



Planning Committee (CDC)

Thursday, 6 September 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 - 5*)

To approve the minutes of the Planning Committee held on 9 August 2018.

4 Declarations of Interest

5 Deferred Application - CH/2018/0243/FA - Land at The Green Man Public House,
2 High Street, Prestwood, HP16 9EB

6 Items for Noting

- 6.1 New Planning and Enforcement Appeals
- 6.2 Appeal Decisions
- 6.3 Consent Not Needed
- 6.4 Withdrawn Applications
- 6.5 Information Regarding Planning Applications to be Determined

7 Report on Main List of Applications (*Pages 6 - 85*)

Chalfont St Peter

CH/2018/0802/FA

Recommendation: Conditional Permission

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

Chalfont St Peter

PL/18/2033/FA

Recommendation: Conditional Permission

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

Chalfont St Giles

CH/2018/0887/OA

Ward: Chalfont St Giles

Page No: 27

Recommendation: Conditional Permission

The Miltons Head Public House, 20 Deanway, Chalfont St Giles, Buckinghamshire, HP8 4JL

~~***WITHDRAWN BY APPLICANT***~~

~~Little Missenden~~

~~PL/18/2437/FA~~

~~Recommendation: Refuse Permission~~

~~Christ Church, Featherbed Lane, Holmer Green, Buckinghamshire, HP15 6XQ~~

8 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
- a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person.
 - b) To make an order of direction under any enactment.
- 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, 4 October 2018

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the **PLANNING COMMITTEE** held on **9 AUGUST 2018**

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

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

APOLOGIES FOR ABSENCE were received from Councillor J Burton

15 MINUTES

The Minutes of the meeting of the Planning Committee held on 12 July 2018 copies of which had been previously circulated, were approved by the Committee and signed by the Chairman as a correct record.

16 DECLARATIONS OF INTEREST

There were no declarations of interest.

17 DEFERRED APPLICATIONS - CH/2018/0265/FA & CH/2018/0266/HB, THE NAGS HEAD PUBLIC HOUSE LONDON ROAD LITTLE KINGSHILL

The Committee discussed applications CH/2018/0265/FA and CH/2018/0266/HB together.

CH/2018/0265/FA

RESOLVED:

Permission Refused for the reasons set out in the Officer's Recommendation to Committee.

CH/2018/0266/HB

RESOLVED:

Permission Refused for the reasons set out in the Officer's Recommendation to Committee.

18 ITEMS FOR NOTING**RESOLVED:**

That the reports be noted.

19 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/2017/2235/FA 1 and 2 Kingswood Cottages, Swan Lane, The Lee, Great Missenden, Buckinghamshire, HP16 9NU.

Speaking on behalf of the Parish Council, Councillor Colin Sully.

Speaking on behalf of the Applicant, Mr Jonathan Weekes.

RESOLVED:

That permission be refused as per the officer's recommendation.

CH/2018/0080/FA PHD Modular Access Service Limited, Bramble Lane,

Amersham, Buckinghamshire, HP7 9DN.

Speaking for the objectors, Mr N Kennedy.

RESOLVED:

That permission be refused for the reasons set out in paragraphs 1 and 3 of the Officer's Recommendation and action be authorised in accordance with central government guidance in paragraph 58 of the National Planning Policy Framework (NPPF) and Chiltern and South Bucks District Councils' Joint Planning Enforcement Plan, and that the Head of Planning and Economic Development and the 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 and/or take direct action in consultation with the Head of Legal and Democratic Services to secure compliance with the Notice(s).

20 REPORTS ON ALLEGED BREACHES OF PLANNING CONTROL

RESOLVED:

That the enforcement reports be determined in the manner indicated below.

2017/00234/AB

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

RESOLVED:

That action be authorised in accordance with central

government guidance in paragraph 58 of the National Planning Policy Framework (NPPF) and Chiltern and South Bucks District Councils' Joint Planning Enforcement Plan, and that the Head of Planning and Economic Development and the Head of Legal and Democratic Services be authorised to serve a notice pursuant to section 215 of the Town and Country Planning Act 1990, in respect of the above land. 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.

2018/00002/AB

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

RESOLVED:

That action be authorised in accordance with central government guidance in paragraph 58 of the National Planning Policy Framework (NPPF) and Chiltern and South Bucks District Councils' Joint Planning Enforcement Plan, and that the Head of Planning and Economic Development and the 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 and/or take direct action, in consultation with the Head of Legal and Democratic Services, to secure compliance with the Notice(s).

EN/18/2074

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

RESOLVED:

That action be authorised in accordance with central government guidance in paragraph 58 of the National Planning Policy Framework (NPPF) and Chiltern and South Bucks District Councils' Joint Planning Enforcement Plan, and that the Head of Planning and Economic Development and the 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 and/or take direct action, in consultation with the Head of Legal and Democratic Services, to secure compliance with the Notice(s).

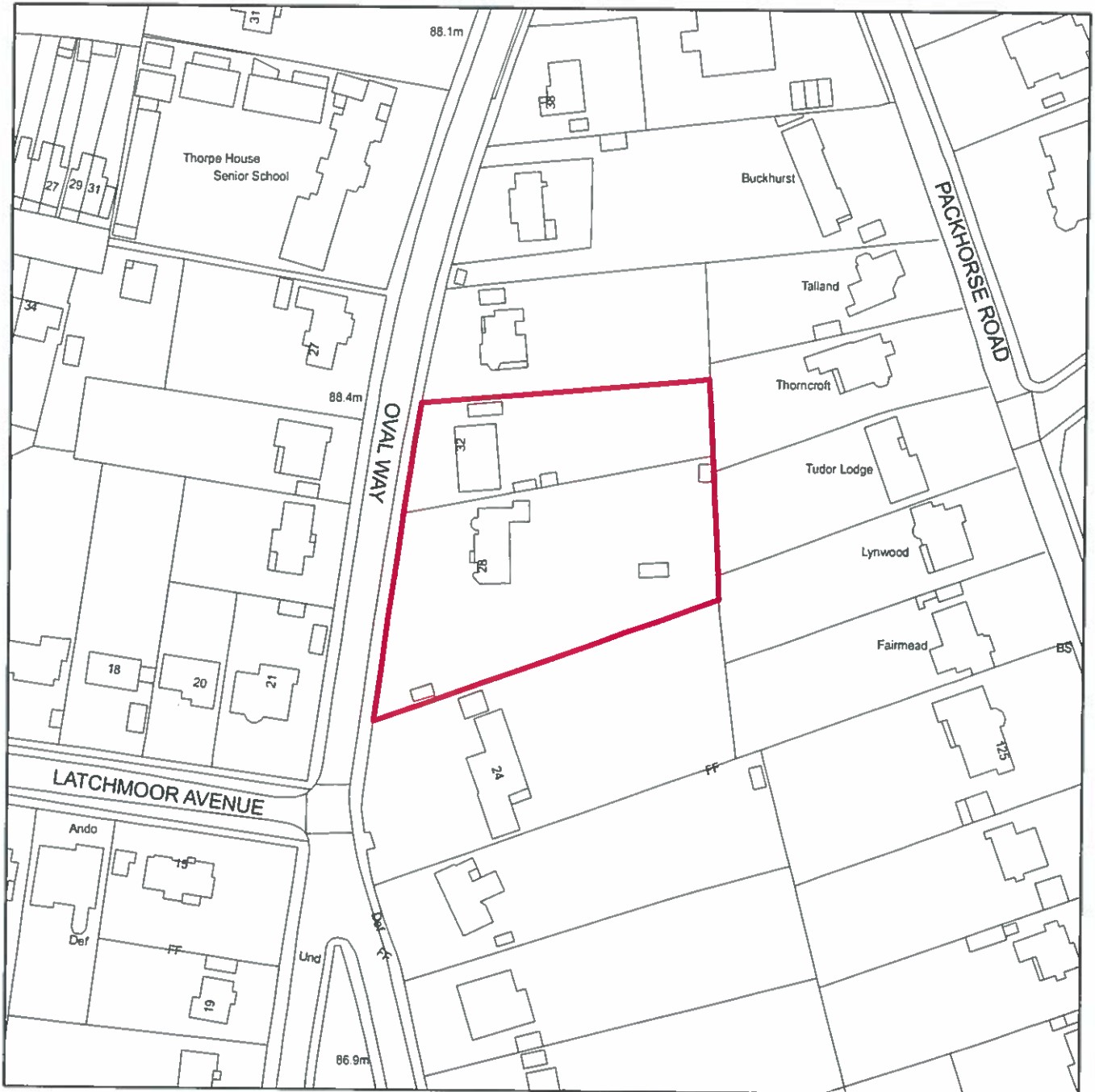
The meeting ended at 7.52 pm

CH/2018/0802/FA
PL/18/2033/FA



CHILTERN
District Council

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



Scale: 1:1,250

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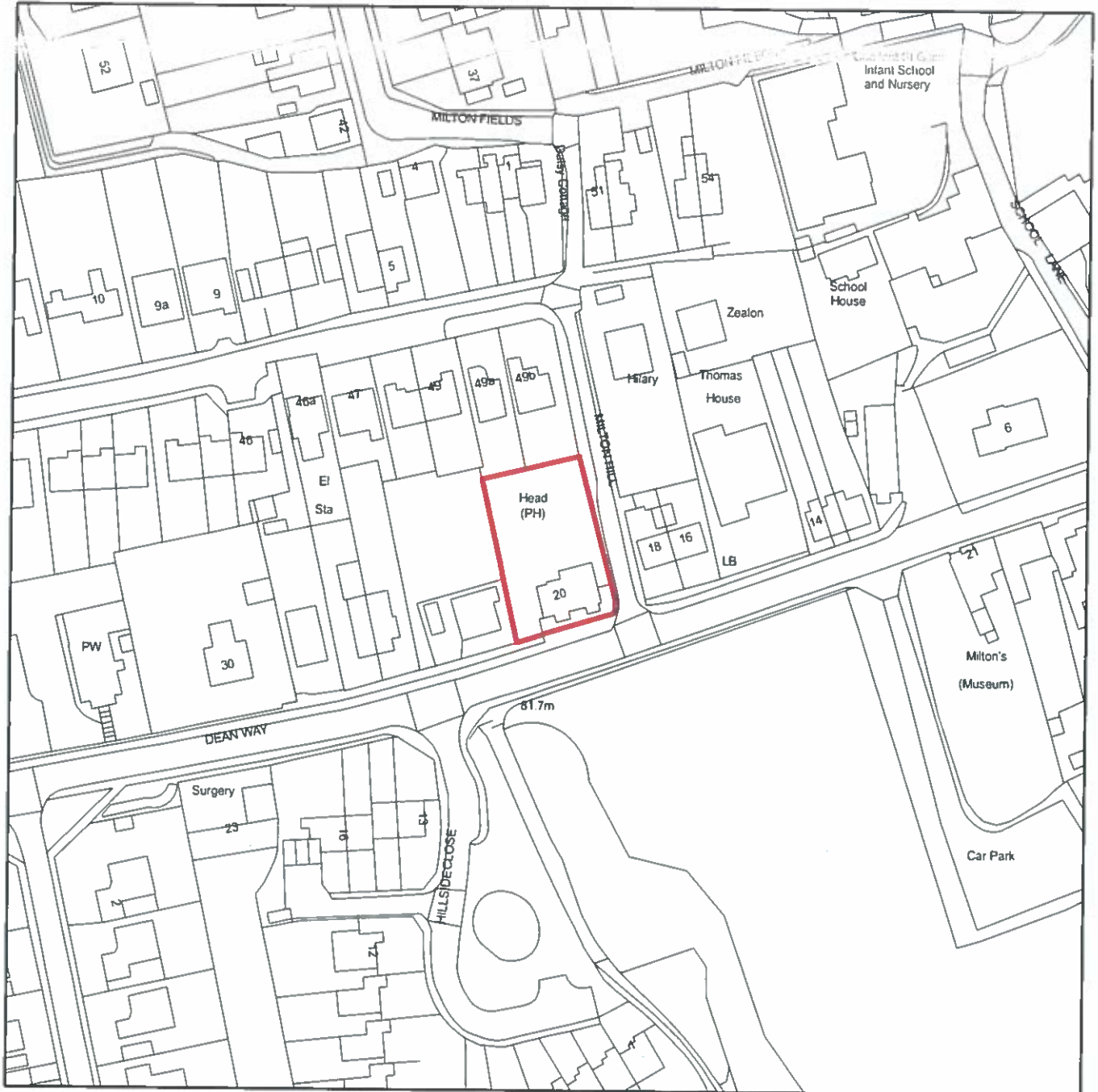
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

CH/2018/0887/OA



CHILTERN
District Council

The Miltons Head Public House, 20 Deanway, Chalfont St Giles
Buckinghamshire HP8 4JL



Scale: 1:1,250

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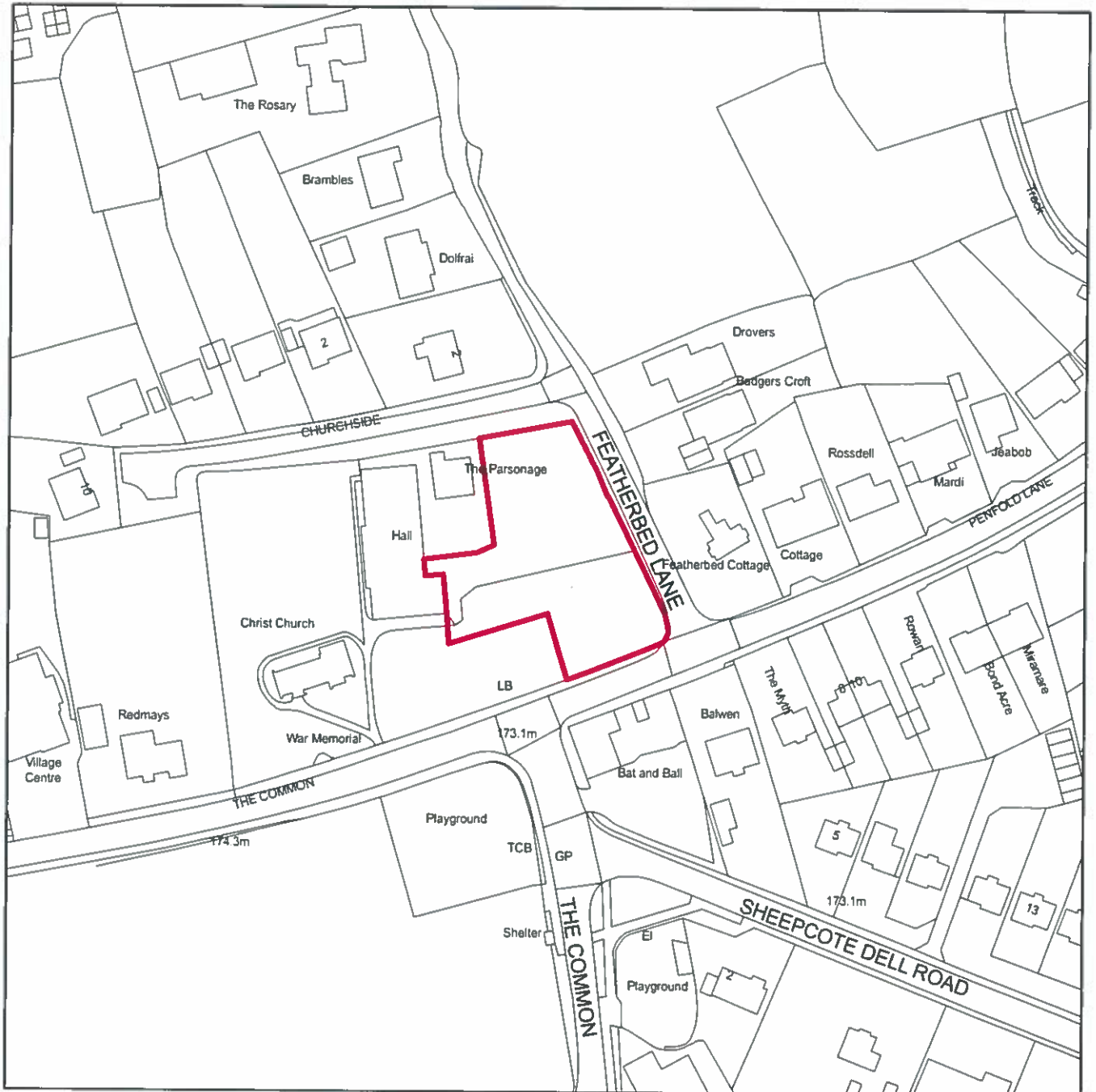
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

PL/18/2437/FA



CHILTERN
District Council

Christ Church, Featherbed Lane, Holmer Green
Buckinghamshire HP15 6XQ



Scale: 1:1,250

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

PLANNING COMMITTEE - 6 September 2018

REPORT OF THE OFFICERS

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

AGENDA ITEM No. 5

5 DEFERRED APPLICATIONS

5.1 CH/2018/0243/FA (Case Officer: Lucy Wenzel)

DEMOLITION OF EXISTING SINGLE GARAGE AND ERECTION OF A PAIR OF 3-BED SEMI-DETACHED DWELLINGS, TOGETHER WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING, BIN AND CYCLE STORAGE

Land at The Green Man Public House, 2 High Street, Prestwood, HP16 9EB

Matter for consideration

- 5.2 Planning application CH/2018/0243/FA was considered by Members at the Planning Committee of 12th July 2018. (Committee Report is attached as **Appendix FP.02**). The recommendation of the Officers was that the development be approved, however Members considered that not enough had been done by the applicant since a previous refusal and dismissed appeal (ref. CH/2017/0838/FA) to overcome the previous concerns raised by the Appeal Inspector in relation to the impact on trees within the site.
- 5.3 Officers have since negotiated a revised layout with the agent for the application. This shows the proposed pair of semi-detached dwellings moved slightly further back on the site which has provided increased separation from the retained trees sited to the front of the plot (namely the larger sycamore and ash which were stated by the Appeal Inspector to make a significant contribution to the verdant character of the area). The set back of the proposed dwellings within the plot does shift the alignment of the principal elevation with the northern neighbouring dwellings but this is not considered to alter the prevailing character of the area, as the buildings would still be broadly in line.
- 5.4 As aforementioned, the revised layout creates more space for soft landscaping to the front of the site and the improved distance between the existing group of trees and the proposed dwellings further prevents their potential loss. The District Tree Officer has been re-consulted on the revised layout and states that
- “The proposed semi-detached houses have been moved back on the site so that the front elevation is now behind that of the adjacent property. This along with the earlier movement of the building, would significantly improve the relationship of the proposed building with the group of sycamores and ash in front of the proposed building and therefore reduce the likely pressure for future tree work.”
- The significant reduction in the potential effects to the group of sycamore and ash to the front of the site are welcomed and are considered to address the previous concerns raised by both the Appeal Inspector and Committee Members.
- 5.6 The revised layout means that there will be a slightly greater projection of built form to the rear of Rosebury to the north. However, the proposed dwellings do not encroach upon the 45 degree vision line and the staggered rear elevation further prevents the dwellings from

resulting in a reduction in light or visual dominance when viewed from the rear amenity space. The scheme is not materially different in design from the previous applications and as such no flank elevation windows are proposed thus the siting of the dwellings is not considered to give rise to harm to the amenities of neighbouring properties.

Conclusion

- 5.7 It is considered that the amended layout addresses the previous concerns regarding the trees and that no other adverse implications arise.

Recommendation

Conditional permission, subject to the following conditions:

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (1) of the Town and Country Planning Act 1990, as amended.

2. Before any construction work commences, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the pedestrian access, shall be made available to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality, in accordance with Policies GC1, LSQ1 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policy CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

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

Reason: To protect, as far as is possible, the character of the locality, in accordance with Policies GC1 and H3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and Policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011.

4. Prior to the occupation of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the existing access onto Broombar Lane shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

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

5. Prior to occupation of the development, space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.

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

6. Prior to the first occupation of the development, the access shall be designed and constructed in accordance with the approved plans.

