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CHILTERN
District Council



Planning Committee (CDC)

Thursday, 4th October, 2018 at 6.30 pm

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

A G E N D A

- 1 Evacuation Procedure
- 2 Apologies for Absence
- 3 Minutes
To approve the minutes of the Planning Committee held on 6 September 2018.
- 4 Declarations of Interest
- 5 Items for Noting
 - 5.1 New Planning and Enforcement Appeals
 - 5.2 Appeal Decisions
 - 5.3 Appeals Withdrawn
 - 5.4 Permission/Prior Approval Not Needed
 - 5.5 Withdrawn Applications
 - 5.6 Information Regarding Planning Applications to be Determined
- 6 Report on Main List of Applications
Chalfont St Peter

Recommendation: Conditional Permission

Austens, 11 The Greenway, Chalfont St Peter, Buckinghamshire, SL9 8LX

Chalfont St Giles

CH/2018/0475/FA Ward: Chalfont St Giles Page No: 6

Recommendation: Conditional Permission

The Vache, Vache Lane, Chalfont St Giles, Buckinghamshire, HP8 4SD

Great Missenden

CH/2018/0714/FA Ward: Prestwood And Heath End Page No: 14

Recommendation: Conditional Permission

Land Adjacent (to North Of) Idaho Cottage, 36 Wycombe Road, Prestwood, Buckinghamshire, HP16 0PJ

Chartridge

PL/18/2012/FA Ward: Ballinger South Heath & Chartridge Page No: 24

Recommendation: Conditional Permission

Former Turkey Barn, Chartridge Lane, Chartridge, Buckinghamshire,

Little Chalfont

PL/18/2046/FA Ward: Chalfont St Giles Page No: 32

Recommendation: Conditional Permission

Salla Kee, Long Walk, Little Chalfont, Chalfont St Giles, Buckinghamshire, HP8 4AN

Little Chalfont

PL/18/2509/FA Ward: Little Chalfont Page No: 39

Recommendation: Conditional Permission

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

Seer Green

PL/18/2713/PNR Ward: Seer Green Page No: 45

Recommendation: Prior Approval Given

Seer Green Post Office, 36 Chalfont Road, Seer Green, Buckinghamshire, HP9 2YG

Penn

PL/18/2774/FA Ward: Penn And Coleshill Page No: 51

Recommendation: Defer - minded to approve subject to the prior completion of Legal Agreement. Decision delegated to Head of Planning and Economic Development

Woodchester, Woodchester Park, Knotty Green, Buckinghamshire,

Amersham

PL/18/2794/FA Ward: Amersham Town Page No: 60

Recommendation: Conditional Permission

Plot 4 (15A Clare Park), Amersham, Buckinghamshire, HP7 9HW

7 Delegation Arrangements on Planning Enforcement

To recommend changes to the delegation arrangements on Planning Enforcement matters to take account of the recent approval of the Local Enforcement Plan.

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.

Date of next meeting – Thursday, 1 November 2018

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

If you have any queries concerning public speaking at Planning Committee meetings, including registering your intention to speak, please ask for the Planning Committee Co-ordinator 01494 732950; planning@chiltern.gov.uk. Further information is also available from: www.chiltern.gov.uk/planning/committee

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the **PLANNING COMMITTEE (CDC)** held on **6 SEPTEMBER 2018**

PRESENT: Councillor M Titterington - Chairman

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

APOLOGIES FOR ABSENCE were received from Councillors D Phillips, J Burton, J Gladwin, C Jones and S Patel

ALSO IN ATTENDANCE: Councillor D Bray

21 MINUTES

The Minutes of the meeting of the Planning Committee held on 9th August 2018, copies of which had been previously circulated, were approved by the Committee and signed by the Chairman as a correct record.

22 DECLARATIONS OF INTEREST

Councillor J Rush declared a personal interest in planning applications CH/2018/0802/FA and PL/18/2033/FA. Nature of interest – Councillor Rush knew one of the objectors and is a Member of Chalfont St Peter Parish Council.

23 DEFERRED APPLICATION - CH/2018/0243/FA - LAND AT THE GREEN MAN PUBLIC HOUSE, 2 HIGH STREET, PRESTWOOD, HP16 9EB

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

It was reported at the meeting that one further letter of objection had been received concerned about parking and the space around the proposed buildings.

The Chairman read out the written views of Councillor J Gladwin in his absence.

RESOLVED

Conditional Permission subject to conditions set out in the report and an additional condition to remove permitted development rights to safeguard the size of the rear garden.

24 ITEMS FOR NOTING

RESOLVED -

That the reports be noted.

25 REPORT ON MAIN LIST OF APPLICATIONS

RESOLVED -

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

APPLICATIONS

CH/2018/0802/FA 28-32 Oval Way, Chalfont St Peter, Buckinghamshire, SL9 8QB

Speaking for Chalfont St Peter Parish Council, Councillor Ian Browne

Speaking for the objectors, Mr Ronald Janssen

Conditional Permission as set out in the officer's recommendations.

PL/18/2033/FA 28-32 Oval Way, Chalfont St Peter, Buckinghamshire, SL9 8QB

Speaking for Chalfont St Peter Parish Council, Councillor Ian Browne

Speaking for the objectors, Mr John Lerwill

Permission Refused by reason of the introduction of semi-detached housing which would be an alien feature harming the overall character of the ERASC including reference to hardstanding and plot size.

The precise wording of the Reasons for Refusal was delegated to the Head of Planning and Economic Development.

CH/2018/0887/OA The Miltons Head Public House, 20 Deanway, Chalfont St Giles, Buckinghamshire, HP8 4JL

Speaking For Chalfont St Giles Parish Council, Councillor Des Bray

Speaking for the objectors, Mr Stephen Calderan

Speaking for the applicant, the agent Mr Rob Clarke

Officers advised that additional plans had been received including plans for the signage and hanging sign, and so informative 3 in the report was no longer necessary. . Officers also advised Members of amendments to the proposed conditions as follows –

Condition 6 – the word “approved” to be added after the word “hereby”.

Condition 11 – the words “to and approved in writing” to be added after the word “submitted” and the words “and the development to be implemented in accordance with the approved strategy” to be added at the end of the condition.

Condition 13 – to be amended to refer to 23:00hrs and not 11:00hrs.

Permission refused by reason of :

1. Loss of amenity to neighbour at 22 Deanway by

virtue of height, depth and relation to boundary line, overbearing with reference to policies GC1 to GC3.

2. Effects of having a Public House below residential properties on amenity to future flat occupants.

The precise wording for the Reasons for Refusal was delegated to the Head of Planning and Economic Development.

PL/18/2437/FA

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

Withdrawn by Applicant

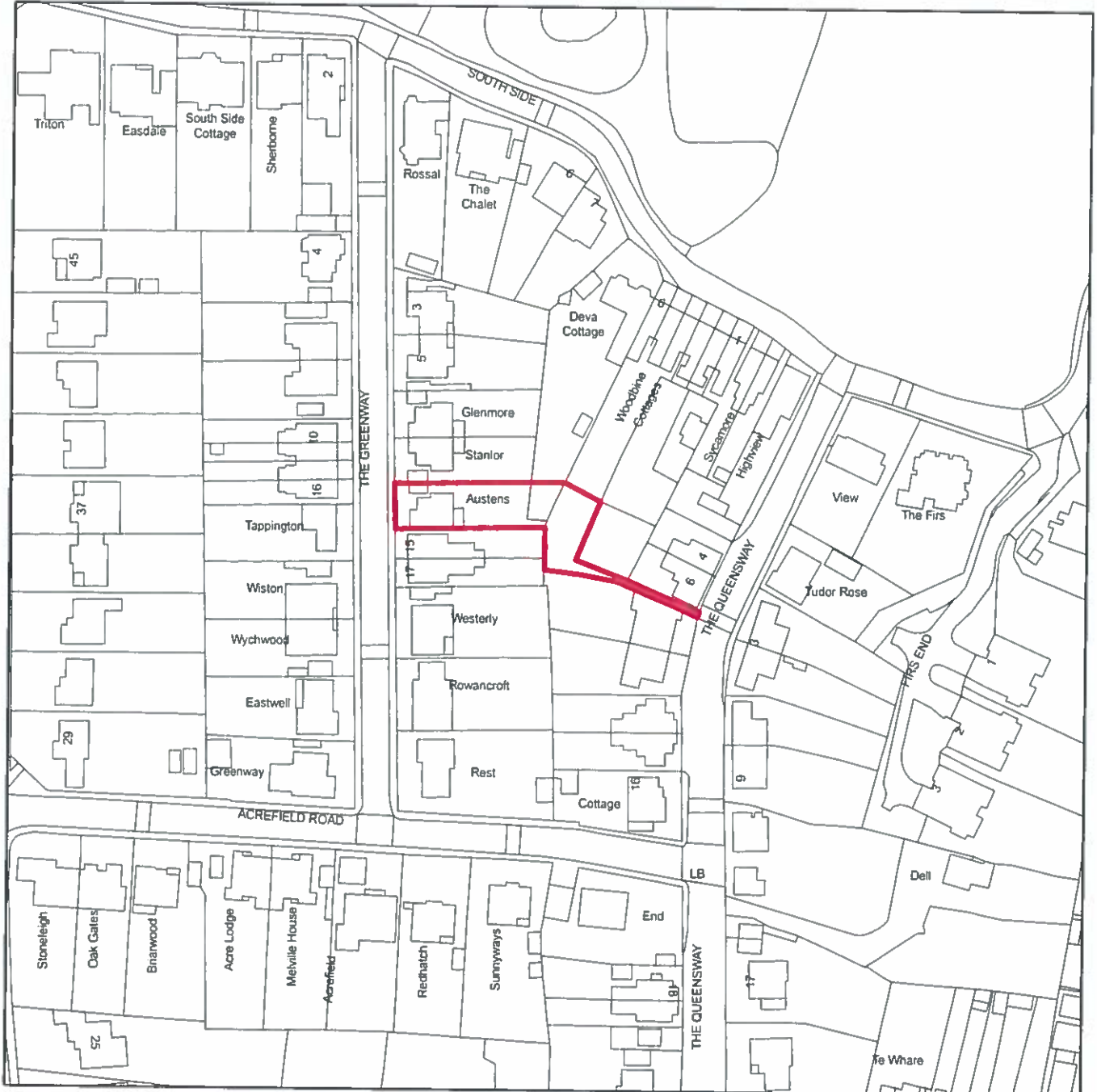
The meeting ended at 8.38 pm

CH/2018/0299/FA



CHILTERN
District Council

Austens, 11 The Greenway, Chalfont St Peter
Buckinghamshire SL9 8LX



Scale: 1:1,250

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

CH/2018/0475/FA



CHILTERN
District Council

The Vache, Vache Lane, Chalfont St Giles
Buckinghamshire HP8 4SD



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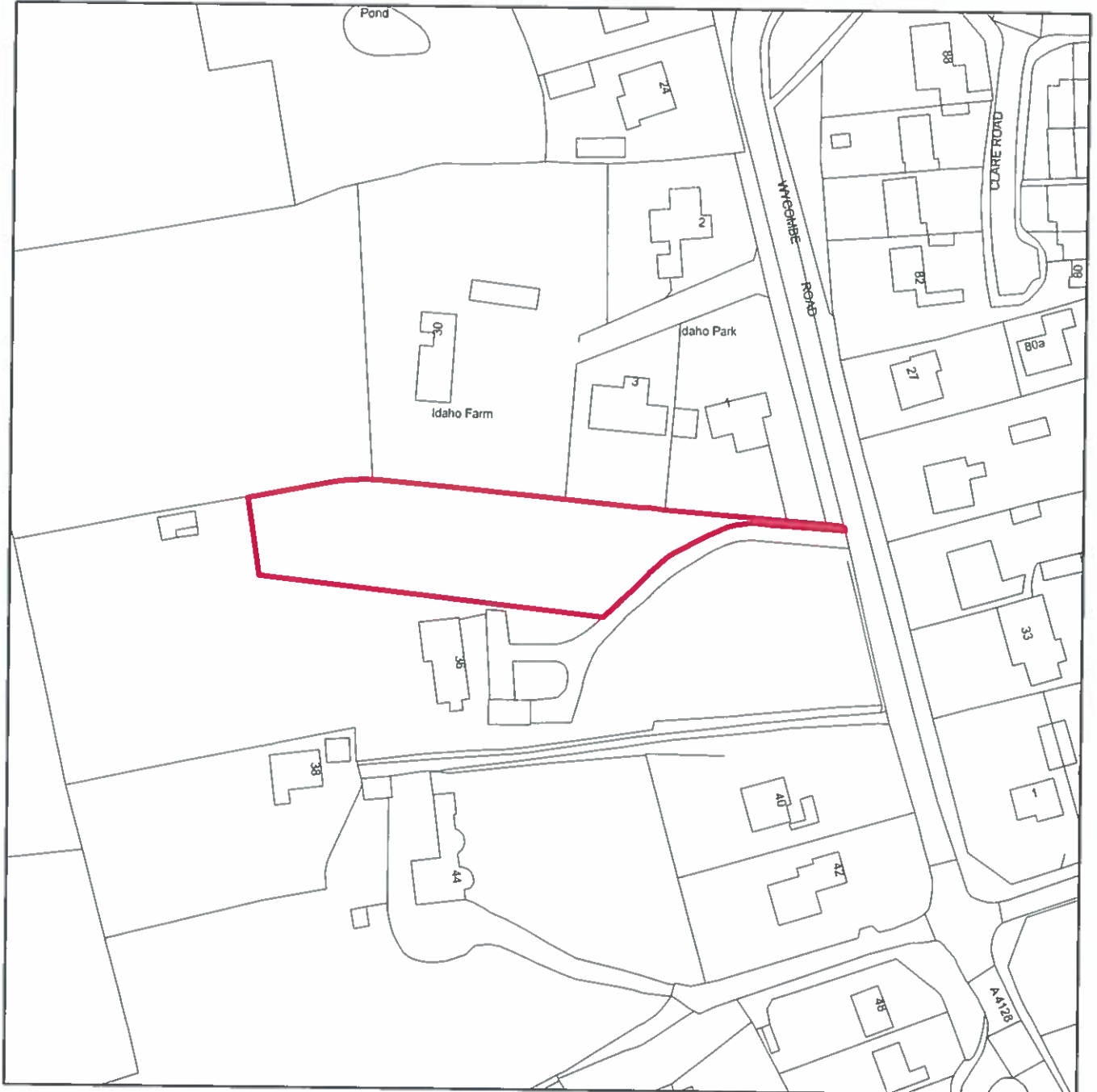
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

CH/2018/0714/FA



CHILTERN
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Land Adjacent (to North Of) Idaho Cottage, 36 Wycombe Road
Prestwood, Buckinghamshire HP16 0PJ



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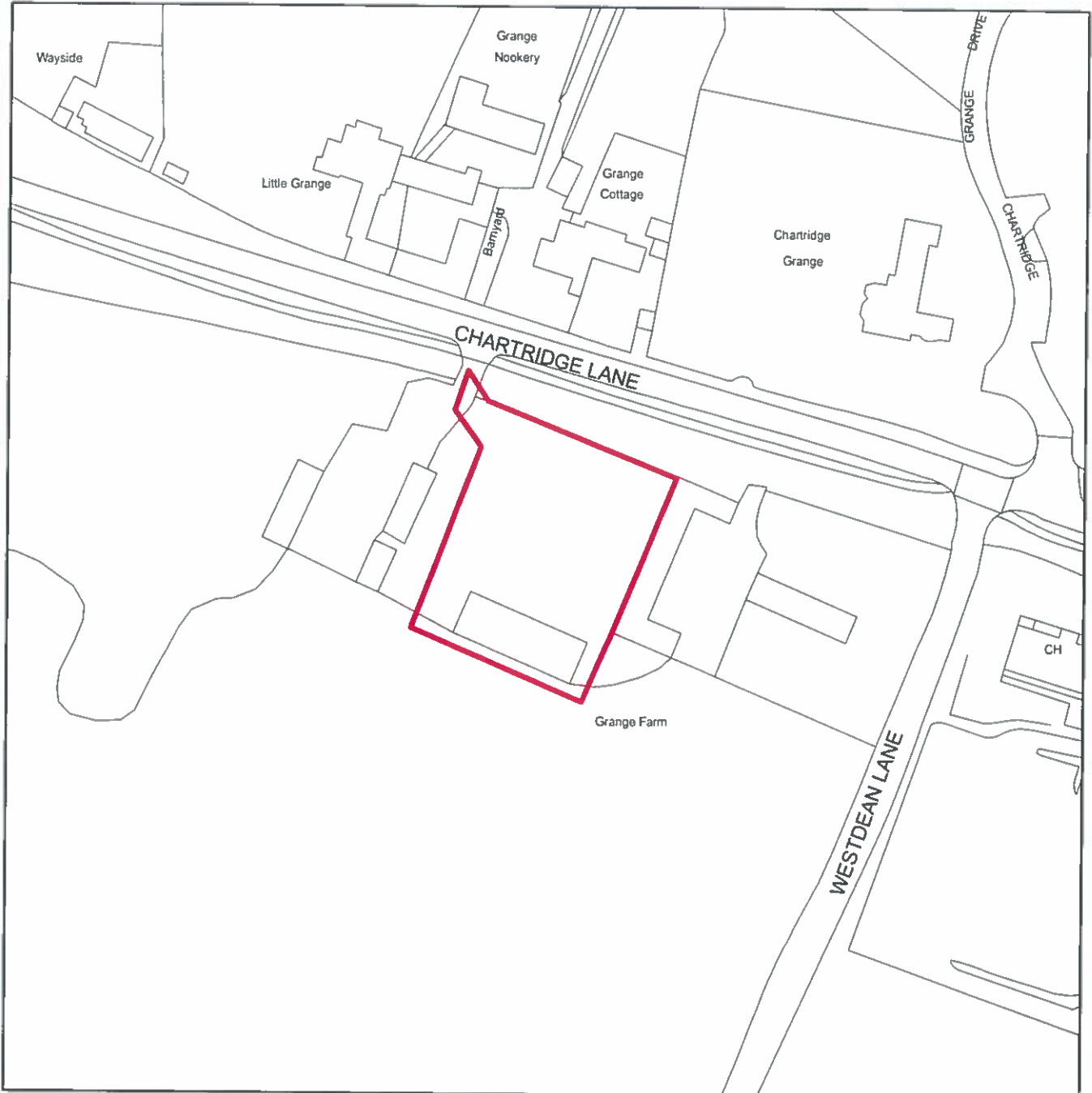
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578 2016

CH/2018/2012/FA



CHILTERN
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Former Turkey Barn, Chartridge Lane, Chartridge
Buckinghamshire



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

CH/2018/2046/FA



CHILTERN
District Council

Salla Kee, Long Walk, Little Chalfont, Chalfont St Giles
Buckinghamshire HP8 4AN



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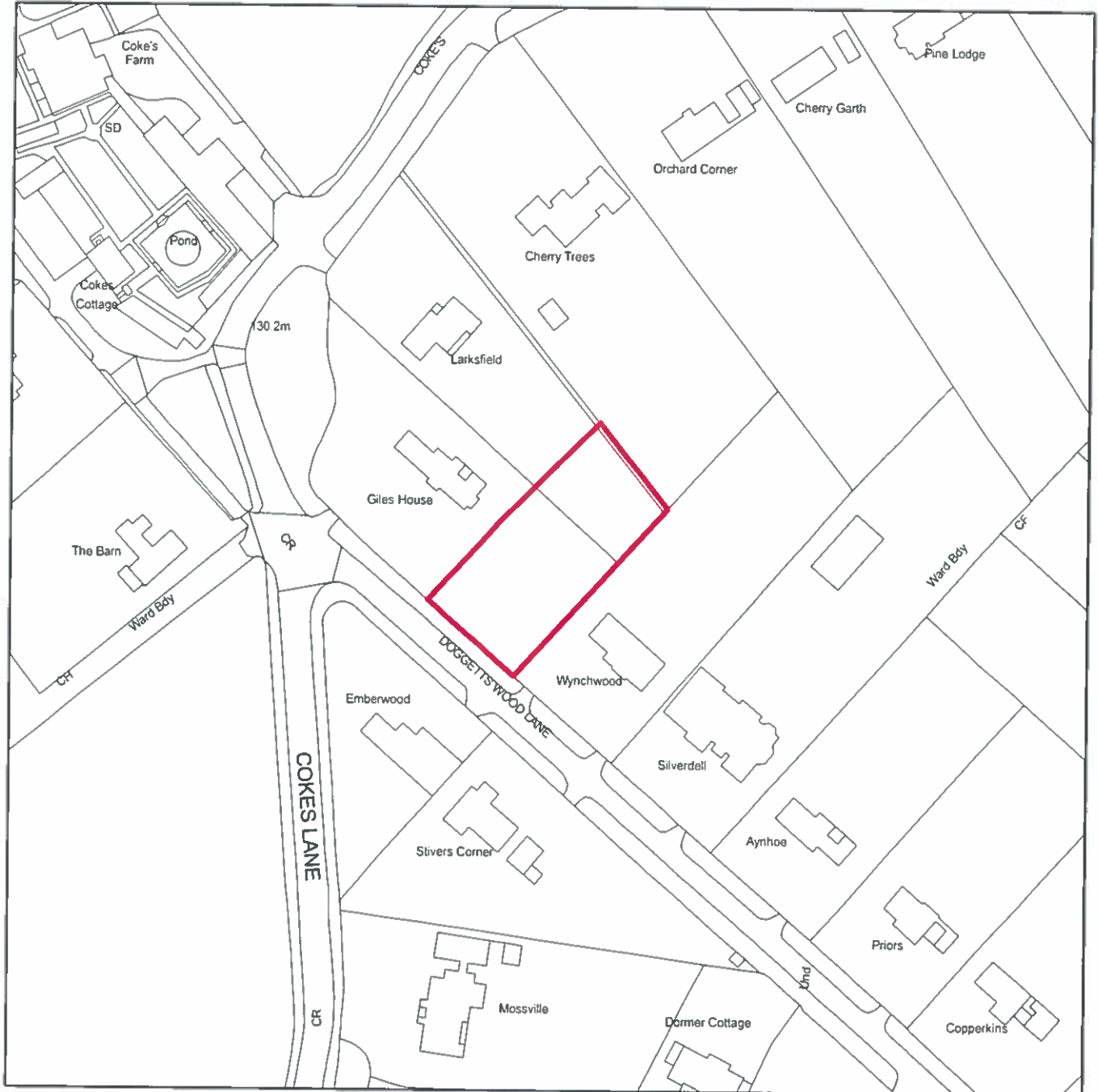
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

CH/2018/2509/FA



CHILTERN
District Council

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



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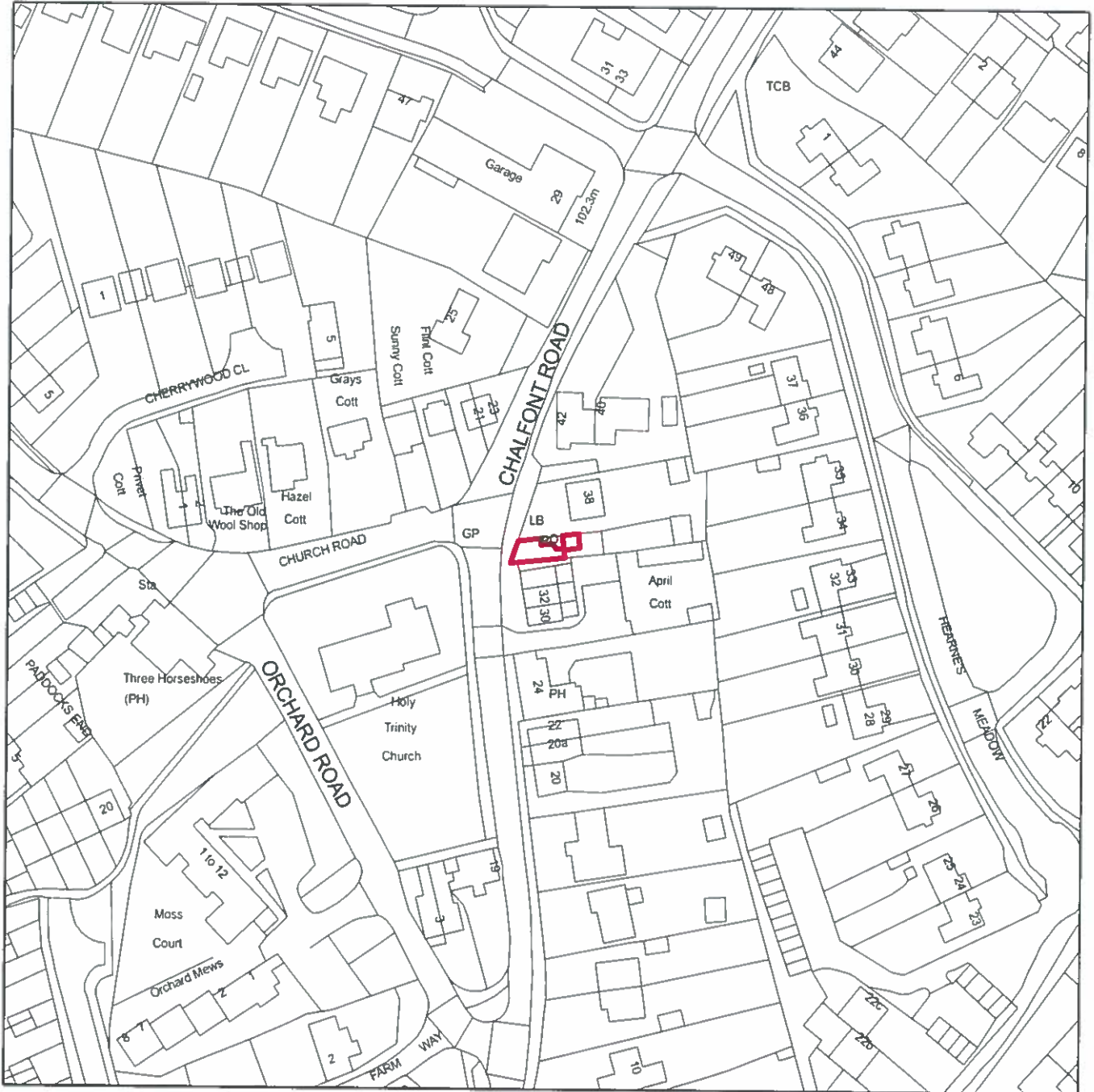
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578 2016

CH/2018/2713/PNR

Seer Green Post Office, 36 Chalfont Road, Seer Green
Buckinghamshire HP9 2YG



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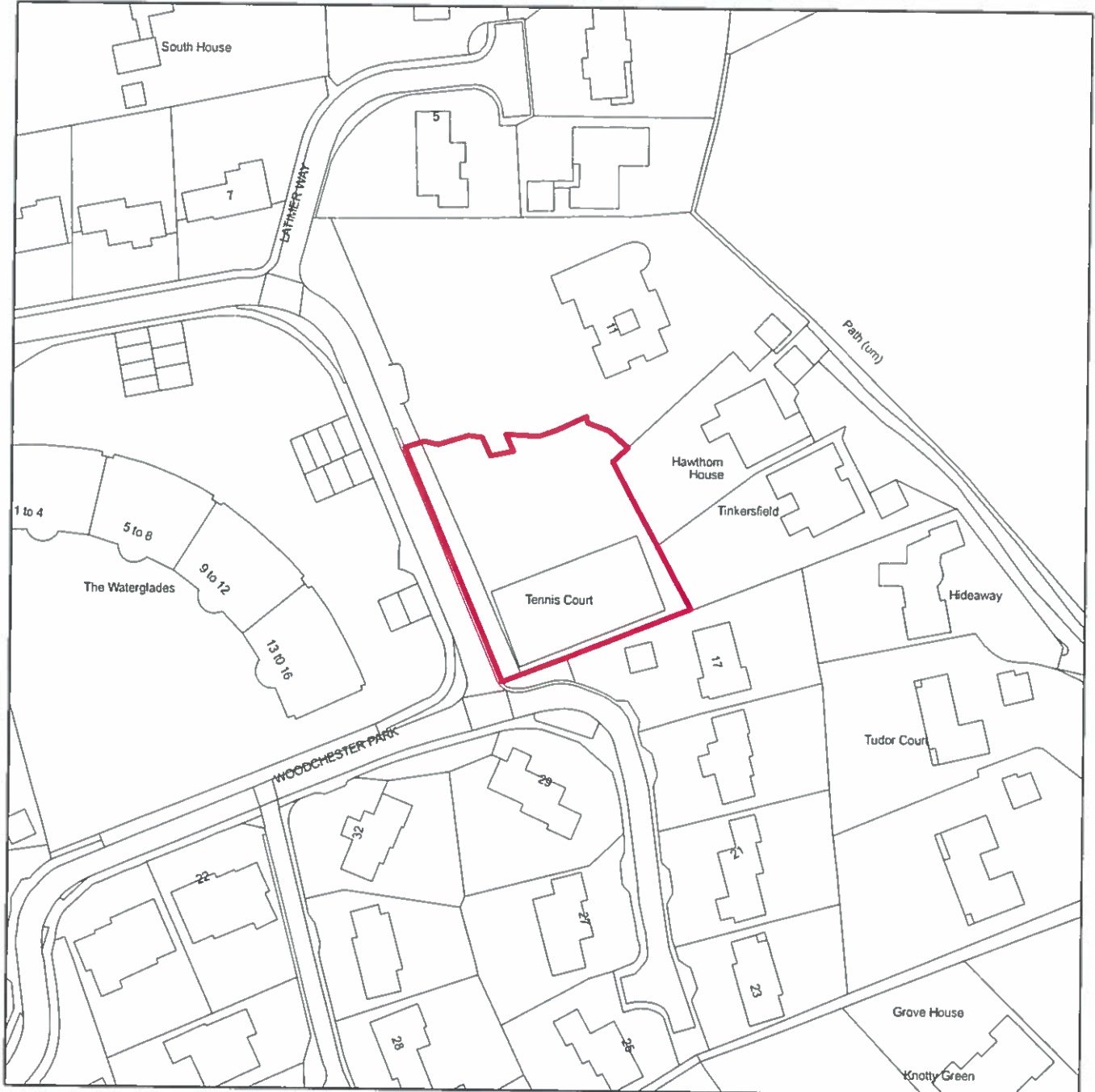
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578 2016

CH/2018/2774/FA

Woodchester, Woodchester Park, Knotty Green
Buckinghamshire



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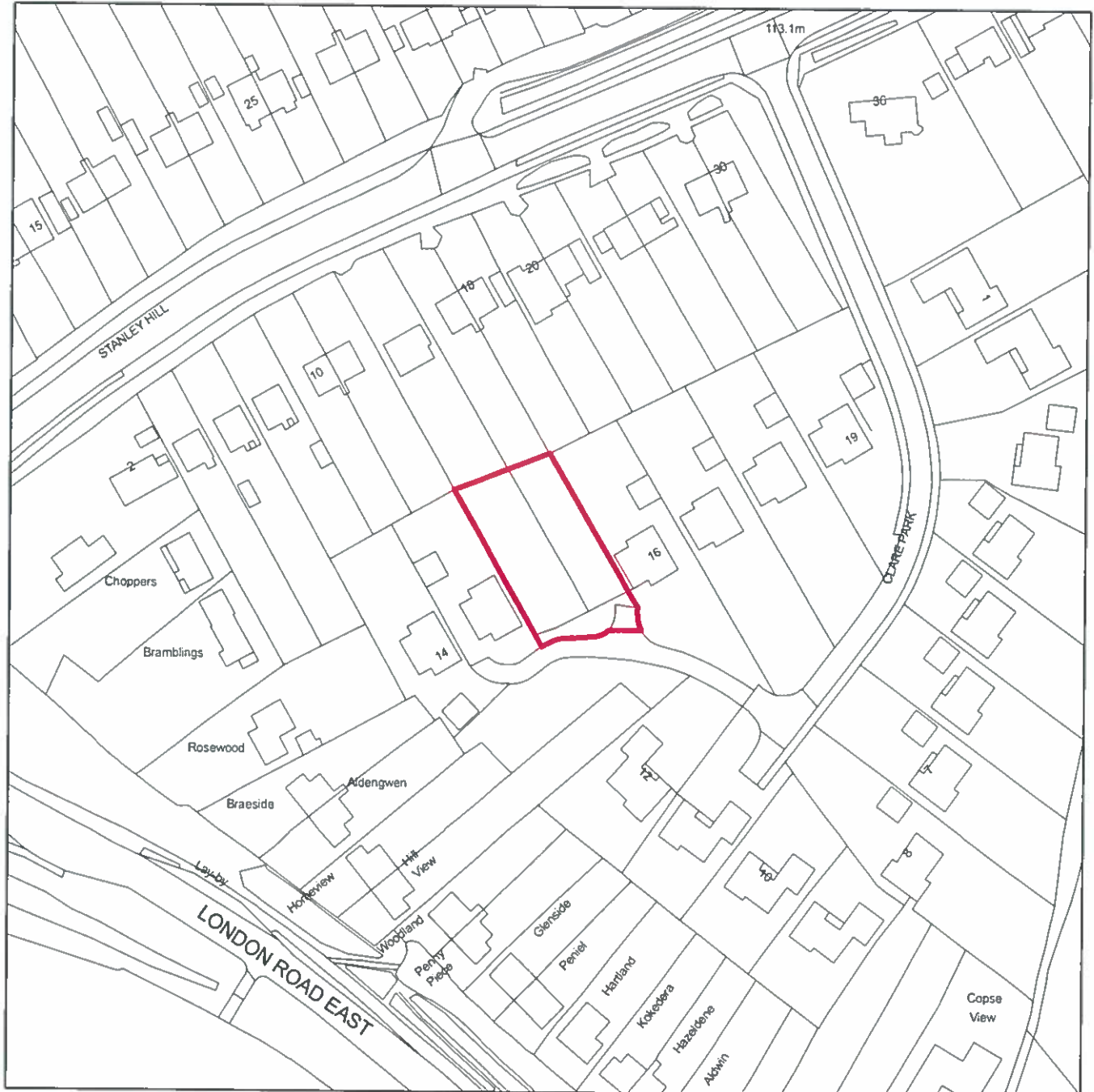
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

CH/2018/2794/FA



CHILTERN
District Council

Plot 4 (15A Clare Park), Amersham, Buckinghamshire
HP7 9HW



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

PLANNING COMMITTEE – 4 October 2018

REPORT OF THE OFFICERS

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

AGENDA ITEM No. 5

5 ITEMS FOR NOTING

5.1 NEW PLANNING AND ENFORCEMENT APPEALS

CH/2017/0468/FA - Replacement dwelling for agricultural worker, Rowan Tree Farm, Blackwell Hall Lane, **Ley Hill**

