroundings of an appropriate form and design, especially within sensitive locations such as ERASCs. These policies also expect proposals to be designed and sited so as to be in keeping with the existing dwelling and other buildings in the adjoining area such that the character and appearance of the street scene is not adversely affected. Further, in addition to conflicting with the SPD as explained above, the proposal also conflicts with Policy H7 of the Chalfont St. Peter Neighbourhood Plan 2013 – 2028 which requires extensions to existing residential properties to maintain or enhance the design, character and quality of the building.

**Conclusion**

17. Having regard to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

*C J Tivey*

INSPECTOR

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# Appeal Decision

Site visit made on 7 June 2018

**by Julie Dale Clark BA (Hons) MCD DMS MRTPI**

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

**Decision date: 27 June 2018**

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**Appeal Ref: APP/X0415/D/18/3198059**  
**Breyll Path, 18 Green Lane, Amersham HP6 6AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Gareth Lloyd against the decision of Chiltern District Council.
  - The application Ref CH/2017/2315/FA, dated 19 December 2017, was refused by notice dated 7 March 2018.
  - The development proposed is proposed construction of a part two storey, part single storey rear extension with front dormer window at the semi detached property 18 Green Lane, Amersham, Buckinghamshire HP6 6AR.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. I consider that the main issues are:-
  - whether the proposal preserves or enhances the character or appearance of the Weller Estate Conservation Area; and
  - the effect of the proposal on the living conditions of the occupiers of the neighbouring property, No 19 Green Lane.

## Reasons

### *Conservation Area*

3. The appeal site is a semi-detached house in the Weller Estate Conservation Area. I have therefore had regard to the fact that Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that special attention be paid to the desirability or preserving or enhancing the character or appearance of a Conservation Area. This is reflected in Local Plan Policy CA1<sup>1</sup>. The site is also described as being in an Established Residential Area of Special Character.

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

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4. The reasons for refusal do not include the front dormer window and I consider that due its size and design set within the existing roof slope it would not harm the appearance of the dwelling and therefore would preserve the character and appearance of the Conservation Area. Likewise the single storey element to the rear extension would not be of a scale to affect the Conservation Area.
5. The eaves of the two storey element of the rear extension would line up with the existing eaves and the ridge height would be lower than the existing ridge. Whilst it would run flush with the side wall of the existing house, I do not consider that this in itself would fail to make the extension appear subservient to the house. Given its overall proportions to the existing house, I do not consider that the part two storey, part single storey extension would be disproportionate to the existing house nor would it harm its character or appearance. Furthermore, I do not consider that the wider Conservation Area would be affected by this proposal.
6. On this issue, I conclude that the proposed part two storey, part single storey rear extension and front dormer window would preserve the character and appearance of the Weller Estate Conservation Area and no conflict with Policy CA1 would occur.

*Living Conditions*

7. No 18 Green Lane is set slightly further back than the neighbouring house, No 19, and there is a relatively narrow gap between the houses. The orientation of the houses would cause some loss of light to No 19 late in the day although this would be limited. However, due to the proximity of the extension to the boundary and its overall size, I consider that it would be overbearing to the occupiers of No 19. This would therefore have a harmful effect on the living conditions of the occupiers of No 19 contrary to Local Plan Policy H13 which seeks to ensure that extensions to dwellings would not have a detrimental effect on the amenity of neighbours, amongst other things.

*Other Matters and Conclusion*

8. The appellant has referred to other examples of other extensions in the area which I accept appear similar to the proposal subject to this appeal. However, I do not know the full circumstances of these and therefore they do not alter my conclusion. I have also considered the various policies referred to by the Council which I have taken into account in reaching my decision.
9. I have considered all other matters raised but none alter my conclusion. I conclude that although the proposal would preserve the character and appearance of the Weller Estate Conservation Area, the two storey element of the rear extension would have a harmful effect on the living conditions of the occupiers of No 19 Green Lane. It would conflict with the policies referred to and therefore the appeal fails.

*J D Clark*

INSPECTOR