Reason: To minimise danger and inconvenience to highway users; in accordance with Policy TR2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

7. Prior to the occupation of the dwellings hereby permitted, the boundary treatments shown on the approved plans shall be installed and shall thereafter retained in situ.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows or roof lights other than those shown on the approved plans, shall be inserted or constructed at any time at first floor level or above in either flank elevation of the roof or of the dwellings hereby permitted.

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

9. The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural Implications Assessment and Method Statement Ref 181008 - AIA 2 dated 27 July 2018 by Ecourban Ltd Arboricultural Consultancy and the revised Tree Protection Plan ECO 4 submitted on 27 July 2018. This shall include the use of tree protection fencing, ground protection measures and no-dig construction in accordance with these documents. In addition no-dig construction shall be used for the pedestrian access path to the dwelling H1.

Reason: To ensure that the existing established trees and hedgerows in and around the site that are to be retained, including their roots, do not suffer significant damage during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

10. No tree or hedge shown to be retained on the revised Tree Protection Plan ECO 4 submitted on 27 July 2018 by Ecourban Ltd Arboricultural Consultancy shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree or hedge shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

Reason: To ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations

adopted 29 May 2001) Consolidated September 2007 and November 2011.

11. This permission relates to the details shown on the approved plans.

AGENDA ITEM No. 6

6 ITEMS FOR NOTING

6.1 NEW PLANNING AND ENFORCEMENT APPEALS

CH/2017/1607/FA - Single storey rear extension, single storey front and side extension, front/side/rear loft extension including the removal of chimney, fenestration alterations, 19 Oakington Avenue, **Little Chalfont**

CH/2017/2013/FA – Erection of five new dwellings, 28-32 Oval Way, **Chalfont St Peter**

CH/2018/0104/FA – Part two storey, part first floor extension, Rawdhah Academy (Former Mencap Buildings), Park Road, **Chesham**

CH/2018/0138/FA - Part two storey part single storey front, side and rear extension, replacement roof, conversion of garage to habitable accommodation, external insulation to rendered areas, Kirkwall, 8 Highlands Lane, **Chalfont St Peter**

CH/2018/0301/FA – Detached outbuilding, Pennington, Ashwells Way, **Chalfont St Giles**

CH/2018/0354/FA - Hip to gable roof extension incorporating front and rear dormers and rooflight to facilitate loft conversion, 15 Tylers Hill Road, **Chesham**

CH/2018/0507/FA – Part single/part two storey side extension, 1 Coat Wicks, **Seer Green**

CH/2018/0560/FA – Detached single garage with basement store, Halvorsen, Chiltern Road, **Chesham Bois**

CH/2018/0594/FA – Erection of five new dwellings, 28-32 Oval Way, **Chalfont St Peter**

CH/2018/0709/FA - Two storey side extension, first floor front and side extension and new tiled roof to conservatory, Greenleaves, 8 Beech Tree Road, **Holmer Green**

6.2 APPEAL DECISIONS

CH/2017/0464/FA - Demolition of retail showroom and flat to facilitate construction two blocks containing ten flats with associated parking and landscaping, Woodley and Hart, 3-5 Station Road, **Amersham**

Officer Recommendation: Refuse Permission

Committee Decision: Refuse Permission

Appeal Decision: Appeal Dismissed (20.07.2018)

CH/2017/1826/FA – Vehicular access and hard standing for two cars, 78 Gladstone Road, **Chesham**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Allowed (18.07.2018)

CH/2017/1956/FA – Erection of a detached garage (retrospective), 2 Leachcroft, **Chalfont St Peter**

Officer Recommendation: Refuse Permission with further action

Committee Decision: Refuse Permission

Appeal Decision: Appeal Dismissed (18.07.2018)

CH/2018/0083/FA - Demolition of garage and conservatory, erection of part single/part two storey side rear extension, hipped to gabled roof extensions with front and rear rooflights and rear dormer window to facilitate habitable accommodation in roofspace, Kingswood, 6 Batchelors Way, **Amersham**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Allowed (18.07.2018)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (02.08.2018)

6.3 **CONSENT NOT NEEDED**

CH/2018/0738/HB - Construction of a garage, carport and log store. Installation of a fuel tank, earth works to enable widening of driveway and construction of a retaining wall, Rignalls, Mapridge Green Lane, **Great Missenden**

6.4 **WITHDRAWN APPLICATIONS**

CH/2018/0890/FA - Insertion of 3 velux windows and extraction ducts with additional screening, further to planning permission CH/2010/0396/DE (retrospective), Royal Standard of England Public House, Brindle Lane, **Forty Green**

PL/18/2182/FA - Part single storey/part two storey side/rear, first floor front/side and single storey side porch, Oakhurst, Chiltern Road, **Ballinger**

PL/18/2277/FA – Single storey side extension, Ponds Conservatory, Rawlings Lane, **Seer Green**

PL/18/2338/SA - Application for a Certificate of Lawfulness for a proposed off street parking spaces, dropped kerb, timber decking to entrance and soil retain with brick wall, 54 Broadlands Avenue, **Chesham**

PL/18/2651/NMA - Non-Material amendment to planning permission CH/2017/0694/FA to allow: To add a wall within Unit 2 providing additional unit. Additional door and curtain walling to serve additional unit, Fairview Industrial Estate, Raans Road, **Amersham**

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.

7 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 7

8 EXCLUSION OF THE PUBLIC

AGENDA ITEM No. 8

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

Chalfont St Peter

CH/2018/0802/FA

Ward: Austenwood

Page No: 2

Proposal: Redevelopment of site to provide three detached dwellings with associated hardstanding and vehicular access.

Recommendation: Conditional Permission

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

Chalfont St Peter

PL/18/2033/FA

Ward: Austenwood

Page No: 15

Proposal: Redevelopment of site to provide two detached dwellings with integral garages, a pair of semi-detached dwellings with garages and hardstanding, landscaping and vehicular accesses.

Recommendation: Conditional Permission

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

Chalfont St Giles

CH/2018/0887/OA

Ward: Chalfont St Giles

Page No: 27

Proposal: Outline planning application for erection of a 2.5 storey building comprising a public house at ground floor level, with 6 x 1-bed flats above and associated parking (matters to be considered at this stage: access, appearance, layout and scale; matters reserved - landscaping)

Recommendation: Conditional Permission

The Miltons Head Public House, 20 Deanway, Chalfont St Giles, Buckinghamshire, HP8 4JL

Little Missenden

PL/18/2437/FA

Ward: Holmer Green

Page No: 37

Proposal: Erection of two dwellings, with vehicular access, parking and amenity space, and the re-ordering and enlargement of the church car park with amendments to access position.

Recommendation: Refuse Permission

Christ Church, Featherbed Lane, Holmer Green, Buckinghamshire, HP15 6XQ

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 6th September 2018

CH/2018/0802/FA

Case Officer: Emma Showan
Date Received: **04.05.2018** Decide by Date: **03.09.2018**
Parish: **Chalfont St Peter** Ward: **Austenwood**
App Type: Full Application
Proposal: **Redevelopment of site to provide three detached dwellings with associated hardstanding and vehicular access.**
Location: **28-32 Oval Way
Chalfont St Peter
Buckinghamshire
SL9 8QB**
Applicant: **Aquinna Homes plc**

SITE CONSTRAINTS

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

CALL IN

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

SITE LOCATION

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

THE APPLICATION

This application proposes the redevelopment of the site to provide three detached dwellings.

Plot 1 would consist of a detached three storey dwelling with an integral garage. It would contain 5 bedrooms the majority of which would have associated ensuites and dressing rooms. It would have a maximum width of 15.4 metres, depth of 22.5 metres and pitched roof height of 9 metres, with an eaves height of 5.4 metres.

Plot 2 would consist of a detached three storey dwelling with an integral garage. It too would contain 5 bedrooms. It would have a maximum width of 15.8 metres, depth of 21.4 metres and pitched roof height of 9 metres, with an eaves height of 5.4 metres.

Plot 3 would consist of a detached three storey dwelling with 5 bedrooms. It would have a maximum width of 11.7 metres, depth of 20.7 metres and pitched roof height of 9 metres, with an eaves height of 5.5 metres. It would be served by a detached double garage to the front which would have a maximum width of 6.8 metres, depth of 6.8 metres and pitched roof height of 5.6 metres, with an eaves height of 2.2 metres.

The properties would access onto Oval Way.

Officer Note: This scheme follows the refusal of planning application CH/2018/0594/FA which proposed the erection of five dwellings; one detached three storey dwelling and two pairs of semi-detached dwellings. The building on Plot 1 previously had a width of 13.1 metres, depth of 16 metres and height of 9.5 metres. The building on Plots 2 & 3 previously had a width of 12.7 metres, depth of 19 metres and height of 9.2 metres. The building on Plots 4 & 5 previously had a width of 12.7 metres, depth of 17 metres and roof height of 9.2 metres.

RELEVANT PLANNING HISTORY

CH/2018/0594/FA - Erection of five new dwellings. Refused permission for the following reason:

- 'The application site is located within an Established Residential Area of Special Character wherein residential development can be acceptable in principle, subject to the proposed development not being detrimental to the special character of the area from which it derives its distinctiveness and the development maintaining and/or improving local character. The proposed plots would be substantially narrower than others in the locality. In addition, four semi-detached dwellings are proposed and these would be out of character with the other, two storey detached residential buildings in the locality. In addition, by reason of the overall appearance and layout of the proposed detached and semi-detached properties, particularly in relation to the car ports at Plots 3 and 4 which would be sited to the rear of these properties, the proposal would appear at odds with the existing character and appearance of the immediate street scene and wider locality. It is also noted that the car parking arrangement for Plots 4 and 5 would mean that there is restricted access to the car port, restricting its use. The development would erode the special qualities of the area, and fail to integrate with, and respect and reflect the existing built form in the locality. Given the above, the development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area, failing to preserve important views looking into and out of the conservation area. As such, the proposal is contrary to Policies CS4 and CS20 of the Core Strategy for Chiltern District (Adopted November 2011), Policies GC1, CA2 and H4 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and the National Planning Policy Framework.'

CH/2017/2013/FA - Erection of five new dwellings. Refused permission for the following reasons:

- 'The proposed plots would be substantially narrower than others in the locality and the three buildings proposed would be much taller than their nearest neighbours. In addition, four semi-detached dwellings are proposed and these would be out of character with the other, two storey detached residential buildings in the locality. Furthermore, by reason of the overall appearance and layout of the proposed detached and semi-detached properties, particularly in relation to the car ports at Plots 3 and 4 which would be sited to the rear

of these properties, the proposal would appear at odds with the existing character and appearance of the immediate street scene and wider locality.

- The shared access serving Plots 3, 4 and 5 measures a width of 3m which is not sufficient to serve three dwellings. The Highway Authority would require an access drive serving three dwellings to be a minimum of 3.2m. Furthermore, it is evident that Plots 3 and 4 have insufficient manoeuvring space and therefore vehicles would have to reverse for long distances before potentially reversing out onto Oval Way.

- It is proposed to remove many of the trees within the site, including an oak and blue cedar situated in the former rear garden of Stow Lodge. Furthermore, the dwelling on Plot 5 is close to the trees on the boundary with Orchard Close and within the root protection area of the Norway maple and adjacent lime. Meanwhile, the proposed garage would be within the root protection area of the copper beech. This would compromise the trees' future growth and development.'

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

- 'The proposed plot would be substantially wider than others in the locality, and by reason of their overall size, scale, massing, appearance and layout, the proposed buildings would amount to a development of significant scale which would appear overly dominant, prominent and visually intrusive in the street scene and incongruous when viewed in the context of the modest scale of dwellings in the vicinity of the site. The development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area.

- By reason of its size, design and proximity to the shared boundary with No. 24 Oval Way, building B would appear prominent and visually intrusive when viewed from the rear aspect of this property. In addition, the number and type of windows in the southern elevation of building B would result in a degree of overlooking when viewed from this neighbouring property.'

- Appeal dismissed.

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

- 'The proposed development would result in the loss of a Use Class C2 residential care home which is classed as a community facility. No replacement community facility is proposed as part of this application and insufficient information regarding the need for this site for use as a care home or other community service/facility use has been put forward and no exceptional circumstances have been put forward to justify the loss of the community use.

- The proposed plot would be substantially wider than others in the locality, and by reason of their overall size, scale, massing, appearance and layout, the proposed buildings would amount to a development of significant scale which would appear overly dominant, prominent and visually intrusive in the street scene and incongruous when viewed in the context of the modest scale of dwellings in the vicinity of the site. The development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area.

- By reason of its size, design and proximity to the shared boundary with No. 24 Oval Way, the development would appear prominent and visually intrusive when viewed from the rear aspect of this property. In addition, the number and type of windows would result in a degree of overlooking when viewed from this neighbouring property.

- No legal agreement has been completed to secure possible affordable housing contributions.'

- Appeal dismissed.

PARISH COUNCIL

Strongly object. Out of keeping with the area in terms of bulk, height and separation between plots. Overdevelopment of the site. Buildings used for comparison are blocks of flats etc with underground parking. Roof heights are excessive with three storey as opposed to two and increased area of flat roof. Also significantly increased internal floor area from previous schemes. Separation between houses very small when

compared to adjacent properties. Intrudes on Gerrards Cross Conservation Area which was stated as being an area continuous with this site in the Planning Inspectors report to previous appeals. Overlooking of each other and No 24 especially from rear terrace and balconies.

REPRESENTATIONS

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

- Inconsistent and misleading information in the submitted documents
- Smaller spacing between buildings than before
- Three buildings are bigger than before
- Tall and bulky appearance
- Significant height - taller than the ridge height of what was, until its demolition, the tallest building in the ERASC and taller than neighbouring properties
- Increase in the footprint
- Loss of daylight and sunlight
- Overbearing and sense of enclosure
- Loss of privacy and overlooking
- Crowded and oppressive
- Detrimental impact on conservation area
- No full three storey houses along Oval Way
- Numerous overlooking windows
- Plot is 1 metre shorter on plans than in reality
- Trees are marked wrongly on the plans
- Too close together
- Mundane bulky buildings
- Previous objections still stand

Officer Note: Some of these comments have been received prior to the amended plans being submitted. The deadline for representations on the amended plans is 4th September 2018 so any additional comments received after this report has been published will be summarised verbally at the Planning Committee meeting.

CONSULTATIONS

Buckinghamshire County Highways Officer: 'I note that this site has been subject to several previous planning applications. The most recent planning application ref no. CH/2018/0594/FA, the Highway Authority had no objection subject to conditions. This application differs from the previous application in that it now proposes three dwellings instead of five.

In terms of trip generation, I would expect each residential dwelling containing five bedrooms to generate approximately 6-8 daily vehicular movements, two-way. Therefore the overall development has the potential to generate in the region of 24 daily vehicular movements, two-way.

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

In terms of parking provision, four spaces are proposed for each dwelling. I trust the Local Planning Authority will comment on the adequacy of level of parking provision proposed. However, I can confirm that there is sufficient space within the site for vehicles to turn and egress in a forward gear.

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

Buckinghamshire Fire and Rescue Access: 'Based on the information supplied, B5 (Access & Facilities for the Fire Service) appears compliant.'

District Tree and Landscape Officer: 'The current application uses the same site as the applications CH/2012/0964/FA, CH/2014/1540/FA & CH/2014/2224/FA and the previous applications by the same applicant CH/2017/2013/FA & CH/2018/0594/FA. It includes both Stow Lodge, 28 Oval Way and Bancroft, 32 Oval Way.

The application includes a revised Tree Survey and Impact Assessment report dated May 2018. It also includes a Tree Constraints Plan and a Tree Protection Plan. However I note that the submitted Tree Constraints Plan is a different revision from that referred to in the Tree Survey and Impact Assessment report. The survey itself is based on a 2013 survey and although some tree diameters have been updated, the tree heights do not seem to have been amended.

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

Last summer the buildings were demolished and the immediate vicinity was cleared. On 6 November 2017 maple T4 of Tree Preservation Order No 33 of 1989 was felled without authorisation. This was in the position of T24 on the recent tree survey and is shown for removal on the Planning Site Layout plan. Three trees, two maples and a lime were planted on 8 December 2017 just within the site close to the position of the maple removed. These trees were transplanted to different positions on 4 January 2018, which would be more compatible with the proposed housing scheme. They are shown as T20, T24 and T35 on the submitted tree survey. However the replacement maple T24 is actually planted about 3 metres from the boundary rather than the position shown on the plan.

The current application proposes the replacement of Bancroft with a detached house and the replacement of Stow Lodge with two detached houses.

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

The house proposed on Plot 1 is larger than that proposed under the two previous applications and would be closer to the copper beech tree T3 protected by Tree Preservation Order No 6 of 2012. Although this position would not involve significant root damage, the tree would dominate the rear of the dwelling leading to possible concerns from future residents. The access to Plot 3 would be within the root protection area of the other copper beech protected by the TPO T43 but this is a similar position to the existing access. One of the parking spaces for Plot 2 would also be just within the root protection area but should not involve significant root damage.

The proposal would require the loss of a number of the trees within the site leaving mainly trees close to the boundaries. Most of these trees proposed for removal on the plans are fairly small trees or trees in poor condition and are therefore of little importance to the character of the area. These include maples, plums,

cherry, birch, cypress and yew. However the Planning Site Layout plan does include the loss of a large Eucalyptus T5 classified as Category B that is well clear of the proposed detached house on Plot 1, but this tree is shown retained on the Tree Protection Plan. Nonetheless two of the trees proposed for removal under the earlier application CH/2017/2013/FA and that I had previously stated were suitable for retention, are now shown to be retained. These are an oak (T12) and a blue Atlas cedar (T19) situated in the former rear garden of Stow Lodge, that are both good healthy young trees about 10m in height.

The Planning Site Layout plan shows the loss of several trees in Plot 3. One of these is the TPO Norway maple that has already been removed without authorisation. A small Lawson cypress was removed at the same time yet this is shown on the plan for retention close to the garage. However the adjacent tree (T29 on the Tree Survey) is shown for removal. This is a young field maple about 10m in height that is somewhat misshapen because of suppression on one side.

Three trees are shown for removal for the proposed garage and parking spaces. On the Tree Survey these are T30, T31 and T42. T30 is a small holly about 8m in height of little importance but T31 is a large old Monterey cypress about 18m in height. This is classified as Category B in the current tree survey but was classified as Category U in the 2012 tree:fabrik tree survey because of a large crack at the union of the two main stems. Consequently there is a significant risk that the tree could split in extreme weather. T42 is an attractive young lime about 10m in height although it does have a low fork which weakens its structure. A similar tree, T37, is shown for retention just beside the parking area. This may be possible with the use of no-dig construction.

The dwelling on Plot 3 would now be just outside the root protection areas of the three remaining TPO trees on the boundary with Orchard Close. Nonetheless these trees would still be close to the dwelling on Plot 3 leading to concerns from future occupants about light, safety and debris that would lead to pressure for significant further tree work. The proposed garage would be at the edge of the root protection area of the copper beech T27 but the garage and parking spaces would also be within the root protection areas of cypress T36, lime T37 and western red cedar T40. This impact could be reduced by specialised foundations and no-dig construction.

In conclusion there is a slightly greater clearance between the trees protected by Tree Preservation Order No 33 of 1989 and the adjacent dwelling than the previous proposal but the relationship is still far from ideal. However the dwelling on Plot 1 is now closer to a copper beech tree protected by Tree Preservation Order No 6 of 2012 than before, leading to further concerns. Consequently I would prefer smaller houses that had a lesser impact on the trees. Nonetheless I would not object to the application provided there is adequate protection for the retained trees, which should include appropriate precautions within the root protection areas of the retained trees such as no-dig construction.'

Ecology Officer: No comments received at time of writing report, however comments received in regards to application CH/2018/0594/FA stated no objection, subject to the provision of a Landscape and Ecological Management Plan.

South Bucks District Council: None received at time of drafting report.

Thames Water Officer: No comments received at time of writing report, however comments received in regards to application CH/2018/0594/FA stated that: 'Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.'

POLICIES

National Planning Policy Framework (NPPF).

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

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

Chalfont St Peter Neighbourhood Plan, 2014. Policies: LC1, H1, H2, H3, H5 and H6.