CH/2017/1662/FA - Demolition of an existing dwelling and construction of three dwellings with detached garages, associated hard and soft landscaping, creation of new access from Burton's Way, Bidston, Burtons Lane, **Little Chalfont**

CH/2018/0400/FA - Detached 4 bay garage with extension of existing driveway, The Kiln, 3 Shire Lane, **Cholesbury**

CH/2018/0544/FA - Two replacement dwellings (revised scheme to allow for a garage attached to plot 1 by a link to the property and a detached garage to plot 2), Finch House and Finch Cottage, Finch Lane, **Little Chalfont**

CH/2018/0545/FA - Detached dwelling with detached garage, Adjacent to 1 The Row, Hawridge Common, **Hawridge**

CH/2018/0569/FA - Outbuilding, 14 Hillside Close, **Chalfont St Giles**

CH/2018/0600/FA - First floor rear extension, 33 Grimsdells Lane, **Amersham**

CH/2018/0656/FA - Replacement detached garage, 17 Foxdell Way, **Chalfont St Peter**

CH/2018/0771/FA - Two storey side extension, single storey infill extension to rear, new garage and internal alterations to loft, Peterley Fourways Cottage, Wycombe Road, **Prestwood**

5.2 APPEAL DECISIONS

CH/2017/0999/VRC - Alterations, single storey side/rear extension and conversion of garage to elderly relative's annexe - Removal of Condition 3 of planning permission CH/1994/1274/FA, 7 Oxford Street, **Lee Common**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (30.08.2018)

CH/2017/1524/AV - Temporary non-illuminated advert on hoarding (for temporary period expiring May 2018), The Grange (Former Holy Cross Convent), Gold Hill East, Chalfont St Peter
Officer Recommendation: Refuse Consent

Appeal Decision: Appeal Allowed (31.08.2018)

CH/2017/1552/FA - Redevelopment of site incorporating a two storey extension to each of two existing dwellings, construction of four additional dwellings with associated car ports,

parking, landscaping and alterations to existing vehicular access, 274 & 274A Chartridge Lane, **Chesham**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (30.08.2018)

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**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (03.09.2018)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Allowed (31.08.2018)

CH/2017/1943/FA - Demolition of three four-bed houses, a disused industrial building (Use Class B2) and 20 garages, removal of spoil and trees from the rear of the site. Development of 34 residential dwellings comprising 25 houses and 5 flats, with associated landscaping tree replacement, car parking and internal shared surface road. Change of use of the upper storeys of The Old Red Lion (62 High Street) from office to residential to provide 4 flats. Ground floor building line amendment to southern elevation of The Old Red Lion (62 High Street) to remove 700mm at ground floor only to provide improved visibility onto the High Street. Amendments to Forge Cottage on Missenden Mews to relocate front door, relocate car parking space and provision of new private amenity space within the site, Land at the Rear of The Old Red Lion, High Street, **Great Missenden**

Officer Recommendation: Refuse Permission

Appeal Costs Decision: Partial Award of Costs granted to Appellant

Appeal Decision: Appeal Allowed (04.09.2018)

CH/2017/2174/FA - Subdivision of the plot at No 6 Warrender Road and construction of two detached dwellings to the rear with a new vehicular access and parking, 6 Warrender Road, **Chesham**

Officer Recommendation: Refuse Permission

Appeal Costs Decision: Full Award of Costs granted to Appellant

Appeal Decision: Appeal Dismissed (30.08.2018)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Allowed (20.08.2018)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (03.09.2018)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (05.09.2018)

5.3 APPEALS WITHDRAWN

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

5.4 PERMISSION/PRIOR APPROVAL NOT NEEDED

PL/18/2337/FA - Replace existing ground floor window and door, 159 High Street, **Amersham**

PL/18/2799/PNE - Notification of proposed single storey rear extension, depth extending from the original rear wall of 5.5 metres, a maximum height of 3.5 metres and a maximum eaves height of 3 metres, Red House, Manor Road, **Seer Green**

PL/18/2815/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 5.3 metres, a maximum height of 3 metres and a maximum eaves height of 2.85 metres, 8 Patterson Road, **Chesham**

PL/18/2806/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 4.5 metres, a maximum height of 2.75 metres and a maximum eaves height of 2.75 metres, 137 Sunnyside Road, **Chesham**

5.5 WITHDRAWN APPLICATIONS

CH/2017/2071/FA - Replacement dwelling with attached double garage, Dornoch, Village Road, **Coleshill**

CH/2018/0281/FA - Erection of 4 new dwellings and extension of Linden Drive, Land Adjacent to 10 Linden Drive, **Chalfont St Peter**

CH/2018/0638/FA – Agricultural barn, Spencers Farm, Blackwell Hall Lane, **Ley Hill**

CH/2018/0793/HB - Historic building consent for internal alterations, Manor House, Village Road, **Little Missenden**

PL/18/2058/FA - Single storey side extension and increase in ridge height to allow first floor front and side extension, Felstead, 52 Nortoft Road, **Chalfont St Peter**

PL/18/2388/VRC - Variation of Condition 2 of planning permission CH/2017/0846/FA (Re-development of site, 5 detached dwellings (4 with integral garages, 1 detached garage), associated hard landscaping, parking and creation of vehicular access) to allow: Changes to house type B (Plot 5) including soffit and roof raised by 60cm, revised window and door configuration, dormers windows and retaining wall and steps, Land at and to the Rear of 204-206 Chartridge Lane, **Chesham**

PL/18/2401/FA - Part two storey, part single storey side extension incorporating juliette balcony, single storey front and rear extensions, 55 Tylers Hill Road, **Chesham**

PL/18/2437/FA - 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, Christ Church, Featherbed Lane, **Holmer Green**

PL/18/2566/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 4.8 metres, a maximum height of 3.7 metres and a maximum eaves

height of 2.9 metres, 1 Chandos Close, **Little Chalfont**

PL/18/2805/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 5.53 metres, a maximum height of 3.13 metres and a maximum eaves height of 2.27 metres, 1 Poplar Cottages, Three Households, **Chalfont St Giles**

PL/18/2707/NMA - Non-material amendment to planning permission CH/2017/2299/FA - Alterations to primary dwelling; construction of three extensions and a single storey basement extension (with no presence at ground floor) within the existing residential curtilage, Burtons Farm, Burtons Lane, **Little Chalfont**

PL/18/3139/SA - Application for Certificate of Lawfulness for proposed use of suite 1.07D as an office for private hire vehicle operator (Use Class B1), Office 1.07D, St Marys Court, The Broadway, **Amersham**

5.6 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.

6 REPORTS ON MAIN LIST OF APPLICATIONS AGENDA ITEM No. 6

7 EXCLUSION OF THE PUBLIC AGENDA ITEM No. 7

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

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 4th October 2018

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

Chalfont St Peter

CH/2018/0299/FA Ward: Austenwood Page No: 3
Proposal: Erection of an outbuilding (retrospective)
Recommendation: Conditional Permission

Austens, 11 The Greenway, Chalfont St Peter, Buckinghamshire, SL9 8LX

Chalfont St Giles

CH/2018/0475/FA Ward: Chalfont St Giles Page No: 6
Proposal: Conversion of barn to dwellinghouse
Recommendation: Conditional Permission

The Vache, Vache Lane, Chalfont St Giles, Buckinghamshire, HP8 4SD

Great Missenden

CH/2018/0714/FA Ward: Prestwood And Heath End Page No: 14
Proposal: Erection of new dwellinghouse with integral garage.
Recommendation: Conditional Permission

Land Adjacent (to North Of) Idaho Cottage, 36 Wycombe Road, Prestwood, Buckinghamshire, HP16 0PJ

Chartridge

PL/18/2012/FA Ward: Ballinger South Heath & Chartridge Page No: 24
Proposal: Conversion of barn into a single dwelling with integral garage
Recommendation: Conditional Permission

Former Turkey Barn, Chartridge Lane, Chartridge, Buckinghamshire,

Little Chalfont

PL/18/2046/FA Ward: Chalfont St Giles Page No: 32
Proposal: Replacement dwelling.
Recommendation: Conditional Permission

Salla Kee, Long Walk, Little Chalfont, Chalfont St Giles, Buckinghamshire, HP8 4AN

Little Chalfont

PL/18/2509/FA Ward: Little Chalfont Page No: 39
Proposal: Detached dwelling within curtilage with attached garage and creation of a new vehicular access.
Recommendation: Conditional Permission

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

Seer Green

PL/18/2713/PNR

Ward: Seer Green

Page No: 45

Proposal: Prior notification under Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 - Change of use from shop (Use Class A1) to residential to form part of existing single dwelling (Use Class C3).

Recommendation: Prior Approval Given

Seer Green Post Office, 36 Chalfont Road, Seer Green, Buckinghamshire, HP9 2YG

Penn

PL/18/2774/FA

Ward: Penn And Coleshill

Page No: 51

Proposal: Redevelopment of site (plots 15 and 16) to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and laying of associated hardstanding

Recommendation: Defer - minded to approve subject to the prior completion of Legal Agreement.

Decision delegated to Head of Planning and Economic Development

Woodchester, Woodchester Park, Knotty Green, Buckinghamshire,

Amersham

PL/18/2794/FA

Ward: Amersham Town

Page No: 60

Proposal: Construction of new detached dwelling with new detached double garage

Recommendation: Conditional Permission

Plot 4 (15A Clare Park), Amersham, Buckinghamshire, HP7 9HW

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 4th October 2018

CH/2018/0299/FA

Case Officer: Suleman Uddin
Date Received: 12.02.2018
Parish: Chalfont St Peter
App Type: Full Application
Proposal: Erection of an outbuilding (retrospective)
Location: Austens
11 The Greenway
Chalfont St Peter
Buckinghamshire
SL9 8LX
Applicant: Mrs Sarah Broom

Decide by Date: 19.07.2018
Ward: Austenwood

SITE CONSTRAINTS

Article 4 Direction
Conservation Area
Heathrow Safeguard (over 45m)
Mineral Consultation Area
Northolt Safeguard zone
On/within 250m rubbish tip
Townscape Character
Established Residential Area of Special Character

CALL IN

Councillor Wertheim has called this application to Planning Committee, on the grounds of its size, scale and prominence in the locality.

SITE LOCATION

The application site is located on The Greenway, within the developed area of Chalfont St. Peter, consisting of a detached dwellinghouse.

THE APPLICATION

The application seeks retrospective planning permission for an outbuilding which measures 4 metres in width, 4 metres in depth and 2.57 metres in height.

RELEVANT PLANNING HISTORY

CH/2015/2272/FA - Part two storey, part single storey side/rear extensions. Conditional Permission.

PARISH COUNCIL

No comment.

REPRESENTATIONS

2 letters of objection stating the following (summarised):

- Harm to amenity as it is clearly visible.
- Overbearing in appearance.
- Out of character with the locality.

CONSULTATIONS

None relevant.

POLICIES

National Planning Policy Framework

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H13, H14, H15, H17, H20, CA1, CA2, TR11 and TR16.

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

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015

The Chalfont St Peter Neighbourhood Plan 2013-2028

EVALUATION

Principle of development

1. The application site is located within Chalfont St Peter where development of this nature is acceptable in principle, subject to complying with the relevant Development Plan policies. Local Plan Policy H20 states that the Council will grant planning permission for ancillary residential buildings within the curtilage of existing dwelling houses, provided that the building will be modest in size and subordinate in scale to the existing dwelling house. Other relevant development plan policies should be complied with. The application site is also within a Conservation Area and therefore in accordance with Local Plan Policies CA1 and CA2, the character and appearance of the Conservation Area should be preserved for development to be acceptable.

Design/character & appearance

2. This application relates to an outbuilding which is currently in situ. Its form and style is a typical modern residential garden outbuilding. It has the general characteristics of a modern outbuilding which compliments the dwelling house and as such does not appear out of place in its surroundings. The proposed outbuilding is located within the rear garden, which benefits from screening provided by boundary fencing and hedging. Furthermore, the outbuilding is made from appropriate, non-intrusive timber materials and a design which is considered to preserve the character of the Conservation Area. Important views within or looking out of the Area are preserved. As such, there are no design objections raised in regards to the outbuilding and there is no conflict with the Council's Conservation Area policies.

Residential amenity

3. The outbuilding would be within close proximity to the rear boundary with neighbouring No.15 and to the rear of Deva. There is hedging and trees which provides some screening, but by virtue of the building's scale and positioning, it may be visible from No.15 during winter months. However, given the overall scale of

the outdoor amenity area at No.15 and Deva and the positioning of the outbuilding from the main property, it is not considered that the appearance of the building would appear unduly intrusive or overbearing. As such, no objection is raised in regards to loss of neighbour amenity.

Parking/Highway implications

4. The application would not have any parking/access/highway implications, having regard to the Council's standards.

Conclusions

5 Given the above, the development does not contrast with relevant planning policy. It is considered that a fair and reasonable balance would be struck between the interests of the community and the human rights of the individuals concerned in the event of planning permission being granted in this instance.

Working with the applicant

6 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

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

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

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

Human Rights

7. 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 AP01 Approved Plans

CH/2018/0475/FA

Case Officer: Emma Showan
Date Received: 14.03.2018 Decide by Date: 01.10.2018
Parish: Chalfont St Giles Ward: Chalfont St Giles
App Type: Full Application
Proposal: Conversion of barn to dwellinghouse
Location: The Vache
Vache Lane
Chalfont St Giles
Buckinghamshire
HP8 4SD
Applicant: Vache Management Services Ltd

SITE CONSTRAINTS

Article 4 Direction
Area Special Advertising Control
Within Chilterns Area of Outstanding Natural Beauty
Archaeological site
Within Green Belt other than GB4 GB5

CALL IN

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

SITE LOCATION

This application relates to an agricultural building located in the open Green Belt and Chilterns Area of Outstanding Natural Beauty. The site is accessed off Vache Lane, a private road serving the grounds of The Vache, a mansion converted from formerly commercial use back to residential, and a number of additional modern dwellings and the parking areas serving these properties. The main mansion house on site is Grade II Listed and the proposed building to be converted is located away from this building and within close proximity of an existing garage court. It is a small barn of brick and timber frame, with timber cladding and a tiled roof.

THE APPLICATION

This application proposes the conversion of a barn to a dwellinghouse.

The dwelling would occupy the same footprint as the existing agricultural barn and would have a maximum width of 15.5 metres, depth of 5.2 metres and pitched roof height of 4.5 metres, with an eaves height of 2 metres. It would be single storey and would have two bedrooms and an attached store.

The adjacent storage building would also be converted for storage use by the occupiers of the dwellinghouse. This building would have a maximum width of 8 metres, depth of 5.4 metres and height of 3 metres, with an eaves height of 1.8 metres. The existing covered area linking the main barn to the storage barn would be demolished.

Access to the site would be taken from Vache Lane and the existing private road serving The Vache and the other buildings and residential dwellings located on the estate.

A Supporting Statement has also been submitted.

RELEVANT PLANNING HISTORY

CH/2002/1111/FA - Retention of swimming pool building incorporating extract ducts (amendment to planning permission 01/443/CH), conditional permission.

CH/2001/0607/FA - Detached double garage, conditional permission.

CH/2001/0443/FA - Detached swimming pool building (amendment to planning permission 00/641/CH), conditional permission.

CH/2000/1691/FA - Detached swimming pool building (amendment to planning permission 00/641/CH), conditional permission.

CH/1999/1176/FA - Change of use of land to residential garden, permitted.

CH/1998/0840/FA - Detached ancillary residential building (log cabin), conditional permission.

CH/1997/1143/FA - Change of use from residential college and training centre to dwelling (Use Class C3), conditional permission.

CH/1996/0782/FA - Demolition of car ports, erection of detached garages for residential use and provision of car parking areas ancillary to residential use (Variation to planning permission 95/1517/CH), conditional permission.

CH/1995/1517/FA - Demolition of car ports, erection of detached garages for residential use and provision of car parking areas ancillary to residential and office use (Variation to condition 13 of planning permission 94/0261/CH), conditional permission.

CH/1995/0928/FA - Change of use of main building and part of grounds to use as offices (Use Class B1(a)) and/or research and development facilities (Use Class B1(b) and closure of existing and formation of new access, conditional permission.

CH/1994/0261/FA - Demolition of ancillary residential and teaching block; alteration to west elevation of Listed Building; construction of 1.8 metre high brick wall; erection of 13 courtyard residential units, provision of additional car parking, alterations to existing accommodation, refused permission. Appeal allowed.

PARISH COUNCIL

The Parish Council object to this application. There are no existing plans shown and there is no mention of change of use from agricultural to residential.

REPRESENTATIONS

One letter received on behalf of the residents of Vache Mews which can be summarised as follows:

- Concern regarding the number of vehicles accessing the site which would result in a high level of noise and dirt and access to the drive and neighbours' garages being restricted
- Concern regarding wear and tear and damage to the drive [Officer Note: Not a matter material to the determination of the planning application]
- The developer should make good any damage to the drive and reimburse costs arising from cleaning the garages, garage area and cars [Officer Note: Not a matter material to the determination of the planning application]

- Ecological concerns

CONSULTATIONS

Buckinghamshire County Ecology Officer: I have reviewed the Preliminary Ecological Appraisal (July 2018) and Emergence and Activity Bat Survey (July 2018) produced by Green Shoots Ecology and am satisfied that the impact of the proposed development on protected species has been given due regard. Overall the habitats within the site have been found to be of relatively low ecological value.

Buckinghamshire County Highways Officer: 'The proposed development is the conversion of a barn to a dwellinghouse off Vache Lane, Chalfont St Giles. Vache Lane is a B Class road subject to a 30mph speed limit. Vache Lane benefits from a footway on the southern side but there is limited public transport provision in the vicinity of the site.

Without any information demonstrating otherwise I am working on the assumption that this change of use from an agricultural barn to a residential dwelling would result in an increase in vehicle movements to and from the site. Mindful of this, the access arrangements and adjoining highway network must be assessed in order to determine their adequacy in accommodating the vehicle movements associated with this proposal.

The existing access point from Vache Lane is proposed to be retained to serve the proposed dwelling. This existing access is in excess of 4.1m in width and can therefore accommodate two cars simultaneously passing one another. Any access point along this section of the road would also need to comply with the visibility requirements stated by Manual for Streets of 2.4m X 43m from both directions to the near side carriageway and this has been secured by way of condition below.

The three existing parking spaces are proposed to be retained within the site. I am satisfied that there is sufficient space within the site for the three parking spaces and a 6m manoeuvring area to ensure vehicles will not reverse down the private track onto the highway. However, I trust Chiltern District Council, as the Local Planning Authority, will comment further on the proposed parking provision.

Mindful of the above, the County Highway Authority has no highway objections.'

Building Control Officer: "With regards to the above fire brigade tender access would appear to be satisfactory, however for Building Regulation compliance confirmation will be required that the route accords with the details and dimensions set out in table 8 and diagram 24 of Approved Document B vol. 1."

POLICIES

National Planning Policy Framework, 2018.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS22, CS24, CS25 and CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, GC4, GB2, GB11, GB30, LSQ1, H12, LB2, TR2, TR11 and TR16.

The Chiltern Buildings Design Guide, February 2010.

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

Sustainable Construction and Renewable Energy SPD - 25 February 2015.

EVALUATION

Principle of development

1. The site is within the open Green Belt where most development is inappropriate development and there is a general presumption against such development. Section 13 of the National Planning Policy Framework (NPPF) emphasises the importance of Green Belts and states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

2. Paragraph 145 of the NPPF outlines some exceptions to this, including the re-use of buildings provided that the building is of permanent and substantial construction and provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including within the Green Belt.

3. Meanwhile, Policy GB2 of the Development Plan permits the change of use of existing permanent and substantial buildings in the Green Belt, in accordance with the other relevant Development Plan policies. Policy GB11 specifically relates to the re-use of existing non-residential buildings in the Green Belt for residential purposes and states that this will be permitted where the building is of permanent and substantial construction, and has a form, bulk and general design in keeping with its surroundings. In addition, it should be clearly demonstrated to the Council by the applicant that the building was substantially completed at least 10 years before the date of the application; the building should not be in a derelict condition; the amount of new building work required to make the building suitable for residential use should involve such substantial alterations or new building work as to amount to major reconstruction or be tantamount to the construction of a new building, and; the Council must be satisfied that the proposed residential use would not have a materially greater impact than the existing use on the openness of the Green belt and the purposes of including within it.

4. Based on the above, it is necessary to consider whether the building to be converted is of permanent and substantial construction and whether the works required to facilitate the conversion would amount to the construction of a new building. A structural report has been submitted with the application, which provides an appraisal of the condition of the existing building. The report confirms that there is no evidence of any structural defect to the timber framing that would otherwise jeopardise its current condition or any future condition. It summarises that the 'main barn is extremely capable of conversion and, apart from improvement to the foundations and reinstatement of the brickwork in the south-west corner, no structural works are needed in order to undertake this. The only matters arising from my inspection are desirable, rather than essential, and would normally form part of any ongoing maintenance or renovation of the barn if it were to be kept in situ as is'. The main concern raised in the structural report is the inadequacy of the existing foundations but it is also confirmed that these can be improved upon by a number of different means whilst retaining the structure intact and in place, allowing the building to be converted. Therefore, based on the structural report, it is considered that the outbuilding is of permanent and substantial construction and its condition means that it can be converted to residential use without the need for extensive building works which would be tantamount to the construction of a new building.

5. In regards to the age of the building, previous planning applications for the site dating back to 1996 show the barn on the submitted plans so there is a record of its existence dating beyond 10 years. Accordingly, the proposal is considered to be acceptable in principle, provided it does not have a greater impact on the openness of the Green Belt or conflict with the purposes of including within it.

Green Belt

6. The size of the barn and adjacent storage building will not increase and therefore the conversion will not in and of itself affect the openness of the Green Belt. The access to the buildings will largely remain as

existing although it will be extended to reach the buildings on site. As the driveway extension would be relatively modest and as permeable hardstanding can be erected under Permitted Development, it is not considered that the driveway would have a detrimental impact on the openness of the Green Belt. No specific reference is given to the boundary treatments on site, although it is noted that much of the site is already bounded by fencing. It is also noted that fencing could also be erected under Permitted Development Rights and therefore no objection is made in this respect. Although the curtilage of the dwelling would include an amenity area which would have some impact on the openness of the Green Belt, the garden area proposed is modest, and it is considered that the harm would be minimal. Therefore, the proposal does not represent inappropriate development in the Green Belt and is acceptable in principle.

Design/character & appearance

7. The site is within the Chilterns Area of Outstanding Natural Beauty (AONB) where, in accordance with Local Plan Policy LSQ1, and Policy CS22 of the Core Strategy, development must conserve or enhance the natural beauty of the landscape. Paragraph 115 of the NPPF also states that great weight should be given to conserving AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

8. The Chilterns Buildings Design Guide states that if a barn conversion is to be successful, the building's appearance should not be radically altered and prominent roof lights should be avoided. In this case, the barn roof would remain largely as existing and the barn in general would retain its simple, agricultural form. Its relationship with the opposite storage building would remain as existing. A modest amount of glazing is proposed at the east elevation of the main house and no rooflights are proposed in the roofslopes of either building. As such the amount of openings proposed is not considered to be excessive. Overall, the alterations are not considered to overly domesticate the barn and the changes proposed would be sympathetic to the character of the original building and the landscape quality of the AONB.

Residential amenity

9. The barn and outbuilding are located on The Vache estate which comprises the main mansion house, a number of additional residential dwellings and the garage bays and ancillary outbuildings serving these properties. The proposed residential dwelling would be sited to the rear of the existing garage block and away from neighbouring properties. The objections relating to the production of noise and dust through the new vehicle movements are noted but are not considered to amount to a significant harmful impact to residential amenity. As such, given its siting, it is not considered that the proposal would have a detrimental impact on the amenities of any neighbouring properties.

10. With regard to the amenities of future occupiers of the outbuilding, it will provide adequate light, space and outlook and sufficient outdoor space will be provided, particularly given the location of the site within the Green Belt and adjacent to open fields. An adequate area for refuse bins is also provided.

Parking/Highway implications

11. In accordance with Development Plan Policy TR16, two car parking spaces are required for the proposed dwelling. The plans indicate that these can be accommodated on the driveway area to the front of the site. As such, the proposal would comply with the Local Planning Authority's parking standards and no objections are raised in this respect.

12. The dwelling will use the existing access serving the Vache Estate and a new driveway is proposed from the dwelling to link up to this private estate road. Given that this private estate road already serves in excess of 15 residential dwellings, in addition to the existing barn, it is not considered that the change of use would lead to an intensification of the access to such an extent that the additional vehicle movements could not be supported by the local highway network. In addition, the Highways Authority has raised no objection to the proposal.

Ecology

13. The County Ecology Advisor has assessed the application and raised no objections, subject to the inclusion of a condition requiring appropriate mitigation and site enhancements.

Affordable housing

14. 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 1,000sqm.

Working with the applicant

15. In accordance with Section 4 of the National Planning Policy Framework, the Planning Authority, 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.

The Planning Authority works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service; and
- 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

16. 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. Prior to the occupation of the development hereby permitted, the parking area s shall be implemented and shall not thereafter be used for any other purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with policies TR2, TR3, TR11 and TR16 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).
3. The curtilage shall not be altered from that shown on the plans hereby approved, at any time.
Reason: In order to maintain the character of the locality, AONB and openness of the Green Belt, in accordance with policies GC1, LSQ1 and GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.
4. Prior to occupation, full details of the means of enclosure to be erected as part of the development shall be submitted to and approved in writing 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.

5. 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 openings, other than those expressly authorised by this permission, shall be inserted or constructed at any time in the building.

Reason: To retain the barn like appearance of the building, to conserve the rural character of the locality and the landscape value of the AONB, in accordance with policies GC1 and LSQ1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

6. 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 - H of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB and general character of the locality, in accordance with policies GC1, LSQ1 and GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the NPPF.

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

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB and general character of the locality, in accordance with policies GC1, LSQ1 and GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the NPPF.

8. C431 Materials to Match Existing Dev

9. Prior to the commencement of development, details of ecological mitigation and enhancements shall be submitted to and approved in writing by the Local Planning Authority. Mitigation measures will be detailed to protect species including bats, breeding birds, badgers, reptiles and great crested newt should they colonise the site prior to construction and include details of a lighting scheme to prevent disturbance to bats and other wildlife. The enhancements scheme will include details of native landscape planting of benefit to wildlife and provision of artificial roost features, including bird and bat boxes.

Reason: In the interests of improving biodiversity in accordance with NPPF and policy CS24 of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

10. AP01 Approved Plans

INFORMATIVES

1. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

CH/2018/0714/FA

Case Officer: Lucy Wenzel
Date Received: 19.04.2018 Decide by Date: 14.06.2018
Parish: Great Missenden Ward: Prestwood And Heath End
App Type: Full Application
Proposal: Erection of new dwellinghouse with integral garage.
Location: Land Adjacent (to North Of) Idaho Cottage
36 Wycombe Road
Prestwood
Buckinghamshire
HP16 0PJ
Applicant: Mr David Breckenridge

SITE CONSTRAINTS

Article 4 Direction
Adjacent to A and B Road
Area Special Advertising Control
Within Chilterns Area of Outstanding Natural Beauty
Within Green Belt other than GB4 GB5
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 requested that this application be determined by the Planning Committee if the Officer's recommendation is to approve it.

SITE LOCATION

The application site is located on the western side of Wycombe Road in Prestwood. The existing property is a two storey dwelling set well back from the road frontage within a spacious plot. Most of the site (including the existing and proposed dwelling) is within an Established Residential Area of Special Character. The rear of the site and the rest of the garden beyond the application site are within the open Green Belt. The whole site is within the Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

The application seeks permission for the erection of a new dwellinghouse with integrated garage. The dwelling measures 11.2 metres in width with a maximum depth of 25.2 metres. The two storey central section measures to a height of 6.5 metres and eaves 4.4 metres. The single storey projecting gable measures to a height of 4.8 metres with eaves measuring 2.4 metres. The dwelling will be constructed from timber cladding and red stock brick with plain clay tiles. The ground floor will accommodate an open plan kitchen, dining room and family area, a utility room, tv room, lounge, toilet and integrated garage. The first floor accommodates a master bedroom with en suite, another bedroom with en suite and two further bedrooms with a separate bathroom.

A Pond Survey, Design and Access Statement, Arboricultural Report and Preliminary Ecological Assessment were submitted along with the application.

RELEVANT PLANNING HISTORY

CH/1992/0557/OA - Two detached houses and garages, closure of existing and construction of new vehicular access to serve proposed dwellings and Idaho Cottage, refused permission.

CH/2015/1304/OA - Erection of one detached dwelling, retention of existing dwelling (outline application for access and layout), conditional permission.

PARISH COUNCIL

The committee oppose this proposed development on the following grounds:-

- The loss of an important ecological habitat for a variety of species but in particular the Great Crested Newt and the Grass Snake.
- That the tree report is inadequate with no survey of some substantial trees but simple estimates of measurements. It fails to address what long term protection there would be for these trees the roots of which fall within an area scheduled for excavation. The District Council's Tree Officer indicates that these trees would dominate the building leading to possible future concerns over safety, debris and light. In addition in order to meet highways requirements it would appear to be necessary for a substantial mature ash tree to be felled.
- The proposed development would be out of character. The layout and density is out of keeping with adjoining and nearby properties which have average plot sizes of in excess of an acre whereas this development would be on a plot under half that size.
- The proposed development would be overbearing due both to the size the proposed new house and the fact that it would be within 7 metres of the adjoining property and would overlook the neighbouring property.
- Although the adjoining property is not a listed building it appears to have potential to be listed and has been described by the Historic Buildings Officer as "undoubtedly of some special heritage interest". As such the impact of the proposed development on that heritage asset should be considered.
- The proposed development would impact on the public visual amenity created by the existing historic building fronted by an open area and large pond. Set within the Chilterns Area of Outstanding Natural Beauty.

REPRESENTATIONS

43 letters of objection have been received which have been summarised below:

- The proposed development would block the view to the cottage.
- The development will prevent the movement of Great Crested Newts from the pond in front to countryside to the west.
- Reptiles such as grass snake will also be affected.
- The proposed house is set 40 metres from the original pond, meaning that there is a high impact to the Great Crested Newts.
- A wide range of species are present on site including Great Crested Newts, Grass Snakes, Pipistrelle Bats, Song Thrushes and Yellowhammers.
- The development would detrimentally affect existing trees on site.
- The proposed spacing is not in accordance with that prevailing in the area.
- The proposal would have a negative impact on the historical heritage asset.
- The development would negatively effect of number of amenities including increased noise during construction, the privacy of Idaho Cottage.
- There will be road safety issues occurring from the intensified use of the access track.
- There is concern with the increased number of vehicles entering Wycombe Road from the single entrance.
- The development would set a precedent for further similar planning applications in the area.
- The proposed dwelling is out of keeping with the area.
- There is other land in the village which could be used.
- An inappropriate design for the village.

CONSULTATIONS

Chiltern and South Bucks Joint Building Control Service

The drawings are a little sketchy with regard to the access drive but it appears to meet the minimum 3.7m width between kerbs and it will need to be designed to support 12.5 tonnes. Any gates will require a minimum clear width of 3.1m. The hammer head adjacent the garages appears too small as given the length of drive from the road, turning facilities in accordance with Approved Document B5 will also be required. This will require a minimum length of 16.8m, currently appears around 12m.

Buckinghamshire County Council Highway Authority

Wycombe Road is classified as the A4128 and in this location is subject to a speed restriction of 30mph. The application seeks planning permission to erect a new dwellinghouse. In terms of trip generation, I would expect the proposed dwelling to generate between 4-6 daily vehicular movements (two-way). I am satisfied that these additional vehicle movements can be accommodated within the local highway network.

As the existing access onto Wycombe Road is to be intensified, 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 speed limit of 30mph. Having reviewed the submitted plans, I am satisfied that these visibility splays are achievable in both directions from Wycombe Road. Furthermore, the submitted plans propose to widen the existing access to 4.8m. This would enable two vehicles to pass simultaneously alongside pedestrians and cyclists.

In terms of parking provision, three parking spaces are proposed to serve the dwelling. I trust the Local Planning Authority will comment on the adequacy of parking provision provided. 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 subject to conditions.

Chiltern District Tree Officer

The application includes an Arboricultural and Planning Integration Report and a Tree Protection Plan.

There is a mixed hawthorn and holly hedge about 1.8-2.0m in height across the application site more or less in line with the rear of Idaho Cottage. Most of this would be lost apart from a small section by Idaho Cottage. There is also a group of mixed conifers up to about 8m in height in the area beside Idaho Cottage G14. The front part of this group, including a cypress about 8m in height and a yew about 6m in height, is shown for retention but the rear part including two cypresses about 6m in height, a yew about 5m in height and a slightly more distant Irish yew about 6m in height would be lost. None of these is individually important but as a group they do separate the main part of the site from Idaho Cottage.

There is another group of mixed conifers to the north closer to the boundary of the site and all of these would be removed for the proposed house. These include a cedar and a cypress about 15m in height that are both poor specimens and various smaller cypresses. None of these is considered important.

The northern boundary of Idaho Cottage appears to have originally consisted of a mainly holly hedge with various standard trees, particularly large horse chestnuts and ashes growing out of it. More recently a Lawson cypress hedge has been planted beside this on the Idaho Cottage side in the rear half of the front garden with some individual western red cedars planted further forward adjacent to the hedge. The cypresses have been trimmed on the side as a hedge with the rear section about 6m in height and the front section topped at a height of about 3m. The western red cedars have been shaped as individual trees about 3m in height outside the line of the holly hedge. The exact line of the boundary is not clear in this vicinity but the conifers appear to have been planted on the Idaho Cottage side.

There are three large horse chestnuts about 20m in height adjacent to the proposed house T10-T12. These would be about 8-9m from the proposed house and at this distance there should be little root damage although the trees would dominate the building leading to possible concerns from future residents about safety, debris and light.

There is an existing old gravelled track branching off from the main access to Idaho Cottage close to this northern boundary. The first part of this would be used as the access for the proposed house but a new drive further away from the boundary would be constructed closer to the house. The first part would pass by an old

cherry T9 about 8m in height and a younger cedar T8 about 15m in height. I understand that there would be little work to the drive in this vicinity apart from a top dressing with gravel which would not involve any excavation or root damage. There is a large old ash about 20m in height in the hedgerow near the point where the new area of drive starts. Part of the work for this would be within the root protection area of the tree but would be further away from the tree than the existing drive and should only affect a small proportion of the root protection area. In addition there is a line of significant old stem damage on the trunk near the base of the ash so the tree may not have a long-term future.

The front part of the access would use the same drive as Idaho Cottage. CH/2015/1304/OA for an additional house at the front required visibility splays of 2.4m x 43m so it is likely that the requirements for this application would be similar. This would require the loss of the front boundary hedge of Idaho Cottage which is a mixed hedge of mainly holly, hawthorn and rose that is about a metre in height. This could easily be adequately replaced by a higher hedge set behind the visibility splay.

