



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).
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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.
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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.
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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.
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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