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

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

EVALUATION

Principle of development

1. The application site is located within the built-up area of Chalfont St. Peter where proposals for new dwellings will be acceptable in principle subject to there being no conflict with any other policy in the Local Plan. Proposals should be compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality and the presence of trees, shrubs, lawns and verges.
2. The site is also located within an Established Residential Area of Special Character which requires each of the following criteria to be complied with:
 - The plot size of any proposed dwelling in terms of shape and magnitude should not be significantly at variance with other existing plots in the vicinity
 - Each proposed dwelling plot should have an existing frontage to an existing road
 - The width across each plot frontage should be closely similar to other plot widths in the vicinity
 - The position of each proposed dwelling within its plot and the spacing between dwellings should be in accordance with the prevailing character in the vicinity
 - The frontage building line to the existing road should be generally maintained and the general height of buildings in the vicinity should not be exceeded
 - The form of existing residential development should be maintained in terms of dwellings being detached, semi-detached, terraced
 - The size, design and external appearance of each new dwelling should be compatible with the character of existing dwellings in the vicinity
 - Important features which are characteristic of the street scene in the vicinity should be retained. Such features include trees, shrubs, hedges, footways etc.
3. Finally, although the site does not fall within a Conservation Area, it falls adjacent to the Gerrards Cross Centenary Conservation Area. Local Plan Policy CA2 states that any proposed development which does not preserve or enhance the important views within, looking out of, or into a Conservation Area will be refused. This is particularly notable given that both previous planning applications CH/2015/2224/FA and CH/2014/1540/FA referred to the detrimental impact of the proposed developments on the setting of the adjacent Conservation Area as one of the reasons for refusal.
4. All other relevant Development Plan policies should also be complied with.
5. Finally, it is noted that this application follows planning applications CH/2018/0594/FA and CH/2017/2013/FA for the erection of 5 dwellings (one detached and four semi-detached properties) on the same site. These applications were refused permission based on the fact that the proposals would appear at

odds with the existing character and appearance of the immediate street scene and wider locality. As such, this application seeks to overcome the previous reasons for refusal by proposing the erection of three detached dwellings, and not three buildings comprising five residential units.

Design/character and appearance

6. The application site currently comprises a vacant plot of land part way down Oval Way. The site previously comprised a children's care facility that was no longer viable. As such, the principle of redeveloping the site to comprise residential dwellings (in this instance apartments and age exclusive apartments and later residential dwellings) was accepted as part of the previous planning applications.

7. The previous two schemes were refused permission based on their impact on the character and appearance of the area. In order to overcome this reason for refusal, the applicant has amended the proposal by way of reducing the number of units on site so the development would now consist of three, three-storey detached dwellings (with the third storey habitable accommodation being located within the roof space). This means that the proposal would be more in keeping with the locality whereby residential properties are predominantly detached and set in large plots. In addition, the three buildings have been re-designed so that they now have a more attractive appearance with much of the bulk of the previous schemes being removed. The proposed crown roofs have been reduced in scale and in height so that they are now more in keeping with the heights of neighbouring properties and the loss of third floor windows (and use of rooflights instead) means that the dwellings would appear as two storey from the front elevation, and therefore in keeping with the neighbours. The car ports have also been removed from the scheme, reducing the built form on site. Overall, it is considered that the proposed changes to the dwelling types on site and the proposed amendments to the design are much more in keeping with the character of the locality. It is noted that adequate separation distance would be maintained between the three properties and their adjacent neighbours, in line with Development Plan Policy H11, and this would further ensure that the spacious character of the area is maintained. Given the nature of the proposed amendments, it is considered that the previous reason for refusal relating to the design and type of dwellings proposed, has sufficiently been overcome and the proposal would integrate with the local pattern of development and the character of the adjacent Conservation Area.

Neighbouring amenity

8. In terms of the impact of the proposal on neighbouring amenities, no objections were previously raised in regards to the impact of the five residential units on neighbouring properties. However, the amended proposal has re-sited the proposed dwellings and they have been increased in size requiring a new assessment of their impact on neighbouring dwellings. In this respect, the dwelling on Plot 1 would be sited approximately 3 metres away from the boundary with No. 34 Oval Way and approximately 8 metres away from the flank elevation of this neighbour. The two storey aspect of the rear elevation would be broadly in line with the rear elevation at No. 34 with only the single storey element of Plot 1 projecting into the rear garden beyond the rear wall of No. 34. Nonetheless, this single storey element would be sited 12.5 metres away from the boundary with No. 34 which is considered to be an acceptable relationship. In regards to the roof terrace above this single storey rear projection, a condition requiring the erection of boundary screening would prevent intrusion in the direction of No. 34. It is noted that concern has been raised in regards to loss of daylight and sunlight to No. 34 as a result of the dwelling on Plot 1. Although these concerns are noted, it is considered that the relationship and spacing between the two properties, in addition to the siting of the proposed dwelling in relation to the windows at No. 34 is acceptable so as not to lead to undue loss of amenity to the occupiers of No. 34.

9. To the other side of the development site, the dwelling on Plot 3 would be sited approximately 9 metres from the boundary (at the narrowest point) and approximately 17.5 metres from the flank wall of No. 24. The two storey rear projection of the dwelling on Plot 3 would extend in depth by 6.5 metres beyond the

rear elevation of No. 24 and this neighbour has expressed concern that this would result in the proposal appearing overbearing from their rear living and amenity space. However, it is considered that the minimum separation distance of 17.5 metres is considered to be sufficient to prevent Dwelling 3 from appearing overbearing, particularly as it is noted that there is substantial tree coverage along the boundary, including a number of protected trees. It is noted that a first floor balcony/terrace is proposed at Plot 3 but this would be sited away from the neighbour at No. 24 and the erection of balcony screening would help to reduce intrusion towards No. 24 and views into this dwelling or onto their rear patio area. Accordingly, no objections are raised with regards to the impact of the proposal on No. 24 Oval Way.

10. In terms of the spacing between the proposed dwellings, approximately 3 metres would separate them from one another and they would each have a front and rear elevation broadly in line with one other, to prevent overlooking and intrusion. Whilst the balcony at Plot 1 would be separated from the dwelling on Plot 2 by the garage at Plot 2, there would be no built form separating the two balconies at Plots 2 and 3, with only a separation distance of 9 metres. A condition requiring that balcony screens are erected at the side elevations would help to secure against intrusion and maintain the privacy of future occupiers.

11. Finally, with regards to the amenities of future occupants, the three dwellings would provide for garden depths in excess of 40 metres, in accordance with Local Plan Policy H12 and adequate space for bin and recycling storage would also be provided on site. No objections were previously raised in this respect and no new objections are raised now.

Highways/parking implications

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

13. Buckinghamshire County Highways Authority has assessed the proposed plans and has raised no objections in regards to the impact of the development on highway safety and capacity.

Ecology

14. The County Ecology Advisor has not provided comments at time of drafting the report. However, it is noted that the Ecology Advisor provided comments for the previous applications, including application CH/2018/0594/FA, which was determined earlier this year. As part of these comments, the Ecology Advisor raised no objection, provided that recommendations included within the submitted ecology reports (submitted as part of CH/2018/0594/FA) are included within a landscape and ecological management plan and the plans contain landscape details which will ensure that a net gain for biodiversity is achieved and all wildlife is protected during the development.

Trees

15. The proposal would require the loss of a number of trees within the site leaving mainly trees close to the boundaries. The District Tree Officer has assessed the proposal and noted that most of the trees proposed for removal are fairly small trees or trees in poor condition which are of little importance to the character of the area. However, it is noted that the dwelling on Plot 3 would be sited close to three TPO trees on the boundary and subsequently there could be concerns from future occupants of this property about light, safety and debris that would lead to pressure for significant further tree work. The dwelling on Plot 1 would also be sited closer than previous schemes to a copper beech tree which also has a TPO. The Tree Officer concludes by saying that although the preference would be for smaller houses with a lesser impact on the trees, no

objection is raised provided appropriate precautions are undertaken within the root protection areas of the retained trees.

Affordable housing

16. For proposals under five 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 NPPF where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including housing developments of 10 units or less. The scheme is for less than 10 units therefore affordable housing is not required.

Conclusion

17. Based on the above assessment of the changes proposed from the previous planning application, it is considered that a development of three detached houses on site would be more in keeping with the pattern of development in the locality and in the adjacent Conservation Area.

Working with the applicant

In accordance with Chapter 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 Before any construction work commences, details of the facing materials and roofing materials to be used for the external construction of the dwellings hereby permitted and any hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with these details.

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

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

Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.

4 Prior to occupation of the development space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area and the approved garages shall be permanently maintained for this purpose.

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

5 Prior to the occupation of the development the modified access to Oval Way road shall be designed in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.

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

6 Before any construction work commences, full details of the means of enclosure to be retained or erected as part of the development including those between the individual gardens of the approved dwellings and on the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundaries shall then be erected and maintained in accordance with the plans approved by the Local Planning Authority.

Reason: To safeguard, as far as possible, the visual amenities of the locality and the amenities of the adjoining properties and approved dwellings.

7 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme should incorporate biodiversity features including the provision of a number of artificial bird features incorporated into the fabric of the buildings and on suitable trees on site.

Reason: In order to conserve and enhance the character of the locality and limit overlooking and the impact of the proposal on neighbouring amenities.

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

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

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

Reason: To safeguard the amenities of the adjoining properties and the approved dwellings.

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

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

11 Prior to the initial occupation of any of the dwellings hereby permitted screens shall be erected along the full length of the flank elevations of the balconies. The screens shall be of a solid opaque design, measuring a minimum of 1.8 metres in height above the finished floor level of the balcony. The screens shall then remain in place and no alterations shall take place to it thereafter.

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

12 Before any other site works commence on the development hereby permitted, tree protection fencing shall be erected around the trees and hedges to be retained in accordance with both British Standard 5837:2012 and the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01Rev0 dated May 2018 by Keen Consultants. The fencing shall then be retained in the positions shown on the Tree Protection Plan until the development is completed. Within the enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels.

Reason: To ensure that trees protected by Tree Preservation Orders Nos 33 of 1989 and 6 of 2012, including their roots, do not suffer significant damage during building operations and to ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

13 No development shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority, which shall detail all work within the root protection areas of the tree and hedges shown to be retained on the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01Rev0 dated May 2018 by Keen Consultants. This statement shall include details of protection measures for the trees and hedges during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where necessary. In particular it shall show details of specialised foundations and no-dig construction where appropriate. The work shall then be carried out in accordance with this method statement.

Reason: To ensure that trees protected by Tree Preservation Orders Nos 33 of 1989 and 6 of 2012, including their roots, do not suffer significant damage during building operations and to ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

14 No tree or hedge shown to be retained on the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01Rev0 dated May 2018 by Keen Consultants shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree or hedge shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

Reason: To ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

15 AP01 Approved Plans

PL/18/2033/FA

Case Officer: Emma Showan
Date Received: 29.05.2018 Decide by Date: 03.09.2018
Parish: Chalfont St Peter Ward: Austenwood
App Type: Full Application
Proposal: Redevelopment of site to provide two detached dwellings with integral garages, a pair of semi-detached dwellings with garages and hardstanding, landscaping and vehicular accesses.
Location: 28-32 Oval Way
Chalfont St Peter
Buckinghamshire
SL9 8QB
Applicant: Aquinna Homes Plc

SITE CONSTRAINTS

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

CALL IN

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

SITE LOCATION

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

THE APPLICATION

This application proposes the redevelopment of the site to provide two detached dwellings and a pair of semi-detached dwellings with associated hardstanding and vehicular access.

Plot 1 would consist of a detached three storey dwelling with an integral garage. It would contain 5 bedrooms the majority of which would have associated ensuites and dressing rooms. It would have a maximum width of 15.4 metres, depth of 22.5 metres and pitched roof height of 9 metres, with an eaves height of 5.4 metres.

Plots 2 and 3 would consist of two semi-detached three storey dwellings. Plot 2 would have an integral garage and both properties would contain 5 bedrooms. The combined maximum width would be 15.5 metres, with a depth of 21.6 metres and pitched roof height of 9 metres, with an eaves height of 5.4 metres.

Plot 4 would consist of a detached three storey dwelling with 5 bedrooms. It would have a maximum width of 11.7 metres, depth of 20.7 metres and pitched roof height of 9 metres, with an eaves height of 5.5 metres. It would be served by a detached double garage to the front which would have a maximum width of 6.8 metres, depth of 6.8 metres and pitched roof height of 5.6 metres, with an eaves height of 2.2 metres.

The properties would access onto Oval Way.

A separate detached double garage is proposed to serve Plot 4 and a detached single garage is proposed to serve Plot 3.

Officer Note: This scheme follows the refusal of planning application CH/2018/0594/FA which proposed the erection of five dwellings; one detached three storey dwelling and two pairs of semi-detached dwellings. The building on Plot 1 previously had a width of 13.1 metres, depth of 16 metres and height of 9.5 metres. The building on Plots 2 & 3 previously had a width of 12.7 metres, depth of 19 metres and height of 9.2 metres. The building on Plots 4 & 5 previously had a width of 12.7 metres, depth of 17 metres and roof height of 9.2 metres.

It is also noted that this application follows application CH/2018/0802/FA for three detached dwellings which is also currently under consideration. Both this application and application CH/2018/0802/FA propose a scheme which is visually similar although this application plans to divide the dwelling on Plot 2 into two units to create a pair of semi-detached properties. However, from the street scene, the two semi-detached units will appear as one dwelling, with the entrance to Plot 3 being taken from the side elevation.

RELEVANT PLANNING HISTORY

CH/2018/0802/FA - Erection of three new dwellings: currently under consideration.

CH/2018/0594/FA - Erection of five new dwellings. Refused permission for the following reason:

- 'The proposed plots would be substantially narrower than others in the locality and the three buildings proposed would be much taller than their nearest neighbours. In addition, four semi-detached dwellings are proposed and these would be out of character with the other, two storey detached residential buildings in the locality. Furthermore, by reason of the overall appearance and layout of the proposed detached and semi-detached properties, particularly in relation to the car ports at Plots 3 and 4 which would be sited to the rear of these properties, the proposal would appear at odds with the existing character and appearance of the immediate street scene and wider locality.'

CH/2017/2013/FA - Erection of five new dwellings. Refused permission for the following reasons:

- 'The proposed plots would be substantially narrower than others in the locality and the three buildings proposed would be much taller than their nearest neighbours. In addition, four semi-detached dwellings are proposed and these would be out of character with the other, two storey detached residential buildings in the locality. Furthermore, by reason of the overall appearance and layout of the proposed detached and semi-detached properties, particularly in relation to the car ports at Plots 3 and 4 which would be sited to the rear of these properties, the proposal would appear at odds with the existing character and appearance of the immediate street scene and wider locality.'

- The shared access serving Plots 3, 4 and 5 measures a width of 3m which is not sufficient to serve three dwellings. The Highway Authority would require an access drive serving three dwellings to be a

minimum of 3.2m. Furthermore, it is evident that Plots 3 and 4 have insufficient manoeuvring space and therefore vehicles would have to reverse for long distances before potentially reversing out onto Oval Way.

- It is proposed to remove many of the trees within the site, including an oak and blue cedar situated in the former rear garden of Stow Lodge. Furthermore, the dwelling on Plot 5 is close to the trees on the boundary with Orchard Close and within the root protection area of the Norway maple and adjacent lime. Meanwhile, the proposed garage would be within the root protection area of the copper beech. This would compromise the trees' future growth and development.'

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

- 'The proposed plot would be substantially wider than others in the locality, and by reason of their overall size, scale, massing, appearance and layout, the proposed buildings would amount to a development of significant scale which would appear overly dominant, prominent and visually intrusive in the street scene and incongruous when viewed in the context of the modest scale of dwellings in the vicinity of the site. The development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area.

- By reason of its size, design and proximity to the shared boundary with No. 24 Oval Way, building B would appear prominent and visually intrusive when viewed from the rear aspect of this property. In addition, the number and type of windows in the southern elevation of building B would result in a degree of overlooking when viewed from this neighbouring property.'

- Appeal dismissed.

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

- 'The proposed development would result in the loss of a Use Class C2 residential care home which is classed as a community facility. No replacement community facility is proposed as part of this application and insufficient information regarding the need for this site for use as a care home or other community service/facility use has been put forward and no exceptional circumstances have been put forward to justify the loss of the community use.

- The proposed plot would be substantially wider than others in the locality, and by reason of their overall size, scale, massing, appearance and layout, the proposed buildings would amount to a development of significant scale which would appear overly dominant, prominent and visually intrusive in the street scene and incongruous when viewed in the context of the modest scale of dwellings in the vicinity of the site. The development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area.

- By reason of its size, design and proximity to the shared boundary with No. 24 Oval Way, the development would appear prominent and visually intrusive when viewed from the rear aspect of this property. In addition, the number and type of windows would result in a degree of overlooking when viewed from this neighbouring property.

- No legal agreement has been completed to secure possible affordable housing contributions.'

- Appeal dismissed.

PARISH COUNCIL

Strongly object. Out of keeping with the area and overdevelopment of the site. Even bulkier than previous application with properties that are bigger, wider and deeper. Out of keeping in an established area of residential character adjacent to Conservation Area. Fails to overcome previous objections of semi detached housing being out of keeping and narrow plots. Over development, being taller than adjacent properties but drawings difficult to read. Density too great for this site. Over bearing on No. 24, with overlooking windows to the side. Parking impractical and unlikely to work with cars blocking each other and no space to turn. Road is narrow at this point, near schools. Unsafe. TPOs in place, root zone and branches likely to be damaged by

building. A tree with TPO has already been removed illegally. CSPPC still believe that previous use for part of the site was a Care Home and change of use required.

REPRESENTATIONS

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

- Inconsistent and misleading information in the submitted documents
- Smaller spacing between buildings than before
- Three buildings are bigger than before
- Car ports are obtrusive
- Tall and bulky appearance
- Significant height - taller than the ridge height of what was, until its demolition, the tallest building in the ERASC and taller than neighbouring properties
- Increase in the footprint
- Loss of daylight and sunlight
- Overbearing and sense of enclosure
- Loss of privacy and overlooking
- Crowded and oppressive
- Detrimental impact on conservation area
- No full three storey houses along Oval Way
- Numerous overlooking windows
- Plot is 1 metre shorter on plans than in reality
- Trees are marked wrongly on the plans
- Too close together
- Mundane bulky buildings
- Previous objections still stand
- Would set a precedent for further semi-detached houses

CONSULTATIONS

Buckinghamshire County Highways Officer: 'I note that the Highway Authority has provided previous comments for this site, most recently for application no. CH/2018/0802/FA, which in a response dated 14th June 2018, the Highway Authority had no objection to the proposals subject to condition.

The proposal seeks planning consent for two detached dwellings with integral garages, a pair of semi-detached dwellings with garages and hardstanding, landscaping and vehicular accesses. I consider that the application does not propose a material difference in highway terms and I consider that the principle of development remains the same. As such, the Highway Authority has no objection to the proposal subject to the following condition and informatives being included in any planning permission you may grant.'

District Tree and Landscape Officer: 'Amended plans have been submitted so that now the two semi-detached dwellings have been moved to the central part of the site roughly in the position of the former Plot 2. No revised tree plans or other tree information has been submitted.

The change in the positions of the semi-detached dwellings means that fewer parking spaces are now required close to the trees on the southern boundary of the site with Orchard Close. Consequently it should now be possible to retain T40 a young western red cedar that was previously shown for removal. The additional parking spaces for the semi-detached houses would be quite close to the TPO copper beech T43 but should not result in significant root damage if no-dig construction is used.

In addition Plots 1 and 4 appear to have been changed to coincide with the revised proposals for Plots 1 and 3 of CH/2018/0802/FA so the building on Plot 1 is now slightly further away from the northern boundary of the site and the building on Plot 3 has been moved slightly forward.