In conclusion I have no objections to the application provided there is adequate protection for the retained trees and hedges. The largest most important trees on the northern boundary may be outside the application site but this is not totally clear.

Chiltern and South Bucks District Historic Buildings Officer

Idaho Cottage is a Building of local interest, but its setting has to some extent been compromised by the construction of the large house in the front garden. This proposal, as amended is very similar to the pre-app on which I commented previously; it is a very simple design in the style of a barn conversion. Subject to the use of appropriate materials and detailing, eg natural slates, dark/ black stained weatherboarding and windows/doors, simple verges and eaves etc, the proposed new house is considered acceptable from the heritage setting aspect.

Ecological Officer

I have reviewed the Preliminary Ecological Appraisal produced by GS Ecology (June 2018) and am satisfied that the presence of protected species has been sufficiently assessed. If minded to approve, the development must be undertaken in accordance with the recommendations of the Preliminary Ecological Appraisal, including obtaining a European Protected Species Mitigation Licence from Natural England and provision of mitigation measures to protect great crested newts.

In accordance with Core Strategy Policy CS24: Biodiversity of the Chiltern District Core Strategy, the biodiversity resources within Chiltern District will be conserved and enhanced. Details of biodiversity enhancements should therefore be provided to ensure a net gain in biodiversity, along with details of the proposed pond and provision of bat and bird boxes.

Recommendation: No objection; if minded to approve please attach conditions.

POLICIES

National Planning Policy Framework (NPPF), July 2018

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS22, CS24 CS25, 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, LSQ1, H4, H11, H12, TR11, TR16.

EVALUATION

Principle of Development

1. The application site is located within the built-up area of Prestwood 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 Area of Special Character in Prestwood where, in accordance with Development Plan Policy H4, proposals for replacement dwellings are acceptable in principle, provided the proposed development is compatible with existing plot sizes, the position of the dwelling within its plots and spacing between dwellings is in accordance with the prevailing character in the vicinity of the site, the form of development should be maintained and the size, design and external appearance of the dwelling should be compatible with existing dwellings.

3. Finally, the site is set within the Chilterns Area of Outstanding Natural Beauty (AONB) and so any development should conserve and, where considered appropriate, enhance the special landscape character and high scenic quality of the area.

Design/Character and Appearance

4. An outline application was submitted in 2015 (reference CH/2015/1304/OA) for the erection of 2 detached dwellings on land to the front and north of Idaho Cottage. During the process of this application, the proposed dwelling sited to the north was removed and outline permission for the access and layout was subsequently granted for the dwelling sited to the front of the plot. Comments were made with regards to the proposed dwelling to the north of the site being out of character with that prevailing along Wycombe Road, the dwelling being sited in too close proximity to the flank elevations of Idaho Cottage and was considered by the Historic Buildings Officer to harm the existing relationship of Idaho Cottage.

5. The current application seeks permission for the erection of a new detached dwelling to the north of Idaho Cottage. Following on from the previous dwelling proposed a number of significant changes have been proposed under this current scheme. The siting of the dwelling within the proposed plot has been shifted further to the north to increase the distance between dwellings and improve the flank-to-flank relationship. The original proposed dwelling was sited 4 metres from the flank elevation of Idaho Cottage but this has been increased to 9 metres at the smallest point, increasing to 13.5 metres from the projecting gable. Correspondingly, the proposed dwelling sited to the north under the 2015 outline application was set approximately 13 metres back from the rear elevation of Idaho Cottage but this has been significantly reduced under the proposed scheme to approximately 5.5 metres. Within the context of the site, the proposed dwelling is appropriately positioned and does not appear cramped or confined within the plot.

6. In further assessing the proposed siting of the dwelling, consideration needs to be made to the Established Residential Area of Special Character. Directly to the south and north are Idaho Cottage and Idaho Farm retrospectively, in which the proposed dwelling will directly follow the set building line. Along this stretch of Wycombe Road, there are two established building lines with one set to the front of plots and the other to the rear and as aforementioned, the proposed dwelling correlates to the rearward set line.

7. The overall design of the dwelling is considered to respect of the prevailing character and appearance of Wycombe Road. The main dwelling structure runs north to south across the plot with a single storey projecting gable positioned on the principal elevation and extending eastwards. The material choices of timber cladding and red stock brick are common within the rural environment of the Chiltern District and provide an appearance of a rural barn. Whilst being sited within an ERASC, there is not one dominant character or design type of dwelling but given that the proposed dwelling is of a simple rural structure it is compatible with both direct neighbouring dwellings and those further along Wycombe Road. Likewise, the form of the dwelling being detached maintains this character feature and the height of the proposed dwelling correlates to the general height of dwellings in the vicinity of the site.

8. The site is set well back from the highway and with the existing plot of Idaho Cottage being sheltered; the construction of an additional dwelling will pose minimal visual change to the street. Existing boundary treatments around the site will be predominately retained with hedging already in situ between Idaho Cottage and the proposed plot for the new dwelling forming a natural boundary line. As well as those existing boundary treatments remaining in-situ, those features on site such as trees, open grassed areas and bushes will be retained. Whilst the site is located in the AONB, it is not considered that the erection of a new dwelling on site would negatively harm the high scenic quality of the area and the special landscape character will not be impinged.

9. The outline approval of a dwelling sited to the front of Idaho Cottage has impinged upon existing character levels and although there is a greater distance proposed from this dwelling to that currently proposed, it is considered that both the street scene and plot character has been compromised. The Historic Buildings Officer has also stated that the proposal is acceptable from a heritage setting perspective.

Residential Amenity Impacts

10. To the south of the proposed dwelling sits Idaho Cottage which has a long rectangular form running north to south across the plot. The northern elevation faces the proposed dwelling and has a minimum level of openings. It is however noted that there are two small scaled projecting dormer windows in this northern flank. A distance of approximately 9 metres separates this flank elevation to the southern flank of the proposed dwelling and with no proposed windows in this elevation there is limited potential for a reduction in privacy levels. As a whole, the southern flank of the proposed dwelling has a limited number of openings as it is acknowledged that this elevation faces Idaho Cottage. It is further accepted that the proposed dwelling will be visible from Idaho Cottage but given the flank to flank relationship the amenity space related to Idaho Cottage will not be detrimentally impacted to a significant degree.

11. To the north of the dwelling is Idaho Farm which is set in alignment with Idaho Cottage. The northern flank elevation of the proposed dwelling sits in close proximity to the boundary line which is shared with Idaho Farm. Due to the design of the dwelling there is only a small portion which would be built at two storeys height thus reducing the potential for overlooking to neighbouring properties. Although it is acknowledged that there are two first floor windows in the northern flank facing Idaho Farm, these are small scale and set at a satisfactory distance from the flank elevation of Idaho Farm to minimise any potential for overlooking or a reduction in privacy.

12. The proposed rear amenity space is of a smaller scale to both direct neighbouring dwellings to the north and south measuring to an approximate minimum depth of 28 metres. Although there is a disparity, those dwellings positioned to the east of the proposed dwelling have considerably smaller plot sizes to which that proposed reflects. Those dwelling sited to the east also falls within the ERASC and so the plot size of the proposed dwelling should correlate to the shape of existing plots within the vicinity of the site that fall within the ERASC. As previously stated, as there is a large variance of plot size and also shape within the direct vicinity to the plot that proposed is considered acceptable. Correspondingly, the level of rear amenity space is suitable for the scale of the proposed dwelling and provides adequate amenity space for future residents.

Parking and Highways

13. It is proposed to utilise the existing access point onto Wycombe Road that currently serves Idaho Cottage as there is an existing driveway leading westwards to the proposed plot. Due to the construction of an additional dwelling on site, this access point will be intensified but the Highways Officer has considered this acceptable due to the increase in access width proposed and the ability to achieve the required visibility splays.

Ecology

14. Taking note of the Ecological Officer's comments, it is concluded that the protected species on site have been sufficiently assessed with appropriate mitigation and enhancement strategies proposed. The Ecologist raises no objection subject to conditions ensuring the protection and enhancement strategies are implemented prior to the commencement of development.

Trees

15. The comments from the Tree Officer are noted and no objection is raised to the application in this regard, subject to conditions ensuring that those trees shown on the Tree Protection Plan be retained and the development permitted be implemented in accordance with the submitted Arboricultural Planning and Integration Report.

Landscaping

16. It is proposed to construct a pond to the front of the dwelling along with tree planting along the western rear boundary and the south eastern boundary. A high level of existing mature tree and hedging on site will be maintained which acts as a natural buffer around the plot and ensures existing landscaping character of the site is preserved. The pond will enhance the ecological value of the site and will aid the protection of the protected special found.

Working with the applicant

17. In accordance with Section 4 of the National Planning Policy Framework, the Planning Authority, 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.

Local Planning Authority works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service; and
- 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 above ground level, named types, or samples of the facing materials and roofing materials to be used for the external construction of the development hereby permitted shall be made available 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.

3 The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural Planning and Integration Report dated 9th April 2018 Ref: GHA/DS/13360:18 and the Tree Protection Plan dated April 2018 by GHA Trees Arboricultural Consultancy. This shall include the use of tree protection fencing and ground protection measures in accordance with these documents.

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.

4 No Category B tree shown to be retained on the Tree Protection Plan dated April 2018 by GHA Trees 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.

5 The development shall be undertaken in accordance with the recommendations provided within the Preliminary Ecological Appraisal produced by GS Ecology (June 2018). No works of site clearance, demolition or construction shall take place until a Great Crested Newt European Protected Species Mitigation Licence has been granted by Natural England. A copy of the licence is to be provided to the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

6 Prior to the commencement of the development, details of the proposed pond as well as built in biodiversity enhancement measures including at least 2x bird nesting and 1x bat roosting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of improving biodiversity in accordance with NPPF and policy 24 of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

7 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.

8 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme a 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 in accordance with the indicative landscape proposal plan BWR-757.

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

9 Prior to the occupation of the development the modified access to Wycombe Road 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.

10 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.

11 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 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 approved dwellings.

12 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, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority. Reason: In order to protect the amenities of adjoining properties in accordance with Policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

13 AP01 Approved Plans

INFORMATIVES

1 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/highways-development-management/apply-online/section-184-licence/

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

2 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

3 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

PL/18/2012/FA

Case Officer: Lucy Wenzel
Date Received: 25.05.2018
Parish: Chartridge

Decide by Date: 01.10.2018
Ward: Ballinger South Heath And Chartridge

App Type: Full Application
Proposal: Conversion of barn into a single dwelling with integral garage
Location: Former Turkey Barn
Chartridge Lane
Chartridge
Buckinghamshire

Applicant: Matthews (2018 Developments) Ltd.

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Area Special Advertising Control
Within Chilterns Area of Outstanding Natural Beauty (AONB)
Within Green Belt other than GB4 GB5

CALL IN

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

The given reason is that on one hand there is considerable local support for the redevelopment of this substantial building which has been an eyesore for many years. On the other hand, there is also significant local concern about the height of the long wooden fence that is proposed/existing.

SITE LOCATION

This application relates to an agricultural building located in the open Green Belt and Chilterns Area of Outstanding Natural Beauty. The site is accessed off Chartridge Lane and an existing access track leading into the site and adjacent site housing Grange Farm Barn. The barn is sited to the southernmost rear of the plot with a large level of amenity space to the front. The barn itself is a 2-storey steel framed structure with curved steel roof trusses and steel supports with bricks between.

The proposed conversion would house one residential dwelling with an open plan kitchen, family room and dining room, utility, snug, office, drawing room, w/c, garden store and garage at ground floor level with four double bedrooms on the first floor of which two are en-suite with two separate bathrooms.

THE APPLICATION

This application proposes the conversion of a barn into a single dwelling with integral garage.

External alterations include the removal and erection of openings across the northern, southern and western elevations. On the northern elevation two new first floor windows will be inserted along with a ground floor door. On the southern elevation, two first floor and one ground floor window will be inserted and on the western elevation the existing ground floor openings will be replaced by new double doors.

Access to the site would be taken from Chartridge Lane which is an existing access point to the site and the adjacent plot known as Grange Farm Barn. A new access track will be erected from this point to the barn.

A Structural Report was undertaken by Chess Structural Consultants was completed in April 2018 and has been submitted with the application.

A Planning Statement has also been submitted the application.

RELEVANT PLANNING HISTORY

CH/2015/1396/FA - Conversion of two existing barns to provide two dwellings and conversion of a third existing barn to provide covered parking with associated hardstanding and landscaping, conditional permission.

The third barn relates to this current application but was never implemented.

PARISH COUNCIL

Chartridge Parish Council neither object nor support the Planning Application. The Parish Council recommends that the following conditions are included if the application is approved:

- Because of prominent hillside location in the AONB, a condition limiting the direction, luminance and timing of any external lighting.
- The proposed development is in a quiet rural village location, any work involving noise-making electrical or mechanical machinery should not take place on Sundays, Bank Holidays or Saturday afternoons.

REPRESENTATIONS

Two letters of objection have been received which are summarised below:

- The site is in the Green Belt and AONB. I accept that the reuse of the building itself would not have an impact on openness. However, the proposed boundary treatment, together with associated domestic paraphernalia including comings and goings, will result in a loss of openness.
- Conditions should be imposed to control the external lighting within the application site.
- Concerns with the height of the existing fence and gates on site which was permitted under CH/2015/1396/FA as this doesn't comply with the permitted scheme.

In relation to this last point of concern, the fencing and gates have been reduced to the approved heights.

One letter of support has been received which is summarised below:

- The barn is an eyesore in the countryside and should be utilised.
- The design in the proposed conversion of the Dutch Barn maintains its original form and character.

CONSULTATIONS

Building Control - Firefighting access

I have no objections or other comments to make.

Chiltern District Tree Officer

The application uses the existing gated access to Barn 01, which is now known as Grange Farm Barn. The application appears to involve no changes to this access or to the line of trees along the boundary with Chartridge Lane. There is a new close-boarded fence about 1.8m in height along this boundary passing through this tree belt, which includes horse chestnut trees about 10m in height.

The proposed conversion, access drive and parking would not require any tree loss.

The Proposed Site Plan shows some landscaping in front of the barn and what appears to be hedging along the western boundary with the other barns.

I have no objections to this application.

Buckinghamshire County Council Highways Authority

The property is situated along Chartridge Lane which is a Class C road with a 30 mph speed limit in the vicinity of the site. The site benefits from pedestrian footway and public transport links in the form of buses to Chesham town.

The proposal seeks planning consent for the conversion of an existing barn into a single dwelling with an integral garage. The site would retain the existing access which benefits from vehicle access gates that are an appropriate distance of 6m from the carriageway edge.

As stated above, the existing access would be utilised. This said the access would need to be upgraded in accordance with the Buckinghamshire County Council standards for a private access which can be secured by way of condition. I am satisfied that the access is of adequate width to serve the proposed development with safety and convenience.

In accordance with current guidance contained within Manual for Streets, the required visibility splays are 2.4m x 43m in both directions to the nearside carriageway edge. I am satisfied that adequate visibility splays can be achieved which can be secured by condition.

Whilst I trust that you will determine whether the parking provision proposed is adequate, I can confirm that there is adequate space within the site for vehicles to turn and egress in a forward gear when the site is at full capacity.

Mindful of the above, the Highway Authority has no objections to this application, subject to conditions.

Ecology Advisor

Recommendation: No objection. If minded to approve, please include the following conditions.

Comments I have reviewed the ecological assessment undertaken by Catherine Bickmore Associates Ltd and am satisfied that the impact of the proposed development on protected species has been given due regard. Overall the habitats within the site have been found to be of relatively low ecological value, however given the historic presence of bats and barn owl, safeguards are required to ensure no protected species are harmed as a result of the proposals. The recommended conditions are in respect of protected species and site enhancements.

POLICIES

National Planning Policy Framework (NPPF), July 2018

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS22, CS24, CS25 and CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, GC4, GB2, GB11, GB30, LSQ1, H12, LB2, TR2, TR11 and TR16.

The Chiltern Buildings Design Guide, February 2010.

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

Sustainable Construction and Renewable Energy SPD - 25 February 2015.

EVALUATION

Principle of development

1. The site is within the open Green Belt where most development is inappropriate development and there is a general presumption against such development. Chapter 13 of the National Planning Policy Framework (NPPF) emphasises the importance of Green Belts and states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

2. Paragraph 146 of the NPPF outlines some exceptions to this, including the re-use of buildings provided that the building is of permanent and substantial construction and provided the development preserves the openness of the Green Belt and does not conflict with the purposes of being included within the Green Belt.

3. Meanwhile, Policy GB2 of the Development Plan permits the change of use of existing permanent and substantial buildings in the Green Belt, in accordance with the other relevant Development Plan policies.

Policy GB11 specifically relates to the re-use of existing non-residential buildings in the Green Belt for residential purposes and states that this will be permitted where the building is of permanent and substantial construction, and has a form, bulk and general design in keeping with its surroundings. In addition, it should be clearly demonstrated to the Council by the applicant that the building was substantially completed at least 10 years before the date of the application; the building should not be in a derelict condition; the amount of new building work required to make the building suitable for residential use should involve such substantial alterations or new building work as to amount to major reconstruction or be tantamount to the construction of a new building, and; the Council must be satisfied that the proposed residential use would not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including within it.

4. Based on the above, it is necessary to consider whether the building to be converted is of permanent and substantial construction and whether the works required to facilitate the conversion would amount to the construction of a new building. A structural report has been submitted with the application, which provides an appraisal of the condition of the existing building. The report confirms that the 'building appears to be in good overall condition considering the age and apparent lack of maintenance that has occurred and its exposure to the weather conditions. There are no significant cracks suggesting the foundations to be of concern. The steel frame is fundamentally sound, as are the external walls.' The Report also concludes that 'none of the defects raises any serious cause for concern but is considered to be indicative of reasonable wear and tear in a building of this age and type. With the recommended repairs and limited upgrading carried out and good ongoing maintenance, this building should give good service and is viable for conversion to residential usage.' The main concern raised is the list of recommendations for the limited strengthening of the barn which includes additional joists to be introduced and gable frame replacement due to corrosion. However, as aforementioned, it is also confirmed that none of the recommended limited strengthening raises any serious cause for concern and the conversion to residential use can be undertaken without requiring a fundamental reconfiguration of the structural frame. Those recommendations relate to internal structures to which are not main components of the barn structure thus do not involve substantial levels of building work. Therefore, based on the structural report, it is considered that the outbuilding is of permanent and substantial construction and its condition means that it can be converted to residential use without the need for extensive building works which would be tantamount to the construction of a new building.

5. In regards to the age of the building, the construction of the barn is considered to be mid-20th century with its construction believed to be interwar. The building itself has been vacant for at least 25 years. A previous planning application submitted in 2015 (reference CH/2015/1396/FA) concluded that the barns existence on site dated beyond 10 years. Accordingly, the proposal is considered to be acceptable in principle, provided it does not have a greater impact on the openness of the Green Belt or conflict with the purposes of including within it.

Green Belt

6. The size of the barn will not increase and therefore the conversion will not in of itself affect the openness of the Green Belt. The access to the building will be taken off an existing access serving Grange Farm Barn with the construction of a spur off this to reach the barn on site. Although the driveway extension will extend from the north to the south of the site as permeable hardstanding can be erected under Permitted Development, it is not considered that the driveway would have a detrimental impact on the openness of the Green Belt. No specific reference is given to the boundary treatments on site, although it is noted that much of the site is already bounded by a mixture of hedging and fencing. It is also noted that fencing could also be erected under Permitted Development Rights and therefore no objection is made in this respect. Although the curtilage of the proposed dwelling would need to have an intimate relationship with the building and include an amenity area which would have some impact on the openness of the Green Belt, the area proposed is sited between the barn and Chartridge Lane and as such would be relatively contained with the barn forming a

barrier between the open Green Belt and amenity space which would most likely contain domestic paraphernalia. As such, it is considered that the harm, if any, would be minimal and therefore the proposal does not represent inappropriate development in the Green Belt and is acceptable in principle.

Design/character & appearance

7. The site is within the Chilterns Area of Outstanding Natural Beauty (AONB) where, in accordance with Local Plan Policy LSQ1, and Policy CS22 of the Core Strategy, development must conserve or enhance the natural beauty of the landscape. Paragraph 172 of the NPPF also states that great weight should be given to conserving AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

8. The Chilterns Buildings Design Guide states that if a barn conversion is to be successful, the building's appearance should not be radically altered and prominent roof lights should be avoided. In this case, the barn roof would be replaced but would remain as existing and the barn in general would retain its simple, agricultural form. A limited number of additional openings are proposed on the northern, southern and western elevations but as the barn already has a number of openings the further additions are not considered to be excessive. Overall, the alterations are not considered to further domesticate the barn as it already has a degree of domestication. Therefore the changes proposed would be sympathetic to the character of the original building and the landscape quality of the AONB.

Residential amenity

9. The barn is located to the east of a development of two residential barn conversions, with one barn conversion used for the parking of vehicles and associated amenity space. The Turkey Barn is adjacent to 'Barn 03' but as this is used as a parking facility there is negligible concern. 'Barn 02' runs parallel to the proposed boundary forming the curtilage of the Turkey Barn but as the barns sit perpendicular to one another with a distance of more than 18 metres between them, it is not considered that the proposed conversion of the Turkey Barn would have a detrimental impact on the amenities of any neighbouring properties.

10. With regard to the amenities of future occupiers of the outbuilding, it would provide adequate light, space and outlook and sufficient outdoor space, particularly so given the location of the site within the Green Belt and adjacent to open fields. An adequate area for refuse bins would also be provided internally.

Parking/Highway implications

11. In accordance with Development Plan Policy TR16, three car parking spaces are required for the proposed dwelling. The plans indicate that these can be accommodated on the driveway area to the east of the site and internally within the garage. As such, the proposal would comply with the Local Planning Authority's parking standards and no objections are raised in this respect.

12. The dwelling will use the existing access serving the adjacent barn development and a new spur is proposed from this access to provide the driveway to the barn. Given that the access point onto Chartridge Lane is existing and is already being utilised by two residential barns, it is not considered that the conversion of the Turkey Barn would lead to an intensification of the access to such an extent that the additional vehicle movements could not be supported by the local highway network. In addition, the Highways Authority have raised no objection to the proposal.

Trees and Landscaping

13. The District Tree Officer has assessed the application and concluded that the proposed conversion, access drive and parking would not require any tree loss and therefore there no objection was raised.

Ecology

14. The County Ecology Advisor has assessed the application and raised no objection. The site has been found to have relatively low ecological value but as there has been historical presence of bats and barn owls, safeguarding conditions are proposed.

Affordable housing

15. For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are now specific circumstances set out in the NPPF (National Planning Policy Framework) 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.

Working with the applicant

16. In accordance with Section 4 of the National Planning Policy Framework, the Planning Authority, 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.

The Local Planning Authority works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service; and
- 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

17. 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 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 openings, other than those expressly authorised by this permission, shall be inserted or constructed at any time in the building.

Reason: To retain the character and appearance of the Turkey barn, to conserve the rural character of the locality and the landscape value of the AONB, in accordance with policies GC1 and LSQ1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

3 Prior to the commencement of development, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the dwellings hereby permitted and thereafter retained in situ, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential curtilage is properly demarcated and to ensure that the boundary fencing is not replaced with a more solid means of enclosure, in order to maintain the openness of the Green Belt.

4 The curtilage of the site the subject of this application shall be demarcated by the boundary treatments agreed under Condition No. 2 of this permission prior to the occupation of the dwellings hereby permitted and this curtilage shall not be altered from that shown on the plans hereby approved, at any time.

Reason: In order to maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB.

5 The development shall be undertaken in accordance with the recommendations provided within the Ecological Appraisal (Catherine Bickmore Associates, 2018). The report provides details of required measures to avoid harm to protected species including, but not limited to, bats, great crested newt, reptiles and birds. An ecological walkover of the site shall be undertaken prior to the commencement of works by a suitably qualified ecologist to confirm the likely absence of protected species and the results submitted to and agreed in writing by the LPA.

Reason: In the interests of improving biodiversity in accordance with NPPF and policy CS24 of the Chiltern District Core Strategy, and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

6 Prior to the commencement of development, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme for mitigation and enhancement shall include but not be limited to:

- the retention of the willow clump in the eastern part of the site which should be rejuvenated by coppice management;
- fallen dead wood and brash should be established in the form of two log piles under the trees to provide habitat for BAP species such as common toad and hedgehog as habitat enhancement;
- the provision of a small pond adjacent to the willows to benefit wildlife;
- installation of 2 No. bird and 2 No. bat boxes on the barn consisting of bird/bat bricks/tubes integrated into the fabric of the building; and
- retained trees, to provide roost features for crevice roosting bats such as pipistrelle, and nesting opportunities for birds such as starling, song thrush and house sparrow.

Reason: In the interests of improving biodiversity in accordance with NPPF and policy CS24 of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

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

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

8 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 - H of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB and general character of the locality, in accordance with policies GC1, LSQ1 and GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the NPPF.

9 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 Class A of Part 2 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB and general character of the locality, in accordance with policies GC1, LSQ1 and GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the NPPF.

10 AP01 Approved Plans

PL/18/2046/FA

Case Officer: Tiana Phillips-Maynard
Date Received: 29.05.2018
Parish: Little Chalfont
App Type: Full Application
Proposal: Replacement dwelling.
Location: Salla Kee
Long Walk
Little Chalfont
Chalfont St Giles
Buckinghamshire
HP8 4AN
Applicant: Mr & Mrs Williams

Decide by Date: 04.10.2018
Ward: Chalfont St Giles

SITE CONSTRAINTS

Article 4 Direction
Area Special Advertising Control
Within Chilterns Area of Outstanding Natural Beauty (AONB)
Within Green Belt other than GB4 GB5
North South Line
GB settlement GB4,6,12,23,H7,13,19

CALL IN

Councillor Phillips has requested that this application is determined by the Planning Committee, if the officer's recommendation is for approval.

SITE LOCATION

The application site accommodates a detached two storey brick dwelling with hipped roof and single storey side garage, on the southern side of Long Walk. The deep curtilage is interspersed with established vegetation, particularly to the front garden. Long Walk is characterised by a semi-rural location and a row of dwellings to the southern side of the road, set within generally spacious curtilages and established vegetation. The dwellings are of varying styles and sizes however they predominantly appear as brick and clay tile buildings.

THE APPLICATION

The application seeks planning permission for a replacement dwelling. Specifically, for the demolition of the existing dwelling and erection of two storey dwelling with attached car port forward of the building line. The dwelling would measure 16.8m in width, 13.9m in depth, with a pitched roof to a height of 8.3m. The carport would measure 6.4m in width and 5.4m in depth, with a flat roof to a height of 2.8m. A twin access driveway is proposed, resulting in an additional vehicular access to Long Walk. The plans show an outbuilding (summer house) in the rear garden. This has been confirmed as permitted development under CH/2018/0637/SA and therefore does not require express planning permission and is omitted from this application.

A Planning & Design and Access Statement, and Arboricultural Impact Assessment report was provided with the original plans.

[Officer note: Amended plans were requested and received with the intention of better integrating with the streetscene. The original scheme was a low pitched hipped zinc roof with otherwise similar appearance to the amended scheme. The amended plans were re-advertised. An additional 'existing floor plan' was submitted as the plan did not match the scale].

RELEVANT PLANNING HISTORY

CH/2018/0637/SA - Application for a Certificate of Lawfulness for a proposed: Two storey side and single storey rear extensions, detached outbuilding and loft conversion to habitable accommodation incorporating rear dormer. Granted.

CH/2018/0896/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 8 metres, a maximum height of 2.95 metres and a maximum eaves height of 2.95 metres. Prior notification not required.

823/52 - House and garage. Conditional Permission. Implemented. Officer note: This is the assumed original permission, as detailed records were not available. It is noted there is another permission which dates to 1955 and was for a bungalow.

PARISH COUNCIL

Objection to original and amended scheme.

Amended scheme comments, received 13.9.18 - Little Chalfont Parish Council considered the recently revised application for this property and agreed to support the objections made to this application from neighbouring properties. In summary, although aspects of the proposed design features have been amended and are more acceptable, the Parish Council continues to object to this application on the grounds of its adverse impact on the amenities of the neighbours (intrusive, overlooking and overbearing) and considers that the siting of the proposed, significantly enlarged main dwelling and the proposed summer house would be inappropriate in view of the property's location in the Green Belt and bordering the Chilterns AONB.

REPRESENTATIONS

Nine letters of objection were received (two of which were for the amended scheme). The objections are summarised as follows:

- Design out of character and incongruous

[Officer note: The scheme was amended to reflect local vernacular by matching the roof pitch of the area and including gable features. It is noted objections remain on amended scheme].

- Zinc roof will stand out and not blend in with street

[Officer note: Amended plans omitted the zinc roof in favour for slate roof]

- Unsympathetic design by virtue of position, style, materials and built form

- Rear balcony would invade privacy to neighbouring private amenity areas

- Car port not subservient and changes building line and character of road

[Officer note: The scheme was amended to push the dwelling back meaning the front carport maintains the existing front building line].

- Light pollution from south windows into AONB

- Proposal beyond allowed green belt increase

- First floor side window looking into Argentia's lounge and dining

- Right of light issues to lounge, dining and overshadowing rear amenity of Argentia

- Impact on access to light to Argentia

2 representations were made in regard to the revised scheme, reiterating comments above, deeming the revised scheme unacceptable.

CONSULTATIONS

District Tree Officer

No objection subject to tree protections measures in the Arboricultural Impact Assessment and Method Statement are carried out.

Ecology

Formal advice pending.

POLICIES

National Planning Policy Framework 2018

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, GB2, GB6, LSQ1, H11, H12, TR11, TR16.

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

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015

Chilterns Building Design Guide

EVALUATION

Principle of development

1. The application is located within an established Row of Dwellings within the Green Belt wherein accordance with Local Plan Policy GB6, the rebuilding or replacing of dwellings is acceptable provided they are sited in a similar location to the original and comply with Local Plan Policies GC1 and GC4. Paragraph 145(e) of the NPPF allows limited infilling in villages and as such Policy GB6 is in conformity with the NPPF.
2. The rear of the application site (outside residential curtilage) is also located within the Chilterns Area of Outstanding Natural Beauty (AONB) where development should conserve and, where considered appropriate and practicable, enhance the special landscape character and high scenic quality of the area.

Design/character & appearance

3. Long Walk is characterised by a variety of large detached dwellings that vary between two storey and chalet style dwellings of varying architectural appearance. Ridge heights for two storey dwellings are approximately 8 metres, and front buildings lines range between 12 and 18 metres, averaging between 15-16 metres from the highway. It is noted that Salla Kee and neighbouring Farleigh are the most forward sited dwellings with a 12 metre setback. The dwellings along Long Walk commonly contain large footprints with distances to side boundaries ranging between 1 and 2 metres. The existing dwelling at Salla Kee is an exception to the built form of the streetscene, by virtue of its forward siting, small footprint and generous side setbacks.
4. Whilst the proposed dwelling is large compared to the existing dwelling at Salla Kee (which is notably smaller than dwellings along Long Walk), it would integrate with the existing pattern of development and would not appear significantly higher than the established two storey ridge levels. The dwelling maintains the existing front building line with a similar siting to existing, in accordance with Local Plan Policy GB6. The proposed dwelling still affords larger than average side setbacks with 2.2 metre gap to the east and 3.6 metre gap to the west. The proposed dwelling is of a contemporary design and would incorporate gable roof

elements and roof pitch to integrate with the streetscene. The proposed materials are yet to be confirmed, but can be subject to a condition. It is considered that brick features with timber and render would not appear alien in the streetscene, and appropriate materials may be secured via condition. By virtue of the similar positioning, size and bulk to other dwellings in the vicinity, the proposed dwelling is considered to integrate satisfactorily within the streetscene and for reasons detailed above, would not have a detrimental impact on the character of the area, complying with Local Plan Policies GC1 and GB6.

5. With regards to size, objections from third parties have noted the house would be materially larger than existing and contrary to Green Belt policy. The site is within an established Row of Dwellings and not the open Green Belt, and as such, Local Plan Policy GB6 applies, which assesses qualitative rather than quantitative elements. It is noted that paragraph 145(e) of the NPPF allows limited infilling in villages under policies set out in a local plan and as the site is within a Row of Dwellings and not the open Green Belt, it is considered Policy GB6 is in conformity with the NPPF. There is no requirement under Policy GB6 for a dwelling to not be materially larger than existing.

6. Nonetheless, a brief quantitative assessment was undertaken given the objections received. The current dwelling has a footprint of 118sqm, and total floor space of 191sqm. A recently issued Certificate of Lawfulness would permit a further 117sqm. Another recently issued Certificate of Lawfulness for a larger extension permits 80sqm. It is noted that only one of these two could be implemented to prevent breaching the limitations of the General Permitted Development Order. When considering the existing floor space and approved floor space under permitted development, the maximum floor space is 308sqm. The proposed floor space is 373sqm, excluding garage and outbuildings. This represents a 21% increase above existing floor space with permitted development allowance. However as noted, Rows of Dwellings within the Green Belt are considered under Local Plan Policy GB6 which is concerned with siting and design and not the material increase. In this sense, the proposed dwelling would reflect the large dwelling sizes and footprints within Long Walk and would not be out of character.

7. The representations received objected to the proposed design and size of dwelling. It is noted Long Walk has a variety of dwelling styles including replacement dwellings, such as Charlecote (being four dwellings to the east, under construction). Charlecote is of a contemporary design that incorporates the design features of the locality, reflecting the design approach for the proposed dwelling at Salla Kee.

8. Furthermore, the NPPF states that where design accords with expectations of policies, design should not be used by the decision maker as a valid reason to object to development (paragraph 130). It is considered that by virtue of incorporating gable features, maintaining front building line and reflecting the bulk and scale of the dwellings within the vicinity, the dwelling accords with policy expectations, and therefore meets the NPPF in this regard.

9. In conclusion, by virtue of the similar positioning, size and bulk to other dwellings in the vicinity, the proposed dwelling is considered to integrate satisfactorily within the streetscene and for reasons above, would not have a detrimental impact on the character of the area, complying with Local Plan Policies GC1 and GB6.

Residential amenity

10. The proposed dwelling minimises flank windows to prevent overlooking to neighbouring properties. The dwelling maintains generous setbacks of 2.2m and 3.6m to flank boundaries to minimise intrusiveness and allows adequate light between buildings. The depth of garden meets the minimum 15m depth requirement as set out in Local Plan Policy H12.

11. The rear balcony is enclosed on the flanks to prevent overlooking, the balcony would therefore only have views to the rear and would not have any greater impact than rear windows. To ensure the privacy of neighbours is maintained, a condition would be imposed to maintain the flank walls of the balcony remain opaque. The size of the balcony would also only afford incidental leisure activities which ensure noise would be kept to a minimum.