However these changes would have little effect on any trees so much of my previous comments are still relevant and my conclusion remains as before:

In conclusion there is a slightly greater clearance between the trees protected by Tree Preservation Order No 33 of 1989 and the adjacent dwelling than CH/2018/0594/FA but the relationship is still far from ideal. However the dwelling on Plot 1 is now closer to a copper beech tree protected by Tree Preservation Order No 6 of 2012 than CH/2018/0594/FA, leading to further concerns. Consequently I would prefer smaller buildings that had a lesser impact on the trees. Nonetheless I would not object to the application provided there is adequate protection for the retained trees, which should include appropriate precautions within the root protection areas of the retained trees such as no-dig construction.'

Ecology Officer: No comments received at time of writing report, however comments received in regards to application CH/2018/0594/FA stated no objection, subject to the provision of a Landscape and Ecological Management Plan.

South Bucks District Council: None received at time of drafting report.

Thames Water Officer: No comments received at time of writing report, however comments received in regards to application CH/2018/0594/FA stated that: 'Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.'

Aerodrome Comments: 'With reference to the above application we would like to draw attention to the fact that the site is within the Denham Aerodrome Traffic Zone.

Denham is a long established Civil Aviation Authority Licensed Aerodrome providing facilities for business aviation and flying training for both fixed and rotary wing aircraft and may be available for use at any time.

It is inevitable that any occupants in this location will both hear and see aircraft operations and it is important that all concerned are aware of the juxtaposition of the sites.'

POLICIES

National Planning Policy Framework (NPPF).

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

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

Chalfont St Peter Neighbourhood Plan, 2014. Policies: LC1, H1, H2, H3, H5 and H6.

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

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

EVALUATION

Principle of development

1. The application site is located within the built-up area of Chalfont St. Peter where proposals for new dwellings will be acceptable in principle subject to there being no conflict with any other policy in the Local Plan. Proposals should be compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality and the presence of trees, shrubs, lawns and verges.
2. The site is also located within an Established Residential Area of Special Character which requires each of the following criteria to be complied with:
 - The plot size of any proposed dwelling in terms of shape and magnitude should not be significantly at variance with other existing plots in the vicinity
 - Each proposed dwelling plot should have an existing frontage to an existing road
 - The width across each plot frontage should be closely similar to other plot widths in the vicinity
 - The position of each proposed dwelling within its plot and the spacing between dwellings should be in accordance with the prevailing character in the vicinity
 - The frontage building line to the existing road should be generally maintained and the general height of buildings in the vicinity should not be exceeded
 - The form of existing residential development should be maintained in terms of dwellings being detached, semi-detached, terraced
 - The size, design and external appearance of each new dwelling should be compatible with the character of existing dwellings in the vicinity
 - Important features which are characteristic of the street scene in the vicinity should be retained. Such features include trees, shrubs, hedges, footways etc.
3. Finally, although the site does not fall within a Conservation Area, it falls adjacent to the Gerrards Cross Centenary Conservation Area. Local Plan Policy CA2 states that any proposed development which does not preserve or enhance the important views within, looking out of, or into a Conservation Area will be refused. This is particularly notable given that both previous planning applications CH/2015/2224/FA and CH/2014/1540/FA referred to the detrimental impact of the proposed developments on the setting of the adjacent Conservation Area as one of the reasons for refusal.
4. All other relevant Development Plan policies should also be complied with.
5. Finally, it is noted that this application follows planning applications CH/2018/0594/FA and CH/2017/2013/FA for the erection of 5 dwellings (one detached and four semi-detached properties) on the same site. These applications were refused permission based on the fact that the proposals would appear at odds with the existing character and appearance of the immediate street scene and wider locality. As such, this application seeks to overcome the previous reasons for refusal by proposing the erection of three detached dwellings, and not three buildings comprising five residential units.
6. In addition, this application follows the submission of CH/2018/0802/FA which is currently under consideration. Both this application and application CH/2018/0802/FA propose a scheme which is visually similar although this application plans to divide the dwelling on Plot 2 into two units to create a pair of semi-detached properties. However, from the street scene, the two semi-detached units will appear as one dwelling, with the entrance to Plot 3 being taken from the side elevation. As the main differences between this scheme and that proposed under CH/2018/0802/FA relate to the number of units on site and not on the siting/appearance of the scheme, this report should be read in conjunction with that for CH/2018/0802/FA.

Design/character & appearance

7. The application site currently comprises a vacant plot of land part way down Oval Way. The site previously comprised a children's care facility that was no longer viable. As such, the principle of redeveloping the site to comprise residential dwellings (in this instance apartments and age exclusive apartments and later residential dwellings) was accepted as part of the previous planning applications.

8. In order to overcome the previous reasons for refusal, the applicant has amended the proposal by way of reducing the number of units on site so the development would now consist of four, three-storey dwellings (with the third storey habitable accommodation being located within the roof space). Two of the dwellings would be detached, while the middle property would accommodate two residential units - i.e. it would be semi-detached. Although the locality is predominantly characterised by detached dwellings set within large plots, the proposal has been designed so that the four units are accommodated in three buildings and the semi-detached building has been designed so that one unit has a front door in the side elevation, which gives the impression that the dwelling is detached from the street scene. Given that the bulk of the previous schemes has been reduced and the proposed number of units has been decreased from the five units previously refused, it is considered that the proposal would be more in keeping with the local street scene. The proposed crown roofs have been reduced in scale and in height so that they are now more in keeping with the heights of neighbouring properties and the loss of third floor windows (and use of rooflights instead) means that the dwellings would appear as two storey from the front elevation, and therefore in keeping with the neighbours. It is also noted that adequate separation distance would be maintained between the properties and their adjacent neighbours, in line with Development Plan Policy H11, and this would further ensure that the character of the area is maintained. Although it is accepted that the proposal would introduce a pair of semi-detached dwellings in an area which is predominantly characterised by detached properties, given that the semi-detached dwellings proposed here would appear as one dwelling in the street scene and given that this scheme would visually reflect the appearance of the proposal for three units on site (not yet determined), it is not considered that this scheme for four units would be detrimental to the street scene or the character of the area. It is noted that there have been concerns raised in regards to a precedent being set for additional semi-detached dwellings being erected in the locality, however, if future applications are made, these will be assessed on their own merits and, in this instance, it is considered that the scheme is visually acceptable and it would not result in a cramped or incongruous form of development. No objections are therefore raised in regards to the impact of the development on the character and appearance of the locality and the adjacent Conservation Area.

9. Unlike the scheme for three units, this application proposes additional garage parking to the front of the site. A double garage is proposed for Plot 4 and a single garage is proposed for Plot 3. The garages are to be sited to the front of the dwellings, but set back from the highway. Given that other properties in the locality have forward sited garages, it is not considered that the inclusion of garage parking within this scheme would be detrimental to the appearance of the street scene.

Residential amenity

10. In terms of the impact of the proposal on neighbouring amenities, no objections were previously raised in regards to the impact of the five residential units on neighbouring properties. However, the amended proposal has re-sited the proposed dwellings and they have been increased in size requiring a new assessment of their impact on neighbouring dwellings. In this respect, the dwelling on Plot 1 would be sited approximately 3 metres away from the boundary with No. 34 Oval Way and approximately 8 metres away from the flank elevation of this neighbour. The two storey aspect of the rear elevation would be broadly in line with the rear elevation at No. 34 with only the single storey element of Plot 1 projecting into the rear garden beyond the rear wall of No. 34. Nonetheless, this single storey element would be sited 12.5 metres away from the boundary with No. 34 which is considered to be an acceptable relationship. In regards to the roof terrace above this single storey rear projection, a condition requiring the erection of boundary screening would

prevent intrusion in the direction of No. 34. It is noted that concern has been raised in regards to loss of daylight and sunlight to No. 34 as a result of the dwelling on Plot 1. Although these concerns are noted, it is considered that the relationship and spacing between the two properties, in addition to the siting of the proposed dwelling in relation to the windows at No. 34 is acceptable so as not to lead to undue loss of amenity to the occupiers of No. 34.

11. To the other side of the development site, the dwelling on Plot 4 would be sited approximately 9 metres from the boundary (at the narrowest point) and approximately 17.5 metres from the flank wall of No. 24. The two storey rear projection of the dwelling on Plot 4 would extend in depth by 6.5 metres beyond the rear elevation of No. 24 and this neighbour has expressed concern that this would result in the proposal appearing overbearing from their rear living and amenity space. However, it is considered that the minimum separation distance of 17.5 metres is considered to be sufficient to prevent Dwelling 4 from appearing overly overbearing, particularly as it is noted that there is substantial tree coverage along the boundary, including a number of protected trees. It is noted that a first floor balcony/terrace is proposed at Plot 4 but this would be sited away from the neighbour at No. 24 and the erection of balcony screening would help to reduce intrusion towards No. 24 and views into this dwelling or onto their rear patio area. Accordingly, no objections are raised with regards to the impact of the proposal on No. 24 Oval Way.

12. In terms of the spacing between the proposed dwellings, approximately 3 metres would separate them from one another and they would each have a front and rear elevation broadly in line with one other, to prevent overlooking and intrusion. A condition requiring that balcony screens are erected at the side elevations of the proposed balconies would help to secure against intrusion and maintain the privacy of future occupiers.

13. Finally, with regards to the amenities of future occupants, the four dwellings would provide for garden depths in excess of 40 metres, in accordance with Local Plan Policy H12 and adequate space for bin and recycling storage would also be provided on site. No objections were previously raised in this respect and no new objections are raised now.

Parking/highways implications

14. In line with Development Plan Policy TR16, three car parking spaces are required for dwellings in excess of 120 square metres. The proposal meets with this requirement, with all four properties providing three spaces either within garaging or on hardstanding. As such, no objections are raised with regards to the number of parking spaces to be provided.

15. Buckinghamshire County Highways Authority has assessed the proposed plans and has raised no objections in regards to the impact of the development on highway safety and capacity.

Ecology

16. The County Ecology Advisor has not provided comments at time of drafting the report. However, it is noted that the Ecology Advisor provided comments for the previous applications, including application CH/2018/0594/FA, which was determined earlier this year. As part of these comments, the Ecology Advisor raised no objection, provided that recommendations included within the submitted ecology reports (submitted as part of CH/2018/0594/FA) are included within a landscape and ecological management plan and the plans contain landscape details which will ensure that a net gain for biodiversity is achieved and all wildlife is protected during the development.

Trees

17. The proposal would require the loss of a number of trees within the site leaving mainly trees close to the boundaries. The District Tree Officer has assessed the proposal and noted that most of the trees proposed

for removal are fairly small trees or trees in poor condition which are of little importance to the character of the area. However, it is noted that the dwelling on Plot 4 would be sited close to three TPO trees on the boundary and subsequently there could be concerns from future occupants of this property about light, safety and debris that would lead to pressure for significant further tree work. The dwelling on Plot 1 would also be sited closer than previous schemes to a copper beech tree which also has a TPO. The Tree Officer concludes by saying that although the preference would be for smaller houses with a lesser impact on the trees, no objection is raised provided appropriate precautions are undertaken within the root protection areas of the retained trees.

Affordable housing

18. For proposals under five 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 NPPF where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including housing developments of 10 units or less. The scheme is for less than 10 units therefore affordable housing is not required.

Conclusion

19. Based on the above assessment of the changes proposed from the previous planning applications, it is considered that a development of four houses on site would be more in keeping with the pattern of development in the locality and in the adjacent conservation area. Although a pair of semi-detached dwellings is proposed, the building would appear to be detached from the street scene with the entrance to Plot 3 being taken from the side elevation and it is subsequently considered that the proposal would be acceptable and would overcome the previous concerns in regards to the development failing to maintain the appearance and character of the locality.

Working with the applicant

In accordance with Chapter 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 Before any construction work commences, details of the facing materials and roofing materials to be used for the external construction of the dwellings hereby permitted and any hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with these details.

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

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

Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.

4 Prior to occupation of the development space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area and the approved garages shall be permanently maintained for this purpose.

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

5 Prior to the occupation of the development the modified access to Oval Way road shall be designed in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.

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

6 Before any construction work commences, full details of the means of enclosure to be retained or erected as part of the development including those between the individual gardens of the approved dwellings and on the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundaries shall then be erected and maintained in accordance with the plans approved by the Local Planning Authority.

Reason: To safeguard, as far as possible, the visual amenities of the locality and the amenities of the adjoining properties and approved dwellings.

7 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme should incorporate biodiversity features including the provision of a number of artificial bird features incorporated into the fabric of the buildings and on suitable trees on site.

Reason: In order to conserve and enhance the character of the locality and limit overlooking and the impact of the proposal on neighbouring amenities.

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

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

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

Reason: To safeguard the amenities of the adjoining properties and the approved dwellings.

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

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

11 Prior to the initial occupation of any of the dwellings hereby permitted screens shall be erected along the full length of the flank elevations of the balconies. The screens shall be of a solid opaque design, measuring a minimum of 1.8 metres in height above the finished floor level of the balcony. The screens shall then remain in place and no alterations shall take place to it thereafter.

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

12 Before any other site works commence on the development hereby permitted, tree protection fencing shall be erected around the trees and hedges to be retained in accordance with both British Standard 5837:2012 and the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01Rev0 dated May 2018 by Keen Consultants. The fencing shall then be retained in the positions shown on the Tree Protection Plan until the development is completed. Within the enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels.

Reason: To ensure that trees protected by Tree Preservation Orders Nos 33 of 1989 and 6 of 2012, including their roots, do not suffer significant damage during building operations and to ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

13 No development shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority, which shall detail all work within the root protection areas of the tree and hedges shown to be retained on the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01Rev0 dated May 2018 by Keen Consultants. This statement shall include details of protection measures for the trees and hedges during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where necessary. In particular it shall show details of specialised foundations and no-dig construction where appropriate. The work shall then be carried out in accordance with this method statement.

Reason: To ensure that trees protected by Tree Preservation Orders Nos 33 of 1989 and 6 of 2012, including their roots, do not suffer significant damage during building operations and to ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

14 No tree or hedge shown to be retained on the Tree Protection Plan Drawing No 9885-KC-3U-YTREETPP01Rev0 dated May 2018 by Keen Consultants shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree or hedge shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

Reason: To ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

15 AP01 Approved Plans

CH/2018/0887/OA

Case Officer: Andy White
Date Received: 18.05.2018
Parish: Chalfont St Giles
App Type: Outline Application
Proposal: Outline planning application for erection of a 2.5 storey building comprising a public house at ground floor level, with 6 x 1-bed flats above and associated parking (matters to be considered at this stage: access, appearance, layout and scale; matters reserved - landscaping)
Location: The Miltons Head Public House
20 Deanway
Chalfont St Giles
Buckinghamshire
HP8 4JL
Applicant: Mr F Lumba

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent to Unclassified Road
Adjacent Public Footpaths and Public Rights Of Way
Mineral Consultation Area
Townscape Character

CALL IN

The application has been called to Committee by Councillor Bray should the officer recommendation be minded to approve the application, due to local objection.

SITE LOCATION

The site is located within Chalfont St. Giles on the north side of Deanway, with Milton Hill to the east side of the site. To the south are fields which are within the Green Belt and the Conservation Area. The boundary of the Village Centre Conservation Area is to the south of the site, on the opposite side of Deanway, and then extends to the east.

THE APPLICATION

The application seeks outline planning application for erection of a 2.5 storey building comprising a public house at ground floor level, with 6 x 1-bed flats above and associated parking (matters to be considered at this stage: access, appearance, layout and scale; matters reserved - landscaping).

The site has an existing lawful use as a public house although, following a fire, the previous building was demolished for safety concerns. The replacement building would be 15.8m width, 14.3m depth, with eaves height of 6.2m and ridge height of 9.3m. The design is reflective of the previous building as can be seen from photographs on Google maps from 2017, albeit that the number of 1st floor windows is greater, the two storey width is greater and there would be accommodation within the roof space and a consequent increased ridge height of the building compared to the demolished structure.

RELEVANT PLANNING HISTORY

A small amount of history but most pertinent to the current proposal is application CH/2018/0327/OA which proceeded the demolition of the previous building on safety grounds relating to:

Outline application for the erection of a two storey building comprising a gym at ground floor level, with 6 one bed flats at first floor and roof level, parking for 8 cars and widening of existing vehicular access (matters to be considered at this stage: access, appearance, layout and scale - matters reserved: landscaping). Application Withdrawn

PARISH TOWN COUNCIL

No objection raised but comment as follows "The Parish Council appreciate that the owner of the Miltons Head site has listened to the concerns expressed by residents regarding the previous outline application CH/2018/0327/OA, however this outline application still has several areas that need addressing before a full application is submitted.

There are still concerns about inadequate parking, disability access, disabled facilities, loss of amenity to neighbours, staff toilets and access for delivery vehicles."

REPRESENTATIONS

44 submissions were received in response to the consultations letters and site notice.

The comments cover the following matters:

- Development is contrary to Development Plan
- Development is detrimental to Conservation Area
- The development has inadequate access
- The development would harm amenities of adjacent properties
- The development would result in loss of privacy
- The development would result in the loss of a view [Officer Note: There is no right to a view through planning legislation]
- The development would result in overshadowing and would appear overbearing
- The development is of poor design
- The development would result in odour pollution
- The development would cause traffic and parking issues

The objections may be summarised

Access and Parking

Unsafe access and parking presenting a danger to pedestrians, flat occupants and PH customers.

Inadequate parking provision considering flat numbers, with associated impact on local street parking.

Inadequate provision for disabled (parking/accessibility).

The lack of parking at Bond House has had a negative impact on Deanway as one bedroom accommodation does not always mean one occupant, resulting in the overspill of cars parking nearby. We have witnessed Bond House tenants parking on Deanway in preference to using their allocated parking space thus leaving their own space free for guests or second occupants. Therefore the ratio of one parking space per bedroom doesn't work.

The increase in vehicles trying to park or service the building will add to an already difficult situation. One that the County Council have acknowledged with their traffic calming scheme (the implementation of parking bays) to be introduced on Deanway.

Amenity

Loss of amenity, particularly daylight into windows of neighbouring property, and loss of privacy through

overlooking from large dormer windows.

We feel that any first and second floor windows on the east or west elevations are intrusive and will deprive us and our neighbours of privacy which we have previously enjoyed.

Rear elevation shows potential for neighbouring properties to be overlooked from the large roof-level dormer windows.

Requirements for operating a public house have not been considered, accessibility for disabled, [Officer Note: covered by separate legislation and not planning matter]; kitchen fume extraction, deliveries (no off-street area and close to zebra crossing), commercial waste bin storage and collection, reduction of noise from patrons entering/leaving the building.

The previous landlord of The Milton's Head recognised the negative impact on residents and passers-by when customers were seated on the area to the front of the pub and removed the seating therefore discouraging its use of the area adjacent to the pavement and zebra crossing. It would appear this proposal would be relying on this space to be used in place of a pub garden.

Conservation Area

Impact on view of Conservation Area and the overall street scene, owing to overdevelopment, bulk, height, and design not in keeping with surrounding buildings.

The sheer bulk and design of the building, as previously stated in our objection to application no: CH/2018/0327/OA along with the increase in occupants, visitors and deliveries will impact negatively on the conservation area.

Policy CA2 requires that any proposed development which does not preserve or enhance the important views looking out of a Conservation Area will be refused

Design

The proposed building will not preserve or enhance the street scene of Deanway due to the sheer bulk of a three-storey 4,600 sq ft building. A two-storey property with a low profile roof would be more in keeping (as before). The use of second floor dormer windows is not at all in keeping with or similar to neighbouring properties (No. 18 and No. 22).

If this planning application is approved we are concerned that this would set a precedent and other period properties could be demolished and be replaced with prominent and intrusive buildings. If Bond House is to be used as the model for this proposal then the character of Deanway is doomed.

We are not averse to a sympathetic scheme that preserves and enhances the immediate local area.