12. An objection was concerned with access to light to Argentia, with provided sun diagrams. However, when assessed against 45 degree sight lines and with consideration of the orientation of the site (being north-south orientation) there would be minimal impact on Argentia, and any such impact would only affect the flank elevation. Given these reasons, and the setback of 2.2m to the flank boundary, it is considered there would be no adverse implications having regard to access to light.

Parking/Highway implications

13. In accordance with Council's parking standards, three spaces are to be provided. The proposal includes two spaces within the carport as well as forecourt area. Therefore there are no implications having regard to Council's parking standards.

AONB

14. Objections were received in regard to impact on the AONB. The rear of the application site (outside residential curtilage) is located within the Chilterns Area of Outstanding Natural Beauty (AONB), falling outside the residential curtilage. However, it is considered that by virtue of the similar siting, the architectural vernacular and integration within the wider streetscene, it is considered the proposal would conserve the scenic quality of the AONB.

Ecology

15. Advice regarding ecology has not been received to date. However, it is understood that this is likely to be received well before Committee and as such will be verbally reported to the Planning Committee.

Conclusions

16. The development has been assessed against the Development Plan and is considered acceptable, subject to conditions.

Working with the applicant

17. 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.

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, named types, or samples of the facing materials and roofing materials to be used for the external construction of the development and driveway surfacing 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.

3 The carport hereby permitted shall be reserved for the parking of vehicles and shall not be fully enclosed or converted into habitable accommodation unless approved in writing by the Local Planning Authority.

Reason: To ensure the appropriate provision is made for the parking of vehicles clear of all carriageways and to maintain the character of the area.

4 The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural Impact Assessment and Method Statement Ref TH 1694 dated 27th June 2018 by Trevor Heaps Arboricultural Consultancy Ltd. including and the Demolition Plan in Appendix 10 and the Tree Protection Plan in Appendix 11 of the report. This shall include the use of tree protection fencing, ground protection measures and no-dig construction in accordance with these documents.

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.

5 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/dormer windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time at first floor level or above in the flank elevations of the dwelling hereby permitted.

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

6 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 or B of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: The dwelling is within the Green Belt and adjoins the Chilterns Area of Outstanding Natural Beauty and consequently the Local Planning Authority would wish to properly consider whether any future proposals would accord with National and Local Policies that seek to protect the openness of the Green Belt and preserve the Special Landscape character of the AONB.

7 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, openings or gaps are permitted on the flank walls of the rear balcony hereby permitted, unless such openings are at least 1.7 metres above finished floor level of the balcony.

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

8 AP01 Approved Plans

INFORMATIVES

1 The area of hardstanding hereby permitted shall either be constructed of porous materials, or alternatively provision shall be made for run-off water from the hard surface to drain to an area within the curtilage of the dwellinghouse.

Reason: To prevent the risk of increased flooding and pollution of watercourses.

2 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.

3 It is an offence under S151 of the Highways Act 1980 (as amended) for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

4 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980 (as amended).

5 You are advised that consent under the Building Regulations may be required for the proposed development and the Building Control Unit at the Council should be contacted in this regard.

PL/18/2509/FA

Case Officer: Vicki Burdett
Date Received: 29.06.2018 Decide by Date: 05.10.2018
Parish: Little Chalfont Ward: Little Chalfont
App Type: Full Application
Proposal: Detached dwelling within curtilage with attached garage and creation of a new vehicular access.
Location: Land Adjacent to Giles House and to Rear of Larkes Field
Doggetts Wood Lane
Little Chalfont
Buckinghamshire
HP8 4TH
Applicant: Lois Gastoneaux Ltd

SITE CONSTRAINTS

Article 4 Direction
North South Line
Townscape Character
Established Residential Area of Special Character

CALL IN

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

SITE LOCATION

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

THE APPLICATION

The application proposes the erection of a detached dwelling with attached garage and creation of a new vehicular access.

The site has planning permission already for a new dwelling (CH/2016/0549/FA and CH/2016/0734/FA) and this application follows on from a previous refusal; CH/2018/0075/FA which was determined previously via the Planning Committee.

The proposed detached dwelling would be constructed approx. 18m from the front boundary, 5.53m from the south-east flank elevation (adjoining 'Wynchwood') and 5.1m from the north-west flank elevation (adjoining 'Giles House'). The dwelling would have a width of 15m (17.6m including the single storey side extension at the north western flank) depth of 14m (not including the single storey rear extension) and height of approx. 9m incorporating a crown roof with two front gables and one rear gable.

The proposed detached dwelling would also incorporate an attached garage to the front of the dwelling. The proposed attached garage would be located approx. 2.6m from the front elevation of the proposed dwelling

via a link extension. The garage would have a width of 6m, depth of 5.7m and height of 4.4m incorporating a crown roof. The proposed link extension would have a maximum height of 3.2m with a hipped roof.

Following on from the previous refusal (CH/2018/0075/FA) the main alterations are as follows:

- Overall width reduced by 0.5m
- Single storey side link extension to the garage has been reduced by 3.75m
- Garage has been moved closer to the house reducing the link by 0.6m
- Removal of stone parapets at the front elevation
- Re-design of roof to incorporate hipped and gable features
- Re-design of front porch canopy
- Stone window surrounds removed
- Alterations to front dormers
- External stair has been removed
- Basement door to the lightwell changed to a window

RELEVANT PLANNING HISTORY

CH/2018/0075/FA - Refused - Detached dwelling within curtilage with attached garage and creation of a new vehicular access (amendment to approved planning CH/2016/0549/FA). Reasons for Refusal;

1. The site falls within an Established Residential Area of Special Character and the Chiltern and South Bucks Townscape Character Study (November 2017) refers to Doggetts Wood Lane as a high quality example of the "Woodland Roads" and "Green Suburban Roads" character typologies, with a small area of high quality "Open Plan Suburban", and is particularly well preserved and maintained. The proposed dwelling would, due to its overall width, sprawling single storey elements, projecting front linked garage and its design, with Georgian appearance, parapet roof, and uncharacteristic front dormer windows, appear overly prominent in the street scene. It would not be reflective of the general appearance and scale of other dwellings in this area and, as a result, would appear out of character, adversely affecting the character and appearance of the locality. As such, the proposal is contrary to Policies GC1 and H4 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).

2. The proximity of the external rear staircase and entrance/openings for the entertainments room and cinema to the boundary with the neighbouring property, Giles House, are likely to result in disturbance to this adjacent property. This would be detrimental to the amenity of occupiers of this neighbouring property, contrary to Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

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

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

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

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

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

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

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

PARISH COUNCIL

Little Chalfont Parish Council made the following comments (29th August 2018):

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

REPRESENTATIONS

Three letters of objection have been received raising the following concerns:

- Dormer windows at the front are contrary to the street scene
- Request that the frosted glass at the front dormers are conditioned
- Revised application does not fully consider the earlier refusal on the point of a sprawling single storey element
- First floor and basement parts of the development at the rear significantly extend beyond the building line with Giles House and into an area behind the garden of Larksfield
- Negative amenity impacts on neighbouring properties
- Visible projecting flank wall adversely affects the enjoyment of the garden at Larksfield

CONSULTATIONS

Chiltern District Tree Officer

No alterations have been made to the landscaping details, as such the previous comments provided by the Tree Officer (under application CH/2018/0075/FA) still stand:

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

Buckinghamshire County Council Highways Authority

Raised no objections to the previous application (CH/2018/0075/FA).

POLICIES

National Planning Policy Framework

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies - GC1, GC2, GC3, GC4, H4, H11, H12, H16, H17, H18, H20, TR2, TR11 and TR16.

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

EVALUATION

Principle of development

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

Design/character & appearance

2. In regards to the reasons for refusal under planning application CH/2018/0075/FA, the main issues relate to the appearance of the dwelling from the street scene and specifically referred to the overall width of the dwelling, sprawling single storey elements, projecting front linked garage, Georgian appearance, parapet roof and uncharacteristic front dormers. This latest application is considered to satisfy the first reason of refusal relating to design by reducing the width of the dwelling by 0.5m, reducing the depth of the link extension and moving the attached garage closer to the house, the removal of the parapet roof at the front elevation and replacement with two front gables and alteration to the front dormers to be small with hipped roofs.

3. The proposed design alterations would allow the dwelling to be less 'Georgian' style and to appear less prominent in the street scene of Doggetts Wood Lane. As such, it is considered that the latest design amendments would satisfy the first reason for refusal under application CH/2018/0075/FA and the proposed dwelling would comply with Local Plan Policies GC1, H4, H11, H16, H17, H18, H20 and Core Strategy Policy CS20.

Residential amenity

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

5. The second reason for refusal under CH/2018/0075/FA related to the close proximity of the external rear staircase and entrance/openings for the entertainments room and cinema to the boundary with the neighbouring property, Giles House which is likely to result in disturbance and detrimental impact to their amenities. Following the revised scheme, the external staircase has been removed but retained at the other side. Furthermore, there is no longer any entrances to the basement from the north-west flank elevation adjoining Giles House and the other entrance at the south-east flank elevation is retained which was not considered detrimental to the amenities of Wynchwood under CH/2018/0075/FA.

6. As such, it is considered that the removal of the external staircase and entrance at the north-west flank elevation next to Giles House would satisfy the second reason for refusal under application CH/2018/0075/FA and the proposed dwelling would comply with Local Plan Policies GC2 and GC3.

Parking/Highway implications

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

Conclusions

8. To conclude, the revised scheme is considered to overcome the previous reasons for refusal and is recommended for approval.

Working with the applicant

9. 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.

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

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1. C108A General Time Limit

2. C433 Materials General Details

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

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

4. No tree or hedge shown to be retained on the plans hereby approved shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. Any distribution of soil within the site or its removal from the site shall take place prior to any building works hereby permitted commencing above ground level. The submitted details shall also include details of the likely number of traffic movements associated with the removal of any soil from the site. The development shall then be implemented in accordance with the approved details.

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

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

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

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

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

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

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality.

8. Before the first occupation of the dwelling hereby permitted the windows at first floor level in the side flank elevations shall be fitted with obscured glazing and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

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

9. 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/dormer windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time at first floor level or above in the flank elevations of the dwelling hereby permitted.

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

10. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part of the roof of the single storey rear extension hereby permitted shall be used as a balcony or roof terrace, nor shall any access be formed thereto.

Reason: To safeguard the amenities of the occupiers of the adjoining properties.

11. AP01 Approved Plans

PL/18/2713/PNR

Case Officer: Emma Showan
Date Received: **06.07.2018** Decide by Date: **01.10.2018**
Parish: **Seer Green** Ward: **Seer Green**
App Type: Prior Notification Retail/Sui-generis
Proposal: **Prior notification under Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 - Change of use from shop (Use Class A1) to residential to form part of existing single dwelling (Use Class C3).**
Location: **Seer Green Post Office
36 Chalfont Road
Seer Green
Buckinghamshire
HP9 2YG**
Applicant: **Mrs S Patel**

SITE CONSTRAINTS

Article 4 Direction
Asset of Community Value
Adjacent to C Road
Adjacent to Unclassified Road
Adjacent Listed Buildings
Mineral Consultation Area
North South Line
Townscape Character
Established Residential Area of Special Character

DESCRIPTION OF DEVELOPMENT

Prior notification under Class M of Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 - change of use from shop (Use Class A1) to residential to form part of existing single dwelling (Use Class C3).

The application relates to a mixed use premises comprising of a post office (Use Class A1) and a residential dwelling (Use Class C3). The site is located within the built-up area of Seer Green, along the main road through the village. It is sited within a row of residential dwellings, across the road from the Holy Trinity Church.

PREVIOUS PLANNING HISTORY

CH/2017/1985/FA - Change of use from a mixed use comprising a post office (Use Class A1) and dwelling (Use Class C3) to one residential dwelling (Use Class C3). Refused permission as the applicant failed to provide evidence that the retail premises is commercially unviable.

CH/2001/1720/FA - Single storey side/rear extension, conditional permission.

CH/1984/0760/FA - Construction of loft to form two bedrooms for residential use, refused permission.

CH/1981/2007/FA - Erection of a single storey shop extension, porch and loft conversion including construction of dormer windows.

PUBLICITY

Site notice posted 26th July 2018.

OFFICER CHECK

1. Building last used for one of the uses referred to in Class M(a) on 20th March 2013 - Yes
2. Permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule of the Use Classes Order has been granted only by this Part - No
3. The cumulative floor space of the existing building changing use under Class M exceeds 120 square metres - No
4. The development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M - No
5. The development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point - No
6. The development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order) - No
7. The building is on Article 2(3) land, in a site of special scientific interest; in a safety hazard area; in a military explosives storage area; a listed building; or a scheduled monument - No

CONSULTATION RESPONSES

Parish Council

Full objection is available to view on the Council's website. To summarise: The Parish Council firmly believes it is critically important to retain this A1 premises which is considered to be a community asset located in the centre of the village and therefore wishes to object to this planning application.

Buckinghamshire County Council Highways Authority

'I can confirm that the development proposed would be unlikely to result in a material increase in traffic generation or a material change in the character of the traffic associated with the site.

Therefore, the Highway Authority has no objections to this application, and in this instance has no conditions to suggest be included on any planning consent that you may grant.'

Chiltern District Council Estates Officer

None received at time of drafting report.

Environmental Health Officer

'The proposed development involves the change of use from a shop to residential to form part of an existing dwelling.

The Council's historical maps do not indicate that the site has had a previous potentially contaminative use. There have been buildings on site since 1960-1976. The Post Office appears to have been located on site since this period.

There is an existing garden to the rear; presumably this belongs to the existing dwelling. It is unlikely that the development will involve any ground works.

No objection subject to the inclusion of a contaminated land condition.'

PUBLICITY RESPONSES

106 letters of objection and one petition containing 99 signatures received and summarised below:

- Post office is important in the community/community value
- Hub of village
- Vital service for residents and local businesses
- Loneliness of elderly who used to frequent the post office
- Closure of facilities has an adverse impact on residents in small villages
- Lack of resources in village
- Business is still viable
- Valued local facility
- The Post Office has affirmed their commitment to a functioning Post Office in Seer Green
- Contrary to Chiltern District Local Plan
- Support for the post office as a community asset
- No serious attempt to market the premises - overpriced and minimal online presence
- Closure of post office has been an inconvenience
- Not necessary for business to close
- Seer Green village plan states that the Parish Council will encourage support for village retail and business activities
- Scope for someone else to run the post office
- Change of use would be irreversible
- To go to another post office would require travelling by car which increases emissions
- Applicant has a conflict of interest
- It has not been proven beyond all reasonable doubt that the business is not viable
- Loss of purpose built commercial unit
- No alternative locations for the post office
- Using another post office requires cost of petrol and parking
- Lack of consideration for the community
- Need to wait for outcome of Community Asset Listing
- Insufficient provision of A1/A2 Class of shops and services
- Visual impact of converting the shopfront
- Village life being eroded
- Opportunity for a community project in this location
- Undemocratic
- Nothing has changed since the previous refusal

7 letters of support summarised below:

- Preserving the post office is unrealistic
- Unfair on a couple who have served the village for years and who now wish to retire
- There are other suitable properties to be run as post office
- Premise is unviable
- Refusal of the application would delay the inevitable
- Seer Green has another parade of shops which provide the services the post office did
- Most people don't use the post office
- Post office is located on a dangerously congested bend and it is likely that new commercial premises in this location would be refused on highways grounds
- The Baptist Church Community Centre is being considered as an alternative venue to run limited Post Office counter services
- The size of the commercial space would be undesirable for other businesses
- There are three other post office outlets within 3 miles of Seer Green
- A dwelling would be more in keeping with the road and reduce the parking on a busy junction

- Other alternatives such as hiring a mini bus to make the trip to Jordans to support the Village Store/post office here

EVALUATION

1. Transport and highways impacts of the development

The County Highways Officer has assessed the impact of the proposed development in terms of the impact on the highway network, including net additional traffic generation, access arrangements and parking provision. They are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. As such, Prior Approval is not required for this element.

2. Contamination risks in relation to the building

The Council's Environmental Health Officer has assessed the impact of the proposed development in terms of the contamination risks in relation to the building. It is considered that there is no indication that the site has had a previous potentially contaminative use and so Prior Approval is not required for this element, although a condition requiring the reporting of unexpected contamination is considered necessary, should contamination be found when carrying out the approved development.

3. Flooding risks in relation to the building

The site lies outside the Environment Agency Flood Zones 2 and 3 and, as such, no objection is raised with regard to flooding risks in relation to the building. Therefore, Prior Approval is not required for this element.

4. Impact of the change of use on adequate provision of services of the sort that may be provided by a building falling within Class A1 or Class A2 where there is a reasonable prospect of the building being used to provide such services or where the building is located in a key shopping area

It is noted that the site is not located within a key shopping area. In addition, it is noted that this consideration only relates to the impact of the provision of A1 (shops) uses or A2 (financial and professional services) uses. A post office is not a use in and of itself but rather falls within the A1 Use category which includes other shops, irrespective of what goods they are selling. The assessment cannot therefore take into account the impact of the loss of the post office, but instead, will take into account the loss of a retail unit in this location.

To support the application, the Applicant has marketed the property for 3 months and has provided financial statements to support the claim that the current business is no longer viable. The post office has also been closed since November 2017. It is therefore necessary to ascertain whether there is a reasonable prospect of the building being used to provide A1 or A2 services. The footprint of the existing A1 unit is approximately 40 square metres and there is no designated parking. Meanwhile, parking to the front is restricted by way of yellow lines and parking restrictions. Furthermore, the shop/post office use is not self-contained, with some shared facilities with the residential use and the residential areas cannot be used or disposed of separately from the shop/post office area. These factors limit the desirability of the premises for an alternative commercial use.

It is also noted that there are a number of convenience stores located within walking distance of the application site and there are three filling stations with retail shops located within a 2-3 mile radius of the site also. As the post office is not a use class in itself, the application must be assessed as a retail A1 unit in relation to the other A1 uses provided in the area.

Nonetheless, there have been numerous letters in support of re-opening the premises as a post office or other A1 retail use, although no viable proposition for taking on the post office has come forward. Consideration is therefore given to an appeal decision made against the decision of the London Borough of Wandsworth against a refusal to grant approval required under Class M of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. In his decision, the Inspector

stated: '...it is clear that the current business that is operated from No 161 is valued by the local community and considered important in meeting their day to day needs. However, Class M requires me [the Inspector] not to assess the loss of a use or particular business but whether, if a retail unit is lost this would have an undesirable impact on the adequate provision of services within an area.' He goes on to say: 'I am aware of the concerns raised by the Council and a number of third parties that for some users, particularly children, the elderly or those with mobility issues that the distance to alternative facilities would be significant. However, I consider that given the limited increase in distance that some people would need to travel to alternative shops the provision of shops within the area would remain adequate albeit they would be reduced.' It is therefore concluded that even with the loss of the A1 retail use, the provision of services would remain adequate and so the appeal is successful.

Taking into account the above appeal decision, it is acknowledged that the post office has been of value to the local community and there is extensive local support for its continued operation. However, the post office is not a use class and so the application must be assessed as the loss of an A1 use. In this respect, it is acknowledged that there is an existing parade of shops within close reach of the application site and this includes two A1 uses and there are also three filling stations within close proximity of the site which also offer convenience goods. It is also noted that the post office business ceased trading at the end of 2017 and no other business has since operated on the site. On this basis, it is considered that if the retail unit were no longer to operate, then an adequate provision of shops providing a variety of services in the local area would still be maintained and the community's ability to meet their day to day needs, in accordance with the requirements of Paragraph 70 of the National Planning Policy Framework, would be retained.

Attempts have been made to list the unit as a 'Community Asset' and in this respect the comments of the Council's solicitor are noted. It is stated that having regard to all the circumstances of the case, the possibility of re-establishing a community use that would further the social wellbeing or social interests of the local community in the former shop/office at a time in the next five years is not realistic. In addition, given the constraints of the site and the close relationship between the retail and residential uses on site, it is stated that the prospect of the owners sharing occupation with either a commercial or community organisation operating a community use from the ground floor shop/storage area does not appear to be practicable and therefore is not considered to be realistic. Therefore the site has not been successfully listed as a Community Asset and so retains its permitted development rights.

Given the above, it is concluded that the provision of services within the area whilst reduced would remain adequate and given the constraints of the site and close relationship between the commercial and residential uses on site, it would not be realistic or practicable for a commercial or community use to be run independently from the residential use on site. Therefore it is considered acceptable for the building to change to a use falling within Class C3 (dwellinghouses).

5. Impact of the design or external appearance of the building

The proposed alterations required to convert the premises rely predominantly on internal alterations. The only external changes proposed are the replacement of the existing shop windows and door with a single window and new front door. One metre high railings are also proposed along the front boundary. Given the modest scope of the alterations, these are not considered to materially alter the appearance of the property and no extensions are required. Furthermore, the erection of railings can take place under Permitted Development. It is also noted that the site is located within a stretch of residential dwellings of varying character and appearances. As such, it is considered that Prior Approval is not required for this element.

CONCLUSION

In accordance with the provisions of Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no objection is raised in regards to transport and

highways impacts; contamination risks; flooding risks; the desirability for the building to change to a use falling within Class C3; and the design or external appearance of the building, and so Prior Approval is not required in these respects. A condition requiring the remediation of contamination should it be discovered is considered necessary, but no details are required to be submitted to the Local Planning Authority prior to the commencement of development.

RECOMMENDATION: Prior Approval Given

Subject to the following conditions:-

1 In accordance with the provisions of Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no objection is raised in regards to transport and highways impacts; contamination risks; flooding risks; the desirability for the building to change to a use falling within Class C3; and the design or external appearance of the building, and so Prior Approval is not required in these respects. A condition requiring the remediation of contamination should it be discovered is considered necessary, but no details are required to be submitted to the Local Planning Authority prior to the commencement of development.

2 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and, where remediation is necessary, a remediation scheme shall be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

PL/18/2774/FA

Case Officer: Lucy Wenzel
Date Received: 20.07.2018
Parish: Penn
App Type: Full Application
Proposal: **Redevelopment of site (plots 15 and 16) to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and laying of associated hardstanding**
Location: **Woodchester
Woodchester Park
Knotty Green
Buckinghamshire**
Applicant: **Zafiro Homes**

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
North South Line
Tree Preservation Order
Tree Preservation Order (A/G/W)
Townscape Character

COMMITTEE CALL IN

The application has been called to Committee by Councillor Waters should the recommendation be for approval.

SITE LOCATION

The site is located to the north of Knotty Green along Woodchester Park. The site has been subject to a number of planning applications for the accommodation of new dwellings on site. Within the site surroundings the dominant dwelling type is that of large detached properties sited within spacious plots with a mixed character type.

THE APPLICATION

The application seeks planning permission for the redevelopment of the site (plots 15 and 16) to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and laying of associated hardstanding.

Plot 1 would consist of a detached two storey dwelling with accommodation within the roofspace. The property would contain 5 bedrooms spread over the first and second floor. It would have a maximum width of 12.8 metres, depth of 16.5 metres and gable fronted hipped roof height of 10.1 metres and an eaves height of 5.4 metres.

Plot 2 would consist of a detached two storey dwelling with accommodation within the roofspace. The property would contain 5 bedrooms spread over the first and second floor. It would have a maximum width of 13.5 metres, depth of 16.5 metres and gable fronted hipped roof height of 10.2 metres and an eaves height of 5.3 metres.

Plot 3 would consist of a detached two storey dwelling with accommodation within the roofspace. The property would contain 5 bedrooms spread over the first and second floor. It has a maximum width of 11.5

metres, depth of 16.5 metres and gable fronted hipped roof height of 10.2 metres with an eaves height of 5.5 metres.

The two double detached garages will serve plot 1 and 2. They will have a maximum width of 6.3 metres, depth of 6.5 metres and pitched roof height of 5 metres.

The carport will serve plot 3. It will have a maximum width of 6 metres, depth of 6 metres and pitched roof height of 4.9 metres.

The access would be taken from Woodchester Park.

A Planning Statement and Arboricultural and Planning Integration Report have been submitted with this application.

RELEVANT PLANNING HISTORY

CH/2011/1283/SA. Application for a Certificate of Lawfulness for a proposed operation relating to the erection of three detached dwellings and garages (Plots 14, 15 and 16) as approved under application reference CH/1989/1316/OA and CH/1989/2497/DE. Certificate granted.

CH/2012/0782/FA. Demolition of existing dwelling and erection of five detached dwellings and garages, refused permission.

CH/2012/1807/FA. The application proposes the demolition of the existing dwelling and the erection of five detached dwellings and garages, refused permission. Subsequent Appeal Dismissed.

Due to the scale, orientation and proximity to side boundary Plot 17 would overwhelm and dominate the outlook from the rear garden and impair living conditions at No.4 Latimer Way to a significant degree.

Due to the depth, height and proximity to side boundary Plot 18 would have an overbearing effect on the occupiers of Hawthorn House when in the rear garden and rear conservatory and impair living conditions of these neighbours to a significant degree.

CH/2013/1906/FA. Redevelopment of site to provide three dwellings and one detached garage, creation of two new vehicular accesses and laying of associated hardstanding, conditional permission.

CH/2016/0914/FA - Redevelopment of site to provide two dwellings and one detached garage, creation of two new vehicular accesses and laying of associated hardstanding (amendment to Plots 15 and 16 of planning permission CH/2013/1906/FA), conditional permission subject to a legal agreement.

CH/2018/0122/FA - Redevelopment of site to provide two new dwellings and one detached garage, creation of two new vehicle accesses and laying of associated hardstanding (amendment to planning permission CH/2016/0914/FA), conditional permission subject to a legal agreement.

PARISH COUNCIL

No comment.

REPRESENTATIONS

Six letters of objection have been received which have been summarised below:

- A great deal of mature greenery/screening/trees has been cut down on the site.
- This application seems to represent the increasingly usual tight infilling which does not fit with the existing nature and style of Woodchester.
- Planting should be used to ensure rightful privacy is not destroyed.
- Considerations of housing density, tree removal and an increase in disruption caused during an extended length of redevelopment are all of concern.

- The development will cause serious harm to our own residential amenity in terms of privacy, quality of life and outlook.
- The proposed constructions are too high, too close, too obtrusive and too dense.
- The dwellings are sited too close to the rear boundary of the site.
- The level of openings in the rear elevation is too high.
- The garden depths proposed will increase the sense of enclosure which does not correlate with the rural setting.

CONSULTATIONS

Chiltern and South Bucks Building Control - Fire Fighting Access

Having studied the documentation online I am able to confirm that the proposed design appears satisfactory with regard to the requirements for Fire Brigade Access. Disabled access and facilities appear adequate.

Chiltern District Tree Officer

Tree Preservation Order No 5 of 2012 protects a group of three pines and a sycamore, and a group of four pines and a maple on the front boundary of the application site, as well as a horse chestnut beside Latimer Way. The application includes a further revision of the Arboricultural and Planning Integration Report.

Most of the trees within the site have been cleared since planning permission CH/2016/0914/FA was approved including the line of golden cypresses G2, for which the proposals were not clear in that application. However most of the larger trees around the boundaries remain and there is now hoarding along the front boundary. There has been some re-grading of the ground levels to remove the bank at the edge of the old tennis court on Plot 16 and there are now piles of soil and rubble over this tennis court area.

Since CH/2018/0122/FA was granted permission earlier this year the new access for Plot 16 has been constructed and there has been some further tree removal on the site. Two beech trees shown for retention under the previous applications have been removed recently. These are T5 beech and the beech tree in G7 that was within the site, using the numbers from the earlier tree survey. Both were useful amenity trees that also provided screening from Hawthorn House. In addition the laurel on the rear boundary of Plot 16 has been removed leaving only a few poor cypresses.

This felling took place before the revised Arboricultural and Planning Integration Report was prepared as these trees have been omitted from the survey and plans and the tree numbers in the survey have been revised to reflect their loss.

In addition the Leyland cypress to the north of the recently-constructed access for Plot 16 has been removed. This was G14/T14 under the previous survey and is T12 in the current survey. Under CH/2018/0122/FA this tree was shown for removal on the Site Plan but for retention on the Tree Protection Plan. The current proposals show the same confusion with the tree removed on the Proposed Site Plan but retained on the revised Tree Protection Plan. The tree report also proposes the removal of G3 and T4 suggesting that the report was revised without a further visit to the site.

The current application proposes three houses on Plots 15 and 16 rather than the two houses previously approved. Plot 1 would use the new access proposed under CH/2018/0122/FA whereas Plots 2 & 3 would both use the recently-constructed access for Plot 16.

No additional trees are shown for removal but trees at the rear of the site have recently been removed and the re-grading of the levels close to the front boundary trees is likely to have caused some root damage. One of the TPO Scots pines on this boundary has recently died, perhaps related to root damage and another tree is showing signs of decline. The Tree Preservation Order would require that this should be replaced.

The proposals show double garages for Plots 1 & 2 within the root protection areas of the TPO trees and there is a general statement in section 6.7 of the revised Arboricultural and Planning Integration Report that these would use "specialised foundations to minimise root disturbance". The revised Arboricultural and Planning Integration Report and the Tree Protection Plan also show no-dig construction and ground protection measures in these areas to reduce future root damage but it is likely that some damage has already occurred.

Overall I have concerns about the increasing tree loss on the site and the increasing stress on the retained trees but theoretically the current proposal should have little additional impact on the remaining trees if all the precautions listed in the tree report are followed. Consequently I would not object to the application provided there is adequate protection for the retained trees including appropriate foundations and levels for the garages. There should also be suitable replacement planting for the trees removed on the rear boundary.

An amended site plan has been received following the concerns over the removal of the rear boundary treatments. The site plan shows the addition of trees along this rear boundary line.

Buckinghamshire County Council Highways Authority

I note that the Highway Authority has provided previous comments for this site, most recently for application no. CH/2018/0122/FA, which in a response dated 27th February 2018, the Highway Authority had no objection subject to conditions.

This application differs from the previous application because the proposals include the redevelopment of the site to provide three dwellings instead of two on Plots 15 and 16.

In terms of trip generation, I would expect the proposed dwelling to generate between 4-6 daily vehicular movements (two-way). Therefore, overall the three dwellings have the potential to generate in the region of 18 daily vehicular movements (two-way). I am satisfied that these vehicular movements can be accommodated within the local highway network.

The three dwellings would be served by two access points. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a speed limit of 30mph. I am satisfied that sufficient visibility splays can be achieved from both access points within land owned by the applicant or within the extent of the publicly maintained highway.

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

POLICIES

National Planning Policy Framework (NPPF), July 2018

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, 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, H11, H12, H18, TR2, TR3, TR11, TR16 and TW3.

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

EVALUATION

Principle of Development

1. The site is located within the built up area of Knotty Green where, in accordance with Local Plan Policy H3 of the Adopted Chiltern District Local Plan, proposals for new dwellings are acceptable in principle, provided there is no conflict with any other policy in the Development Plan, and providing that the proposed development is compatible with the character of those areas 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. In addition, Core Strategy Policy CS20 also states that the Council will require that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness.

3. All other relevant Development Plan Policies should be complied with.

Design/character & appearance

4. The application site currently comprises a vacant plot of land along Woodchester Park which has been subject to a number of previous planning applications. The wider site has been granted numerous planning permissions for the erection of four detached dwellings and a detached building comprising four apartments. The application site was originally granted permission for the erection of two substantial sized detached dwellings in 2013 (reference CH/2013/1906/FA) with two subsequent applications being submitted in 2016 and 2018 (reference CH/2016/0914/FA and CH/2018/0122/FA) for amendments.

5. The current proposed scheme seeks permission for the erection of three detached dwellings covering a similar width of built form across the site as the permitted two dwellings but there will be an increase in built form across the central depth of the site due to three plots being proposed. Taking into account the plot size, whilst these are reduced from the original approved planning application for the erection of two dwellings, they correspond well to plots 14A and 14B which have been granted permission to the north of the application site and to the wider surrounding area. The style, design and spread of development within the plots will reflect the design and appearance of Plots 14A and 14B and those surrounding dwellings and so will not interrupt the already established and permitted street pattern. The proposed dwellings will have frontages which face onto the highway with detached garages sited in front of the prevailing building line. The garages remain set back from the highway and consequently are not considered to be detrimental to the character of the street scene.

6. The design of the dwellings has been carefully considered to integrate well with Plots 14A and 14B. Living accommodation in the proposed dwellings is set over three levels and is partly achieved through the inclusion of rear dormers that allow for habitable accommodation in the roofspace. The appearance would be of two storey properties with further accommodation in the roofspace and the presence of a third floor would not be easily discernible from the front elevation. Plots 1 and 2 are proposed to have two rear dormers with plot 3 having one on the rear. The dormers would be small scaled and are not considered to dominate their respective roof slopes. Furthermore, the proposed dwellings would be of a similar height to others along Woodchester Park and when viewed in comparison to plots 15 and 16 which were originally granted permission on the application site. The proposal is in-keeping with the prevailing development type in the area, with the dwellings being detached and their design and proportions being considered compatible with the character of the existing dwellings in the vicinity.

Neighbouring Amenity

7. The site slopes from north west to north east so the proposed dwellings would appear of a larger scale when viewed from the rear amenity space of the rear neighbouring dwellings; Hawthorn House and Tinkersfield. Whilst acknowledging this, the two previous permitted dwellings had similar ridge heights thus although there is an increase in dwelling numbers the overall scale in terms of height remains the same and no previous objections were raised with regards to neighbouring amenity impacts.

8. With three dwellings currently being proposed concern has been raised to the increase in depth of development across the central section of the site as a result of the additional dwelling on plot 2. On the previous permitted applications, either dwelling tapered in scale towards the middle of the site in order to minimise impacts to the rear neighbouring dwellings. In contrast to this, the erection of the dwelling in plot 2 has reduced the distance and as such impinged upon the rear-to-rear relationship with Hawthorn House. The erection of a dwelling in plot 2 has decreased the distance to the rear boundary line by 8 metres at its minimum. However the bulk of this increase is at ground floor level with the minimum distance between the rear elevations of Hawthorn House and the proposed dwellings of 29 metres. This distance is considered to be substantial and does reduce the potential for overlooking and encroachment upon privacy both in terms of

the rear elevation windows and the rear amenity space of Hawthorn House. Given the layout of the site the dormer windows would face towards the rear amenity space and rear elevation of Hawthorn House and Tinkersfield which due to the fall of the land are set below that of the proposed plots 1, 2 and 3. However as aforementioned, the rear-to-rear elevation distance is measured as a minimum of 29 metres, therefore it is considered that this separation is acceptable. Substantial screening has also been proposed along the rear boundary line of the site and this will aid in reducing a loss of amenity. Given the siting and separation between the proposed dwellings and the rear neighbouring properties, it is considered that the resultant relationship is acceptable.