A smaller scale two storey building (no second floor accommodation) with a ridge height of under 8m and 4m less overall width than proposed would be more acceptable and in keeping. The construction of a three storey 9.3m high building with 6 flats above is simply too bulky, over ambitious and over bearing. The old pub was a sizeable 2,000 sq ft overall. Would the council have given permission for a residential property of a similar size and plot to be redeveloped by such a scale by adding a second floor and over doubling in size? We can all imagine the same objections coming back from the council about over development and excessive bulk. Indeed, the council objected to an extension of a nearby property on these grounds, suggesting that such an extension would detract from the character and appearance of the street scene on Deanway contrary to policies GC1, H11, H13(ii) of the Adopted CD Local Plan. It would be outrageous and duplicitous to even consider granting planning permission for such a vast development bearing in mind local plan policies and previous decisions. The council have a duty of care to protect Chalfont St Giles from a prominent, out of character and visually intrusive proposal.

Plans do not show the building would be of a high-quality design; this is a matter of opinion, not fact.

The proposed design improves on the previous submission. It is still a flat-fronted, 9.3m high structure. It does not "pick up on the vernacular architecture", nor "designed to respect the character and scale of neighbouring development". The vernacular is for 2 storey structures of maximum 8m height, comprising roof height of under 2m, with fewer, smaller windows and no dormer windows.

Property depth of 14.7m compares with approx. 10m depth of 22 Deanway.

Ridge height of 9.3m compares with approx. 7.8m height of 22 Deanway.

The best replacement would be a building similar in bulk, mass and form to the Miltons Head.

Other

Allowing this application to be approved would be immoral, the circumstances of the fire are very suspicious. [Officer Note: Not a relevant planning consideration. The application seeks to replace a building that was demolished following a fire with the agreement of the Council on safety grounds]

CONSULTATIONS

County Highways Authority

"The site has the potential to generate in the region of an additional 24 daily vehicular movements (two-way). Satisfied that these additional vehicle movements can be accommodated within the local highway network in this location.

Satisfied that sufficient visibility splays 2.4m x 43m can be achieved within land owned by the applicant or the publicly maintained highway.

It is understood that the public house on the site did not have a designated parking area. As part of this proposal, eight parking spaces are proposed. Six of these spaces would serve the six flats and the remaining two spaces would be used to serve the public house. Whilst I trust the Local Planning Authority will comment on the adequacy of parking provision provided, it is confirmed that there is sufficient space within the site for vehicles to turn and egress in a forward gear.

No objection subject to relevant conditions and informatives."

County Ecology

Raised an initial objection but having considered the ecology report/letter provided by AAe Environmental Consultants (18 July 2018) there were considered to be no major ecological constraints to the development and advised that the objection was removed subject to a condition that the works proceed under the Method Statement for Reptiles (and additional controls) as set out in the AAe letter/report.

Environmental Health - Noise and Odour

"No objection subject to conditions that address the following:

Noise

Proposed development immediately adjoining (including below or above) residential premises will have to provide full details of a scheme to insulate the premises from the transmission of airborne and impact sound. This is to limit the effect of impact and airborne noise from the commercial premises, i.e. commercial kitchen below residential flat. Noise from the extraction system and use of the kitchen is likely to cause disturbance if there is no suitable sound insulation.

Ventilation and Odour Control

Details must be provided with the application of the range of food to be provided and method of cooking intended. Whilst the DEFRA Guidance (The Department for the Environment, Food and Rural affairs (DEFRA)); Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems; is currently under review and out on draft consultation however consideration should still be given to this guidance to demonstrate good practice is being followed.

Risk Assessment for Odour

Odour control must be designed to prevent odour nuisance in a given situation. The score methodology in the Guidance is suggested as a means of determining odour control requirements using a simple risk assessment approach to determine the level of odour control required to prevent nuisance to neighbouring properties.

Bin and Waste Storage siting and design to be agreed

External Lighting to be positioned to avoid nuisance to residential and other receptors."

POLICIES

National Planning Policy Framework. 24 July 2018

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS24 and CS29

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, CA2, CSF1, TR2, TR3, TR11, TR16.

Chilterns Buildings Design Guide

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

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

EVALUATION

Principle of development

1. The application site is located within the built up area of Chalfont St. Giles, wherein proposals for replacement buildings are acceptable, subject to complying with relevant Development Plan Policies. Furthermore, the proposal is adjacent to the village centre Conservation Area where in accordance with Policy CA2 proposals should preserve or enhance the views out of and into the Conservation Area. The proposal incorporates a replacement public house and as such the proposal would be considered to comply with Policy CSF1

Design/character & appearance

2. The proposed design of the building is considered to be in keeping with the character of the area where there is an eclectic mix of residential and other uses with designs reflecting the history of the area. The proposed use of dormer windows is in character with some properties in the area and the use of Georgian style windows is considered to reflect the previous building. The subtle lettering above the main door shown on the front elevation is considered to respect the area, however a hanging pub sign between the two central windows would also be appropriate and has been raised with the applicant and is subject to an informative.

3. A number of residents have criticised the design and reflect upon the harm to the area that would result from allowing the proposal. This view is not supported by reference to the different style of buildings. The roof height would not be dissimilar to that of the neighbouring property to the west. The height above the existing ground level would be greater than that of the neighbouring dwellings at Nos 16 to 18 - however these dwellings are set further up the slope than the proposed dwelling and more than 10m to the east. As such, it is considered that the overall scale would not appear dominant compared to the neighbouring houses.

4. The proposed building would not be considered to adversely impact upon Milton Cottage, the listed building located 80m to the south-east.

Residential amenity

5. The public house use in proximity to the neighbouring uses is long established and therefore the juxtaposition of the uses is not objected to. The Environmental Health officer has proposed a number of conditions that would seek to control noise and odour nuisance.

6. Having regard to the proposed residential uses on the upper floors there has been no objection from Environmental Health to such a mixed use. The public house use would be separated from the residential use and would be subject to the conditions to protect residential amenity.

7. The proposed mixed use would have a garden space beyond the car park to the north and this is considered to be appropriate as garden space for the pub which can be used by residents. The size of the flats and the proximity to open space and village centre facilities on foot suggest that the lack of private amenity space would not be a reason for refusal, in this instance.

8. The concerns with regard to overlooking are noted but the windows in the rear elevation would face up the hillside and are not considered to offer views at close quarters to private amenity space at any neighbouring property.

Parking/Highway implications

9. Each of the six flats would contain less than 50 sq.m floor area and as such requires a single parking space in accordance with the adopted standards. The proposal indicates 8 parking spaces. The level of parking of 1 space per flat is considered to be adequate for the residential use and the 2 additional spaces for the replacement public house use represents 2 more spaces than were provided with the former building.

10. There have been a number of objections to the proposal from local residents on highway safety and parking grounds. However, the established use had no parking or turning area for delivery vehicles to the pub. The current proposal is considered to have adequate parking for residents and appropriate turning areas for delivery vehicles having regard to the replacement building. It is noted that the Highways Authority has raised no objection on traffic generation grounds having regard to capacity on the local highway network. The Highways Authority estimated that in addition to the traffic associated with the established use the residential element would generate up to 24 additional traffic movements per day. Taking account of the comments of the Highways Authority and the lawful use of the site it is not considered that an objection having regard to Highways safety could be sustained.

Impact on designated/non-designated heritage asset

11. The responses to the application have raised concerns with regard to harm to the Conservation Area and the setting of Milton Cottage. The proposal is considered to preserve the character of the Conservation Area. The appearance of the building from the Conservation Area would be in keeping with others in its vicinity and the building to be replaced. The views into the Conservation Area are also not considered to be significantly impacted in terms of the properties to the north as these are on higher land. The distance to Milton Cottage and the appearance of buildings that have a closer relationship with Milton Cottage indicate that there would not be harm to the setting of Milton Cottage.

Affordable housing

12. No requirement resulting from policy.

Conclusions

13. The scheme is considered to accord with Development Plan policies and guidance contained in the NPPF. It would result in the provision of a replacement community facility as well as the provision of six flats in this village centre location.

Working with the applicant

13. In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant/Agent and has focused on seeking solutions to the issues arising from the development proposal.

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

- 1 C107A Outline Time Limit
- 2 C106A Outline Time Limit Reserved Matters
- 3 Before any construction work commences, named types of the facing materials and roofing materials to be used for the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.
- 4 The development hereby permitted shall be constructed in accordance with the ground levels and the proposed slab and finished floor levels of the building shown on Drawing Number MH/01/c
Reason: To protect, as far as is possible, the character of the locality.
- 5 The development hereby approved shall proceed in accordance with the conclusion and recommendation of the AAe Environmental Consultants dated 18 July 2018 and the Method Statement for reptiles appended to the report.
The ecological enhancement of the site should include but not be limited to the following:
 - 1 no. Ibstock enclosed bat box on the building
 - 2 no. Schwegler 2GR bird boxes on the boundaryIn the planting proposals submitted under the reserved matters for landscaping species of known value for wildlife particularly native species to be used.
Reason: To ensure that the proposal enhances ecological interest in the area in accordance with Policy CS24 of the Core Strategy for Chiltern District - Adopted November 2011
- 6 Prior to the occupation of the development hereby the modified access to Deanway shall be

designed in accordance with the approved plans. The access shall be constructed in accordance with Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access within Highway Limits" 2013.

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

7 Prior to occupation of the development space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.

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

8 No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

The Plan shall include details of:

- Construction access
- Management and timing of deliveries;
- Routing of construction traffic;
- Vehicle parking for site operatives and visitors;
- Loading/off-loading and turning areas;
- Site compound;
- Storage of materials;
- Precautions to prevent the deposit of mud and debris on the adjacent highway.

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

Reason: In order to minimise danger and inconvenience to highway users and users of the highway in general.

9 Before the development hereby approved commences, details of measures for noise insulation to the party ceilings/floors shall be submitted to, and approved in writing by the District Planning Authority and such scheme as may be approved shall be implemented before the building is first occupied, and thereafter retained and maintained.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

10 Prior to the commencement of the development hereby approved, a BS8233:2014 compliant Environmental Noise Impact Assessment shall be submitted to and approved by the District Planning Authority in writing to ensure the recommended internal noise levels for the residential occupants can be achieved. A report shall be then be submitted detailing the process of the survey, measurement data taken and recommendations moving forward to achieve the requirements of BS8233:2014.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

11 Noise from the operation of all fixed plant and equipment associated with air moving equipment, refrigeration, compressors or equipment of a like kind within or associated with the building hereby permitted, received at one metre from the nearest noise sensitive receptor shall not exceed a level of 5 dB(A) above the existing Background Levels, or 10dB(A) especially if there is a particular tonal quality AT ANY TIME

in accordance with BS 4142-2014.

The assessment criteria should provide within BS 4142: 2014 of the evaluation of whether the proposed equipment is likely to cause complaint. If the BS4142 noise assessment concludes that complaints are likely, a noise mitigation strategy should be submitted which meets the demands of BS 4142:2014

Reason: To protect the amenity of the neighbouring residential properties from noise nuisance in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

12 All external lighting units shall be installed and positioned in such a manner as to avoid nuisance to residential or other near sensitive receptors in close proximity to the site. The main beam angles of all lights must be kept below 700 from vertical to keep off-site glare to a minimum. This location would be classed as E3 Medium district brightness (Small town centres or suburban locations). Light trespass received onto windows of nearby residential properties should be no more than a maximum of 10 lux m² pre-curfew and 2 lux m² post-curfew.

Reason: To protect the amenities of adjoining occupiers and not to cause a statutory nuisance in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

13 The Class A4 use of the Ground Floor hereby approved shall only operate between the hours of 08.00hrs and 11.00hrs Monday to Friday, 0800hrs and Midnight Saturdays and between 0900hrs and 2230hrs Sundays and Bank Holidays

Reason: In order to protect the amenities of neighbouring residential properties from noise and disturbance in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

14 Prior to the commencement of the development hereby permitted the details of the design and appearance of the refuse and recycling storage facility shown on the approved plans shall be submitted to and approved in writing by the District Planning Authority. The submitted details should indicate adequate provision for secure waste storage, designed to be easily cleanable, and protected against the ingress of pests and wind dispersion. The storage facility should thereafter be erected in accordance with the approved details before initial occupation of the development.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011..

15 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information or apply online via Buckinghamshire County Council's website at www.buckscc.gov.uk/services/transport-and-roads/highwaysdevelopment-management/apply-online/section-184-licence/

Highways Development Management

6th Floor, County Hall
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 0845 230 2882

2 INFORMATIVE: In relation to potential noise from the public house use:

A. It is recommended that the applicant is encouraged to apply for prior consent under the Control of Pollution Act 1974, Section 61 in advance of any noisy works being carried out. Please note that in the event that such an application is not forthcoming and disturbance is anticipated, the Council's Environmental Health section may proceed with serving a Section 60 COPA 74 notice.

In keeping with good practice, the applicant should be encouraged to adopt a protocol where nearby residents are informed prior to any noise activity which is/are likely to give rise to complaints. Particular emphasis should be focused on:

- Operational Hours
- Noise & Operation of site machinery
- Deliveries to the site
- Responsible disposal of waste

B. It is recommended that external windows and doors of the commercial premises are kept closed to minimise the escape of noise. Alternatively two sets of doors, with an internal lobby may be necessary.

3 INFORMATIVE: Notwithstanding the approved plans for the mixed use development the planning authority would support the provision of an externally illuminated hanging sign for the public house use, erected above ground floor level subject to the agreement of the details of its size, siting, design and appearance.

4 INFORMATIVE: Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk. (SIN35)

PL/18/2437/FA

Case Officer: Emma Showan
Date Received: **25.06.2018** Decide by Date: **23.08.2018**
Parish: **Little Missenden** Ward: **Holmer Green**
App Type: Full Application
Proposal: **Erection of two dwellings, with vehicular access, parking and amenity space, and the re-ordering and enlargement of the church car park with amendments to access position.**
Location: **Christ Church
Featherbed Lane
Holmer Green
Buckinghamshire
HP15 6XQ**
Applicant: **Penn Street With Holmer Green PCC**

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent Public Footpaths and Public Rights of Way
North South Line
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character

CALL IN

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

SITE LOCATION

The application site is located on a corner plot to the south side of Churchside and west side of Featherbed Lane, within the built-up area of Holmer Green. The site currently comprises the car park of Christ Church and the church's associated hall and parsonage house. The locality has a fairly rural character with both Featherbed Lane and Churchside being characterised by residential properties of varying appearances which are set back from the highway. Both roads are narrow, with no pedestrian footways and many properties have hedging at the boundaries which helps to reinforce the rural character of this part of Holmer Green. It is noted that properties are predominantly detached although they vary considerably in character, with the parsonage house being characterised by a dominant mansard roof and properties along Churchside being smaller with pitched gable roofs. Directly to the east of the site, planning permission has been granted and two new dwellings have been erected. These are two storey detached properties of a similar appearance to one another and they contain flint panels in their front elevations (references: CH/2009/1864/FA and CH/2009/0769/FA).

THE APPLICATION

This application proposes the erection of two dwellings with vehicular access, parking and amenity space and the re-ordering and enlargement of the church car park with amendments to its access.

The dwelling on Plot 1 would have a maximum width of 8.2 metres, depth of 11.4 metres and pitched roof height of 7.8 metres, with an eaves height of 4.1 metres.

The dwelling on Plot 2 would have a maximum width of 8.2 metres, depth of 12.1 metres and pitched roof height of 7.8 metres, with an eaves height of 4.1 metres.

Both properties would be served by a new access onto Churchside.

The re-ordering and enlargement of the church car park would see the car park being extended closer towards the boundary with Penfold Lane to allow for additional parking. The vehicular access will be re-located but will remain onto Featherbed Lane.

A Design & Access Statement, Transport Statement and Arboricultural Report have been submitted in support of the application.

RELEVANT PLANNING HISTORY

None on site, however the following are of relevance:

CH/2009/1864/FA - Erection of detached dwelling with new vehicular access (site located along Featherbed Lane, immediately opposite flank elevation of application site), conditional permission.

CH/2009/0769/FA - Erection of detached dwelling with new vehicular access (site located along Featherbed Lane, immediately opposite flank elevation of application site), conditional permission.

CH/2008/0726/FA - Redevelopment of site to provide two detached dwellings served by new vehicular access onto Featherbed Lane (site located along Featherbed Lane, immediately opposite flank elevation of application site), conditional permission (but not implemented).

CH/2005/1853/OA - Demolition of existing dwelling and redevelopment of site to provide two detached chalet style bungalows (site located further along Featherbed Lane). Application refused for the following reasons:

- The narrowness of the plots would result in the bungalows being uncharacteristically close to one another as well as the dwelling to the north. The layout would appear unduly cramped and at odds with the prevailing pattern of development, harming the character and appearance of the area
- The proposed development would result in an intensification of use of an existing access at a point where visibility is substandard and would lead to danger and inconvenience to the people using it

CH/2005/0679/OA - Two detached houses each with integral garage served by new vehicular access onto Featherbed Lane. Refused permission, dismissed at appeal

CH/2005/0713/OA: Three terraced houses served by altered vehicular access onto Featherbed Lane. Refused permission, dismissed at appeal.

The above two applications were co-joined at appeal and dealt with at the same site inspection. The Inspector concluded that visibility at the junction of Featherbed Lane and Penfold Lane is substandard. The development proposed under both schemes would generate more traffic than a residential use for a single dwelling and such an increase using a substandard access onto Penfold Lane would be detrimental to highway safety.

PARISH COUNCIL

The Parish Council raise objection to the proposal, their comments being repeated as follows: -

"Objections: The Design & Access Statement for the proposed development shows the location of the two proposed dwellings on Featherbed Lane. This is inaccurate as the plan clearly shows access via Churchside. Churchside is a private drive for 5 houses with insufficient width for more vehicle access and the developer has no legal right of way over this land. The residents of Churchside have not been consulted properly. The Parish Council also has concerns regarding extra traffic on Featherbed Lane, the subsequent access/egress into Penfold Lane and the vision splay."

REPRESENTATIONS

Eight letters of objection have been received which are summarised as follows:

- Concern regarding highway safety, particularly at the junction between Featherbed Lane and Penfold Lane
- Intensification of use of an existing access at a point where visibility is substandard
- Concern regarding the advice of the Highways Agency employed by the Applicant - conflicting advice with previous planning applications
- The site has already been sold by the Church so this is an attempt to win the public sympathy vote and appear as if it is the Church applying for the permission
- Concern that this application will allow for unlawful rights being granted across neighbouring properties
- Although the Church has shut, the Church centre/hall remains open and activities take place here - Design & Access Statement is misleading
- Unauthorised removal of trees on site
- Churchside is a private road and so access onto this road is out of the question
- Two cars cannot pass along Churchside
- A letter for Buckinghamshire County Council dated 21st April 1967 states that no more than 5 dwellings can be served off a private drive for all time and a 1974 application for two new dwellings along Churchside was refused for this reason
- Visibility from Churchside onto Featherbed Lane would be hugely reduced
- Inadequate parking and inadequate space for manoeuvrability of vehicles on site
- Increase in vehicles parking along Churchside
- Dwellings are out of keeping with the properties along Churchside
- Cramped development
- The Church car park is insufficient at 23 spaces and cannot cope with demand
- No mention of a traffic management plan
- Challenged ownership of the strip of land at Churchside
- Application for two new properties on Featherbed Lane (CH/2005/1853/OA) was refused for being unduly cramped and at odds with the prevailing pattern of development to the detriment of the character and appearance of the local area
- No allowance for a footpath
- Concern regarding the functioning of an existing soakaway serving the dwellings along Churchside
- Dwellings would have inadequate garden depths which are out of keeping with the other properties along Churchside
- Proposed dwellings should be flipped so that they face onto Featherbed Lane
- No details of the maintenance or resurfacing of the highway
- Lack of notification to all residents along Churchside

One letter stating no objection to the application has been received providing that the trees that remain on site are protected.

One letter has been received in support of the application stating that the planning application would result in the entrance to the car park being moved away from opposite Badgers Croft and that the new parking area

would reduce the current levels of dust. It is suggested that the erection of the proposed post and rail fence with native species hedging be included as a condition of planning approval.

CONSULTATIONS

Buckinghamshire County Highways Authority: Comments in respect of the revised plans are repeated as follows: -

'I note that the Highway Authority has provided previous comments for this application, which in a response dated 10th August 2018, the Highway Authority recommended refusal. The Highway Authority had concerns over the access width of Churchside, as well as visibility to the north of the junction between Churchside and Featherbed Lane and visibility to the east of the junction between Featherbed Lane and Penfold Lane. The Highway Authority has since received amended plans from the applicant, supported by an email from their highway engineer.