9. The proposed rear amenity space varies for each of the proposed plots measuring to a minimum distance of 8 metres for plots 1 and 2 and 12 metres for Plot 3. The gardens of all plots increase to between 14 to 16 metres in depth with this variation occurring from the L shaped rear elevation design. In comparison to other dwellings in the surrounding development, plot 14B has a varying garden depth of between 10 metres to 15.5 metres and so those proposed on plots 1, 2 and 3 are compatible. Within the wider surroundings along Woodchester Park there is variation in rear amenity space and so those proposed are considered acceptable. Correspondingly, the level of rear amenity space is suitable for the scale of the proposed dwellings and they provide adequate amenity space for future residents.

Parking/Highways implications

10. The two access points proposed under application CH/2018/0122/FA are also proposed to serve the three dwellings. Taking note of the Highways comments, it is considered that the access points can achieve the required visibility splays and the highway can satisfactorily accommodate the increase in vehicular movements. Plots 1 and 2 are proposed to have double garages sited with plot 3 having a double carport. With the dwellings measuring at over 120 square metres in footprint, three parking spaces are required to meet the parking standard in Policy TR16. With two spaces per dwelling being able to be accommodated within the garages/car port, the hardstanding sited to the front of all three dwellings can house the additional spaces required. Therefore there are no concerns raised.

Trees

11. The Tree Officer has stated that concerns are raised regarding the increasing tree loss on the site and the increasing stress on the retained trees. Overall however, there is no objection in principle subject to adequate protection being implemented for the retained trees and suitable replacement planting for the trees removed along the rear boundary. Conditions on the planning permission will ensure that no harm comes to the existing trees on site and that the trees as shown on the site plan are planted along the rear boundary edge.

Affordable Housing

12. As the proposal seeks planning permission for the erection of three dwellings on site and as the application site forms part of a larger site in Woodchester Park, the combination of site areas measures at over 0.5 hectares. As such, in line with the NPPF the applicant must enter into a unilateral undertaking to pay a total of £75,000 towards off-site affordable housing for this proposal based on a contribution of £25,000 per plot.

Working with the applicant

13. In accordance with Section 4 of the National Planning Policy Framework, the Planning Authority, 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.

The local planning authority works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and

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

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

Human Rights

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

RECOMMENDATION: Defer-minded to approve subject to the prior completion of Legal Agreement. Decision delegated to Head of Planning and Economic Development

Subject to the following conditions:-

1 C108A General Time Limit

2 Before any construction work commences above ground level, named types, or samples of the facing materials and roofing materials to be used for the external construction of the development hereby permitted shall be made available 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.

3 The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural and Planning Integration Report dated 18th July 2018 Ref: GHA/DS/888:18 and the Tree Protection Plan Rev H dated July 2018 by GHA Trees Arboricultural Consultancy. This shall include the erection of tree protection fencing in accordance with the Tree Protection Plan, the use of no-dig construction and ground protection measures as proposed in the report and the use of specialised foundations for the garages to minimise root disturbance.

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.

4 No tree or hedge shown to be retained on the Tree Protection Plan Rev H dated July 18 by GHA Trees 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.

5 Before any construction work commences, full details of the means of enclosure to be retained and erected along all external boundaries of the site and between the individual gardens of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure along the external boundaries of the site shall be constructed, erected or planted prior to the commencement of any other construction work on the site and the approved means of enclosure between

the individual gardens shall be erected prior to the occupation of that dwelling and shall be maintained as such thereafter.

Reason: To safeguard the visual amenities of the locality and the privacy of the adjoining properties.

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

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

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

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

8 No other part of the development shall begin until the new means of access to serve Plots 14, 15 and 16 have been sited and laid out in accordance with the approved drawing.

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

9 The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

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

10 AP01 Approved Plans

INFORMATIVES

1 The applicant is advised that a licence 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 period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information or apply online via Buckinghamshire County Council's website at

<https://www.buckscc.gov.uk/services/transport-and-roads/licences-and-permits/apply-for-a-dropped-kerb/>

Transport for Buckinghamshire (Streetworks)
10th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
01296 382416

2 It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be

so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

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

4 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

PL/18/2794/FA

Case Officer: Emma Showan
Date Received: 23.07.2018 Decide by Date: 21.09.2018
Parish: Amersham Ward: Amersham Town
App Type: Full Application
Proposal: Construction of new detached dwelling with new detached double garage
Location: Plot 4 (15A Clare Park)
Amersham
Buckinghamshire
HP7 9HW
Applicant: Norland Homes

SITE CONSTRAINTS

Article 4 Direction
Critical Drainage Area
North South Line
Townscape Character
Thames Groundwater Protection Zone GC9

CALL IN

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

SITE LOCATION

The application site is located along Clare Park, a residential cul-de-sac in the built-up area of Amersham. Clare Park is characterised by two storey, detached residential dwellings with forward facing garages. The properties are of similar proportions and have a similar character. They are also set back from the highway with wide open frontages which gives the area a spacious character.

THE APPLICATION

This application proposes the construction of a new detached dwelling with new detached double garage.

The proposed dwelling would have a maximum width of 10.8 metres, depth 13.6 metres and pitched roof height of 8.7 metres, with an eaves height of 5.5 metres.

It would be served by a detached double garage with a maximum width of 6.1 metres, depth of 6.7 metres and pitched roof height of 4.9 metres, with an eaves height of 2.4 metres. The garage would be sited to the rear of the dwelling and would be served by an access onto Clare Park.

RELEVANT PLANNING HISTORY

CH/2010/0546/VRC - Variation of Condition 6 of planning permission CH/2009/1668/FA to allow the erection of a 1.8 metre close boarded fence surrounding only part of the application site before commencement of development, conditional permission.

CH/2009/1668/FA - Four detached dwellings; three with detached double garages and one with an attached garage, all served by a new access onto Clare Park, conditional permission. Permission implemented in part; 3 of the 4 dwellings have been erected.

CH/2007/1716/OA - Outline planning permission for four detached dwellings; three with detached double garages and one with an attached garage, all served by a new access onto Clare Park. Refused permission on grounds that the width of plot 3 is substantially narrower than any other plot within Clare Park and would not be in keeping with the spacious layout of the properties within Clare Park. As such, the proposal would not be compatible with the character of Clare Park and would have a detrimental impact on the character, appearance and layout of the street scene. Appeal dismissed.

CH/2007/0079/OA - Outline planning permission for four detached dwellings; three with detached double garages and one with an attached garage, all served by a new access onto Clare Park. Refused permission on grounds that Plot 2 would appear visually intrusive and overbearing to the occupants of Rosewood.

TOWN COUNCIL

Recommend refusal - Members have some concern about the height of the proposed dwelling in relation to the neighbouring properties.

REPRESENTATIONS

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

- Changes to the levels compared with the previously approved scheme will lead to an overbearing dwelling
- The ground level of the site has been raised since the previous application
- Concern regarding fence boundaries (no other properties have front fences as is proposed here) and loss of trees
- Changed location (dwelling will be further forward than previous dwelling) will be overbearing to No. 15
- Loss of light
- Intrusive, oppressive and dominating structure which would impact on amenity and light to No. 16
- This application would not comply with the sight line and levels requested as part of planning application

CH/2009/1668/FA

CONSULTATIONS

Buckinghamshire County Highways Authority

I note the Highway Authority has provided previous comments for this site, most recently for application no. CH/2013/1863/OA, which in a response dated 13th January 2014; the Highway Authority had no objection subject to conditions.

The property is situated off a private drive at the end of the cul-de-sac, Clare Park. The proposal seeks planning consent for the construction of a new detached dwelling with a detached double garage.

The proposed development has been considered by the County Highway Authority who has undertaken an assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The Highway Authority has no objections to this application.

Building Control Officer

No comment.

POLICIES

National Planning Policy Framework (NPPF), 2018.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, H3, H11, H12, 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 Amersham 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. It is also noted that this application follows on from planning permission CH/2009/1668/FA for four detached dwellings; three with detached double garages and one with an attached garage, all served by a new access onto Clare Park which received conditional permission. This application relates to one of the four units proposed within the 2009 application. The other three units have already been erected but Plot 4 has remained free from development. The proposed dwelling is comparable with the previously approved dwelling on Plot 4 in terms of its proportions and siting but a modest single storey rear extension has been added as part of this proposal.

Design/character & appearance

4. This application proposes the erection of a two storey detached dwelling. The dwelling would be comparable to the dwelling as approved as part of CH/2009/1668/FA in terms of its appearance and proportions, but a minor single storey rear infill extension is proposed. Fenestration alterations are also proposed but no additional windows are included as part of this application. The garage would remain set back from the dwelling with the access being taken to the east flank of the proposed property. In terms of the siting of the dwelling, it is noted that the proposed dwelling would be stepped forward of No. 15, but this would be marginal and it would be stepped back from the front elevation of No. 16. This would help the proposal to integrate with the street scene with properties along this row all being stepped back to varying degrees from the highway. The proposed dwelling would also retain adequate distance between its flank walls and the boundaries so as not to appear overly cramped or at odds with the local pattern of development. It is noted that there have been a number of objections received raising concern that that the amended siting since the previous application would be contrary to the sight line plans previously approved however it is not considered that the siting would be detrimental to the streetscene as the proposed dwelling would still be sited neatly between the front elevations No. 16 and No. 15. In addition, concerns regarding the proposed levels are noted, however these concerns can be dealt with by way of condition to ensure that any dwelling erected on site would not exceed the height of its neighbours to such a degree that there would be a detrimental impact on the street scene. Finally, it has also been stated that the proposed erection of fencing at the front elevation would be detrimental to the character of the area where other properties have open frontages. However, the section of fencing proposed to be erected would only be for a short section of 3 metres which is extremely modest and it would be set back from the highway so that an area of grass verge would still separate the fencing from the highway. This is considered to be acceptable and the open character

of the area would be sufficiently retained. It is also noted that fencing can usually be erected under Permitted Development rights.

5. Overall it is considered that the erection of a dwelling in this location would be acceptable and the proposed design/proportions of the dwelling would integrate with the character of the area and the existing pattern of development along Clare Park. The concerns raised by neighbours are noted, but where required, these can be dealt with by way of condition.

6. In terms of the concerns raised by the Town Council, the proposed dwelling would have a comparable ridge height to the previously approved dwelling and a lower eaves height. The previously approved dwelling had a height of 8.5 metres which compares to the dwelling proposed within this application which has a height of 8.7 metres and eaves height of 5.5 metres. The difference of 0.2 metres to the overall ridge height is considered to be minimal and therefore is acceptable. A condition requiring the submission of a levels plan will also ensure that the dwelling would not appear unduly prominent in the streetscene alongside its neighbours.

Residential amenity

7. Planning permission has already been granted for a dwelling on this site and no issues were previously raised with regards to neighbouring amenity. In this instance, the proposed dwelling would be comparable in terms of its proportions to the previously approved dwelling. Although neighbours have raised concern that the dwelling would be sited further forward than previously agreed, the movement forward is marginal and the dwelling would still be set slightly back from the front elevation of No. 16 and only 1 metre further forward than No. 15. Given that 3.3 metres would separate the two properties, this relationship is considered to be acceptable. Meanwhile, to the rear, although the property would extend to the rear beyond No. 16 by 2 metres, 4 metres would separate the two properties and the proposed dwelling would not project to the rear beyond the rear elevation of No. 15 also. The garage serving the proposed dwelling would also be broadly in line with the siting of the other garages serving the neighbouring properties. Although neighbours have raised concern that amended land levels would lead to the erection of a dwelling that is overbearing and dominant, a condition requiring the submission of a levels plan prior to the erection of the dwelling would ensure that the property has an acceptable relationship to its neighbours. It is also considered that adequate separation would be retained to prevent the proposal from appearing overbearing. Lastly, a condition requiring that the first floor flank bathroom windows are to be opaque glazed would prevent intrusion into either adjacent neighbouring property.

8. In terms of private amenity space for the proposed dwelling, 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 12 metres which is below the 15 metre recommendation. However, it is noted that the other properties within the row have comparable garden depths and no objections were previously raised as part of the 2009 application so no objection is raised in regards to the proposed garden size.

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

Parking/Highway implications

10. The dwelling would exceed 120 square metres and so, in accordance with the provisions of Development Plan Policy TR16, three car parking spaces would be required. The site plan indicates that adequate space for in excess of 3 vehicles can be provided within the proposed double garage and along the driveway and so no objections are raised in this respect.

11. The application has been considered by the County Highway Authority who has undertaken an assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. No objections are therefore raised in this respect.

Sustainability and access

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

Affordable housing

13. 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 and so no affordable housing is required in this instance.

Working with the applicant

14. 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.

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 Before any construction work commences, named types and details 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. The works shall then be carried out in accordance with the approved details.

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

3 Prior to the commencement of any works on site, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the 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.

4 Prior to the commencement of development hereby approved, the 1.8 metre close boarded fences surrounding the application site shall be erected in accordance with details shown on drawing no. 18 CPH SL01 received by the Local Planning Authority on 23rd July 2018 and shall be maintained as such thereafter.

Reason: To protect the amenities and privacy of the approved dwelling.

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 The first floor windows in the flank elevations of the dwelling hereby approved shall not be glazed other than with obscured glass, at any time.

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

7 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 dwelling hereby permitted.

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

8 AP01 Approved Plans

INFORMATIVES

1 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)

2 You are advised that consent under the Building Regulations may be required for the proposed development and the Building Control Unit at the Council should be contacted in this regard. (SIN41)

3 It is an offence under S151 of the Highways Act 1980 (as amended) for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site. (SIH23)

4 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980 (as amended). (SIH24)

The End

1. Purpose of Report

To recommend changes to the delegation arrangements on Planning Enforcement matters to take account of the recent approval of the Local Enforcement Plan.

RECOMMENDATION

That the revised delegations as set out in the Appendix to the report be agreed and recommended to Full Council for approval.

2. Reasons for Recommendations

The recommended revised arrangements will provide the mechanism for the effective delivery of the Local Enforcement Plan.

SUBJECT	Delegation Arrangements on Planning Enforcement
REPORT OF	Cllr Peter Martin
RESPONSIBLE OFFICER	Steve Bambrick
REPORT AUTHOR	Joanna Swift
WARD/S AFFECTED	All wards

3. Content of Report

- 3.1. The Local Enforcement Plan was approved at Cabinet on 1st May 2018.
- 3.2. The Plan brings about significant changes to the processes that will be followed in receiving and assessing information about alleged breaches of planning control.
- 3.3. The current delegated arrangements give officers authority to serve requisitions for information about ownership of land and Planning Contravention Notices. In cases of urgency the Head of Legal and Democratic Services has power in consultation with the Head of Planning and Economic Development and Chairman of the Planning Committee to serve a range of enforcement notices and apply for injunctions. The Head of Planning and Economic Development also has power to take direct action to remove offending development with the action taken being reported to the next meeting of the Planning Committee. Apart from these delegations the current arrangements require all enforcement action to be authorised by Planning Committee
- 3.4. In order to ensure the efficient operation of the recently approved Local Enforcement Plan it is considered the current arrangements require review. In

particular, the requirement for the planning committee to authorise the service of enforcement notices adds time and operational costs to the wider process.

Current work on assessing the backlog of enforcement activity indicates that there will be a significant increase in the service of notices in the coming months. Plainly, this pipeline of work will stretch the current arrangements even further.

- 3.5. The new arrangements proposed would give delegated authority to the Head of Planning and Economic Development on all enforcement matters with a requirement for consultation with the Head of Legal and Democratic Services on the service of notices and instigation of legal proceedings. The decision to serve a Stop Notice, Temporary Stop Notice or to apply for an injunction would be made in consultation with the Chairman of Planning Committee (or in his absence the Vice – Chairman). Any direct action taken would continue to be reported to the next Planning Committee as required under the current delegations. A service level agreement would be prepared between the Planning service and the Legal service. This agreement would identify the timescales for undertaking consultation and providing legal advice. This is intended to ensure legal issues are properly considered when issuing notices and instituting proceedings but allow more streamlined decision - making particularly on the serving of enforcement notices. This revised process would also address many of the current issues and complaints about the enforcement service which focus on the time taken for notices to be served where necessary.
- 3.6 Whilst the proposed revised delegations are directly to officers, it is acknowledged that members of the Planning Committee and local members will continue to expect a degree of engagement in the wider process. It is on this basis that senior officers will ensure that they raise issues with ward members as would be appropriate to the proposed notice or action concerned.
- 3.7 A similar report is being submitted to the Cabinet and Planning Committee at South Bucks seeking views on the proposed new arrangements.

4. Consultation

The contents of this report have been discussed with the Portfolio Holder and Chairman of the Planning Committee.

5. Options (if any)

There are a variety of options for delegating decision-making for enforcement matters based on a combination of factors including the ability of officers to serve an extensive or a more restrictive range of notices. The proposed delegations are based on national best practice and seek to ensure the Council can deliver the recently introduced Local Enforcement Plan in an effective and timely manner.

6. Corporate Implications

- 6.1 Financial – There are no direct financial implications from this report.

Planning & Economic Development PAG
Planning Committee
Cabinet
Full Council

25 September 2018
4 October 2018
16 October 2018
13 November 2018

- 6.2 Legal – Enforcing breaches of planning and advertisement control is a statutory power which requires investigation of factual and legal issues to determine whether a breach has taken place, as well as a decision as to whether it is expedient to take action having regard to relevant planning policy considerations.
- 6.3 Whilst the report does not have any direct implications on any other corporate matters, it has the potential to send out very strong signals about the Council’s willingness to take positive and proportionate enforcement action where necessary.

7. Links to Council Policy Objectives

The proposal supports the objectives of conserving the environment and promoting sustainability as well as delivering cost-effective, customer-focused services

8. Next Steps

Following consideration by Planning Committee and Cabinet the proposed revisions to the Scheme of Delegations will be reported to Full Council for approval and the Constitution updated accordingly

Background Papers:	None other than referred to in this report
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CDC Constitution PART 7 Section B Scheme of Delegations to Officers

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Planning and Economic Development	<p>Authority to decide whether it is expedient to take enforcement action and to prepare, issue, serve, amend or withdraw, or, in case of injunctions, apply for:</p> <ul style="list-style-type: none"> (i) Enforcement Notices, including Listed Building Enforcement Notices; (ii) Stop Notices including Temporary Stop Notices; (iii) Injunctions restraining breaches of Planning Control; (iv) Notices under Section 215 of the Town and Country Planning Act 1990 Act relating to untidy land; (v) Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990; and (vi) Planning Contravention Notices under Section 171 C of the Town and Country Planning Act 1990. 	In consultation with the Head of Legal & Democratic Services and in respect of Stop Notices, Temporary Stop Notices and Injunctions after consultation with the Chairman of Planning Committee (or in his/her absence the Vice- Chairman).	C206	
	Take any necessary follow up action including the administration of a simple caution and instituting prosecution proceedings for non-compliance with any enforcement action.	Any prosecution proceedings to be instituted in consultation with the Head of Legal & Democratic Services	C207	
	Serving notice requiring contravening work to be pulled down, removed or altered or taking other direct action in respect of a breach of planning control.	Any action taken shall be reported to the next meeting of the Planning Committee	C208	
	Serve requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990, or Section 16 of the Local		C209	

CDC Constitution PART 7 Section B Scheme of Delegations to Officers

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	Government (Miscellaneous Provisions) Act 1976.			
	Making minor amendments to conditions, reasons for refusal and enforcement notices where this does not affect the substance of the Committee's decision.		C206	
	Exercising powers to control the display of advertisements in breach of the Town and Country Planning (Control of Advertisements) Regulations 1992 and fly-posting under Sections 224 and 225 of the Town & Country Planning Act 1990, including the institution of prosecution proceedings as necessary.	Prosecution proceedings to be instituted in consultation with the Head of Legal & Democratic Services.	C210	
	Deferring enforcement action pending an appeal against a refusal of planning permission		C211	
Head of Legal & Democratic Services				
	<p>Prepare, issue and serve, or, in case of injunctions, apply for:</p> <ul style="list-style-type: none"> (i) Enforcement Notices, including Listed Building Enforcement Notices; (ii) Stop Notices including Temporary Stop Notices; (iii) Injunctions restraining breaches of Planning Control; (iv) Notices under Section 215 of the Town and Country Planning Act 1990 Act relating to untidy land; (v) Breach of Condition Notices under Section 187A of the 	<p>Following Planning Committee approval to take action and in consultation with the Head of Planning & Economic Development except in cases of emergency when action may be taken in consultation with the Head of Planning & Economic Development and the Chairman of Planning Committee (or in his/her absence the Vice-Chairman). Urgent action shall be reported to the next meeting of</p>	C454	

CDC Constitution PART 7 Section B Scheme of Delegations to Officers

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<p>Town and Country Planning Act 1990; and</p> <p>(vi) Planning Contravention Notices under Section 171 C of the Town and Country Planning Act 1990.</p>	<p>the Planning Committee</p>		
	<p>Serve requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990, or Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>		C455	
	<p>In circumstances where further Enforcement Notices were being issued to withdraw any Enforcement or Stop Notice (but without prejudice to the power to serve another as circumstances warrant).</p>	<p>In consultation with the Head of Planning & Economic Development</p>	C456	
	<p>Deferring enforcement action pending an appeal against a refusal of planning permission.</p>	<p>In consultation with the Head of Planning & Economic Development.</p>	C457	
	<p>Institute legal action in respect of failure to respond to a requisition for information as to interests in land, or to a Planning Contravention Notice under Section 171 C and D of the Town and County Planning Act 1990.</p>	<p>In consultation with the Head of Planning & Economic Development</p>	C458	
	<p>Institute prosecution proceedings for breach of Town and Country Planning (Control of Advertisements) Regulations 1992 or for fly-posting contrary to Section 224 of the Town and Country Planning Act 1990</p>	<p>In consultation with the Head of Planning & Economic Development</p>	C459	



Appeal Decision

Site visit made on 17 July 2018

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/X0415/W/18/3194341

7 Oxford Street, Lee Common, Great Missenden, Buckinghamshire HP16 9JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr P Barrett against the decision of Chiltern District Council.
 - The application Ref CH/2017/0999/VRC is dated 24 May 2017.
 - The application sought planning permission for alterations, single storey side/rear extension and conversion of garage to elderly relative's annexe without complying with a condition attached to planning permission Ref 94/1274/CH/FA, dated 7 December 1994.
 - The condition in dispute is No 3 which states that: The converted garage and extension thereto hereby permitted shall only be occupied by an elderly relative of the occupier(s) for the time being of the property currently known as 'The Old Shop', No 7 Oxford Street. If and when such occupation is no longer required, the building hereby permitted shall only be occupied as ancillary accommodation for the main dwelling and shall not be occupied as an independent unit of residential accommodation.
 - The reason given for the condition is: Because this permission is granted having regard to the special circumstances of the case and because the Council would not be prepared to permit the creation of a second unit of accommodation on this site.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is necessary having particular regard for its stated purpose of ensuring that the converted garage is not used as a separate unit of accommodation.

Reasons

3. Planning permission 94/1274/CH gave consent for the conversion (and extension) of a garage to form an elderly relatives annexe. Condition 3 of that decision appears to have been drafted to prevent its occupation as an independent dwelling so that a second unit of accommodation would not be created at the site. Both main parties have agreed that in order to prevent the occupation of the annexe as an independent dwelling, at the time of the decision, a condition was necessary as the building included all the elements which would be required for it to function as an independent dwelling.

4. The Council have not objected to the principle of an additional dwelling in this location but have raised concerns over the parking arrangements and the impact on the amenity of the future occupiers of the new dwelling and/or the occupiers of 7 Oxford Street.
5. In respect of the number of parking spaces required for both dwellings, it is noted that the current dwelling (including the annexe) has three spaces. Given that, it is reasonable to conclude that two of those spaces would be associated with the main dwelling, with the remaining space associated with the one bedroomed annexe.
6. The Council have indicated that the parking standard for the one bedroomed property would be two spaces. Notwithstanding that standard, I consider that the provision of one space for the property would be sufficient for everyday needs of the future occupants of the dwelling given its limited size and likely occupancy. I also consider that the remaining two spaces on site could provide adequate provision for the existing dwelling, particularly as this reflects the current situation at the site.
7. Notwithstanding that, the location of one of the two spaces for No 7 would be located directly in front of the kitchen window to the proposed dwelling. To my mind, the comings and goings of vehicles, together with headlights during the hours of darkness, would cause an unacceptable nuisance to the future occupiers of the dwelling.
8. In coming to that view, I acknowledge that a similar situation exists at the present time. However, the annexe (or ancillary accommodation) is currently linked to the occupants of No 7 as a single household and therefore there is a degree of control over any harm that would arise. Should I allow this appeal, that degree of control would be lost with the future occupants having no control over such vehicle movements.
9. Turning to the proximity of the respective dwellings, the new dwelling is sited much further back into the site than that the main dwelling. However, this is also the case now. The principal impact of the creation of an independent dwelling would be in relation to additional boundary treatment which would be necessary to ensure that the occupiers of each dwelling would have adequate private amenity space. Whilst the occupation of the current annexe as an independent dwelling would invariably result in an increase in domestic activities at the site, to my mind, this would not result in an unacceptable degree of harm to the occupiers of No 7, or provide an unacceptable living environment for the occupiers of the new dwelling. However, that does not outweigh the harm I have already identified.
10. The Council have referred to Policy H14 of the Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001) (LP) in their reason for refusal. However, this policy is concerned with extensions and I find that the appeal proposal does not conflict with this policy.
11. In respect of Policies TR11 and TR16 of the LP, these set out the number of parking spaces required for new development. Whilst the proposal does not strictly accord with the provisions of these policies, I have already considered that the number of off-street parking spaces provided is appropriate for the development proposed, including the residual amount of spaces for 7 Oxford

Street. Consequently, the failure to comply with the requirements of these policies does not weigh against the development.

12. Turning to Policy H19 of the LP, this outlines a blanket approach that the Council will not grant planning permission for the retention of a self-contained residential annexe without compliance with the restriction limiting its occupancy to relatives (amongst other situations). However this approach does not consider whether such a proposal would result in any material planning harm. Notwithstanding that, in this case, I have found harm and the proposal is clearly contrary to this policy.
13. For the above reasons, the location of one of the required parking spaces for 7 Oxford Street would result in unsatisfactory living conditions for the future occupiers of the new dwelling contrary to Policies GC3, H7, and H19 of the LP and Policy CS26 of the Local Development Framework Core Strategy for Chiltern District (2011) which amongst other matters seek to ensure that a good standard of amenity for the future occupiers of development is achieved.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 23 July 2018

by **S Rennie BA (Hons) BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 August 2018

Appeal Ref: APP/X0415/Z/17/3191391

Former Holy Cross Convent Site, Gold Hill East, Chalfont St Peter, Buckinghamshire

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Yourlife Management Services Ltd against the decision of Chiltern District Council.
 - The application Ref CH/2017/1524/AV, dated 9 August 2017, was refused by notice dated 26 October 2017.
 - The advertisement proposed is for a non-illuminated advert of 2.4 metres by 73.2 metres on the site hoarding for a temporary period to May 2018.
-

Decision

1. The appeal is allowed and express consent is granted for the display of non-illuminated advert of 2.4 metres by 73.2 metres on the site hoarding for a temporary period to October 2018 as applied for. The decision is subject to the five standard conditions set out in the Regulations and the following non-standard condition:
 - 1) The advertisement hereby approved shall be removed from the site in its entirety on or before 1 October 2018.

Procedural matter

2. During the process of this appeal, the month of May 2018 past. This was the original date that the advertisement subject to this appeal was to remain in place. The appellant has stated that the construction work at the site is continuing and therefore the hoarding around the site perimeter is still in place for health and safety reasons, with the advertisements on this hoarding. They now wish the advertisement to remain until the building is occupied in October 2018. The Council has been informed of this and has returned comments.

Main Issue

3. The main issue is the effect of the signs on the visual amenity of the area.

Reasons

4. The proposed advertisements are attached to the hoardings around the current construction site and are in place. They cover a large area, being essentially the full height of the hoarding and extending approximately 74m, fronting an adjacent highway.

5. This is primarily a residential area where advertisements are not common. However, the proposed advertisements relate to the development being constructed behind the hoardings. In such a scenario I do regard this type of advertisement as common and typical. It is assumed when the development is complete the hoarding and the advertisements would be removed, but in any case the appellant has stated that they wish to retain the advertisements until October this year.
6. The advertisements, being non-illuminated, are not overly prominent or particularly unattractive within this setting and do not result in any significant detriment to the character of the area. Also it is important to note that the advertisements would only be in place for a relatively short time.
7. The advertisements do not dominate views of the site, especially being against the backdrop of tall mature trees. I accept the advertisements cover a large area, but this is essentially the area of hoardings that are typically required around a large construction site, but would not be a permanent feature of the area.
8. I acknowledge that some occupiers of neighbouring dwellings would be able to see the advertisement, but I do not regard this as resulting in any significant detriment to the amenity of these neighbours, especially considering the advertisement is non-illuminated.
9. I note comments from interested parties that the advertisement is adjacent to a Conservation Area. However, I have no details before me of the extent of this Conservation Area and note that the Council questionnaire states that the site is not adjacent to such a heritage designation. I have therefore not considered the appeal based on the effect of the advertisement to any adjacent Conservation Area.
10. I have no evidence that the proposed advertisements would be (or has been until present) a hazardous distraction for drivers on adjacent highways. The advertisement is not illuminated and is set back from the highway edge. As such, I do not regard the advertisement as resulting in an overly distracting hazard to highway users.
11. Consequently, there would be no conflict with Policies GC1 and GC3 of The Chiltern District Local Plan, Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, Policy VC1 of the Chalfont St Peter Neighbourhood Plan 2013-2028. These policies seek to, amongst other things, require development to respect the character of the village centre at Chalfont St Peter, be of a high standard of design and protect neighbour amenities.
12. For the reasons outlined above the appeal should be allowed. As well as the standard advert conditions, the consent will also be subject to a non-standard condition for the removal of the signage by 1st October 2018, as the appellant proposes.

Steven Rennie

INSPECTOR



Appeal Decision

Site visit made on 17 July 2018

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2018

Appeal Ref: APP/X0415/W/17/3191276

274 and 274A Chartridge Lane, Chesham, Buckinghamshire HP5 2SG

- 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 Visao Limited against the decision of Chiltern District Council.
 - The application Ref CH/2017/1552/FA, dated 11 August 2017, was refused by notice dated 9 November 2017.
 - The development proposed is the retention and alterations to existing houses, and erection of one 2 bed detached house, one 3 bed detached house and two 4 bed semi-detached houses together with associated parking and open car ports, amenity space and landscaping, including alterations to existing vehicular access.
-

Decision

1. The appeal is dismissed.

Application for costs

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

Procedural Matters

3. The Council have described the application as the 'redevelopment of site incorporating a two storey extension to each of two existing dwellings, construction of four additional dwellings with associated car ports, parking, landscaping and alterations to existing vehicular access'.
4. Whilst the Appellant has not utilised this description on the appeal form, it appears to me that the Council's description of the development more accurately reflects the development proposed.
5. From the evidence before me, there appears to have been some confusion over which plans had been taken into account when the Council determined the application. Having sought clarification from the Council, the plans which the Council took into account included a revised access arrangement which included alterations to the existing service road. The Appellant has also submitted these drawings with the appeal submission.
6. However, the red-line of the planning application does not include the land where the alterations to the highway would be. An amended red-line plan has been submitted with the appeal submission to include this extra land.

7. There has also been additional plans submitted relating to the provision of a bin storage area within the site adjacent to the turning head and revised swept path analyses relating to refuse vehicles and fire tenders.
8. In deciding whether to accept these plans, I am mindful of the principles of the Wheatcroft case (Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another 1982).
9. In this case, the documents and plans which the Council determined the application on included the revised access arrangements and representations received on the appeal also make reference to this detail. Taking this into account, I consider that there would be no prejudice to any party by accepting these plans at the appeal stage. I have therefore determined the appeal on the basis of the revised plans and the Council's description of the development.
10. My attention has been drawn to two other planning applications¹ at the appeal site and numerous other planning permissions² and appeals³ at other sites. Whilst the decisions at the appeal site are clearly very relevant to the current appeal, there are also many differences between the respective developments. In relation to the other sites (both the permissions granted by the Council and the appeal decisions), I am not aware of the full circumstances of each of these cases. Moreover, I have considered this appeal on its individual merits.
11. Since the determination of the appeal application, the National Planning Policy Framework published in 2012 has been replaced, with the new version being published in July 2018 (the 2018 Framework). I have invited further representations from the Council and the Appellant on this specific matter and have taken the representations received into account in my decision.

Main Issues

12. The main issues are:

- (i) whether the development would provide a safe and suitable access;
- (ii) the effect of the development on the living conditions of the occupiers of 54 The Warren with particular regard to outlook;
- (iii) whether the development provides a suitable level of amenity space for the future occupiers of plot three;
- (iv) the effect of the development on the character and appearance of the area; and
- (v) whether the development makes adequate provision for the collection of refuse bins.

Reasons

Access

13. The access to the main part of the appeal site is located between 272 and 276 Chartridge Lane. The access driveway is in the region of 67 metres in length and connects to a service road to Chartridge Lane which serves Nos 264 to 276. The driveway varies in width but is around 4.1 metres at its narrowest point, including the grass verges.