It was also noted that the application site boundary did not meet with publicly maintained highway. I can confirm that the amended plans now show the red line on the site location plan to demonstrate access onto Featherbed Lane.

With regards to the access width of Churchside, the Highway Authority had concerns that the width was too narrow for two vehicles to pass alongside each other. While I note that Mr McCaffery does point out that figure 7.1 in Manual for Streets demonstrates that two vehicles may be able to pass alongside each other on a road 4.1m in width, this does consider wing mirrors and would not allow vehicles to pass with ease. However, I note from the amended plans that the width has now been increased to 4.8m as requested and therefore overcomes the Highway Authority's previous concerns.

With regards to the visibility at the junction between Churchside and Featherbed Lane, the Highway Authority had concerns that the visibility splay to the north was substandard. Taking into consideration the narrow carriageway width and likely low vehicle speeds, the Highway Authority would deem the visibility splays achievable to be in line with the actual vehicle speeds of the road in this location.

Notwithstanding the above, the Highway Authority still has concerns regarding the visibility that is achievable to the east of the junction between Featherbed Lane and Penfold Lane. Despite improvements in visibility to the west that the applicants highway engineer makes reference to, where visibility is shown to be 43m; the amended plans still do not address the serious shortfall in visibility to the east where the visibility splay crosses land owned by a third party and does not form part of the publicly maintained highway. As mentioned in my previous comments, a fence has been erected which impedes visibility significantly. Therefore, the gain in visibility to the west which the Highway Authority does not dispute, simply cannot overcome or indeed outweigh the substandard visibility to the east of the junction.'

District Tree and Landscape Officer: 'The application includes an arboricultural report, including a Tree Protection Plan and an Arboricultural Method Statement.

There was extensive tree felling on the site over a weekend in September last year. This involved the removal of about five large Scots pines and a birch within the area of the proposed car park enlargement; two Scots pines and a Lawson cypress for the proposed change to the car park access; and a Leyland cypress hedge about 5m in height along with some roadside trees including birches along the boundary of the existing car park with Churchside.

The remaining trees on the site are along the boundaries of the proposed car park area. These include a line of Lawson cypresses on the Penfold Lane boundary, two Scots pines and two Lawson cypresses on the Featherbed Lane boundary, and an oak on the corner between the two. All of these trees are shown to be

retained within the proposal but the two Lawson cypresses on the Featherbed Lane boundary are in poor condition and could be removed to allow more space for the development of the pines.

The tree report proposes no-dig construction for the proposed car park, which would be appropriate.

Although I regret the extensive tree felling last year, the current proposal would not require any further tree loss so I would not object to the application provided there is adequate protection for the retained trees.'

Fire Brigade Access: The proposals as shown on the site plan are compliant with Requirement B5 of the Building Regulations for fire brigade access.

POLICIES

National Planning Policy Framework (NPPF), 2018.

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

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, GC4, H3, H9, H11, H12, H18, CSF2, TR2, TR3, TR11 and TR16.

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

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

EVALUATION

Principle of development

1. The site is located within the built-up area of Holmer Green where, in accordance with Local Plan Policy H3, proposals for new dwellings are acceptable in principle, subject to there being no conflict with any other Local Plan policy. Proposals should be compatible with the character of those areas by respecting the general density, scale, siting, height and character of buildings in the locality of the application site, and the presence of trees, shrubs, lawns and verges.
2. In addition, the spatial strategy for Chiltern District, in accordance with Policies CS1 and CS2 of the Core Strategy, is to focus development on land within existing settlements outside of the Green Belt and Area of Outstanding Natural Beauty.
3. Finally, the site is located on land which is associated with Christ Church. Local Plan Policy CSF2 states that within built-up areas excluded from the Green Belt, the Council will not allow any development which results in the loss of the community service or facility on the site unless a replacement building and/or land can be provided in an equally convenient location or it can be demonstrated to the satisfaction of the Council that the facility is no longer required for its existing use, or for any other community use. In this instance, although the proposed development would take place on land associated with the Church, the proposal would not involve the loss of any Church buildings/facilities and although some car parking spaces would be lost, it is proposed to extend the car park and to accommodate new spaces within the site. As such, no objection would be raised with regards to this aspect of the proposal and, in principle, the erection of residential dwellings on this part of the site could be acceptable, subject to complying with all the relevant Development Plan policies.

Design/character and appearance

4. The application site occupies a corner plot with a frontage onto Churchside and a side flank relationship with Featherbed Lane. The site is currently comprised of hardstanding used to accommodate car parking for Christ Church.

5. Churchside is a private road comprising five residential properties which are sited along the north side of the highway with one property at the turning head. The properties are detached, chalet bungalow in style and faced with yellow brick. The properties are sited in wide plots with dwelling Nos. 2, 4 and 6 having particularly deep plots also. In contrast, Featherbed Lane, which runs adjacent to the east side of the site, has a less uniform character with the detached properties varying in their appearance and facing materials. Along this road, there are larger properties, with full second storeys, although the arrangement of properties is more mixed and there is a less regimented pattern of development. Nonetheless, it is noted that directly adjacent to the proposed development site, along Featherbed Lane, planning permission was granted in 2009 for the erection of two detached, two storey dwellings. These properties are of a uniform appearance and comprise red facing bricks and flint panels. They are also sited much closer together in comparison to the other properties in the vicinity. Aside from this matching pair of dwellings, the other properties all have a more individual character.

6. It is proposed to erect two detached dwellings on the site which formerly comprised car parking for Christ Church. The siting is such that although the properties would face onto Churchside they would be located close to the junction with Featherbed Lane such that they are sited away from the properties along Churchside and indeed both dwellings would be sited forward of the front elevation of No. 2 Featherbed Lane also. It is considered that this siting would make the proposed development particularly prominent on the corner plot and it would introduce considerable bulk and built form where there is presently none. It is noted that both Churchside and the western side of Featherbed Lane are predominantly characterised by bungalows and chalet style bungalows as opposed to the properties along the eastern side of Featherbed Lane which comprise two-stories. Accordingly, the proposal would be introducing two, two storey properties which would exceed the height of the neighbouring property at No. 2 Featherbed Lane and they would appear considerably more dominant in comparison with the bungalows and chalet bungalows of Churchside. By introducing two storey buildings onto the immediate street scene of Churchside, the proposal would appear quite prominent and imposing in relation to the existing character of Churchside and the bungalow to the north, at No. 2 Featherbed Lane.

7. It is accepted that to the east of the site there are two, two storey-detached properties which are red brick and faced with flint panels and these dwellings would be similar to those that are proposed as part of this application. However, these dwellings are set back from Featherbed Lane unlike the proposed dwellings which would introduce a prominent flank elevation close to the boundary with Featherbed Lane. In addition, unlike the properties to the east of the development site, the application site would have a closer relationship in its siting to the properties of Churchside where properties are of a smaller scale. Furthermore, by virtue of the siting so close to the junction, the proposal would introduce two buildings which would appear particularly prominent in views along both Churchside and Featherbed Lane. Both dwellings would be sited entirely forward of No. 2 Featherbed Lane and given that the site is currently open, to accommodate car parking for the Church, the development would be very noticeable and prominent in views along Featherbed Lane as there would be no built form to shield it from either direction as one passes down the highway. Given that this part of Holmer Green has a relatively rural character which is emphasised by the lack of footpaths and less formal development pattern, it is considered that the visual prominence of the proposal with its siting forward of the Featherbed Lane build line and close to the junction with Churchside would detract from the character of the locality, to the detriment of the street scene, and contrary to Development Plan Policies GC1 and H3 of the Chiltern District Local Plan and Policy CS20 of the Core Strategy for the Chiltern District.

8. In terms of the alterations to the car park, given that much of the site is already laid to hardstanding, it is considered that this aspect of the proposal would be acceptable in terms of its impact on the wider street scene.

Residential amenity

9. The proposed dwellings would be sited sufficiently far enough away from the properties on Churchside so as not to have a detrimental impact on these properties' amenities. The dwellings would be located across the road to No. 2 Featherbed Lane and would have front elevations that face onto the front garden of this property. Given the separation between the proposed dwellings and No. 2 Featherbed Lane of some 22m, it is considered that the proposal would not appear overbearing to this property. In terms of intrusion, as the new dwellings would be sited forward of No. 2 Featherbed Lane and its rear amenity area, it too is considered that the proposal would not introduce overlooking into this neighbouring property or its rear garden. The proposal would also have a flank to front relationship with Drovers and Badgers Croft, but given this relationship and the distance between the proposed properties, it is considered that the proposal would have an acceptable relationship to these neighbours also.

10. The proposed dwellings would have a close relationship with Parsonage House but would be orientated so that whereas their front elevations face onto Churchside, it is the rear elevation of Parsonage House that faces onto Churchside. This means that the proposed dwellings are sited such that they would extend in depth beyond the front elevation of Parsonage House by approximately 4.2 metres at the closest elevation. Nonetheless, taking into account the separation distance between Dwelling 2 and Parsonage House which is 3 metres and the fact that no habitable room first floor windows are proposed in either Dwelling 1 or 2 (the two proposed first floor windows in each dwelling would serve non-habitable rooms and a condition requiring that they are opaquely glazed could be included should planning permission be granted), it is considered that the relationship between the proposed dwellings and Parsonage House would be acceptable.

11. In terms of private amenity space for the two dwellings, Development Plan Policy H12 states that the general standard expected will be a minimum rear garden depth of about 15 metres, unless the rear garden lengths in the vicinity are significantly less. In this instance, the proposed garden lengths will be approximately 11 metres at the deepest part which is below the recommendation stated in Policy H12. However, given the close proximity of the proposal to The Common, a large area of public open space, it is considered that outdoor space provision is acceptable and no objection is raised in regards to the proposed garden sizes.

12. Adequate bin storage can also be accommodated within the curtilage of each proposed dwelling and the site benefits from existing waste collection routes.

13. A number of representations have made reference to the fact that Churchside is a private road and so the new dwellings would not have rights of access. Whilst this may be the case, this is a civil matter to be discussed by the parties involved and will not inform the planning consideration.

14. In respect of the proposed extension to/re-ordering of the Church car park, it is not considered that this would have a detrimental impact on any neighbouring amenities.

Parking/highway implications

15. The two dwellings would both exceed 120 square metres and so, in accordance with the provisions of Development Plan Policy TR16, three car parking spaces per dwelling are required. The site plan indicates that there will be hardstanding to the front of both dwellings with capacity to accommodate the required three spaces per dwelling. The County Highways Officer has confirmed that these spaces are of adequate dimensions and that the spaces would allow for vehicles to park, manoeuvre and leave the site in a forward

gear and so no objections are raised regarding the parking provision to be provided on site for the two residential dwellings.

16. The application also proposes alterations to the existing church car park. At present, the church car park can accommodate 20 car parking spaces and it is proposed that this will be increased to 23 spaces, to include 2 spaces to be designated for disabled parking. The Highways Officer has confirmed that the amended parking layout is acceptable and, as such, given that the proposal would see an increase of 3 spaces, no objections are raised regarding this aspect of the proposal and its impact on parking.

17. The proposal also seeks to provide a new access onto Churchside to serve the two proposed dwellings and a new access onto Featherbed Lane to serve the Church car park. The County Highways Engineer has raised concern regarding the junction between Featherbed Lane and Penfold Lane where visibility is substandard. Subsequently, based on their assessment, the Highways Engineer has recommended the application for refusal on the basis that the proposed development would result in an intensification of use of the existing junction between Featherbed Lane and Penfold Lane where visibility is substandard and so there would result in danger and inconvenience to highway users. Given that the wider visibility splays cannot be achieved as the land in which the visibility splay crosses is owned by a third party, and so cannot be guaranteed, it is considered that the highways objections could not be suitably overcome by way of conditions or amendments to this proposal.

18. It is noted that planning applications CH/2009/1864/FA and CH/2009/0769/FA, both for the erection of a new detached dwelling and associated vehicular access along Featherbed Lane, received conditional permission and for these applications the Highway Authority had no objections and did not condition visibility at the junction between Featherbed Lane and Penfold Lane. However, this was due to junction improvements that were partly implemented as part of a previous planning application, CH/2008/0726/FA, for a similar development of two dwellings on land to the rear of Featherbed Cottage. This application can only be assessed on the basis of the current highway situation, where there is a lack of adequate visibility to the east of junction between Featherbed Lane and Penfold Lane and given that the visibility splay are on private owned land and so cannot be guaranteed, it is not considered that this situation could be improved and so the proposal would be contrary to Policy TR2 of the Chiltern District Local Plan.

Trees

19. It is noted that there has been extensive tree felling on site, however this resulted in the loss of trees that were not protected by Tree Preservation Orders. An Arboricultural Report has been submitted as part of this application and this has been considered by the District Tree and Landscape Officer. It is concluded that as the current proposal would not require any further tree loss, the application would be acceptable in terms of its impact on the landscape providing adequate protection was secured for the remaining trees on site.

Sustainability and access

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

Affordable housing

21. 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.

Working with the applicant

In accordance with Chapter 4 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

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

RECOMMENDATION: Refuse permission

For the following reasons:-

1 The proposed development seeks to erect two, two-storey dwellings on a corner plot with a front elevation onto Churchside and flank elevation onto Featherbed Lane. The siting would be such that the proposed dwellings would be located away from the other residential properties fronting Churchside, and they would be sited forward of the front elevation of No. 2 Featherbed Lane also. This relationship would result in the proposed dwellings appearing visually prominent within the street scene. In addition, it is noted that both Churchside and the western side of Featherbed Lane are predominantly characterised by bungalows and chalet style bungalows which are smaller in scale than the proposed two storey dwellings. These factors will raise the prominence of the proposal in the streetscene by introducing considerable bulk and built form on an open corner where there is presently none. By introducing two storey buildings onto the immediate street scene of Churchside, the proposal would appear visually prominent and imposing in relation to the existing character of Churchside and the bungalow to the north, No. 2 Featherbed Lane. Accordingly, the proposal would be detrimental to the character and appearance of the locality, conflicting with Policies GC1 and H11 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, and Policy CS20 of The Core Strategy for Chiltern District, adopted November 2011.

2 The proposed development would result in an intensification of use of the existing junction between Featherbed Lane and Penfold Lane where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. The development is therefore contrary to saved policy TR2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 4 and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

The End

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 12th July 2018

CH/2018/0243/FA

Case Officer: Lucy Wenzel
Date Received: 12.02.2018
Parish: Great Missenden
App Type: Full Application
Proposal: Demolition of existing single garage and erection of a pair of 3-bed semi-detached dwellings, together with associated access, parking, landscaping, bin and cycle storage
Location: Land at
The Green Man Public House
2 High Street
Prestwood
Buckinghamshire
HP16 9EB
Applicant: Punch Partnerships (PML) Limited

Decide by Date: 06.07.2018
Ward: Prestwood And Heath End

SITE CONSTRAINTS

Article 4 Direction
Adjacent to A and B Road
Adjacent to Unclassified Road
Within Chilterns Area of Outstanding Natural Beauty
A and B Roads
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character
Established Residential Area of Special Character

COMMITTEE CALL IN

Councillor Gladwin has called this application to Planning Committee should the recommendation be for approval.

SITE LOCATION

The application site is located on the western side of Broombar Lane, to the north of The Green Man Public House on the northern side of the High Street in Prestwood. The site currently consists of part of the beer garden of the pub and a single garage.

The site is within the Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

This application seeks planning permission to demolish the existing garage and erect a pair of semi-detached houses. New access will be taken from an existing access point off Broombar Lane.

The proposed building measures a maximum depth of 11.1 metres, width of 11 metres, ridge height of 8 metres and eaves height of 5.3 metres.

The proposed materials are red multi-stock facing brickwork with plain clay vertical hanging tile above. The roof will be constructed from plain clay tile.

Each dwelling has a kitchen/dining room, living room and W/C on the ground floor; and 3 bedrooms, family bathroom and en-suite on the first floor. Each dwelling also has two designated car parking spaces to the front.

RELEVANT PLANNING HISTORY

CH/2017/0838/FA - Demolition of existing single garage and erection of a pair of semi-detached houses served by access from Broombar Lane - conditional permission.

This application was subsequently overturned at Committee with members refusing the application on the grounds of the overdevelopment of the site which would result in a cramped and visually intrusive form of development. Therefore, the development would adversely affect the character and appearance of the street scene.

The application was appealed by the applicant but was dismissed by the Inspector on the grounds that the proposal would be harmful to the character and appearance of the area.

PARISH COUNCIL

No objection.

REPRESENTATIONS

Six letters of objection have been received from neighbouring occupiers. The comments are summarised below:

- The road is within the Chilterns AONB and therefore any development should be in sympathy with the existing.
- The development would be intrusive into the countryside.
- There is no additional room for visitor parking on site and there is insufficient turning room.
- There are a number of mature, established trees whose removal would have a negative impact on the neighbourhood in general.
- The proposed development is not in alignment with the rest of the street.
- The development will see the removal of some of the pub garden.
- Was previously refused and the application has not significantly changed.

CONSULTATIONS

Chiltern and South Bucks Fire Fighting Access

I can confirm that the proposals as shown meet the requirements of the Building Regulations for Fire Brigade access.

Chiltern and South Bucks District Tree Officer

The application includes an Arboricultural Implications Assessment and Method Statement as well as a Topographical Survey.

Under the previous applications, which had poor plans, I had assumed that the boundary of the site coincided with the existing boundary of the car park. However it is now clear that the current proposal would involve the loss of part of the existing car park as well as parts of the existing beer garden.

The proposed dwellings are in similar position to the previous applications and the proposals for the rear of the site are similar. A spruce about 12m in height and some smaller trees including a goat willow about 8m in height and a purple-leaved plum about 6m in height would be lost at the rear of the proposed houses but none of these is considered to be important. A Robinia (false acacia) about 18m in height is shown on the plan to be retained close to The Green Man at the edge of the car park and should not be affected by the proposal.

However the proposals for the area in front of the dwellings is now different with the trees shown retained. The group of sycamores with some ash about 18m in height immediately in front of the building is now shown to be retained but this would create a poor relationship with the building. One sycamore would have branches extending into the building requiring some trimming and it seems likely that this tree would be lost. The other trees would dominate the building and would be likely to cause concerns to future occupiers about light, debris and safety.

The application proposes a parking area for house 1 (H1) largely on the site of the existing garage using no-dig construction with the retention of the ash, holly and hazel towards the road. However the proposal does not show no-dig construction for the pedestrian access to H1.

The most important tree in the immediate vicinity is a large ash about 20m in height on the corner of Broombar Lane with the existing access to Roseberry and Whitecroft, just outside the application. This tree is shown to be retained and should not be affected by the proposed development. However there is some decay at the base of the tree.

I have some concerns about the relationship of the group of sycamore and ash at the front of the site with the proposed building but these trees are not of particularly high quality. Nonetheless they are fairly prominent in the street scene and they do contribute to the character of the area. I would not object to the application provided there is adequate protection for the retained trees including the measures proposed in the tree report. However no-dig construction for the pedestrian access to H1 would also be necessary.

Amended plans were sought to reduce the potential impact on existing trees sited to the front of the plot and additional comments were as such received from the Tree Officer.

Revised plans have now been submitted including the Proposed Site Layout Rev P4 and a revised Tree Protection Plan Eco 3. These show the proposed semi-detached houses moved back on the site by just over a metre so that the front elevation is now more in line with the adjacent property Rosebury. This would improve the relationship of the proposed building with the group of sycamores and ash (G8) in front of the proposed building, and reduce the likely pressure for future tree work. However the trees would still be fairly close and dominant, and may still cause concern to future residents.

The slight change in position would have little effect on the Robinia T1. I note that the Tree Protection Plan still does not show no-dig construction for the pedestrian path to the dwelling H1.

In summary, the revised plans are a slight improvement from a tree point of view but the building is still closer than ideal to the trees.