¹ References CH/2016/1038/FA and CH/2017/2365/FA

² References CH/2017/1824/FA, CH/2015/2021/FA, CH/2016/2230/FA, CH/2016/1679/FA and CH/2016/1740/FA

³ APP/G5180/W/15/3002451, APP/D0121/A/10/212345/NWF, APP/A1720/A/10/2138718, APP/N0410/W/16/3154389, APP/X0415/A/08/2067031/NWF and APP/A1720/A/10/2137702

14. The proposed development includes alterations to the service road, and would include a new access onto the main carriageway of Chartridge Road. The first part of the new road would be at least 4.8 metres in width and would extend at least 10 metres rear of the main carriageway. The access driveway would have a width of around 4.8 metres before narrowing down to around 4.1 metres. It would then have two narrow sections where the vehicle element of the driveway would be around 2.75 metres⁴. This reduced width would be for at least half the length of the driveway. Along this section, there would also be a 0.95 metre wide area which would be a different surface material and allow for a pedestrian refuge along the driveway. The driveway, including such refuges, would also be wide enough for emergency vehicles to traverse. I also acknowledge that there would be good forward visibility.
15. The 2018 Framework, at paragraph 108, sets out that in assessing specific applications for development it should be ensured that a safe and suitable access to the site can be achieved for all users.
16. From 'Manual for Streets' (MfS), the minimum width for two cars to be able to pass would be 4.1 metres, with the minimum width for a lorry and a car being 4.8 metres, and for two lorries to pass the width should be 5.5 metres. It is clear that for a large proportion of the driveway it would not be possible for two vehicles to pass. For vehicles larger than a standard sized car, vehicles would be forced to wait (or reverse back to) either the public highway (on the service road) or the bend where the access driveway meets the main part of the appeal site.
17. Whilst there would be a low probability of conflict between vehicles, any vehicle which would need to wait on the service road would invariably cause a highway danger. To that extent, in the absence of a sufficient width of the driveway for a large part of its length, the intensification of the use of the access by increasing the number of dwellings from two to six would not be in the best interests of highway safety.
18. Turning to pedestrian access, the Appellant has indicated that a shared surface arrangement would be appropriate and has pointed to MfS where it is indicated that this can work where the volume of motor traffic is below 100 vehicles per hour. However, MfS also indicates that shared surface streets are likely to work in short lengths which (to my mind) is not the case in respect of the appeal proposal.
19. The Appellant has suggested that the development would form a cul-de-sac. Whilst the main part of the site could be considered to be a cul-de-sac in the manner which MfS is intending, to my mind, the nature of the narrow driveway is not what it is seeking to achieve. Furthermore, it is recognised that shared surfaces can cause problems for some disabled people.
20. Whilst I acknowledge that the existing access has been used as a shared surface access for many years, the development would result in an unacceptable intensification of the use of a sub-standard access.
21. Taking all of these matters into account I consider that, on the basis of the evidence before me, the proposal would not provide a safe and suitable access and would be contrary to Policy CS26 of the Local Development Framework

⁴ From drawing ITL12517-SK-010 revision E

Core Strategy for Chiltern District (2011) and Policy TR2 of the Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001) (LP) which amongst other matters seek to ensure that the standards of road safety for all users is maintained and that development provides a satisfactory vehicular access so that the convenience, safety and free flow of traffic using public highways is not adversely affected and that there is a safe and attractive access on foot and by cycle. It would also be at odds with the transportation aims of the 2018 Framework.

Living Conditions – Plot 3

22. Plot three of the proposed development is largely formed from the existing property of 274A Chartridge Lane albeit with alterations and a rear extension. However, the current extensive garden of the existing dwelling would be utilised for other parts of the development.
23. The resultant garden area for plot three would be very limited in its size and would be located on the northern side of the property, with two storey buildings also on the south-eastern and south western sides of the garden.
24. The Council have not provided any guidance on the amount of space required to achieve a good standard of amenity for the future occupiers of the dwelling. However, Policy H12 of the LP sets out that there should be a minimum garden length of about 15 metres unless in cases where adequate private amenity space exists within the application site or where the rear site boundary abuts a public bridleway or footpath, an open field, open countryside, a recreation ground or a playing field, a reduced garden depth may be acceptable
25. Notwithstanding that, the rear garden space for plot three would be clearly very limited. Whilst the dwelling would be modest compared to the other properties I am not convinced that the available space would be of a size to allow occupiers to carry out all the domestic activities one would normally expect for the size of the dwelling. Furthermore, given the juxtaposition of the garden to the surrounding dwellings it would also have restricted access to sunlight and daylight. In considering both of these factors, the amenity area would not provide the future occupants of the dwelling with a good standard of amenity.
26. For the above reasons, the proposal would not provide a good standard of amenity space for the future occupants of plot three, and therefore an unacceptable standard of living, contrary to Policies GC3 and H12 of the LP which amongst other matters seek to achieve good standards of amenity for the future occupiers of the development.

Living Conditions - 54 The Warren

27. The Council's concern relates to the siting of plot six when viewed from the habitable room windows of No 54 and its rear garden. The proposed dwelling would be in the region of 4 metres away from the side elevation of No 54. The eaves height of the respective dwellings would be broadly the same.
28. In respect of the views from the main habitable windows of No 54, the Council's main concern relates to views from the south-east elevation, which is the side elevation of the bungalow. From my site visit I saw that there were several windows on the side elevation, although from the Council Officers report only two of these are to habitable rooms.

29. The window which would be most affected by the development serves the kitchen which is located towards the rear of No 54. From what I observed on site, and from the ground floor plan from application CH/2017/2365/FA⁵, the principal window faces the appeal site, with only a small secondary window and a door on the rear elevation.
30. The dwelling would appear as a dominant building when looking from the kitchen window despite its distance and the dropped eaves design. Whilst I accept that the overall height of the dwelling would be less than a traditional two storey property, it would still nevertheless have a significant adverse impact on the outlook currently enjoyed by the occupants of No 54.
31. The Appellant has provided a plan which indicates that the proposal would accord with the 45 degree guide from the rear of No 54. Whilst this may well be the case, it is significant that the Council have not raised any concerns over the loss of sunlight or daylight, or in respect of outlook from the rear of No 54.
32. Turning to the effect on outlook from the rear garden, it is noted that the two storey element would project around 5 metres beyond the rear of No 54, with a further flat roof single storey element.
33. To my mind, given the width and size of the rear garden of No 54, the proposed dwelling would not have a significant impact on the amenity of the occupiers of No 54 when they are utilising their rear garden. In coming to that view, I acknowledge that there would be some impact owing to the height and rearward projection of the proposed dwelling. However, I consider that this is not a determinative factor in this case.
34. The Council have also referred to Policies H13 and H14 of the LP in their reason for refusal. From the evidence before me, these policies relate to extensions to existing dwellings. Given this, they are not relevant to the proposed development and I have therefore given them no weight in the determination of this appeal.
35. For the above reasons, plot six of the proposed development would have an adverse impact on the outlook from the principal kitchen window of 54 The Warren to the detriment of the living conditions of its occupiers contrary to Policies GC3 and H3 of the LP which amongst other matters seek protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.

Character and appearance

36. The appeal site consists of 274 and 274A Chartridge Lane, including their access driveway. The properties are sited to the rear of 272 and 276 Chartridge Lane, with the access driveway running between these properties.
37. I have already found that the size of the garden area for plot 3 would not provide a good standard of amenity for the future occupiers of the dwelling. From the evidence before me, the size of rear gardens in the area are significantly larger in all aspects than that proposed for plot 3 and large garden areas form part of the character of this section of Chartridge Lane. Whilst there are properties in the area with less generous garden areas, none have been drawn to my attention which are as limited as plot three. To my mind,

⁵ Plan 917:1102/PL101 dated December 2017

this provides some harm to the character and appearance of the area despite the fact that it would not be possible to perceive the size of the gardens from the existing neighbouring dwellings. However, it would be possible to gauge the limited size of the garden from the new dwellings, and in particular from plot four.

38. Turning to the location of the parking spaces, these would be located towards the north-eastern side of the site, with the existing hedge along the boundary retained. The location of the parking spaces along this side of the site, on the opposite side of the access driveway to the dwellings themselves, is not characteristic of the existing development in the area.
39. Notwithstanding that, I consider that this arrangement would not give rise to any significant harm to the overall character and appearance of the area particularly since the parking areas would still be to the front of the dwellings. To that end, the location of the parking spaces along the north-eastern side of the site does not weigh against the development.
40. For the above reasons the development would harm the character and appearance of the area owing to the limited size of the rear garden area for plot three contrary to Policies GC1 and H3 of the LP which amongst other matters seek to ensure that new development relates well to the characteristics of the site and should be sited to create attractive groupings and spaces between buildings and is compatible with the character of locality of the application site. It would also be at odds with the design aims of the 2018 Framework.

Refuse

41. The Appellant has submitted a revised plan with the appeal documentation which includes a refuse collection point within the site.
42. From the evidence before me, it would be possible for a refuse vehicle to enter and exit the site in a forward gear by utilising the turning head within the site. However, it is unclear from the various plans whether this would require any minor changes to the layout of the site (including to take account any operational issues which might arise). Notwithstanding that, I am satisfied that should that be the case, this could be achieved through an appropriately worded planning condition should I be minded to allow the appeal.
43. Taking the amended plan into account, the revised details also overcome any concerns relating to the storage of refuse bins on the highway verge as this would no longer be necessary.
44. For the above reasons, the proposed development would provide an acceptable means for the storage and collection of refuse and would accord with the overall design aims of the 2018 Framework in this respect.

Planning balance

45. The Appellant has indicated that the Council has failed to evidence a sustainable 5 year housing land supply. 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.

46. Reference is also made to the evidence base for the Council's new Local Plan and the need to identify further sites to meet the housing requirements up to 2036, including potential releases of land within the Green Belt and relying upon a neighbouring Council to provide housing to meet the needs of the area. However, this does not in itself indicate that there is a current shortfall in the five year supply of housing. Therefore, from the limited evidence before me, it is unclear whether the Council does have a five year housing land supply.
47. Notwithstanding that, the 2018 Framework indicates that planning decisions should apply a presumption of sustainable development. For decision taking, where Development Plan policies which are the most important for determining the application are out of date⁶, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the 2018 Framework taken as a whole.
48. In this case, I have found that the proposal would not provide a safe and suitable access, would harm the amenity of the occupiers of 54 The Warren, would not provide a suitable amenity space for the future occupiers of plot three and would harm the character and appearance of the area. These factors weigh heavily against allowing the proposed development.
49. 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.
50. However, the provision of four 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 2018 Framework when taken as a whole. The proposal cannot therefore be considered to be sustainable development.

Conclusion

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

Chris Forrett

INSPECTOR

⁶ Footnote 7 includes situations where the local planning authority cannot demonstrate five year supply of deliverable housing sites.



The Planning Inspectorate

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Your Ref: CH/2017/1569/PNO
Our Ref: APP/X0415/W/18/3193149

Ms Jayne Froome
Chiltern District Council
Planning Services
Council Offices
King George V Road
Amersham
Bucks
HP6 5AW

29 August 2018

Dear Ms Froome,

Town and Country Planning Act 1990
Appeal by GE Healthcare Limited
Site Address: Pollards Wood, Nightingales Lane, Chalfont St Giles,
Buckinghamshire, HP8 4SP

I enclose for your information a copy of a letter received withdrawing the above appeal(s).

I confirm no further action will be taken.

Yours sincerely,

Jasmine Rogers
Jasmine Rogers

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search



Appeal Decision

Site visit made on 20 August 2018

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2018

Appeal Ref: APP/X0415/D/18/3204600

19 Oakington Avenue, Little Chalfont, HP6 6XY

- 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 Shane Gomes against the decision of Chiltern District Council.
 - The application Ref CH/2017/1607/FA, dated 22 August 2017, was refused by notice dated 16 March 2018.
 - The development proposed is a single storey rear extension, a single storey front and side extension, a front/side/rear loft extension including the removal of a chimney plus fenestration alterations.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development given above is taken from the appeal form and from the Council's decision notice. I note that the development at the rear of the property is described as single storey. However, in my opinion, the proposed rear extension would have two floors. Therefore, I have considered the appeal on this basis.

Main Issue

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

Reasons

4. The appeal property is a relatively small detached bungalow with accommodation in its roof-space. In the immediate vicinity of the appeal site, Oakington Avenue is characterised by dwellings that are similar to the appeal property in terms of their scale and general appearance. Hipped roofs are a distinctive feature in the streetscene. Within the wider area, dwellings are mixed in terms of their size and appearance.
5. The proposal contains a number of different elements. The Council does not object to the single storey front and side extensions or to the rear extension, which includes a gabled roof. However, the Council considers that the alterations to form a gable at the front would be harmful to the appearance of the area.
6. Saved Policies GC1 and H15 of the adopted Chiltern District Local Plan seek to ensure that new development is of high quality design; and that proposals for

extensions should be in keeping with the existing dwelling and other buildings in the area. In addition, paragraph 127 of the National Planning Policy Framework 2018 (the Framework) seeks, amongst other things, to ensure that developments add to the overall quality of the area and are sympathetic to local character.

7. Whilst I consider that the single storey side and front extensions plus the extension at the rear to be acceptable in terms of their scale and appearance, the proposed gabled extension to the front of the property would be a particularly dominant and visually incongruous feature within the streetscene that would be at odds with the distinctive characteristics of this part of Oakington Avenue. I note that the area of glazing has been reduced from that originally proposed, but that does not alter my concerns regarding its uncharacteristic design and appearance.
8. In reaching my decision, I have taken into account the mixture of dwelling types in the wider area. At my site visit, I also viewed the development at number 183 Amersham Way, which was allowed at appeal and is similar to the appeal proposal. However, that section of Amersham Way is less uniform in terms of its dwelling types and styles. Consequently, I do not regard it as a precedent for the current appeal.
9. Therefore, I consider that the proposal would be unacceptably harmful to the character and appearance of the area and it would conflict with the provisions of the Development Plan and with the Framework, as referred to above.

Conclusion

10. For the reasons given above, it is concluded that the appeal should be dismissed

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 21 August 2018

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2018

Appeal Ref: APP/X0415/W/18/3197409

Great Green Street Farm, Green Street, Chorleywood WD3 6EA

- 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 The Air Group Ltd against the decision of Chiltern District Council.
 - The application Ref CH/2017/1804/FA, dated 26 September 2017, was refused by notice dated 22 December 2017.
 - The development proposed is erection of a stable building adjacent to northern entrance and change of use of land for equestrian purposes.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a stable building adjacent to northern entrance and change of use of land for equestrian purposes at Great Green Street Farm, Green Street, Chorleywood WD3 6EA in accordance with the terms of the application, CH/2017/1804/FA, dated 26 September 2017, 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 approved plans: Site Location Plan and Composite Location Plan, Block Plan, Floors Plans and Elevations: Drawing no. 1501-138.
 - 3) Notwithstanding the approved details, no development shall take place until details of the surface materials for the hardstanding area around the proposed stable building and the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The details shall include a written specification of the surface materials and the type and height of fences, hedges/shrubbery, gates and other means of enclosure. The development shall be completed in accordance with the approved details.

Procedural matters

2. Since the determination of the application the revised National Planning Policy Framework (the revised Framework) was published on 24 July 2018. The main parties have been consulted on the revised Framework and provided comments in relation to this appeal. I have therefore considered the development against the relevant aims and objectives of the revised Framework.

3. The Council's appeal statement outlines that the sole reason for refusal on the Council's Decision notice relating to the material change of use of the land in the Green Belt, is now no longer relevant in this case, as the revised Framework now allows for this type of development to take place. The Council has confirmed that based on this material change in national planning policy, the Council no longer regards the proposal as an inappropriate development in the Green Belt and does not wish to defend the reason for refusal. I will address this matter below.

Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

5. The appeal site forms part of an agricultural parcel of land situated in an open Green Belt location and the Chilterns Area of Outstanding Natural Beauty (the AONB). It is located on the western side of Green Street close to its junction with A404 Amersham Road and immediately to the north of Great Green Street Farm, a former farmhouse and range of barns converted into residential use. Aside from the residential uses at Great Green Street Farm, the appeal site is surrounded by open countryside and the AONB, which gives the area an open and rural character and appearance.
6. The proposal would involve the change of the use of the land for equestrian purposes and the erection of a small stable building on the eastern side of the site. The proposed building, measuring about 14.7m (length) by 5.45m (width), would be of a timber-framed construction with horizontal timber cladding and a low pitched profiled sheet roof with a ridge height of about 3.2m.
7. Policy GB2 of the Chiltern District Local Plan (LP)¹ states that there is a general presumption against inappropriate development in the Green Belt. It does however specify certain categories of development that are not considered inappropriate, which includes, at criterion (a) new buildings to provide essential facilities for outdoor recreation; and (f) the making of material changes in the use of land; subject to both preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. Policy R13 of the LP supports proposals for new equestrian facilities where they would be well screened and have no detrimental impact on the character or appearance of the locality and the AONB.
8. Paragraph 145 of the revised Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, unless, amongst other things, it would involve the provision of appropriate facilities for outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Paragraph 146 of the revised Framework states that certain other forms of development, such as material changes of use of land (such as change of use for outdoor recreation), are also not inappropriate in the Green Belt provided they would preserve its openness and not conflict with the purposes of including land within it.

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

9. The proposed stable building would be set back from the road behind an electricity sub-station, grass verge and mature landscaping and established trees running along the eastern boundary of the site. As such, there would be limited public views of the proposed building in the wider area, due to the intervening sub-station and mature vegetation. Against this backdrop, by virtue of its limited scale, form and traditional design, the proposed stable building would have a limited impact on the openness of the Green Belt and no detrimental impact on the character or appearance of the locality and the overall special qualities of the AONB.
10. The proposed stable building would involve the provision of an appropriate facility associated with the equestrian use of the land as an outdoor recreation use. The equestrian use of the land, in my view, would have no greater impact on the openness of the Green Belt than the current agricultural use of the land in this case. Consequently, I conclude that the proposal would not constitute inappropriate development in the Green Belt and would be consistent with LP Policy GB2 and the aims of the revised Framework.

Conditions

11. Having regard to the revised Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. I have also imposed a condition requiring that surface materials for the hardstanding area around the proposed stable building and the proposed boundary treatment shall be submitted, in order to protect the character and appearance of the area and to preserve the openness of the Green Belt.

Conclusion

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

David Troy

INSPECTOR



Appeal Decision

Inquiry opened on 24 July 2018

Site visit made on 31 July 2018

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2018

Appeal Ref: APP/X0415/W/18/3202026

Land to the rear of the Old Red Lion, High Street, Great Missenden, HP16 0AU

- 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 PGMI (Great Missenden) Ltd against the decision of Chiltern District Council.
 - The application Ref CH/2017/1943/FA, dated 18 October 2017, was refused by notice dated 6 April 2018.
 - The development proposed is described on the application form as 'Demolition of 3 4-bed houses, a disused industrial building (Use Class B2) and 20 garages, removal of spoil and trees from the rear of the site. Development of 34 residential dwellings comprising 25 houses and 5 flats, with associated landscaping, tree replacement, car parking and internal shared surface road. Change of use of the upper storeys of the Old Red Lion (62 High Street) from office to residential to provide 4 flats. Ground floor building line amendment to southern elevation of the Old Red Lion (62 High Street) to remove 700mm at ground floor only, to provide improved visibility onto the High Street. Amendments to Forge Cottage on Missenden Mews to relocate front door, relocate car parking space and provision of new private amenity space within the site'.
 - The inquiry sat for 5 days on 24 to 27 July, and 1 August 2018.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of 3 4-bed houses, a disused industrial building (Use Class B2) and 20 garages, removal of spoil and trees from the rear of the site; development of 34 residential dwellings comprising 25 houses and 5 flats, with associated landscaping, tree replacement, car parking and internal shared surface road; change of use of the upper storeys of the Old Red Lion (62 High Street) from office to residential to provide 4 flats; ground floor building line amendment to southern elevation of the Old Red Lion to remove 700mm at ground floor only, to provide improved visibility onto the High Street; amendments to Forge Cottage on Missenden Mews to relocate front door, relocate car parking space and provision of new private amenity space within the site, on land to the rear of the Old Red Lion, High Street, Great Missenden, HP16 0AU, in accordance with the terms of the application, Ref CH/2017/1943/FA, dated 18 October 2017, subject to the conditions set out in the attached Schedule.

Application for costs

2. At the Inquiry an application for costs was made by PGMI (Great Missenden) Ltd (the appellant) against Chiltern District Council (the Council). This application is the subject of a separate Decision.

Preliminary matters

3. Some of the application and appeal documentation was submitted in the name of PGMI (Missenden) Ltd rather than PGMI (Great Missenden) Ltd, but both main parties were content for the appeal to proceed in this latter name. I am satisfied that no-one with an interest in this case would be adversely prejudiced by this, and have therefore determined the appeal on this basis.
4. A similar proposal by the appellant for a development of 45 residential dwellings on this site was refused planning permission by the Council in June 2017, and had been scheduled for an inquiry¹. However, the appellant withdrew that appeal in order to pursue the appeal into the current proposal for 34 residential dwellings.
5. After the close of the inquiry, but in accordance with an agreed timetable, the appellant submitted a planning obligation in the form of a unilateral undertaking (UU), made under Section 106 (S106) of the Town and Country Planning Act 1990, as amended. I have had regard to this UU in reaching my decision.
6. The Council refused planning permission for 6 reasons as set out in the Statement of Common Ground² (SOCG). However, after reviewing the 'fall-back' position detailed in the appellant's transport evidence (see later), Buckinghamshire County Council (BCC), as local highway authority, advised the Council shortly before the opening of the inquiry that it no longer considered there to be any basis to uphold those reasons for refusal which dealt with concerns regarding access to the site. As a result, the Council made it clear in its opening submissions to the inquiry³ that reasons for refusal 3 and 4 were not being pursued.
7. In addition, although not formally withdrawing reason for refusal 5 (parking provision), and reason for refusal 6 (waste collection), the Council did not strongly defend either of them at the inquiry. In the case of reason for refusal 5 this was as a result of evidence presented at the inquiry and subsequent concessions made by the Council; whilst in the case of reason for refusal 6, it was as a result of the appellant's evidence and the submission of the aforementioned UU. I deal with these matters in more detail later in this decision.
8. On the first day of the Inquiry the Government published its revised National Planning Policy Framework⁴ (NPPF). Therefore, unless noted otherwise, references to the NPPF throughout this decision relate to this revised, 2018 document. The Planning Practice Guidance (PPG), initially published in March 2014 and last updated in July 2018, is also relevant to this appeal.

Site description, surrounding area and details of the appeal proposal

9. The appeal site lies within the existing settlement of Great Missenden and sits within both the Great Missenden Conservation Area and the Chilterns Area of Outstanding Natural Beauty (AONB). It comprises some 0.9 hectares (ha) to the west of High Street and is bounded by the Great Missenden Railway Station car park to the west and the grade II listed Baptist Church to the north. To the south there is vacant land, known as 1 Twitchell Road, which now has an extant planning permission for 6 dwellings⁵. The eastern boundary is lined with a mix of residential and retail/commercial buildings (several of which are listed) which front

¹ Planning application Ref CH/2017/0171/FA; Appeal Ref APP/X0415/W/17/3190919

² Document (Doc) 24

³ Doc 2

⁴ Doc 32

⁵ Reference CH/2015/1417/FA

onto the High Street. Buildings along High Street are generally of 2 storeys, with ground floor retail/commercial uses and residential above.

10. The site rises noticeably from east to west, and currently contains 3 derelict 4-bed houses; a disused industrial building (Use Class B2); 20 garages; a group of maisonettes and Forge Cottage accessed from Missenden Mews; and 2 existing buildings fronting the High Street - the Old Red Lion (62 High Street) and 76 High Street. As such, much of the site constitutes previously developed land as defined in the NPPF. At the time of my visit large areas of the site were laid to rough grass, with many trees scattered across the site and particularly on the northern, western and southern boundaries.
11. The site has 3 existing pedestrian and vehicle access points onto the High Street. The northern access passes between Nos 50 and 48, providing pedestrian access to the appeal site and vehicular access to the rear of Nos 48 and 50. The main access lies to the south of the Old Red Lion, passing between this building and the grade II listed 64 High Street. It is used by vehicles and pedestrians going to and from the Class B1 office building (not part of the appeal site) which lies to the rear of No 64; the parking areas for the Old Red Lion and the TSB Bank which lie to the rear of these properties; as well as to the 3 vacant residential properties, the vacant Class B2 warehouse building, and a row of unoccupied garages. The southern access serves the residential Missenden Mews, Forge Cottage and a number of garages associated with these properties.
12. Under the appeal proposal the existing buildings on the site (excluding the Old Red Lion and Forge Cottage) would be demolished, and would be replaced with a total of 25 houses and 5 flats, with a further 4 flats being provided in the upper floors of the Old Red Lion. Most of the new dwellings would be sited close to the site's western boundary, although the block of 5 flats, together with some under-croft parking, would be sited just to the west of the existing parking area for the Old Red Lion. A total of 51 parking spaces would be provided on the site, for residents and visitors, including 1 space retained for the Old Red Lion ground floor unit, which would be unaffected by the appeal proposal.
13. The northern access would only provide a pedestrian route to and from the proposed development. The Old Red Lion access would be widened to improve inter-visibility between pedestrians and drivers, and the internal roads would be designed to allow for 2-way traffic immediately to the rear of the Old Red Lion building. This would be the primary vehicle access into the site, as at present. Missenden Mews would be retained in its existing form but extended into the site and on-site turning would be provided for the benefit of new and existing residents. There would be an emergency link, controlled by bollards, between Missenden Mews and the main internal site roads.
14. It is relevant to note that the Council has identified the appeal site (excluding the Old Red Lion) as suitable for housing development in its Draft Housing and Economic Land Availability Assessment⁶ (HELAA), published in May 2017. A Disclaimer explains that the Draft HELAA does not represent policy and will not determine whether a site should be granted planning permission. Rather, it establishes a 'pool' from which sites can be tested on their potential suitability, availability and achievability, and is being used to inform the preparation of the emerging Chiltern and South Bucks Local Plan (CSBLP). The site⁷ is considered

⁶ CDC8(b)

⁷ Listed as Site No CD0098 in Appendix 4 to CDC8(b)

suitable for 23 to 39 dwellings. Because of potential access issues a 6 to 10 year period is considered to be an appropriate timescale for delivery.

Main issues

15. The main issues are:

- i. Whether the Council can demonstrate a 5 year supply of deliverable housing land, in accordance with the requirements of the NPPF;
- ii. The weight to be given to relevant saved policies of the Chiltern District Local Plan (CDLP) and policies in the Core Strategy (CS) for Chiltern District, which pre-date the 2012 NPPF;
- iii. The effect of the proposed development on the character and appearance of the surrounding area, including on the Chilterns AONB; the Great Missenden Conservation Area; and the settings of nearby listed buildings;
- iv. Whether the proposed development would provide safe and convenient access to and from the proposed residential properties for all users; and its effect on the safety and convenience of users of the nearby highway network;
- v. Whether the proposed development would provide sufficient on-site parking;
- vi. Whether the proposed development should make allowance for a review mechanism to consider the provision of affordable housing.

Reasons

Housing Land Supply (HLS)

16. This issue can be dealt with fairly briefly, as the SOCG makes it clear that there is agreement between the parties that the Council cannot currently identify a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF⁸. Indeed the SOCG refers to a HLS of 2.97 years, based on a calculation undertaken in December 2017. This was amended to a 2.52 year HLS in a table provided to the inquiry by Mr Winwright⁹, and this was further modified to a 2.48 year HLS, once the table was corrected to account for a number of sites with outline planning permission which had been wrongly included¹⁰.
17. But although the Council accepted in its final submissions that it has no 5 year HLS at present¹¹ it also argued, on the basis of the evidence presented by Mr Winwright, that depending on the weight to be given to the emerging Vale of Aylesbury Local Plan (VALP), it could be considered as having a 5.89 year HLS¹².
18. In this regard I understand that the VALP is at a fairly advanced stage, having recently completed its Examination hearings, with the Inspector's report anticipated later this year. I further understand that as part of the Duty to Co-operate the Council has a Memorandum of Understanding with Aylesbury Vale District Council, to the effect that the submission version of the VALP includes 5,750 dwellings of the Chiltern and South Bucks housing need which cannot be met within these latter authorities' own areas, over the period 2016 to 2036.

⁸ See paragraph 5.3 in Doc 24

⁹ Doc 12

¹⁰ See paragraph 25 in Doc 28

¹¹ See paragraphs 44 to 55 in Doc 27

¹² This figure was adjusted downwards at the inquiry to about 5.81 years, again to account for a number of sites with outline planning permission wrongly included in Mr Winwright's data

19. However, although Mr Winwright's table shows that 3,000 of these dwellings are intended to assist in meeting Chiltern's housing need over the whole VALP plan period, there is no firm evidence before me to demonstrate that these dwellings are deliverable in the terms set out in the NPPF and - if so - how many would contribute to the 5 year HLS. In any case the VALP remains, at the present time, a draft plan, and I have been mindful of the appellant's assertion - not disputed by the Council - that the VALP's approach to housing has made it one of the most controversial emerging Local Plans in the country. In these circumstances, and having regard to paragraph 48 of the NPPF, I do not consider it appropriate to afford anything but limited weight to the VALP at this time.
20. With the above points in mind, there is nothing to cause me to disagree with the view set out in the SOCG, and I therefore conclude that the Council cannot currently demonstrate a 5 year supply of deliverable housing land.

The weight to be given to relevant development plan policies

21. As noted above, the Council only put evidence forward at the inquiry in support of reasons for refusal 1, 2, 5 and 6. In the case of reason for refusal 1 it argued that the proposed development would be contrary to Policies GC1, H3, CA1, CA2 and LSQ1 of the CDLP which was adopted in September 1997 (including alterations adopted in May 2001), and was consolidated in September 2007. The Council also maintained that the appeal proposal would conflict with Policies CS20 and CS22 of the CS for Chiltern District, which was adopted in November 2011. For reason for refusal 2 the Council alleged a conflict with CDLP Policy LB2, whilst for reason for refusal 5 conflict is alleged with CDLP Policies GC3, TR11, TR15 and TR16, along with CS Policies CS25 and CS26. CDLP Policy GC3 is also considered to be conflicted in the case of reason for refusal 6.
22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the NPPF which explains in its paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to indicate that the planning system has 3 interdependent and overarching objectives - economic, social and environmental - which need to be pursued in order to achieve sustainable development; and so that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the NPPF.
23. This is now detailed in paragraph 11, which sets out 2 criteria relating to decision-taking. Under (c) it explains that development proposals that accord with an up-to-date development plan should be approved without delay; whilst under (d), it explains that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless either of 2 further criteria applies. In this context being out-of-date includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). This is the case which applies here.
24. The first of these aforementioned criteria, set out in sub-paragraph (d)i, relates to situations where the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. A footnote elaborates on this point, explaining that AONBs and designated heritage assets fall into this category. I deal with these matters under

the next main issue. The second criterion, in sub-paragraph (d)ii, relates to situations where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. I assess this matter in the planning balance which I undertake later in this decision.

25. In light of the above points, it is necessary to assess the development plan policies referred to in the reasons for refusal against the policies in the NPPF. From the CDLP, Policy GC1 sets out general criteria for development and seeks to ensure that development throughout the District is designed to a high standard. I see no material conflict between this policy and the NPPF, which makes it clear in its Chapter 12 that good design is a key aspect of sustainable development. Accordingly I consider that Policy GC1 can be given full weight.
26. Policy GC3 requires development proposals to seek to achieve good standards of amenity for future occupiers of that development, and to protect the amenities enjoyed by the occupiers of existing adjoining and neighbouring properties. As the NPPF seeks to ensure that new development provides a high standard of amenity for existing and future users¹³, as well as safe and healthy living conditions¹⁴, I consider that this policy can also be given full weight.
27. Policy H3 indicates that in the built-up areas excluded from the Green Belt (as is the case here), proposals for new dwellings will generally be acceptable in principle, subject to there being no conflict with any other policy in the CDLP. In this regard, NPPF paragraph 118 indicates that substantial weight should be given to the use of suitable brownfield land within settlements for homes and other identified needs, and that the development of under-utilised land should be promoted and supported, especially where land supply is constrained. As much of the District is indeed constrained by Green Belt and AONB I share the appellant's view that Policy H3, which supports development within existing settlement boundaries, should be given full weight.
28. However, I consider that only limited weight can be given to Policies CA1 and CA2, which relate to development within conservation areas, and Policy LB2 which relates to listed buildings, as they are not consistent with the NPPF's approach to development which affects heritage assets. Whilst these policies understandably seek to control development which would adversely affect such assets, they are all worded rather inflexibly as they do not allow for the balancing of any harm to the significance of designated heritage assets against any public benefits of the proposed development, as set out in the NPPF.
29. A similar situation arises in the case of Policy LSQ1, which relates to the Chilterns AONB. This policy reflects national policy in paragraph 172 of the NPPF insofar as it indicates that within the AONB the primary objective is to conserve and enhance the natural beauty of the landscape. However, parts of Policy LSQ1 set higher assessment thresholds than does the NPPF, requiring very exceptional circumstances to be present to outweigh objections on landscape terms, and stating that major development will be refused unless the development can be shown to be in the national interest, with no other alternative site outside the AONB being available.
30. In contrast, the NPPF indicates that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. The NPPF now

¹³ NPPF paragraph 127

¹⁴ NPPF paragraphs 117 and 180

contains a definition of major development, and how this should be considered in the context of AONBs, and I return to this matter in the next main issue. This inconsistency with the NPPF means that in my opinion the aforementioned aspects of Policy LSQ1 can only carry limited weight.

31. Policy TR16 sets out a range of Parking and Manoeuvring Standards for different types of development, to be applied throughout the District. However, uniform standards such as these are not consistent with the NPPF, which explains in its paragraph 105 that local parking standards for residential and non-residential development should take account of a wide range of local factors. Because of this inconsistency with the NPPF I consider that Policy TR16 can only be given limited weight, and the same applies to Policy TR11 and that part of Policy TR15 which refers directly to the TR16 standards. Other parts of Policy TR16 can, in my view, be given full weight as they relate to sound design principles for parking areas.
32. Turning to the CS, Policies CS20¹⁵, CS22¹⁶ and CS26¹⁷ are generally consistent with the NPPF and can therefore be given full weight. Policy CS25, dealing with the impact of new development on the transport network, contains a direct reference to the Buckinghamshire Local Transport Plan 3 (LTP3) (2011-16), and in this regard is clearly out of date as the current version of the Local Transport Plan is LTP4. The rest of the policy can, however, be given full weight as it generally accords with the transport policies of the NPPF.
33. Drawing the above points together, it is clear that not all of the policies referred to in the reasons for refusal are consistent with the NPPF. I therefore conclude that some aspects of CDLP Policies CA1, CA2, LB2, LSQ1, TR11, TR15 and TR16, and CS Policy CS25, can only carry limited weight. I have regard to these matters when undertaking the planning balance, later in this decision.

The effect on character and appearance

34. *The Chilterns AONB*. As noted above, NPPF policy relating to AONBs is found primarily in paragraph 172. Amongst other matters this indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, where the scale and extent of development should be limited. The NPPF states that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
35. For housing, 'major development' is now defined in the NPPF Glossary as development where 10 or more homes will be provided, or where the site has an area of 0.5 ha or more. However, this definition is specifically noted as not to be applied in the context of paragraph 172. Instead, as is made clear in Footnote 55, in such cases it is for the decision maker to determine whether or not a proposal constitutes major development, taking account of the proposed development's nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
36. In this regard the Chilterns AONB Management Plan 2014-2019¹⁸ explains, in its Introduction, that this AONB was designated for the natural beauty of its landscape and its natural and cultural heritage. In particular, it was designated to protect its special qualities which include the steep chalk escarpment with areas of

¹⁵ Policy CS20: Design and Environmental Quality

¹⁶ Policy CS22: Chilterns Area of Outstanding Natural Beauty

¹⁷ Policy CS26: Requirements of New Development

¹⁸ CDC6

flower-rich downland, woodlands, commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.