Buckinghamshire County Council Highway Authority

I note that the Highway Authority has provided previous comments for this site, most recently for application no. CH/2017/0838/FA, which in a response dated 6th June 2017, the Highway Authority had no objection subject to conditions. Having reviewed the submitted documents, I would not consider this application to materially differ from a highways perspective. Therefore I will reiterate my comments below.

"High Street is an unclassified road subject to a speed limit of 30mph. The application seeks planning permission for the demolition of the existing single garage and the erection of a pair of semi-detached houses in its place.

When considering trip generation, I would expect each dwelling to generate between 4-6 daily vehicular movements, two-way. Therefore the overall development would have the potential to generate between 8-12 daily vehicular movements, two-way. I am satisfied that these additional vehicle movements can be accommodated within the local highway network.

Both dwellings are to be served by an existing access off Broombar Lane which currently serves two dwellings. I note that the application site boundary does not include the private access drive. Whilst not a planning reason for refusal, the applicant will need to demonstrate that a legal right of access is achievable.

As this access is to be subject to an intensification in use, it is imperative to ensure that the access is safe and suitable to accommodate additional traffic movements. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a 30mph speed limit. I am satisfied that these visibility splays can be achieved within the public maintained highway or within land owned by the applicant.

The access point serving the existing two dwellings measures in the region of 5m for the initial section of the site, before narrowing down to 3.2m at a pinch point with the existing tree at the site entrance. Normally, the Highway Authority would require an access width measuring 4.8m when considering access points serving over 3 dwellings. However, given the short distance from the proposed access point to the public highway, I do not believe that I could reasonably insist upon this access width being provided in this instance. However, the access will need to be upgraded to an adequate construction in order to prevent vehicles from dragging loose materials onto the public highway in this location.

Whilst I trust you will determine the adequacy of the parking provision, I can confirm that the four proposed parking spaces will not have an adverse impact on highway safety and convenience, are of adequate dimensions and would allow for adequate space within the site for vehicles to turn and egress in a forward gear."

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

POLICIES

National Planning Policy Framework (NPPF)

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, H3, H11, H12, LSQ1, CSF2, TR2, TR11 and TR16.

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

EVALUATION

Principle of development

1. The site is located within the built up area of Prestwood, where in accordance with Policy H3, proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Local Plan policy. Proposals should be compatible with the character of those areas by respecting the general density, scale, siting, height and character of buildings in the locality of the application site, and the presence of trees, shrubs, lawns and verges. The site is also within the AONB, where development should conserve or enhance the scenic beauty of the rural landscape.

2. In addition, Policy CS2 of the Core Strategy states that the Council will facilitate limited development in the built up areas of villages excluded from the Green Belt, including Prestwood.

3. The previous application was refused at Planning Committee and dismissed at appeal. There were no objections to the principle of the proposal, as the community facility would not be lost. The Local Planning Authority's refusal stated that:

"The proposed development would result in two houses being shoehorned into the plot, resulting in minimal space around the building, extensive hardstanding and pressure to remove trees around the site. By virtue of its layout and scale, the proposal would represent an overdevelopment of the site, resulting in a cramped and visually intrusive form of development which would adversely affect the character and appearance of the street scene and would relate poorly to the spacious character of the neighbouring Established Residential Area of Special Character along Broombar Lane to the north. This is contrary to Policies GC1 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and Policy CS20 of the Core Strategy for Chiltern District - adopted November 2011."

However, the Appeal Inspector did not agree with elements of this refusal. He stated that, "I am satisfied that the proposed pair of semi-detached houses would not look out of place as they have been designed to imitate a single detached dwelling, with only one door to the front elevation. Furthermore, in view of the more compressed nature of the western side of the road, I am also satisfied that the extent of gap between the development and Roseberry would not be harmful to the character of the area." As such the concerns relating to the shoehorned nature of the development and the minimal space around the building were not upheld by the Inspector and these cannot be reintroduced under the current proposal. A pair of semi-detached dwellings is therefore acceptable on the site, subject to addressing the Inspector's detailed concerns.

4. The Appeal Inspector's concerns related to several specific issues. He stated:

"I am not satisfied on the basis of the evidence before me that the larger Sycamore and Ash specimens to the site frontage would be capable of being retained and/or protected given the layout of the parking area and their close proximity to it. Although I recognise that these are not high quality specimens, they are nonetheless very prominent trees and make a significant contribution to the verdant character of the area.

Furthermore, given that both front gardens to the new dwellings would be predominantly laid to hardstanding for off-road parking and turning facilities, the amount of space available for soft landscaping would be small and not of a sufficient size to accommodate extensive new planting; particularly new trees that are capable of maturing and forming significant focal points in the streetscene to replace those substantial specimens that would be lost. As a consequence, I have concluded that the cumulative impact of the site's prominent position, insufficient soft landscaping space and more open front garden would result in the development being dominated by off-road parking and out of keeping with the soft-landscape character of Broombar Lane.

The above harm to the character of the area would be compounded by the stark appearance of the proposed 1.8 metre high close-boarded fence to the southern boundary. This would result in a visually intrusive form of development that would be out of keeping with the locally distinctive character of the Public House and Nos 4 to 10 High Street and their public facing brick/flint boundary treatments."

So the Inspector's concerns related specifically to the potential loss of large trees, the inadequate space available for soft landscaping, particularly new trees capable of replacing those lost (this point will obviously be addressed if the existing trees are to be retained), and the stark appearance of the close-boarded fence.

Design/character & appearance

5. In relation to the first of the Appeal Inspector's concerns, the original submitted layout was set closer to the group of sycamore with some ash located immediately to the front of the proposed principal building line. On the plans, these were shown to be retained and therefore the extending branches off of the trees would create a poor relationship with the proposed dwellings, would dominate the building and would be likely to cause concerns to future residents about light, debris and safety. The Appeal Inspector stated:

"I am not satisfied on the basis of the evidence before me that the larger Sycamore and Ash specimens to the site frontage would be capable of being retained and/or protected given the layout of the parking area and their close proximity to it. Although I recognise that these are not high quality specimens, they are nonetheless very prominent trees and make a significant contribution to the verdant character of the area."

In light of these comments a revised layout was requested and subsequently submitted which has relocated the proposed dwellings further to the west of the plot. This has provided increased separation from the retained trees sited to the front of the plot and reduces potential concerns that these trees would adversely affect the proposed development. The District Tree Officer has commented that the repositioning of the dwellings within the plot has improved the relationship with the group of sycamore and ash. In response to the Appeal Inspector's comments that there could be a potential loss of these trees, given that the revised layout locates the dwellings further to the west, the increased separation reduces this potential and as such the concerns raised by the Appeal Inspector are considered to be overcome.

6. In relation to the Appeal Inspector's second concern, having consideration for the revised submitted plans; there is now more space for soft landscaping at the front of the site as a result of the repositioning of the dwellings further to the west. The improved distance between the group of existing large trees and the principal elevations of the proposed dwellings achieves a larger area for soft landscaping to be accommodated and provides increased spacing to be able to maintain and enable maturity of new trees should they be planted. As such this concern identified by the Appeal Inspector is also considered to be overcome.

7. The third point made by the Inspector was in relation to the 1.8 metre high close-boarded fencing to be erected along the southern boundary. This boundary line which is in direct view from the High Street and upon entrance into Prestwood from Great Missenden is now proposed to be demarcated by a 1.8 metre brick wall and a 0.9 metre timber post and rail fence. The brick wall will face onto the gravel car park of the Public House, whilst the post and rail fence will border an area of lawn associated with the Public House. The "stark contrast" as stated by the Inspector that the 1.8 m fence would create is considered to be reduced. Although the proposed brick wall will be of identical height to the previous proposed fencing it is considered to break up the length of fencing and mimics the flank elevation of the dwellings. It will reflect the public facing brick/flint boundary treatments of the Public House and Nos 4 to 10 High Street, as identified by the Appeal Inspector.

Neighbouring amenity

8. No objections were previously raised by the Council or the Appeal Inspector in relation to the impact of the scheme on the amenities of neighbouring properties. No flank elevation windows are proposed under this scheme and the siting of the dwellings is in identical positioning to those previously proposed. Whilst comments from neighbouring residents are again noted, as no previous concerns were raised and the scheme does not affect neighbouring amenity levels in a materially different way to the previous scheme, it is considered that no harm will arise to neighbouring amenities.

Parking/highways implications

9. No objections were previously raised by the Council or the Appeal Inspector in relation to parking or access. There are two car parking spaces provided for each dwelling which complies with the standards set out in Policy TR16 of the Local Plan. The Highways Authority were again consulted on the application and they concluded that the proposed spaces would not have an adverse impact on highway safety and convenience, are of adequate dimensions and there is sufficient manoeuvring space for vehicles to turn within the site and exit in a forward gear. The Highway Authority also raised no objection to the increase in vehicular movements and state that these can easily be accommodated within the local highway network.

10. Access is to be taken from the existing driveway currently serving two dwellings (Roseberry and Whitecroft). As such, a new vehicular access to a public road will not be formed, as the access to the site would come off a private drive. The proposal will result in two additional dwellings using this driveway and as there will be some intensification, increased visibility splays are required onto Broombar Lane. As with the previous scheme, the Highway Authority states that these can be achieved within the public maintained highway or within land owned by the applicant. As such, it is reasonable to impose a condition to require these visibility splays to be provided and maintained, if permission is forthcoming.

Affordable Housing

11. For proposals under five 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 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 5 units or less in the AONB, which have a gross floor space of less than 1,000 square metres. This applies to the current scheme and is more up to date guidance than Policy CS8, therefore it has to take precedence. As before, no affordable housing contribution is therefore required.

Working with the applicant

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 Before any construction work commences, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the pedestrian access, shall be made available to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality, in accordance with Policies GC1, LSQ1 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policy CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

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

Reason: To protect, as far as is possible, the character of the locality, in accordance with Policies GC1 and H3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and Policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011.

4 Prior to the occupation of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the existing access onto Broombar Lane shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

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

5 Prior to occupation of the development, space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.

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

6 Prior to the first occupation of the development, the access shall be designed and constructed in accordance with the approved plans.

Reason: To minimise danger and inconvenience to highway users; in accordance with Policy TR2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

7 Prior to the occupation of the dwellings hereby permitted, the boundary treatments shown on the approved plans shall be installed and shall thereafter retained in situ.

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

Classification: OFFICIAL

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows or roof lights other than those shown on the approved plans, shall be inserted or constructed at any time at first floor level or above in either flank elevation of the roof or of the dwellings hereby permitted.

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

9 The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural Implications Assessment and Method Statement Ref 181008 - AIA dated 12 February 2018 by Ecourban Ltd Arboricultural Consultancy and the revised Tree Protection Plan ECO 3 submitted on 7 June 2018. This shall include the use of tree protection fencing, ground protection measures and no-dig construction in accordance with these documents. In addition no-dig construction shall be used for the pedestrian access path to the dwelling H1.

Reason: To ensure that the existing established trees and hedgerows in and around the site that are to be retained, including their roots, do not suffer significant damage during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

10 No tree or hedge shown to be retained on the revised Tree Protection Plan ECO 3 submitted on 7 June 2018 by Ecourban Ltd Arboricultural Consultancy shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree or hedge shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

Reason: To ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

11 AP01 Approved Plans



Appeal Decision

Site visit made on 26 June 2018

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2018.

Appeal Ref: APP/X0415/W/17/3191855

Woodley & Hart, 3 Station Road, Amersham, Buckinghamshire HP7 0BQ

- 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 Clive Woodley of Woodley & Hart against the decision of Chiltern District Council.
 - The application Ref CH/2017/0464/FA, dated 9 March 2017, was refused by notice dated 28 July 2017.
 - The development proposed is the demolition of existing retail showroom building and residential flat above and the construction of 10 flats with retention of existing detached house (net gain of 9 dwellings).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the development would result in an unacceptable loss of a retail unit;
 - (ii) the effect of the development on the character and appearance of the area; and
 - (iii) the effect of the development on the setting of nearby Listed Buildings.

Reasons

Retail unit

3. The proposed development would result in the demolition of the existing buildings on site, the largest of which is currently used as a kitchen and bathroom showroom.
4. The determination of planning applications should be made in accordance with the Development Plan unless material considerations indicate otherwise. Policy S13 of the Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001) (LP) sets out that in the case of existing shops, Class A1 uses should be retained and changes of use or redevelopment for any other purpose will not be permitted, apart from changes of use to residential, where it can be shown that a retail shop, particularly one selling convenience goods, is no longer commercially viable. The parts of the policy regarding new retail development are not relevant to the appeal proposal.

5. The Appellant has stated that, historically, there was a convenience store at the site and this closed prior to 1984. Subsequent to that, a supermarket has been constructed on the opposite side of the road. I have also taken into account the Appellants evidence that there are some vacant retail premises in the High Streets of both Old Amersham and New Amersham.
6. However, to my mind, these are not sufficient justifications to indicate that some form of retail use is not viable at the appeal site particularly as it would appear that no marketing has been undertaken for an alternative retail use to the existing, should the showroom use cease.
7. Whilst the site is a location where new retail development may not be supported that is not the proposal before me, nor is that a significant factor in the context of the relevant parts of Policy S13 relating to existing retail uses. Furthermore, whether the site is better suited to a wholly residential use is not a criterion in Policy S13.
8. Taking all of the above into account, in the absence of any convincing evidence to indicate a retail use at the site is not viable, the proposal would be contrary to Policy S13 of the LP.

Character and appearance

9. It is common ground between the main parties that the new block at the front of the site (units one and two) would not have an adverse impact on the character and appearance of the area and I have no reason to disagree.
10. The rear flat block would be a substantial building which would be in excess of 10 metres high from its ground floor level to its ridge height and would be around 26.8 metres wide and around 10.6 metres from front to back.
11. The rear flat block would be partially screened from Station Road by the frontage block and the difference in land levels. However, there is a public footpath which runs through the front part of the site, and then down the side of the site through to the Ambers of Amersham to the south. There would be clear views of the rear flat block from this footpath where it is within the appeal site.
12. From what I observed on site and in the surrounding area, the rear flat block would be much greater in height and bulk than any of the other buildings within the vicinity of the site. Taking this into account, I consider that its overall size, bulk and height of the rear building would result in a development which would be harmful to the character and appearance of the area.
13. Additionally, the building would not step down and follow the prevailing land levels of the site, particularly as a result of the three storey element, which significantly adds to the incongruity of the scheme.
14. The Council have also considered that the site would be overdeveloped and would appear cramped and contrived. However, to my mind, any harm in respect of these elements would be as a result of the overall bulk and height of the rear building.
15. In coming to the above views, I acknowledge that the land to the east and north of the appeal site rises and that there is a significant amount of tree coverage, including the evergreen trees just beyond the site to the south and

east. However, whilst these factors help to reduce the impact of the building on the character and appearance of the area, they do not overcome the harm as a result of the scale and bulk of the building itself.

16. For the above reasons the rear flat block would give rise to significant harm to the character and appearance of the area contrary to Policies GC1 and H3 of the LP which amongst other matters seek to ensure that new development is compatible with the character of the area, in scale with its surroundings, relate well to the characteristics of the site and be in proportion to the size, shape and topography of the site.

Listed buildings

17. To the south of the appeal site are two Grade II Listed Buildings, Ambers of Amersham (formally the Mill Stream Restaurant) and The Chequers Public House and attached stable wing. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of these buildings
18. From the evidence before me, and what I observed on site, there would only be glimpses of the proposed development from both of these listed buildings given the extent of the tree coverage between the respective buildings. In relation to longer distance views of the Listed Buildings, there would only be limited views of the development.
19. However, there is no guarantee that the level of screening would remain in perpetuity and given the relative heights of the proposed development and Ambers of Amersham (in particular) it is clear to me that the development would give rise to some harm to the setting of these buildings and the remnants of the small settlement of Mill End.
20. Whilst I acknowledge that the trees are on land not controlled by the Appellant, there is no guarantee that these trees will survive for the life of the proposed development or that the trees owner would not wish to remove them at some point in time. Whilst the Council could make a Tree Preservation Order to protect those trees, I am not convinced that the preservation of the setting of these listed buildings provides a compelling reason for such an Order.
21. Paragraph 134 of the National Planning Policy Framework (the Framework) states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
22. The development would result in the removal of the two sheds and the large flat roofed building within the site and the net gain of nine residential units. These factors could be considered to be public benefits to the scheme.
23. However, whilst the harm to the significance of the heritage assets would be less than substantial, to my mind, the public benefits are not sufficient to outweigh the harm.
24. For the above reasons, I conclude that the development would harm the setting of Ambers of Amersham and the Chequers Public House. Therefore the development would conflict with Policy LB2 of the LP which amongst other things seeks to ensure that development does not adversely affect the setting

of Listed Buildings. The development would also be at odds with the conservation aims of the Framework.

Planning balance

25. The Appellant has indicated that the Council cannot demonstrate a five year supply of deliverable housing sites. However, little evidence of this has been provided to me and the Council have not made any reference to this either in their Officers report or appeal statement. Therefore, from the very limited evidence before me, it is unclear whether the Council does have a five year housing land supply.
26. Notwithstanding that, the Framework indicates that permission should not be granted if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or where specific policies (such as in relation to designated heritage assets) indicate that development should be restricted.
27. I have found that the proposed development would result in the loss of a retail unit without sufficient justification, would harm the character and appearance of the area and the setting of two Listed Buildings and would be in conflict with the Framework and the LP. These factors weigh heavily against allowing the proposed development.
28. Notwithstanding that, the development would give rise to some minor social benefits in that it would provide much needed additional housing. The development would also bring some minor economic benefits through the construction process. These matters are in favour of the proposed development.
29. However, the provision of nine additional dwellings would be unlikely to have any significant effect in reducing the deficit to the housing land supply for the Chiltern District should there be such a deficit. Against this background, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework when taken as a whole. The proposal cannot therefore be considered to be sustainable development.

Conclusion

30. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 27 June 2018

by **G Powys Jones MSc FRTPI**

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

Decision date: 18th July 2018

Appeal Ref: APP/X0415/D/18/3200683

78 Gladstone Road, Chesham, Buckinghamshire, HP5 3AD

- 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 Andrew Draper against the decision of Chiltern District Council.
 - The application Ref CH/2017/1826/FA, dated 26 September 2017, was refused by notice dated 9 February 2018.
 - The development proposed is a vehicular access and parking space, incorporating a turntable.
-

Decision

1. The appeal is allowed and planning permission is granted for a vehicular access and parking space, incorporating a turntable at 78 Gladstone Road, Chesham, Buckinghamshire, HP5 3AD in accordance with the terms of the application, Ref CH/2017/1826/FA, dated 26 September 2017, subject to the conditions set out in the attached Schedule.

Preliminary and procedural matters

2. The proposed development was described in the original application as '*vehicular access and hard standing for two cars*'. However, during the course of the determination, amended plans were produced showing a turntable within the site, and the proposed parking reduced from two to a single space. The Council determined the application on the basis of the amended proposals and I shall do likewise with this appeal. The description of the proposed development utilized in the banner heading above reflects the appellant's amended intentions.
3. I was informed during my site visit that the timber fence separating Nos. 72 & 78, part of which would be removed to create a visibility splay, is not owned by the applicant but by the owner of No 72. This has implications for the ownership certification used in the original application and subsequent appeal.
4. However, I note that the Council notified No 72's owner of the application. In the circumstances I am satisfied that the owner of No 72 had knowledge of the proposal and accordingly no injustice has been caused as a result of him/her not been notified directly, in writing, by the appellant.