37. With these points in mind I share the appellant's view that at present the appeal site, which is very enclosed by mature trees on its northern, southern and western boundaries, and by existing buildings on its eastern boundary, makes little contribution to the AONB. Indeed, because of its enclosed nature the site only has a limited influence upon character and appearance beyond its boundaries. I consider that with well-designed buildings, in keeping with other nearby development in the village, and the proposed landscaping treatment of the site, the appeal proposal would result in an enhancement of the character and appearance of the land within the appeal site itself.
38. This is borne out by the Council's Chiltern & South Bucks Townscape Character Study¹⁹ which identified the site as forming part of the 'tightly formed centre' character area, and as having the potential for change. Such areas are noted as having the potential to be improved in terms of their quality and positive contribution to the overall quality of the character area they sit within.
39. I note that glimpses of the appeal site can be obtained from the High Street, along the 3 access points, but the Verified Views²⁰ submitted by the appellant demonstrate that there would only be limited changes in character as a result of the proposed development. Views along these accesses would still be of a backland area with various buildings, trees and other vegetation.
40. Moreover, as I saw at my site visit, the appeal site makes no material contribution to the AONB in longer views. I acknowledge that the boundary trees and trees within the site do form part of the wooded backdrop to the village in views from public footpaths to the east, but many of these trees would remain with the appeal proposal and I am not persuaded that any visual change arising from this development would be out of keeping with the nearby existing built form of the village, or result in any harm to the landscape and scenic beauty of the AONB.
41. It seems to me that those undertaking the HELAA assessments must have reached a similar conclusion, as Stage 2 of this process had regard, amongst other matters, to Policy Constraints²¹ (including the AONB), but the site's location within the AONB was apparently not considered to be a barrier to development. I share that view. Overall I consider that the proposed development would not have any detrimental effect on the environment or the landscape and with this in mind, and having regard to paragraph 172 of the NPPF, I do not consider that this proposal should be seen as major development in the AONB.
42. But even if I am wrong on this point, I am satisfied that exceptional circumstances exist in this case, evidenced by the very limited scope for the provision of housing within Chiltern District on sites that do not lie within the AONB or the Green Belt; the fact that there is a severe shortfall against the housing requirement and that this shortfall has been persistent; and that the site lies in a sustainable location with easy access to local services and public transport²², within one of the most sustainable settlements in the District²³. Indeed as this site has already been

¹⁹ CDC12

²⁰ CDA13

²¹ See paragraph 51 of CDC8(b)

²² See paragraph 29 in CDA3

²³ Paragraph 7.5 of the CS identifies Great Missenden as one of the 5 most accessible settlements in the District

identified in the HELAA as being appropriate in principle for accommodating housing, it can reasonably be assumed that the Council is satisfied that such development would not be at odds with CDLP Policy LSQ1 and the NPPF, and that it therefore accepts that exceptional circumstances exist.

43. In light of the above points NPPF paragraph 172 does not provide a 'clear reason for refusing the development proposed', as required by NPPF paragraph 11(d)i.
44. *Conservation Area and Listed Buildings.* As already noted, the appeal site lies within the Great Missenden Conservation Area, close to a number of listed buildings. Most of these lie on the High Street towards the southern part of the site, although the Cross Keys public house and the Baptist Church are located just to the north of the site. The grade II listed 76 High Street lies within the site but would not be directly affected by the appeal proposal, and the site also contains the 2 non-designated heritage assets of the Old Red Lion (now unoccupied) and Forge Cottage.
45. Dealing first with the conservation area, reason for refusal 1 contends that the proposed development would not conserve or enhance its character and appearance, and as a result would be at odds with CDLP Policies CA1 and CA2, as well as with the provisions of the NPPF. The conservation area is fairly extensive in size, being broadly linear in form and containing much of the older part of the village to the east of the railway line, centred on High Street and Church Street, and also containing the more open area of Abbey Park and land around the Parish Church to the south and east. As such, the appeal site itself forms only a small part of the overall conservation area²⁴.
46. The Conservation Area Appraisal²⁵ (CAA) dates back to 1992 and does not reflect the approach now required by the NPPF and Historic England (HE), of examining the significance of a heritage asset and determining the effect of development proposals on that significance. That said, the CAA does identify the characteristics of the conservation area, referring to the fact that the old part of Great Missenden forms a linear village lying along the old A413 road on the west side of the Misbourne Valley in the lee of a wooded hillside. It refers to the town (sic) being seen as a compact and clearly defined settlement when viewed from Frith Hill in the east, noting that development has been limited by the railway and hill on the west, and by the River Misbourne on the east.
47. The CAA also refers to the narrow, winding nature of High Street and Church Street and the fact that they are intimate in scale, with the strong feeling of enclosure being enhanced by the number of glimpses of open country through gaps in the street frontage, and with the transition from country to town being immediate, particularly at the north and south approaches to the High Street.
48. The appellant highlights the fact that the CAA identifies the need to maintain the eastern edge of the village, where a strong relationship exists between the village and the surrounding landscape, but that no similar reference is made to the village's western side, arguing that this implies the western edge is less sensitive. The Council disputes this point, maintaining that the reference to the eastern side of the village arose because of pressure for development in the east at the time the CAA was prepared, pointing to the fact that this matter is referred to in the CAA at paragraph 14 under the heading 'Defects Requiring Remedy'.

²⁴ See Plan A2.2 in CDC9

²⁵ CDC10

49. However, it seems to me that this can only be partly correct, as the same matter is also referred to in paragraph 5 of the CAA – not as a defect to be addressed – but rather in the context of emphasising the importance of preserving the open character of land to the east, in views both out of and into the village. As such I share the appellant’s view that the western side of the village and conservation area, which abuts the railway, less clearly expresses the relationship between the historic village and its wider landscape than does the eastern side, and is therefore less sensitive to further development.
50. The appeal site lies on this western side of the village and I consider that its rather messy and unkempt nature, with vacant mid-20th century dwellings, industrial buildings and garages, detracts from the more ordered and well-kept appearance of much of the more publicly accessible parts of the conservation area. But as the site is enclosed it is only visible in glimpsed views from the High Street and is not overly discernible in long-distance views from the east. Because of this I do not consider that the area of the site which lies to the west of the High Street makes any meaningful contribution to the conservation area in its present form.
51. Turning to the proposed development, the Council is critical of the density of the appeal proposal and also its layout, arguing that the bulk of the development would create a second line of major development behind the historic High Street, and that this would compete with the High Street buildings. Moreover, the Council maintains that the new dwellings, which would mainly be built on the higher, western part of the site, would be prominent in views from the east across the valley, especially as some trees within the site would need to be removed to allow the development to take place.
52. The Council is also critical of the fact that what it describes as a large block (of 5 apartments) would be located directly to the rear of the Old Red Lion, and that there would be 3 other deep-flanked sets of dwellings at right-angles to the main row of dwellings, staggered up the hill. It also argues that many of the proposed buildings would be taller than the Baptist Chapel, which is a prominent feature just to the north of the site, and that they would compete for attention, thereby diminishing the significance and impact of this important grade II listed building.
53. However, notwithstanding the Council’s objections to the proposed layout, the Design and Access Statement²⁶ (DAS) shows that the linear style of development which forms the subject of this appeal, was favoured by the Council’s Historic Buildings Officer (HBO) in post at the time pre-application discussions were taking place. Other alternatives put forward by the appellant were ‘Mews Lanes’ and ‘Courtyards’ layouts, but the HBO felt that the linear design was the most appropriate within the historic context of Great Missenden. Despite the Council’s current objections, I see no good reason to take a contrary view on this matter.
54. Moreover, insofar as density is concerned, the DAS shows that the footprint and density of the appeal proposal²⁷ would be lower than nearby existing areas of High Street and Church Street. In this regard I note that the number of dwellings and density proposed would fall well within the ranges considered appropriate for this site in the Council’s HELAA²⁸, referred to earlier. Furthermore, whilst I acknowledge that the main row of proposed dwellings would sit on the higher,

²⁶ See CDA1

²⁷ Stated by Mr Handcock to be 37.8 dwellings per hectare (dph)

²⁸ CDC8(b), Appendix 4, suggests that 23 to 39 dwellings at a density of between 30 and 50 dph would be appropriate for this site

western part of the site, having viewed the layout and sections shown in the DAS, along with the Verified Views from a variety of representative viewpoints, I do not consider that the proposed dwellings would be obtrusive or out of keeping.

55. Indeed, it seems to me that it would mainly be the roofs of the proposed dwellings which would be seen from the eastern, distant viewpoints, and whilst this would 'thicken' the extent of development in the vicinity of the appeal site and the High Street at this point, the linear characteristic of the village would be retained. Development would be sufficiently far away from the Baptist Chapel to ensure that there would be no unacceptable impact on this listed building or its setting, and although some of the trees internal to the site would have to be removed, the well-treed backdrop to the village, rising up the western hillside, would not be adversely impacted by the proposed development.
56. In coming to these conclusions I have had regard to the fact that distant views of this part of the village are only available from certain locations on or close to the footpaths on the eastern hillside, and from a rather remote part of the churchyard. This leads me to conclude that the proposed development would not be a prominent or ever-present feature to walkers in these areas.
57. In terms of impact on the site itself, there are a number of mature trees within the site, as well as along several of the boundaries. As a result of the appeal proposal most of the trees within the site would be removed, but in his consultation response on the application the Council's Tree Officer²⁹ (TO) stated that the trees on the site are generally of poor quality and could be replaced by good landscape planting within any new development. That said, he did also indicate that the current proposal seemed to leave little suitable space for such planting.
58. Notwithstanding this latter point, the Officer's report to the Planning Committee records no objection from the TO, subject to the imposition of conditions requiring adequate protection for the retained trees. Conditions have been agreed between the Council and the appellant, covering such matters as tree protection, an arboricultural method statement for works within the root protection areas of the retained trees, and a landscaping scheme which includes proposals for new planting and its maintenance. As such I am satisfied that concerns regarding trees could be adequately addressed if planning permission was to be granted.
59. The DAS states that the general approach to architecture has been to restore the period buildings (the Old Red Lion and Forge Cottage), in keeping with their traditional character, whilst all the new build would be constructed from traditional materials, with their form echoing the established precedents for terraced housing in the village. This seems to me to be an appropriate and acceptable approach.
60. Moreover, although the Council maintains that the parking areas would dominate the development, the spaces would be spread throughout the scheme and would be interspersed with trees in raised beds and other landscaping features. As such I do not consider that either the parking areas or parked vehicles would be overly intrusive features within the development. Because of this, and having regard to all the above points, I share the appellant's view that the proposed development would enhance the character and appearance of the appeal site itself.
61. From within the High Street, as noted above, development on the appeal site would be largely unseen as it would only be glimpsed along the 3 accessways, and

²⁹ CDB2

would generally be well-shielded by existing development and/or existing or proposed vegetation. This is evidenced in the Verified Views document³⁰, and as a result I find it difficult to share the Council's view that there would be competition between the proposed development and the historic High Street. For reasons just given I do not believe this would be the case.

62. There would be a noticeable impact on the Old Red Lion as its southern ground floor elevation, alongside the access, would be altered and set back by some 700mm, in order to improve visibility for drivers entering the High Street from within the site (see later). This would result in the introduction of a 'side-jetty' to this building at first floor level. However, whilst this would be an atypical feature in the High Street, the Old Red Lion itself is already a rather unusual and atypical building in this locality, as is detailed in the Heritage Impact Assessment (HIA)³¹.
63. This explains that the Old Red Lion is a mix of 2 and 2.5 storeys, with this taller, southern part making it stand out in the High Street where a lower 2-storey building height is almost ubiquitous. Moreover, this taller, 2.5-storey element has resulted in the eaves on the street frontage being much higher than the head of the first floor windows, a feature not repeated on other High Street buildings, which have the more usual relationship between the eaves line and the upper storey windows. I share the view expressed in the HIA that this gives the building a somewhat awkward appearance. Furthermore, the presence of tile hanging on the front and side elevation is not a common feature in the High Street.
64. On the basis of the representation shown in the Verified Views document I do not consider that the proposed introduction of a side-jetty would be unduly harmful to the overall appearance of this building. Furthermore, I have noted that a Structural Engineer's Assessment - not disputed by the Council - indicates that such alterations would be feasible. With these points in mind, I consider that although this non-designated heritage asset would experience some loss of fabric, its significance as a prominent building on the High Street and a former coaching inn would not be harmed.
65. Similarly, I do not consider that the modest alterations proposed for Forge Cottage - primarily the relocation of its front door - would have any material impact on the significance of this non-designated heritage asset.
66. With regards to the nearby listed buildings I have already noted that 76 High Street, which forms part of the appeal site, would not be directly affected by the appeal proposal, and I do not consider that the proposed changes elsewhere on the site would have any material impact on this building's setting. I have also concluded, earlier, that there would be no adverse impact on the setting of the Baptist Chapel.
67. In my opinion the only other listed buildings which could potentially be affected by the proposed development are Nos 64-74 on the western side of the High Street. No 64 is grade II listed and sits on the south side of the proposed main access to the site. However, it already backs onto a parking area for the Class B1 office building, and this existing building would largely shield No 64 from any development on the appeal site. Whilst some of the proposed new build to the rear of the Old Red Lion could possibly be visible from rear-facing windows of No

³⁰ CDA13

³¹ See CDA1

- 64, any such development would be at a distance and I do not consider that it would have any significant adverse impact on the setting of this building.
68. I have noted the Council's concerns that a carelessly driven vehicle could cause damage to the side elevation of this property, but of course that is also the case now. That said, I do acknowledge that the current low level of activity associated with the lawful use of the appeal site means that use of the access by large vehicles is unlikely to be a common occurrence at the present time. I return to this matter under a later main issue.
69. Turning to the other listed buildings – Nos 66-74 – the Council has raised concerns about the impact of the proposed development when viewed from these and other High Street properties. However, no specific harm has been detailed and I see no reason why the proposed built form on the appeal site – which would in any case be some distance from the rears of these buildings – should result in any unacceptable visual or other harm. In this regard I note that Stage 2 of the HELAA assessment process took account of Environmental Constraints³² - including listed buildings – and did not see this matter as a barrier to development on the appeal site. I share that view.
70. I have also been mindful of the fact that in its consultation response³³, HE did not consider that the scheme would cause harm to the character or appearance of the conservation area as experienced from within it, as it would be largely screened from clear views along the High Street and would only be seen in glimpsed views along the 3 access points. HE commented that from outside the conservation area boundary, although the roofs of the scheme would be clearly seen from the graveyard of the Parish Church, they would form part of a very varied roofscape into which they should fit reasonably well, provided that a variety of similar materials are used. In this regard, the DAS notes that the architectural treatment of the proposals would reflect the local vernacular, in order to fit comfortably and sensitively into the village.
71. HE did raise some concerns about the proposal, but these were only in relation to the possible implications of an inadequate amount of parking being provided by the development and the possible consequences of parking spilling over into the sensitive, small streets of the village centre. I return to this matter under a later main issue.
72. Drawing all the above points together I do not consider that the appeal proposal would have any undue impact on the linear nature of the village or the conservation area, nor would it adversely impact on any of the conservation area's characteristics such as the narrow, winding streets and the strong sense of enclosure, as detailed above. It would therefore preserve the character and appearance of the conservation area. Furthermore, it would not have any adverse impact on listed buildings or their settings, and whilst it would result in an alteration to and some loss of fabric of the non-designated Old Red Lion, on balance I do not consider that this would result in any material harm. As such I am satisfied that the proposed development would not result in any harm to the significance of designated or non-designated heritage assets. The presence of designated heritage assets therefore does not constitute a clear reason for refusing this development, in the context of NPPF paragraph 11.

³² See paragraph 51 of CDC8(b)

³³ Included as Appendix A16 to Mr Handcock's evidence

73. **Summary.** Overall on this main issue, in light of all the matters detailed above, I conclude that the appeal proposal would not have an adverse impact on the character and appearance of the surrounding area, or on the Chilterns AONB, the Great Missenden Conservation Area, or on the settings of nearby listed buildings. The impact on the non-designated Old Red Lion and Forge Cottage would also be acceptable. Accordingly – and notwithstanding the fact that I consider that some of these policies can only be given limited weight – I find no material conflict with CDLP Policies GC1, H3, CA1, CA2, LB2, or with CS Policies CS20 and CS22. Moreover, there would be no conflict with NPPF policies dealing with AONBs or heritage assets.

The safety and convenience of the proposed access points, and of users of the nearby highway network

74. The issue of access to the proposed development was, in my view, the most important concern raised by those interested persons who spoke at the inquiry, and it was also the most mentioned matter in the various representations made at application stage³⁴ and at appeal stage. Concerns over the adequacy and safety of the access points led to the Council imposing reasons for refusal 3 and 4 when it refused planning permission for this proposal. I can understand and appreciate these concerns as all of the 3 existing access points to the appeal site are relatively narrow, with none of them being of a standard which BCC as local highway authority would be prepared to adopt. As such, the accessways and the shared surface roads within the development would all remain private.

75. However, it is clear that these existing accesses are all in current use, as I was able to see at my site visit. I observed that the main access, between the Old Red Lion and 64 High Street is currently used by visitors to the TSB Bank (which has a small car park to the rear of its High Street premises); by workers at, and visitors to, the existing B1 office building to the rear of No 64; and by people who park to the rear of the Old Red Lion, apparently taking advantage of the fact that it is currently vacant. More importantly however, the Council, BCC and the appellant all agree that there are various existing lawful uses on the appeal site (including the Old Red Lion itself), which could generate traffic without the need for any further planning permissions to be granted.

76. The submitted evidence indicates that this fact formed the basis of a series of discussions, primarily between the appellant and BCC, in an attempt to establish a form and quantum of development for the site which could be considered 'traffic neutral'. In other words, an assessment was made of the potential traffic generation which could legitimately be expected to arise from the mix of houses, garages, and Class A2 and Class B2 uses present on the appeal site. In considering this matter I am well aware of the currently run down nature of the uses on the appeal site, and I fully accept that only a very limited amount of traffic is likely to be generated by these uses at present.

77. But this cannot disguise the fact that these existing uses (or similar) could be resurrected without the need for planning permission, and it is therefore quite legitimate and indeed necessary for the potential, lawful traffic generation of the appeal site to be taken into account. Using figures from the industry standard TRICS³⁵ database, agreed between BCC and the appellant, BCC confirmed in September 2017 that a development scheme comprising 23 houses and 10 flats

³⁴ CDB3

³⁵ TRICS: Trip Rate Information Computer System

would be considered traffic neutral, compared to the existing use of the site³⁶.

Minor adjustments were then made to the calculations by the appellant, leading to its view that a more accurate mix for a traffic neutral scheme would be 25 houses and 9 flats³⁷. It is on this basis that the scheme which now forms the subject of this appeal was prepared and submitted in October 2017.

78. However, despite this apparent agreement on a traffic neutral position, the appellant only received the consultation comments from BCC on the application on 3 April 2018, just a few days before the planning application was refused under delegated authority on 6 April 2018. I find this BCC consultation response somewhat confusing and contradictory, as in one paragraph it appears to agree that the existing uses on the site could be expected to generate 124 daily 2-way vehicle movements. But it then goes on to carry out a calculation leading to a different total of 111 daily 2-way vehicle movements, using a slightly different traffic generation rate for the garages on the site.
79. With an agreed traffic generation for the appeal proposal of 123 daily 2-way vehicle trips, BCC argued that this proposed development would be likely to generate 12 more daily trips than could potentially be generated by the existing uses, resulting in an intensification of use at both the Old Red Lion and the Missenden Mews access points. In addition, the BCC consultation response raised concerns about the achievable pedestrian visibility splays at the Old Red Lion access, although the appellant maintained that agreement had previously been reached with BCC on this matter. It was as a result of this consultation response that the Council imposed reasons for refusal 3³⁸ and 4³⁹.
80. In his transport proof of evidence to the inquiry, Mr Fitter, for the appellant, acknowledged that providing an overall traffic neutral solution would, indeed, result in modest increases in traffic at the Old Red Lion and the Missenden Mews accesses of 5 and 3 daily 2-way trips respectively, but that this would be compensated for by a reduction of 9 daily 2-way trips at the narrowest, northern access. But through Mr Fitter's evidence the appellant also made the point that there was an alternative legitimate fall-back position which could be pursued, if planning permission is not forthcoming for the appeal proposal, namely the marketing of the upper floors of the Old Red Lion for Class A1 retail use, and the change of use of the existing Class B2 unit to a B1 use.
81. Evidence from local commercial property consultants⁴⁰ has been provided by the appellant to indicate that there could be significant interest in this suggested use of the upper floors of the Old Red Lion for retail purposes, and whilst the consultants did not comment directly on the alternative B1 use of the existing industrial unit, the fact that there is already a small B1 office use to the rear of 64 High Street leads me to the view that such an alternative use could well be viable. In view of these points I note that on the basis of this latter proposition alone (the suggested change from B2 to B1), there would be a likely daily increase in traffic generation of 11 2-way vehicle trips, effectively cancelling out the 12 additional trips from the proposed development alleged by BCC in its consultation response.

³⁶ CDA9

³⁷ Also in CDA9

³⁸ Relating to an alleged intensification of use of the Old Red Lion access, giving rise to danger and inconvenience for users

³⁹ Relating to alleged inadequate width of vehicle and pedestrian access points, and concerns about safety and convenience

⁴⁰ CDA14

82. But more importantly, a retail use of the upper floors of the Old Red Lion would significantly increase the traffic generation of the existing uses on the appeal site, by over 600 2-way trips on a daily basis, with 2-way morning and evening peak hour vehicle movements of 35 and 53 respectively. Having reviewed and accepted the veracity of this fall-back position BCC wrote to the Council on 20 July 2018, shortly before the opening of the inquiry, to indicate that it no longer felt able to support reasons for refusal 3 and 4. As a result, in opening its case at the inquiry⁴¹ the Council withdrew these 2 reasons for refusal and presented no evidence on this matter.
83. Concerns about access issues were, however, still expressed by those who spoke at the inquiry as individuals and on behalf of Great Missenden Parish Council and the Great Missenden Village Association and, as already noted, concerns about access were expressed in the various written representations. The main Old Red Lion access was the subject of particular criticism.
84. However, the appellant proposes certain improvement to this access, including a widening to 4.2m at ground floor level, in order to improve visibility between emerging drivers and pedestrians using the western footway on the High Street, and the removal of the modern extensions to the rear of the Old Red Lion. This latter measure would reduce the extent of the restricted width section to just about 11m. All other shared surface roads within the development would be wide enough to allow 2 cars to pass, and would also provide for necessary parking (see later) and manoeuvring. On this point I note that the Buckinghamshire & Milton Keynes Fire Authority raised no objection to this proposal, simply commenting that particular attention must be given to parking facilities to prevent 'chronic double parking' issues, which could ultimately affect emergency service attendance.
85. I acknowledge that this widening at ground floor level would not benefit taller vehicles but swept path analyses, taking account of the on-street parking bays on High Street, have been submitted to show that a wide range of vehicles could access the site even without this widening. Whilst some of the largest vehicles, including pantechnicons, would not be able to enter through the Old Red Lion access, the appellant has indicated that access to the site by such vehicles would be controlled by both a Demolition and Construction Method Statement and a Delivery and Servicing Plan, both of which could be secured by conditions if planning permission is granted.
86. In view of these points I am generally satisfied that the access arrangements for the development would be safe and satisfactory, although I do share the Council's concern regarding the potential for damage to occur to 64 High Street if the existing metal post at the front of the Old Red Lion access, protecting this property, is removed as proposed. That said, it was agreed at the inquiry that measures could be introduced by a planning condition to address this matter, if planning permission is granted. I return to this point later in this decision.
87. With regard to BCC's concerns about pedestrian visibility splays at the Old Red Lion access, I consider that the appellant's proposal to widen this access to 4.2m would provide a satisfactory level of inter-visibility between pedestrians and drivers at this location. In this regard I have been mindful of the comments from interested persons, that pedestrian movements in the High Street were low at the time of my site visit, both because it was a school holiday period, and also

⁴¹ See Doc 2

because the popular tourist attraction of the Roald Dahl Museum, located within the High Street, was closed in the aftermath of a recent flooding incident.

88. However, whilst I acknowledge that the appeal proposal would result in a fairly high level of traffic movement at the Old Red Lion access, this is an established and relatively well-used access which, in terms of its form and layout, would not be dissimilar to many of the other access points along the High Street. Moreover, submitted accident information indicates that there have been no personal injury accidents at this or other similar accesses along the High Street over the last 3 years. Because of these points, and the satisfactory standards of visibility, coupled with the slow speeds at which vehicles would inevitably have to manoeuvre at this location, I do not consider that the increased use of this access would unduly compromise the safety of either drivers or pedestrians.
89. Taking all the above points into account, I conclude that the proposed development would provide safe and convenient access to and from the proposed residential properties for all users, and would not have an unacceptable impact on the safety and convenience of users of the nearby highway network. Accordingly, and notwithstanding the fact that the accessways and the shared surface roads within the site would all remain private, I find no conflict with CDLP Policies TR2 or TR3 which, in summary, require new development to have safe and adequate access to the existing highway network. Nor do I find any material conflict with CS Policies C25 or C26, or with the transport policies in the NPPF.

Whether sufficient on-site parking would be provided

90. Reason for refusal 5 alleges that the appeal proposal would not make adequate provision within the site for parking and manoeuvring of vehicles clear of the highway. As such it maintains that if permitted, the development would be likely to lead to additional on-street parking and to vehicles parking ad-hoc within the site access points, to the detriment of public and highway safety. The Officer's report to Committee states that 74 parking spaces would be needed for the 34 new dwellings, in order to comply with the requirements of CDLP Policy TR16. This figure was increased to 82 spaces in the evidence of the Council's planning witness, Mrs Smith, who also argued that a further 28 spaces could be needed to compensate for displaced on-site parking/garaging, together with replacement parking for the commercial use in the ground floor of the Old Red Lion.
91. However, the parking standards set out in Policy TR16 are based upon car ownership data from the 1991 census, which is clearly now out of date. Moreover, these Policy TR16 standards apply uniformly throughout the District, and do not take specific account of relevant local factors, such as those set out in paragraph 105 of the NPPF. This indicates that policies setting out local parking standards for residential and non-residential development should take account of the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; and local car ownership levels; together with an adequate provision of spaces for electric and other ultra-low emission vehicles.
92. The Transport Assessment (TA) submitted with this application makes reference to the Chiltern District Council Accessibility, Parking Standards and Community Infrastructure Study, dated 2005, which shows that Great Missenden is considered to be one of the most accessible settlements in Chiltern District. In addition the centre of Great Missenden, including the appeal site, is shown as achieving the highest accessibility index available. With these points in mind, the TA comments

that any residential development in this location would be suitable for a suppressed level of parking, and in view of the close proximity of local facilities and services, the rail station and a reasonable level of bus public transport, I see no reason to doubt this view.

93. In determining what it considered to be an appropriate level of parking provision for the proposed development the TA also undertook an analysis of 2011 census data to establish levels of vehicle ownership in the Great Missenden ward, differentiated between houses, maisonettes and flats. This exercise produced a predicted parking demand of some 43 spaces. When allowance is made for 1 space for Forge Cottage, and 1 for the retained A1 use in the ground floor of the Old Red Lion, as well as some parking for visitors, the appellant argued that the proposed total parking provision of 51 spaces would be appropriate and acceptable for this development.
94. I favour this approach adopted by the appellant. Indeed Mrs Smith for the Council accepted, under cross-examination, that Policy TR16 is not consistent with the NPPF and that the proposed development should not be required to make provision for the amount of parking that this policy would suggest. The parking demand figure was, in fact, amended during the course of the inquiry to incorporate information relating to households having 3 cars⁴², but it was agreed that a parking demand figure of 52 spaces would be reasonable for this development, and that this would allow for a degree of visitor parking.
95. This would amount to just 1 space more than the appeal proposal would provide, meaning that 1 resident's car or visitor's car may need to park on the carriageway within the scheme. The Council did not suggest that this would be unacceptable, and I share the appellant's view that this would be unlikely to have any significant impact on the operation or safety of the scheme. In light of the concession made by Mrs Smith, and the agreement between the parties on this updated parking information, the Council did not cross-examine Mr Fitter on parking matters, or indeed on any transport matters – although it did not formally withdraw reason for refusal 5.
96. As noted earlier, HE raised concerns about the parking provision of the appeal proposal, but those concerns would likely have been based on the Council's assessment of parking demand at that time – namely the Policy TR16 requirement. This has now been shown to be not appropriate for this site, and as such I give very little weight to HE's concerns that parking from the proposed development could spill over into the village centre and harm the character and appearance of the conservation area. Not only is it unlikely that there would be any significant over-spill parking, on the basis of the figures set out above, it is also the case that there is no unrestricted parking permitted on the public highway within some 200m of the appeal site, with all highway within that range being protected by traffic regulation orders, either in the form of double yellow lines or restricted on-street parking bays.
97. Drawing the above points together I conclude that the proposed development would provide sufficient on-site parking, and whilst there would be a conflict with CDLP Policy TR16, and by extension Policies TR11 and TR15, these policies only carry limited weight in this case for the reasons I have already given. Insofar as the proposed parking provision is concerned I find no conflict with CDLP Policy GC3, or with CS Policies CS25 and CS26 or the NPPF.

⁴² See Docs 14 and 15

Whether there should be a review mechanism to consider the provision of affordable housing

98. A Viability Report⁴³ (VR) submitted by the appellant with the planning application indicated that the proposed development had a Residual Site Value (or Residual Land Value – RLV), excluding fees and costs, in the region of £1.669 million. This compares with a Benchmark Land Value (BLV) of some £5.09 million, and as the RLV was lower than the BLV the VR concluded that the proposed development could not support contributions to planning obligations or affordable housing. However, it was later clarified by the appellant that the VR had included a contingency figure of £150,000, to go towards any requested planning obligations, but that this had been overlooked when the text of the VR was updated from the appellant's earlier proposal for this site.
99. To clarify – the appellant confirmed that the appeal proposal could support the financial contribution of £138,654 requested by the School Commissioning Officer, to go towards additional educational facilities, the need for which would be generated by the proposed development. This would be secured by means of the submitted S106 UU.
100. This VR, which had been prepared in November 2017 was reviewed by financial consultants on behalf of the Council in December 2017 and, whilst disagreeing about the level of costs and values assumed in the report, these consultants nevertheless did agree that the proposed development could not support on-site affordable housing or make a commuted capital payment in lieu of on-site provision.
101. The relevant policy framework in this regard is provided by CS Policy CS8, which indicates that in new developments of 15 dwellings or more the Council will aim to achieve a target of at least 40% of the dwellings being affordable. The policy does go on to say, however, that there will be occasions when it is not financially viable for developers to meet the targets in this policy. In such circumstances the Council will require clear evidence to demonstrate why it is not viable to do so.
102. In this case, as a result of the submission of the VR and the Council's assessment thereof, when planning permission was refused the Council did not include the lack of affordable housing, or a commuted payment in lieu of the same, as a reason for refusal. It did, however, attach an Informative to the decision notice, advising the appellant that if it decided to appeal the refusal it would be expected to submit a satisfactory Legal Agreement, to include a review mechanism, which would need to be carried out prior to the implementation of any approved scheme.
103. Whilst the inquiry was sitting, financial consultants for the appellant and the Council continued to discuss and negotiate, with a view to preparing a Viability SOCG. Such a document was prepared in draft form⁴⁴ but no signed and completed version was submitted before the inquiry closed. Although a number of matters were agreed, this Draft SOCG also sets out the various areas where the parties could still not reach agreement, including on the assumed figures for RLV. The Council argued for a figure of about £4.016 million, whilst the appellant's latest figure was about £2.665 million. However, the parties agreed that on the basis of either of these figures the appeal proposal still could not support on-site affordable housing provision, or a commuted payment in lieu of this.

⁴³ Within CDA1

⁴⁴ Doc 16

104. But notwithstanding the above, the appellant has included a 'Viability Appraisal' in its submitted UU which would be triggered if, following any grant of planning permission for this proposal, fewer than 10% of the dwellings have been constructed to at least 0.5m above foundations, with incoming services and site access laid out, by the second anniversary of the date of planning permission.
105. The aim of this Viability Appraisal would be to establish whether the viability of the proposed development had improved over this period, to the extent that an affordable housing contribution should be paid by the appellant to the Council. The Council argues that both parties would be protected by such a trigger and review, as it would encourage the appellant to expedite the scheme in a timely manner, but would also deliver a commensurate level of contribution if viability was to improve, and if implementation was delayed.
106. However, despite including these provisions in the UU, the appellant argues that such a review is not justified for a single phase proposal such as this, for which full planning permission is sought, and for which certainty of costs and expenditure is needed at the outset. The appellant further argues that the imposition of such a viability review mechanism would not accord with guidance in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010, which states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
107. In this case the UU fails the first of these criteria, as a Viability Appraisal is not necessary to make the development acceptable in planning terms. This is borne out by the fact that the Council did not cite the absence of affordable housing provision as a reason for refusal, as already noted. CS Policy CS8 clearly allows housing development to take place without achieving the target of 40% of affordable housing, when it can be demonstrated that a development is not able to viably support such provision – as here – and in such circumstances there is no conflict with this policy.
108. I have noted the Council's comment that neither the NPPF, the PPG⁴⁵, nor professional guidance from the Royal Institution of Chartered Surveyors (RICS) in its document Financial Viability in Planning⁴⁶, preclude the use of viability review mechanisms on single-phase schemes, and do not expressly advise on this matter. However, this RICS guidance does state that re-appraisals of viability are generally suited to phased schemes over the longer term rather than a single-phase scheme to be implemented immediately, which requires certainty. I give weight to this view.
109. Drawing all of the above points together, I share the appellant's view that there is no reasonable basis for concluding that in the absence of a review mechanism to re-assess viability, planning permission would have to be refused for this proposal. Accordingly, I conclude that a viability review mechanism is not necessary to make the proposed development acceptable in planning terms, and those parts of the S106 UU dealing with the suggested 'Viability Appraisal' therefore do not comply with Regulation 122 of the CIL Regulations, as detailed above.