Main issue

5. The main issue is the effect of the proposed development on highway safety.
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Reasons

6. The appeal property is situated on a corner and is rather unusual in that it is set well back from the Gladstone Road frontage, from which it is separated by a lengthy garden. The appellant wishes to create a parking space at the bottom of the garden.
7. The proposed access would be situated near to a corner, so that drivers emerging from the proposed access would experience restricted lateral visibilities to the left, even following the removal of vegetation. Lateral visibilities to the right would be restricted by a timber fence, part of which would be removed to improve matters, and further along by parked vehicles.
8. The appellant and the highway authority disagree about the precise lateral visibilities available, but I could see that they were not ideal. Moreover, the highway authority cast doubts as to the reliability of the speed survey carried out on the appellant's behalf.
9. During my visit I walked the length of Gladstone Road and noted, as had been pointed out in the representations, that Gladstone Road was now comprised within a restricted parking zone. Effectively, the on-street parking spaces on offer are restricted to residents only. I can well understand that the introduction of parking restrictions has reduced vehicle turnover considerably since non-resident drivers no longer drive to and fro along the road searching for parking spaces.
10. During my visit the number of vehicles using Gladstone Road was minimal and I perceived traffic speeds as being low. I appreciate, however, that my experience represents a snapshot at a certain moment in time, which may not therefore be wholly representative. But it encourages me to regard the appellant's speed survey as reasonably accurate and to give due weight to the views expressed by several with local experience that traffic conditions have changed considerably along Gladstone Road for the better since the introduction of parking restrictions.
11. I also noted that other accesses onto Gladstone Road serving single dwellings and areas of communal parking had restricted lateral visibilities. I have not been made aware by reference, for example, to an accident record that problems have arisen because of this.
12. In this context, local traffic conditions indicate to me, on balance, that the formation of a new access to serve a limited number of daily movements by a single vehicle in the proposed position would not impair highway safety. This is especially so in the light of the steps proposed by the appellant to ensure that drivers would enter and leave the site in forward gear. A minor benefit would arise in that demand for on-street parking would reduce.
13. I therefore conclude that the proposed development would not materially affect highway safety. Whilst some conflict arises with those provisions of policy TR3 of the Chiltern District Local Plan that *'highway access and layout arrangements of proposed developments should be in accordance with the Residential Road Layout Standards adopted by Buckinghamshire County Council and current policy guidance from the Department of the Environment, Transport and the Regions, or such other documents as may replace them'*, I am satisfied that a departure from those provisions is warranted in this case.

Conditions

14. As to the Council's suggested conditions, that relating to materials is not pertinent or necessary. It is however necessary, in the interests of certainty, that the development is carried out in accordance with the approved plans.
15. I consider that two further conditions are necessary to serve the interests of highway and pedestrian safety. Firstly, to address the highway authority's point as to the future maintenance of the proposed turntable. This is imposed in the interests of highway safety.
16. Secondly, especially in the light of the content of paragraph 3 above, a condition is necessary to ensure that the current obstructions to visibility, including part of a timber fence, are removed prior to the car space being brought into use.

Other matters

17. I have considered the representations made by the County Council, as highway authority, local residents, local councillor and those of the Town Council, and I have already dealt with the main planning-related points raised.
18. All other matters raised in the representations have been taken into account, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved, unreferenced plans: the OS location plan and the existing & proposed site plans.
3. No use shall be made of the parking space hereby permitted until the turntable shown on the approved proposed site plan is fully operational. Thereafter the turntable shall be retained in a fully operational condition in perpetuity otherwise the use of the parking space shall cease.
4. No use shall be made of the parking space hereby permitted until the vegetation and that section of the timber fence shown for removal on the approved site plan has been removed so as to create the required lateral visibility splays.



Appeal Decision

Site visit made on 26 June 2018

by **G Powys Jones MSc FRTPI**

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

Decision date: 18th July 2018

Appeal Ref: APP/X0415/D/18/3200325

2 Leachcroft, Chalfont St Peter, Buckinghamshire, SL9 9LG

- 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 Michael Brosnan against the decision of Chiltern District Council.
 - The application Ref CH/2017/1956/FA, dated 20 October 2017, was refused by notice dated 19 March 2018.
 - The development is a single storey garage.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The garage subject of the appeal has already been built and the appellant, in effect, wishes to retain it. I shall proceed on this basis.

Main issue

3. The main issue is the effect of the garage on the character and appearance of its surroundings.

Reasons

4. The appeal property is situated within a formally laid out residential estate. Many of the estate's dwellings, including the appeal property, have relatively generously sized front gardens, which, in combination, convey a general sense of spaciousness and openness. Although parking spaces have been provided in some front gardens, most have been retained in their original state and the extensive privet hedges in evidence aids in presenting a pleasant, green face.
 5. The garage has been built in the front garden close to the road. It is partly sheltered from view by the hedge fronting the property, but is clearly seen when entering Leachcroft from Grove Lane. I note that the garage was bought from a reputable supplier and the favourable comments made by the Council about the high quality of the materials used.
 6. To my mind, however, the building resembles a large timber shed, which is incongruously sited where it detracts from the general sense of spaciousness of its surroundings. Despite the partial screening offered by the hedge, its presence undoubtedly harms local visual amenities.
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7. The appellant refers to another garage built at the front in 15 Grove Lane, and considers that this acts as a precedent. The Council, however, has no record of planning permission having been granted for this development.
8. Precedent is rarely a good reason, in itself, either for permitting or refusing permission. Nevertheless, I consider the concept relevant in this case, albeit for different reasons to those presented by the appellant. In my view, a grant of planning permission here could encourage others in the locality to pursue similar proposals in their front gardens, which the Council would find difficulty in resisting, thus accentuating the harm that I have found.
9. I conclude that the garage has materially eroded and harmed the spacious character of its surroundings. Accordingly, a clear conflict arises with those provisions of policies GC1, H13 & H20 of the Chiltern District Local Plan and policy CS20 of the Core Strategy for Chiltern District (CS) that, in combination, encourage a high quality of design and development that respects the street scene and local character.

Other matters

10. I have considered the representations made by the Parish Council. I also note that no neighbouring resident expressed a view when consulted. However, this factor alone does not outweigh the considerations taken into account in reaching my main conclusion.

G Powys Jones

INSPECTOR



Appeal Decision

Site visit made on 3 July 2018

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 18 July 2018

Appeal Ref: APP/X0415/D/18/3201280

Kingswood, 6 Batchelors Way, Amersham, Bucks HP7 9AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs V. Mayot against the decision of Chiltern District Council.
 - The application Ref: CH/2018/0083/FA dated 17 January 2018, was refused by notice dated 14 March 2018.
 - The development proposed is demolition of garage and conservatory, erection of part single/part two storey side rear extension, hipped to gabled roof extensions with front and rear rooflights and rear dormer window to facilitate habitable accommodation in roofspace.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of garage and conservatory, erection of part single/part two storey side rear extension, hipped to gabled roof extensions with front and rear rooflights and rear dormer window to facilitate habitable accommodation in roofspace at Kingswood, 6 Batchelors Way, Amersham, Bucks HP7 9AQ in accordance with the terms of the application, Ref CH/2018/0083/FA dated 17 January 2018 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 180115-01; 180115-02 and 170711-01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the new windows on both side elevations at first and second floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The obscured glazing shall be retained thereafter.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no

windows/dormer windows (other than those expressly authorised by this permission) shall be inserted or constructed at first floor level or above in either of the side elevations of the extension hereby permitted.

Main Issues

2. The main issues in this appeal are:
 - a) the effect of the proposal on the character and appearance of the existing dwelling and of the local area, and
 - b) The effect of the proposal on the living conditions of the neighbours at No 8 and No 4 Batchelors Way, with particular regard to loss of outlook and loss of light / overshadowing.

Reasons

Issue a) Character and appearance

3. The appeal property is a detached house on the north-east side of Batchelors Way, a predominantly residential area with primarily detached properties, interspersed with a very small number of semi-detached houses and bungalows. Some of the houses appear to date from the inter-war period, with a range of styles and subsequent extensions and alterations as well as a variety of later and more recent new build houses. The predominant pattern of development is of good sized individual houses on similar sized verdant plots; hipped and gable roofs are both a feature in the local area.
4. The proposal would include a hip to gable roof alteration and two storey rear and side extension. At the side and the rear, the first floor extension would be stepped in. Accommodation would be introduced at roof level with the incorporation of three roof lights at the front and a dormer at the rear with a window in the gable on both side elevations at this level. There would be an element of crown roof above the hipped roof.
5. Although the change from the side hips to gable ends would be evident in the street scene, gable ends are a common feature in the local area, including on both of the adjoining properties. It would not therefore appear out of character with the general pattern of roof forms in the local area.
6. The side extension above the replacement and extended garage and ground floor extension on the side closest to No 8, would increase the width of the property above ground floor. However, it would still be stepped in from the side boundary leaving a gap to No 8. As a result, it would not appear cramped in the street scene or discordant in terms of the irregular spacing found as existing between neighbouring properties in the local vicinity. The proposed new window at first floor level would respect the existing pattern of fenestration at the front of the appeal property.
7. The extension to the rear would be set in from the existing side elevation adjoining No 4 and set in from the boundary at first floor level at the side adjoining No. 8. Taking account of these insets, as well as the set back at first floor level over the ground floor extension, under a sloping roof, I consider that the rear extension would not appear out of scale or harm the proportions of the existing property. The proposed rear dormer is small in scale and would not be visually intrusive.

8. The use of the roof space for additional habitable accommodation would not in itself materially affect the character of the property. In terms of appearance, there would be no increase in the overall height of the roof but there would be an element of crown roof introduced. The Council's Residential Extensions and Householder Development SPD 2013 (SPD) advises at paragraph 16 that crown roofs can appear bulky and are not therefore generally encouraged. The paragraph goes on to advise that they may be acceptable where the roof form would not be prominent especially if there are other acceptable examples of crown roofs in the vicinity. I agree with the Appellant that there are other examples of crown roofs in the locality and in this case, it would be modest in extent and not overly prominent in the street scene.
9. Part of the rear extension would be seen from the front when approaching from The Green because of the siting and form of the neighbouring property at No 4. However, given its depth, inset from the existing side elevation and roof design, I do not consider that it would appear out of scale or detract from the proportions of the existing dwelling and so would not be visually intrusive in the street scene.
10. I therefore conclude that the proposed extension and alterations would respect the character and appearance of the existing dwelling and of the local area. There would be no conflict with Policies GC1, H13, H15 and H16 of the Chiltern District Local Plan as altered and consolidated (Local Plan), Policy CS20 of the Core Strategy for Chiltern District 2011 (Core Strategy) and the SPD, as well as the National Planning Policy Framework (Framework), all of which seek a high quality of design which respects the local context and local distinctiveness.

Issue b) Living Conditions

11. The neighbours at the adjoining property at No 8 to the south east of the appeal property would be aware of the proposed side and rear extension from some of the rooms at the rear and from within part of their rear garden. The rooms at the rear closest to the appeal property serve the kitchen at ground floor and bathroom above but the windows to these rooms are set along the rear elevation and away from the flank wall. On the side elevation of No 8 the windows serve hallways and a toilet. Given the proposed set back of the proposed extensions at ground and first floor in relation to the neighbouring property, its fenestration closest to the appeal property and the remaining available outlook at the rear, as well as the size of the rear garden, I do not consider that the proposal would be over dominant and visually intrusive. The proposal would not therefore result in material harm to the neighbours' living conditions, from loss of outlook.
12. In terms of light and overshadowing, there is no detailed information provided by either the Council or the Appellant in this regard. However, taking account of the orientation of the two properties in relation to each other, there would be some increased overshadowing in the later afternoon and early evening, particularly of the rear garden area, but given the size of the neighbouring plot and rear garden I do not consider that this would materially harm their living conditions and justify refusing permission.
13. With regard to the adjoining property on the north-west side at No 4 this is set back in its plot so that the rear elevation of the proposed extension at the appeal property would be broadly in line with the existing rear elevation of this adjoining property. There is a door with obscure glass in the side elevation

facing towards the appeal property and no windows above. Given the relationship in terms of siting between the proposed extension and this property and the window arrangement in the adjoining property I am satisfied that there would be no harm to the living conditions of the adjoining neighbours at No 4 with particular regard to loss of outlook and over dominance.

14. Although there are no detailed assessments before me, there may be some additional overshadowing during parts of the day of the side elevation facing towards the appeal property but given the absence of windows on this flank elevation, other than the door at ground floor, I do not consider that this would harm their living conditions and justify withholding permission. The Council also raised no concerns in respect of the impact on the living conditions of the neighbours at No 4.
15. I agree with the Council that it is necessary to ensure that any side facing windows in the proposed development would be in obscure glazing and with restricted openings to ensure no overlooking and consequent loss of privacy for the neighbours on both sides of the appeal property.
16. I am therefore satisfied that there would be no material harm to the living conditions of the adjoining neighbours at No 8 and No 4 Batchelors Way, with particular regard to loss of outlook and loss of light as well as additional overshadowing. There would be no conflict with Policies GC3, H13 and H14 of the Local Plan, the SPD and one of the Core Principles at paragraph 17 of the Framework which seeks for all new development to be of high quality design and for a good standard of amenity for all existing and future occupiers.
17. A concern has been raised regarding the proposed building works along a party wall, but this is not a planning matter and would be addressed under other legislation.

Conditions and Conclusion

18. In terms of conditions, I agree with those conditions proposed by the Council. Matching materials with the existing dwelling are required in the interests of protecting the character and appearance of the existing property and of the local area, as well as a condition to list the approved plans for the avoidance of doubt and in the interests of proper planning. I have already set out above that I agree that a condition needs to be imposed to require obscure glazing to the proposed side facing windows at first floor level and above, and to be non-openable below 1.7m from floor level to protect the living conditions of the adjoining neighbours. For the same reason, I concur with the Council's proposed condition to remove permitted development rights for the addition of side facing windows in the extension, without specific permission.
19. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR



Appeal Decision

Site visit made on 25 July 2018

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2018

Appeal Ref: APP/X0415/D/18/3203248

2 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 Mr and Mrs Johns against the decision of Chiltern District Council.
 - The application Ref CH/2018/0382/FA, dated 28 February 2018, was refused by notice dated 2 May 2018.
 - The development proposed is part two storey part single storey rear extension, part two storey, part single storey front extension, new front porch.
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Decision

1. The appeal is dismissed.

Main issue

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

Reasons

3. 2 Green Lane is a two storey semi-detached chalet bungalow of white render with a tiled roof. It has a small single storey rear extension with a catslide roof which appears to have been constructed at a later date than the main house. It is located on the edge of the northern part of the Weller Estate Conservation Area and is in an Established Area of Special Character.
4. There is a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework, updated in July 2018 (the Framework) states that in the consideration of development proposals weight should be given to the conservation of heritage assets, including conservation areas, in accordance with the significance of the asset, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. As heritage assets are irreplaceable, any loss or harm to them requires clear and convincing justification.
5. I consider that the relevant policies in this case include GC1, GC3, H13, H14, H15, CA1 and CA2 of the Chiltern Local Plan, adopted in 1997 and consolidated in 2007 and 2011 (the local plan). Policy GC1 contains general criteria for new development and requires a high standard of design which relates well to its

- surroundings, particularly in areas such as conservation areas where design detail contributes positively to local distinctiveness. GC3 seeks to protect the amenities of neighbouring occupants.
6. Policies H13, H14 and H15 relate to extensions, which should not adversely affect the character and appearance of the locality or the standards of amenity enjoyed by the occupants of adjoining properties and which should be in keeping with the existing building and others in the area.
 7. Policies CA1 and CA2 state that planning permission will not be granted for proposals in a conservation area which do not preserve or enhance the character or appearance of the conservation area or the important views within, looking out of or into a conservation area.
 8. The local plan policies are consistent with the Framework in terms of requiring a high standard of design and the protection of the amenities of local residents and of the character and appearance of the locality, particularly conservation areas.
 9. The conservation area covers an area developed in the 1930s in a style and layout characteristic of the Metroland country homes served by the extension of the railway out from London. The majority of the properties were constructed according to a small range of designs of houses and chalet bungalows produced by the Metropolitan Railway Country Estates Company. Much of the original 1930s character of the development remains as an example of a popular phase of suburban development which the Council considers it desirable to protect and enhance.
 10. The main defining design features include large areas of sloping roof, leaded windows and an open porch in an oversized cottage style, with properties set in standard size plots in a regular pattern of development along straight roads. 2 Green Lane is identified in the Council's Conservation Appraisal as being of the chalet bungalow design. The Appraisal identifies the large expanses of sloping roofs as the most important single constituent of the area. It advises that nothing should be done to break the outline of the roofs on the side of the house that is visible to the public, although rooflights or small hipped and tiled dormers would be allowed.
 11. The Appraisal was published in 1992. In my view, its assessment of the history and character of the area remains valid, as does its assertion that the detailed elements of the design and layout of the houses should be retained. It is consistent with the Framework in setting out the significance of the area and the need to protect it against harm.
 12. I consider that the proposed front two storey extension would have a detrimental impact on the character and appearance of the house and the wider conservation area. The front elevations of 1 and 2 Green Lane have largely retained the overall symmetry of the original chalet bungalow form, except insofar as No. 1 has had some alterations and additions to the front and side at ground floor level. They have the characteristic strong features of the Metroland style with large, steeply sloping roofs and the hipped gable over the full height bay windows. The proposal, because of its height, bulk and roof form would result in an unacceptable break in the outline of the roof, which would be readily visible as a prominent and intrusive feature from the street.

13. My attention has been drawn to similar extensions at Nos 15 and 22 and these are material considerations in this case. However, on the basis of the information before me, it seems to me that, in considering the extension to No. 15 in 2016, the Council was primarily concerned with whether it would be subordinate to the existing building and was also influenced by the similar extension permitted at No. 22. It is unclear to me how recently the latter was permitted.
14. In reaching the conclusion that the extension to No. 15 would not adversely affect the character and appearance of the conservation area, there did not appear to be an assessment of the significance of the building within the conservation area or discussion of the potential harm caused to its character and appearance and historic significance.
15. In my opinion, the extensions at Nos 15 and 22 have had a harmful effect on the character and appearance of those properties by unbalancing the symmetry of the pair of semi-detached houses with an uncharacteristic roof form, including a crown roof. They have diluted the historic, cohesive character of the wider street scene and conservation area. I do not consider that they are suitable examples to follow.
16. This individual case would result in less than substantial harm to the significance of the conservation area. While it is an established planning principle that each case is determined on its merits, allowing this appeal would make it difficult for the Council to resist similar proposals. If this were to happen I consider that the resultant cumulative effect would cause unacceptable harm to the conservation area, leading to the loss of its essential historic and architectural character. I accept the desire of the appellants to improve the standard of their home, but I do not find that this would amount to a sufficient public benefit to outweigh the harm.
17. I saw during my visit that Nos. 1, 2 and 3 Highfield Close have added dormer windows to the front which are relatively unobtrusive within the slope of the main roof. However, there are several other unsympathetic alterations to houses in the area which have eroded the essential character of the conservation area. Allowing the proposed extension to the front of 2 Green Lane would result in a further unacceptable erosion of this character.
18. The proposed rear extension would be similar in form to those evident in neighbouring properties in Highfield Close. In my opinion, its form would relate reasonably well to the simple form of the rear roof slope, although its width and its proximity to the existing dormer window would be such that it would have a somewhat cramped appearance. It would be visible from Highfield Close in the gap between the rear of Nos. 3 and 4 Green Lane and the side of No. 1 Highfield Close, as is, to a certain extent, the similar extension to 1 Highfield Close, but it would be less prominent in the area than the proposed alteration to the front. My concerns about its potential cramped appearance would not be sufficient, on their own, to warrant dismissing the appeal, but this does not outweigh my finding that the extension to the front is unacceptable.
19. I conclude that the proposal would fail to preserve or enhance the character and appearance of the conservation area, the special importance of which lies in the retention of the strong architectural detailing of its original 1930s character. I find no clear and convincing justification for the harm. The proposal would be out of keeping with the existing building and others in the

area. It would be contrary to local plan policies GC1, H13, H15, CA1 and CA2 and to the Framework.

20. Concerns have been expressed by neighbouring residents that there would be a loss of privacy in their rear garden as a result of the proposed rear extension. I saw during my visit that there is already a degree of overlooking from the first floor rear windows and I do not consider that the additional projection to the rear would lead to an increased loss of privacy for those residents. In this respect the proposal is consistent with local plan policies GC3 and H14.

21. For the reasons given above, the appeal is dismissed.

PAG Metcalfe

INSPECTOR