⁴⁵ Doc 18

⁴⁶ CDC18

Other matters

110. One of the Council's reasons for refusal – No 6 – alleged that the appeal proposal fails to make adequate provision for the collection of waste from the site, and that this would be contrary to CDLP Policy GC3. However, the TA submitted with the planning application had made it quite clear that the refuse collection strategy for the proposed development was to introduce a private collection arrangement using smaller vehicles. The TA explained that future residents would be expected to pay a service charge to a management company for this service, and that this could be incorporated into a S106 planning obligation. The Officer's report to Committee commented that no precise details of such a refuse collection arrangement had been provided, and that this matter could therefore not reasonably be the subject of a planning condition.
111. The Council's witness on this matter confirmed that the accessibility of the appeal site was such that the Council would have to make special arrangements in order to collect waste from it, and that the cost of this would be unreasonably high. Like the appellant, I agree that in these circumstances the Council would be under no statutory duty⁴⁷ to collect waste from the proposed development. I am therefore satisfied, on the basis of the evidence placed before me, including swept path analyses and measurements taken on site, that appropriately-sized private refuse collection vehicles would be able to access the site.
112. As such, I see no reason why this matter could not be satisfactorily addressed by provisions set out in the submitted UU, which require a Management Company to be established and a Waste and Recycling Management Strategy to be submitted to and approved by the Council. Indeed, by the time the inquiry closed, the Council had accepted that a private waste collection service could be possible on this site, secured through an appropriate S106 planning obligation⁴⁸. This matter therefore does not weigh against the appeal proposal.
113. On other matters, Mr Wintgens spoke at the inquiry as joint owner and occupier of 48 High Street. He raised general concerns about access, similar to those put forward by other objectors, but had particular concerns regarding the northern access to the appeal site which, as noted earlier, passes between his property and 50 High Street. No 48 also has a flying freehold over this access track, with this first floor part of this property containing a bathroom and a bedroom.
114. Mr Wintgens objected to the fact that this northern access is edged in red on the submission plans, showing that it forms part of the appeal site. He maintains that this is an error as the track is unregistered and is not owned by the appellant. However, whilst I note these points, there is no firm evidence before me to demonstrate that the appellant does not have the necessary freehold or leasehold interest in this track. In any case, an applicant does not have to own all the land in question to be able to apply for planning permission.
115. I acknowledge that Mr Wintgens has use of this track, which leads to his double parking space, and it seemed to me at my site visit that other neighbouring properties may well make similar use this track. I understand, however, that it also provides access to 2 of the now derelict houses⁴⁹ on the appeal site, and that vehicular use of this track would therefore reduce under the appeal proposal as it

⁴⁷ As detailed in Section 45(1)(a) of the Environmental Protection Act 1990 – see CDE2

⁴⁸ Paragraphs 100-102 in Doc 27

⁴⁹ Orchard Cottage and Misbourne Cottage

would not be a vehicle access to the proposed development. It would become one of 3 possible pedestrian accesses to the site, but although Mr Wintgens argued that this would represent an unacceptable intensity of use and a gross invasion of his privacy, no firm evidence has been submitted to support this view.

116. The extent of the use of this northern track would undoubtedly depend upon where pedestrians would be travelling to and from, and because of the range of existing facilities and services along the High Street I see no reason why pedestrian use of this northern access would be excessive or unacceptable.
117. Mr Paul Tompson also spoke at the inquiry, as owner of 64A, 66 and 68 High Street, and of the businesses which occupy these properties. His main concerns also related to access difficulties and matters of highway safety, which I have addressed earlier in this decision, but he was also concerned about potential damage to his property from carelessly driven larger vehicles. I consider that this is a legitimate concern, and I have already made reference to a planning condition which could be imposed on any planning permission, and which I consider could satisfactorily address this matter.

Summary, planning balance and overall conclusion

118. To summarise the matters detailed above, by the time the inquiry closed the Council had withdrawn 2 of its original 6 reasons for refusal, relating to access matters, and had not seriously defended a further 2, relating to parking provision and waste collection. I have already established that the Council cannot currently demonstrate a 5 year supply of deliverable housing land – as is confirmed in the agreed SOCG – and that many of the policies which are most important for determining this application are out-of-date. This means that the proposal needs to be considered against the NPPF's paragraph 11(d).
119. I have considered sub-paragraph (d)i and have concluded that the appeal proposal does not conflict with NPPF policies that protect areas or assets of particular importance, and that there are therefore no clear reasons under this sub-paragraph for refusing the proposed development. Insofar as sub-paragraph (d)ii is concerned, the 'tilted balance' is engaged and it is necessary to assess whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposed development.
120. In this regard I share the appellant's view that this proposal would give rise to a number of benefits, across each of the 3 objectives for achieving sustainable development as set out in paragraph 8 of the NPPF – economic, social and environmental. Firstly, there would be benefits to the local economy as a result of direct and indirect jobs generated during the construction period, and as a result of increased population, which could increase demand for and use of local services and businesses in the High Street and the wider District, once the housing is occupied. This would help to maintain and enhance these services and businesses, thereby increasing their viability.
121. I acknowledge that these benefits would not be unique to this development, but would flow from any new housing development of this size within the District. However, this does not detract from the fact that the appeal proposal would give rise to these real benefits to which I attach significant weight, in accordance with NPPF paragraph 80.
122. In social terms, the proposed development would deliver 34 new homes of different tenures and sizes in a District which has a recent history of failing to

deliver sufficient homes to meet housing need, thereby helping to improve the HLS position. Moreover, the provision of a mix and range of housing sizes would assist in creating a strong, vibrant and healthy community.

123. The proposal would also improve the existing access point at the Old Red Lion by improving visibility for drivers exiting on to the High Street at this location. This would have positive safety implications for existing road users and pedestrians, as well as for users of the proposed development. In addition, the proposal would provide a financial contribution towards the provision of additional educational facilities in the locality. I also give significant weight to these social benefits.
124. In environmental terms, the proposed development would provide for future growth of Great Missenden within the existing settlement boundary, and would not expand the town into the Green Belt or undeveloped areas of the Chilterns AONB. Moreover, the proposal would result in the use of a brownfield site, set in a very accessible location in one of the most sustainable settlements in the District. As noted by the appellant, it would represent a medium-sized scheme, albeit important in the context of Chiltern District, and would assist the Council in meeting the target set out in paragraph 68(a) of the NPPF, to accommodate at least 10% of its housing requirement on sites no larger than 1 ha.
125. There would also be a potential benefit arising from the fact that the proposed residential use of the site would generate significantly fewer daily traffic movements than could the lawful fall-back use of the site. In addition, the high quality design proposed for the development, coupled with the provision of new communal amenity space and landscaping on the site, would improve the character and appearance of the surrounding area when compared with the poor character created by the existing buildings on the site. There would also be a benefit arising from the re-use of the non-designated heritage asset, the Old Red Lion, which would assist in ensuring its conservation. Again, I consider that these environmental benefits should attract significant weight.
126. As I have not found against the appeal proposal on any of the main issues, I am satisfied that there would not be any adverse impacts of granting planning permission of sufficient weight to significantly and demonstrably outweigh the above benefits, taken together. I therefore conclude that the appeal proposal should benefit from the Framework's presumption in favour of sustainable development. This is a material consideration in the proposed development's favour and, in my assessment, it outweighs the conflict I have found with CDLP Policies TR11, TR15 and TR16, as I have earlier concluded that these policies can only carry limited weight in this appeal.
127. I do realise that many local residents will be disappointed by my findings in this case, especially in view of the strong opposition to the proposed development on access grounds. However, in light of all the above points my assessment of the planning balance leads to the overall conclusion that this proposal should be allowed, subject to the imposition of a number of conditions, as discussed at the inquiry and set out in the attached Schedule. I have made minor alterations to the wording and the order of some of the conditions in the interests of clarity.

Conditions

128. Condition 1 is the standard condition for full planning permissions, whilst Condition 2 is imposed to provide certainty and to ensure that the development is carried out in accordance with the approved plans. Condition 3 is imposed to minimise

damage and inconvenience to highway users, and to protect the amenities of the area. Conditions 4 and 5 are imposed to ensure that the existing established trees and hedgerows within and around the site that are proposed to be retained are safeguarded during building operations.

129. I have imposed Conditions 6 and 7 to ensure that risks from land contamination to future users of the site and neighbouring land, together with risks to controlled waters, property and ecological systems, are all minimised. These conditions will also ensure that the development can be carried out safely, without unacceptable risks to workers, neighbours and other off-site receptors. Condition 8 will safeguard any protected species identified under the Wildlife and Countryside Act (as amended), whilst Conditions 9, 10, 11 and 18 are imposed to ensure that the development is of a satisfactory appearance.
130. Condition 12 is necessary in order to influence modal choice and reduce single-occupancy car journeys, whilst Condition 13 will ensure that servicing and delivery trips to the proposed dwellings are satisfactorily organised and arranged. Condition 14 is imposed in order to minimise danger, obstruction and inconvenience to users of the highway and of the development, whilst Condition 15 is imposed in order to safeguard 64 High Street from damage by vehicles.
131. Conditions 16 and 17 are necessary in the interests of the visual amenities of the locality, with Condition 19 being imposed so that the local planning authority can properly consider whether any future proposals will constitute overdevelopment of the site, or in any other way be detrimental to the character of the locality. Condition 20 will ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all carriageways to enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway. Condition 21 will preserve the amenities of the occupants of the adjacent dwellings.
132. Condition 22 is imposed to ensure that a sustainable drainage strategy has been agreed prior to construction, and to ensure that there is a satisfactory solution to managing flood risk, whilst Condition 24 will ensure that the sustainable drainage system is designed to the appropriate technical standards. Condition 23 will ensure that maintenance arrangements for the sustainable drainage system have been arranged and agreed. Finally, Condition 25 is imposed to ensure that adequate measures are in place to achieve at least 10% of the energy supply of the development being from renewable or low-carbon energy sources.
133. I have had regard to all other matters raised, including the points put forward in opposition to the proposal by Great Missenden Parish Council and the Great Missenden Village Association, but they are not sufficient to outweigh the considerations which have led me to conclude that this appeal should be allowed.

David Wildsmith

INSPECTOR

Schedule of conditions (25 in total)

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans:

22842B/509-C, 511-C, 515-C, 10-B, 100-B, 51-B, 60-A, 61-A, 65-B, 66-A, 16-095-LS A, 16-095-EL-1 A, 16-095-EL-2 A, 16-095-EL-3 A, 16-095-EL-4 A, 16-095-EL-5 A, 16-095-EL-6-7 A, 16-095-FP-5 A, TCP A, 200-A, 201-A, 202-A, 250-A, 251-B, 252-B, 253-B, 254-B, 501-A, 502-B, 503-B, 504-A, 505-B, 506-B, 508-B, 512-B, 514-B and 516-B.
- 3) No development shall take place, including any works of demolition, until a Demolition & Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
 - i. The parking of vehicles of site operatives and visitors;
 - ii. The phasing of the development;
 - iii. The construction access;
 - iv. Delivery, loading and unloading arrangements for plant and materials within the site including management and timing of deliveries;
 - v. Routing of construction traffic;
 - vi. A condition survey of the surrounding highway network; limiting the survey to 50 metres to the north-west and 50 metres to the south-east from the Old Red Lion access point on High Street;
 - vii. Storage of plant and materials used in constructing the development;
 - viii. The erection and maintenance of security hoarding;
 - ix. Measures to control the emission of dust and dirt including the prevention of the deposit of mud and debris on the adjacent highway during demolition and construction phases;
 - x. Measures to mitigate against noise/vibration nuisance during both demolition and construction phases;
 - xi. Measures to mitigate against light nuisance during both demolition and construction phases;
 - xii. A scheme for recycling/disposing of waste (with particular reference to any hazardous materials such as asbestos) resulting from demolition and construction works.

Thereafter, the works shall be carried out in accordance with the approved details.

- 4) No development shall take place until a Tree Protection Plan has been submitted to and approved in writing by the local planning authority. This plan shall clearly show the trees and hedges to be retained and those to be removed, along with the positions of tree protection fencing. Before any other site works commence on the development hereby permitted this tree protection fencing shall be erected around all the trees and hedges to be retained in accordance with both this plan and British Standard 5837:2012. The fencing shall then be retained in these positions until the development is completed. Within these enclosed areas

there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels.

- 5) 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 retained trees. This statement shall include details of protection measures for the trees 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. The work shall then be carried out in accordance with this approved method statement.
- 6) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - ii. The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
- 7) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 6.
- 8) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
 - i. Further detail relating to the proposed mitigation, compensation and enhancement actions for the scheme;

- ii. Description and evaluation of features and habitats to be designed and managed (bat features will ideally be built into the development structures);
- iii. Ecological trends and constraints on site that might influence management;
- iv. Aims and objectives of management;
- v. Appropriate management options for achieving aims and objectives (see below);
- vi. Prescriptions for management actions;
- vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period);
- viii. Details of the body or organisation responsible for implementation of the plan;
- ix. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 9) No development shall take place until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.
- 10) No work permitted by this permission shall be carried out until a detailed specification or working drawings/sections (scale 1:20, 1:10, 1:5, half or full size etc) fully detailing the new dormer windows, windows, eaves, extract vents, roof lights, flat roofs and porches have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved specification and retained thereafter.
- 11) No development shall take place until details of the proposed slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the local planning authority, with reference to a fixed datum point. The buildings shall be constructed with the approved slab levels.
- 12) Prior to occupation of the development a Travel Plan Statement shall be submitted to and agreed in writing by the local planning authority. The approved Travel Plan Statement shall be implemented upon first occupation of the development.
- 13) No development shall take place until a Delivery & Servicing Plan, detailing how the residential units within the development are to be serviced, has been submitted to and approved in writing by the local planning authority. The Delivery & Servicing Plan shall be implemented as approved, and shall remain in force as long as the development is occupied.
- 14) The development shall not commence until details of the internal private access roads, including any lighting, have been approved in writing by the local planning

- authority and no dwelling shall be occupied until the access roads have been laid out and constructed in accordance with the approved details.
- 15) No development shall take place until a scheme to protect the front corner of 64 High Street from likely damage by vehicles has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and retained for as long as the development is occupied.
 - 16) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include trees to be retained showing their species, spread and maturity and include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.
 - 17) Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.
 - 18) No development shall take place until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.
 - 19) 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 inclusive of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the local planning authority.
 - 20) The areas for parking, garaging and manoeuvring and the loading and unloading of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas shall be reserved for parking for occupiers and not be used for any other purpose. 50 of the car ports and car parking spaces hereby permitted shall be reserved for the parking of vehicles for occupiers of and visitors to the approved residential development, and for the occupiers of Forge Cottage only and shall not be used for any other purpose; and 1 space, hereby permitted, shall be reserved for the parking of the users of the ground floor of the Old Red Lion and shall not be used for any other purpose.
 - 21) The east-facing windows in the first floor of the apartment building Nos 26-30 shall be maintained with obscure glass and shall be at least 1.7 metres above the internal finished floor level. All bathroom and en-suite window(s) at first floor level in the dwellings hereby permitted shall be glazed and maintained with obscured glass and only the top part of the window(s) shall be capable of being opened.
 - 22) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological

and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall also include:

- i. Details of the alternative drainage strategy which will be implemented;
 - ii. A demonstration that consideration has been given to water quality and the ecological and amenity benefits;
 - iii. Details of the existing and proposed discharge rates and volumes;
 - iv. Full construction details of all sustainable urban drainage system and drainage components;
 - v. Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all sustainable urban drainage system components;
 - vi. Calculations which demonstrate that the proposed drainage system can contain up to the 1 in 30 year storm event without flooding occurring and any onsite flooding between the 1 in 30 year and the 1 in 100 year plus climate change storm event, should be safely contained on site;
 - vii. Details of the proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to the adjacent or the downstream sites;
 - viii. Details of Flow depth;
 - ix. Details of Flow volume;
 - x. Details of Flow velocity;
 - xi. Details of Flow direction.
- 23) If the road is to be adopted, the developer will agree to enter into a deed of easement pursuant to Section 38 of the Highways Act 1980 to allow the highway authority to access the sustainable urban drainage system to preserve the integrity of the highways system, for the purpose of emergency repair and maintenance.
- 24) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the local planning authority to demonstrate that the sustainable urban drainage system has been constructed in accordance with the agreed scheme.
- 25) No development shall take place until details of the measures to provide at least 10% of the energy supply of the development from renewable or low-carbon energy sources, including details of physical works on site, have been submitted to and approved in writing by the local planning authority. The renewable energy equipment shall then be installed in accordance with the approved details prior to the first occupation of any part of the development hereby permitted and shall thereafter remain operational at all times.

APPEARANCES

FOR THE COUNCIL	
Leanne Buckley-Thomson of Counsel	instructed by Ranjit Bharj, Chiltern and South Bucks District Councils (CSBDC) Joint Legal Services
She called:	
Mr Balal Farooqi	Policy and Efficiency Officer, Joint Waste Team, CSBDC
Mr Tim Thurley BEng(Hons) MIHE	Highways Development Management Consultant, Buckinghamshire County Council (BCC)
Mrs Julia Foster BA(Hons) PGDip Town Planning PGDip Historic Building Conservation AA IHBC MRTPI	District Historic Buildings Officer, CSBDC
Mr Stephen Chainani MSc	School Place Planning Commissioning Partner, Children and Young People Division, BCC
Mr Michael Veryard	Housing Manager, Joint Housing Team, CSBDC
Mr Graham Winwright BA(Hons) MRTPI	Planning Policy and Economic Development Manager, CSBDC
Mrs Margaret Smith BA(Hons) MRTPI	Principal Planning Officer, Development Management, CSBDC
Mr Stuart Morley BSc MA DipTP FRICS	Bespoke Property Consultants

FOR THE APPELLANT	
Reuben Taylor QC	instructed by Icen Projects Ltd
He called:	
Mr Laurie Handcock MA MSc MIHBC	Director, Heritage Team, Icen Projects
Mr Richard Fitter IEng FCILT FICE FIHE	Director, Entran Ltd
Mr David van der Lande BSc(Hons) MRICS	Director, Icen Projects
Mrs Katie Inglis BRTP MDS	Associate, Icen Projects

INTERESTED PERSONS OPPOSING THE PROPOSAL	
Mr Michael Wintgens	Local resident
Mr Paul Tompson	Local resident
Mrs Anne Kaneko	Local resident, speaking on behalf of Great Missenden Village Association
Mrs Christine Baxter	Chair of Planning, Great Missenden Parish Council, on behalf of the Parish Council

CORE DOCUMENTS

Document Number	Document Title
Application Documents	
A1	Original Application including Application Form, Planning Statement, Drawings, Ecology and Tree Assessments, Clague Heritage Impact Assessment and Design and Access Statement
A2	Additional documentation submitted during the application including Clague Design Response (Version 2), archaeology report and updated drainage strategy
A3	Decision Notice and Officer's Report
Pre-Application Correspondence	
A4	Meeting notes 2016
A5	Meeting notes 2017
A6	Correspondence between the highways authority and Entran (June-July 2017)
A7	Correspondence from HBO (Catherine Murray) 13 June 2017 and Clague Design Response (Version 1)
A8	Existing Uses letter 12 September 2017 and Council response 6 October 2017
A9	Traffic Neutral email 6 October 2017
A10	Extension of time and consultee update emails
Appellant's Appeal Documents	
A11	Appeal Form
A12	Appellant's Statement of Case
A13	Verified Views
A14	Agent's Letter
Council Questionnaire Documents	
B1	Council's Questionnaire
B2	Consultation Responses
B3	Representations
B4	Appeal Neighbour Letter and List
B5	Local planning authority Statement of Case
Policy Documents	
C1	The National Planning Policy Framework (2012 issue)
C2	Core Strategy
C3	Local Plan
C4	Affordable Housing SPD
C5	Sustainable Development SPD
C6	Chilterns AONB Management Plan
C7	Chilterns Design Guide
C8(a)	Emerging Local Plan Evidence Base including the Memorandum of Understanding, and Housing and Economic Needs Assessments
C8(b)	Draft Housing and Economic Land Availability Assessment
C9	Heritage Mapping
C10	Great Missenden Conservation Area Appraisal
C11	Historic England Planning Note and Guidance including: Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (Historic England, March 2015) Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, second edition, December 2017) Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (English Heritage, April 2008).

C12	Chiltern and South Bucks Townscape Character Study (November 2017)
C13	Chiltern Brownfield Land Register
C14	Buckinghamshire Local Transport Plan 4
C15	Buckinghamshire Development Management Policy/Guidance including consultation draft, consultation report and Guidance adopted in 2018
C16	Manual for Streets and Manual for Streets 2
C17	TD41/95 Vehicular Access to All Purpose Trunk Roads
C18	RICS Viability in Planning 2012
C19	Chiltern Authority Monitoring Reports
Other	
D1	Twitchell Road Planning Application Documents
D2	Letter from Mr Thurley, dated 20 July 2018
Council Documents	
E1	Household Waste Collection Policy Document - Chiltern Wycombe District Council
E2	Environmental Protection Act 1990 Section 45
E3	Environmental Protection Act 1990 Section 51
E4	Health & Safety Action 1974 Section 2(1)
E5	Waste Planning Guide

DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

Document	1	Opening submissions on behalf of the appellant
Document	2	Opening submissions on behalf of the Council
Document	3	Statement from Mr Wintgens
Document	4	Statement from Mr Tompson
Document	5	Statement from Mrs Kaneko, with attachments, made on behalf of Great Missenden Village Association
Document	6	Statement from Mrs Baxter, with attachment, made on behalf of Great Missenden Parish Council
Document	7	Great Missenden Local Community Area Profile, February 2007, submitted by the Council
Document	8	Great Missenden District Ward Profile - submitted by the Council
Document	9	Mid-2011 Population Estimates: England - submitted by the Council
Document	10	Site Visit Itinerary
Document	11	Swept Path Analysis for a Fuso Canter 7C15D refuse collection vehicle - submitted by the appellant
Document	12	Table showing Chiltern District Council 5 Year Housing Supply Calculations - submitted by the Council
Document	13	Bundle of emails between Mrs Smith and Mr Tristan Higgs, BCC Highways Development Management Officer - submitted by the Council
Document	14	Parking Demand note prepared by Mrs Smith - submitted by the Council
Document	15	Technical Note 7 - Parking Demand - submitted by the appellant
Document	16	Draft Statement of Common Ground - Viability
Document	17	Table showing Summary of Construction Cost Discussions between the Council and the appellant
Document	18	Extract from the Planning Practice Guidance - Viability

Document	19	Plan showing the extent of the public highway in the vicinity of Great Missenden Parish Church – submitted by the appellant
Document	20	Bundle of information sheets providing vehicle dimensions - submitted by the appellant
Document	21	Witness Statement of Mr Tristan Higgs, dated 31 July 2018, regarding correspondence between the local planning authority and the Highway Authority during the consultation process – provided by the highway authority
Document	22	Amended Table 8.1 from Mrs Inglis’s Proof of Evidence - updating her Summary of Policy Weighting following publication of the 2018 NPPF
Document	23	Bundle of emails between Mrs Foster and Mrs Smith – submitted by the Council
Document	24	Signed Statement of Common Ground on Planning Matters
Document	25	List of suggested conditions, agreed between the Council and the appellant
Document	26	Revised Scheme Drawing Register – Revision D, 27 July 2018 – submitted by the appellant
Document	27	Closing Submissions on behalf of the Council
Document	28	Closing Submissions on behalf of the appellant
Document	29	Application for Costs on behalf of the appellant
Document	30	Costs Response on behalf of the Council
Document	31	Signed unilateral undertaking - submitted by the appellant. Received after the close of the inquiry, in accordance with an agreed timetable.
Document	32	National Planning Policy Framework – 2018 issue



Costs Decision

Inquiry opened on 24 July 2018

Site visit made on 31 July 2018

by **David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th September 2018

Costs application in relation to Appeal Ref: APP/X0415/W/18/3202026 Land to the rear of the Old Red Lion, High Street, Great Missenden, HP16 0AU

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by PGMI (Great Missenden) Ltd for 2 partial awards of costs against Chiltern District Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for 'Demolition of 3 4-bed houses, a disused industrial building (Use Class B2) and 20 garages, removal of spoil and trees from the rear of the site. Development of 34 residential dwellings comprising 25 houses and 5 flats, with associated landscaping, tree replacement, car parking and internal shared surface road. Change of use of the upper storeys of the Old Red Lion (62 High Street) from office to residential to provide 4 flats. Ground floor building line amendment to southern elevation of the Old Red Lion (62 High Street) to remove 700mm at ground floor only, to provide improved visibility onto the High Street. Amendments to Forge Cottage on Missenden Mews to relocate front door, relocate car parking space and provision of new private amenity space within the site'.
 - The inquiry sat for 5 days on 24 to 27 July, and 1 August 2018.
-

Decision

1. For Application 1, the application for an award of costs is allowed in the terms set out below. For Application 2, the application for an award of costs is refused.

The submissions for PGMI (Great Missenden) Ltd

2. The applications for costs were submitted in writing and further, brief points were added orally after the Council had made its response. In summary, **Application 1** seeks a partial award of costs in relation to the appeal costs associated with reasons for refusal 3 and 4, which dealt with matters of access. **Application 2** seeks a partial award of costs in relation to the appeal costs associated with reason for refusal 5, which dealt with parking concerns.
3. For **Application 1**, a development mix which would produce a 'traffic neutral' scheme had been agreed with the highway authority through a series of emails, culminating in an email from the appellant to the highway authority dated 6 October 2017. This indicated that a traffic neutral mix would comprise 9 flats and 25 houses, and the planning application was submitted on this basis on 18 October 2017. However, despite repeated attempts to contact the highway authority, to chase up any consultation response, it was not until 3 April 2018, 3 days before the application was determined, that the highway authority's comments were forwarded

to the appellant by the Council – even though the Council had received the final version of these comments on 28 March 2018.

4. Despite the appellant requesting many times to be given an opportunity to respond to any comments received, no such opportunity was provided. Indeed the appellant was informed by the Council's Case Officer on the following day – 4 April – that planning permission would be refused. The appellant therefore prepared its transport evidence for the appeal, including an assessment of a 'fall-back' position which it maintained could be pursued if planning permission was not forthcoming. After considering this evidence the highway authority informed the Council that it would not be able to support reasons for refusal 3 and 4 at the inquiry. This decision was reached 1 working day before the opening of the inquiry, without any discussion with the appellant, but simply on the basis of the appellant's evidence.
5. This proves that if the appellant had been given the opportunity to provide the evidence in its transport proof in response to the highway authority's consultation comments, and if that information had been taken into account by the Council, then the Council would not have imposed reasons for refusal 3 and 4. It is no excuse for the Council to say that the appellant should have provided details of the fall-back position sooner. This was not necessary, as agreement had been reached on a traffic neutral development. It was only when the highway authority came back with its consultation response on a different basis to that already agreed, that it became necessary to make reference to the fall-back position.
6. An appeal on these grounds was therefore wholly unnecessary. The Council has acted unreasonably by not allowing the appellant adequate time to respond to the highway authority's consultation comments, and the appellant has incurred wasted expense as a result.
7. For **Application 2**, the appellant had set out its approach to parking demand, in accordance with the National Planning Policy Framework (NPPF), in the Transport Assessment which was submitted with the planning application. In contrast, the Council's evidence, and its refusal of planning permission, were predicated on the dogmatic application of the parking standards set out in Policy TR16 of the Chiltern District Local Plan (CDLP).
8. Reason for refusal 5 was imposed because the Council required its standards to be met, but it was wholly and completely unreasonable to apply Policy TR16 in this dogmatic way. The 2012 issue of the NPPF required consideration to be given to the extent to which all relevant development plan policies were consistent with the NPPF, but at no stage in its decision-making process did the Council consider these issues. The Council failed in its statutory duty by not having regard to this matter.
9. The Council did not undertake any such exercise prior to refusing planning permission, nor when it presented its case in its proofs of evidence. It was only when presenting her evidence in chief that Mrs Smith, for the Council, sought to challenge the appellant's parking demand calculations. However, this proved to be a flawed and unreliable exercise, and once the relevant requirements of the NPPF were properly considered, Mrs Smith conceded, at the end of the first week of the inquiry, that the parking standards in TR16 were inconsistent with the NPPF approach and accepted that the proposed parking provision would be sufficient to meet demand. This position should not have been reached through cross-examination - it should have been the starting point for the Council's decision-making process.

10. The Council had no reasonable basis for refusing planning permission by reference to the Policy TR16 standards, and had no reasonable evidential basis for refusing planning permission on the basis that the number of parking spaces proposed would be insufficient to meet demand. The Council acted unreasonably by refusing planning permission on these grounds and the appellant has incurred unnecessary expense in having to pursue an appeal to overcome this issue.

The response by Chiltern District Council

11. This was also made in writing. For **Application 1**, the Council maintains that it did not act unreasonably. The potential fall-back position was raised for the first time in the appellant's transport proof of evidence, but could have been raised much earlier. Evidence from the appellant shows that it was aware of this potential fall-back position at the time of the Council's refusal, and it could have been raised with the Council following the refusal of planning permission. At the very least it could have been included in the appellant's Statement of Case.
12. Although the appellant states that a traffic neutral scheme was the objective, the highway authority had also always indicated that none of the access points should be subject to an intensification of use. The highway authority's consultation response argued that 2 of the accesses would experience increased use, and this is where the highway authority and the appellant disagreed. The difference of opinion was not confined to the numbers of houses and flats.
13. The appellant knew that the highway authority had concerns regarding use of the access points, as a result of the refusal of the previous planning application, so it made no sense for the appellant to not put forward its best argument (the fall-back position) at application stage. It must be the case that if the appellant had raised this matter before the highway authority's response; or soon after the decision notice was issued; or in its Statement of Case – then the Council would not have pursued reasons for refusal 3 and 4, but would have withdrawn them sooner.
14. Any costs that have been wasted do not flow directly from the appellant's alleged inability to be able to respond to the highway authority's position at the consultation stage, but rather from the appellant's failure to raise the fall-back position at one of the many earlier opportunities it had to do so, before appeal preparation got underway in earnest. The Council did not act unreasonably in this regard and an award of costs is therefore not justified.
15. For **Application 2**, the Council disputes that it applied the Policy TR16 standards on a dogmatic basis. Mrs Smith's proof of evidence does illustrate some consideration of the accessibility of the development, public transport, and the type, mix and use of the development. Mrs Smith also considered a possible relaxation of the standards in the Officer's report to the Planning Committee.
16. When Mrs Smith reconsidered matters in the course of the inquiry she acted reasonably and fairly conceded those matters which it was appropriate for her so to do. A change in position or indeed a wrong answer does not necessarily constitute unreasonableness. The Council maintains that it did not act unreasonably in this regard, and no award of costs should be made.

Reasons

17. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

18. With regard to Application 1 the submitted evidence gives every indication that agreement had been reached between the appellant and the highway authority on a development mix that would provide a traffic neutral scheme. The latest position of both sides in this regard, prior to the submission of the planning application, appears to be contained within one of the inquiry Core Documents – CDA9. This contains an email dated 27 September 2017 from the highway authority to the Council, confirming that a traffic neutral scheme would need to consist of 23 houses and 10 flats. This was responded to by an email dated 6 October 2017 from the appellant’s transport consultant, Mr Fitter, which made some minor adjustments to floor areas, leading to a revised traffic neutral mix of 25 houses and 9 flats.
19. Mr Fitter asked the highway authority to review this matter and confirm that it was satisfied with the amended calculation. There is nothing in the evidence before me to show that the highway authority expressed any misgivings on this matter, and the planning application was duly submitted on 18 October 2017. I understand that the consultation period for this application expired on 28 December 2017, but that despite a number of attempts by the appellant to elicit any information regarding the highway authority’s response, this response was not received by the Council in its final form until Wednesday 28 March 2018.
20. Although I acknowledge that the Council’s Case Officer, Mrs Smith, was on leave on Thursday 29 March, and that this was around the Easter period, with 30 March being Good Friday and 2 April being Easter Monday, no good reason has been placed before me to explain why the highway authority’s comments could not have been passed to the appellant on 28 March. Even then, this would have been an excessively long time after the end of the formal consultation period and only 5 working days prior to the application being refused under delegated powers.
21. In fact the highway authority’s response was not provided to the appellant until Tuesday 3 April, just 3 days before the application was refused. Moreover, the response took a different view to that which the appellant believed had been the subject of agreement, and recommended refusal on a total of 3 counts. I accept that the lateness of this response may not have been directly down to the Council (although there is no firm evidence before me to suggest that the Council actively chased the highway authority’s views), but to my mind the Council then acted unreasonably by not allowing the appellant the opportunity – even at this very late stage – to respond to the highway authority’s comments. The Council could have deferred making a decision on the application, but chose not to.
22. I find it very telling that once the highway authority saw the appellant’s response to its comments, contained in Mr Fitter’s proof of evidence for the inquiry, it came to the view that it could not defend reasons for refusal 3 and 4 – even without discussing this matter with the appellant. This demonstrates to me that had the appellant been given the opportunity to respond to the highway authority’s comments prior to the application being determined, there would have been a very strong likelihood that the highway authority would not have recommended reasons for refusal 3 and 4, and that they would never have been imposed.
23. I have noted the Council’s argument that the appellant could have referred to the fall-back position sooner, and I accept that this is indeed the case. However, this does not, in my assessment, make the Council’s actions any less unreasonable. In any case, I accept the appellant’s point that it had no reason to do so, believing as it did that it had reached agreement with the highway authority and had submitted a traffic neutral application to which the highway authority had no objection on

traffic generation grounds. It was, in any case, quite open to either the highway authority or the Council to examine the existing uses on the site and establish what a 'worst case' lawful fall-back position might look like.

24. In light of all the above points I conclude that the Council has acted unreasonably by failing to allow the appellant an opportunity to respond to unexpected comments from the highway authority. As a result, I consider that the appellant has incurred wasted and unnecessary expense having to prepare evidence to defend reasons for refusal 3 and 4. Accordingly a partial award of costs in this regard is justified.
25. Insofar as Application 2 is concerned, I consider that the Council has acted unreasonably in giving more or less full weight to the Policy TR16 parking standards. These standards were certainly the starting point for the Council's assessment of parking demand, and it is clear that although they date back to the adoption of the CDLP in 1997, they do not appear to have been re-visited in light of the approach to parking standards detailed in the 2012 NPPF.
26. However, I do accept that both in the Officer's report to Committee, and in Mrs Smith's proof of evidence, there is an acknowledgement that these standards could be reduced because of the location of the appeal site, its easy access to local services and public transport, and the intended introduction of a residential Travel Plan for the development. That said, the extent of this possible reduction was never fully articulated by the Council, and there was still a difference between the parties on this matter - at least until Mrs Smith's concessions at the inquiry.
27. But notwithstanding the above points, I am not persuaded that the Council's actions can be shown to have resulted in unnecessary or wasted expense for the appellant. Although I acknowledge that some of these matters could have been discussed and possibly resolved prior to the inquiry, it was only as a result of the presentation of further evidence to the inquiry, by both the Council and the appellant, that agreement on this matter was reached.
28. In these circumstances I conclude that a partial award of costs is not justified, insofar as reason for refusal 5 and parking issues are concerned.

Costs Order

29. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Chiltern District Council shall pay to PGMI (Great Missenden) Ltd, the costs of the appeal proceedings, limited to those costs relating to reasons for refusal 3 and 4, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
30. The applicant is now invited to submit to Chiltern District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

David Wildsmith

INSPECTOR



Appeal Decision

Site visit made on 17 July 2018

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2018

Appeal Ref: APP/X0415/W/18/3194966

6 Warrender Road, Chesham, Buckinghamshire HP5 3NE

- 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 Visao Limited against the decision of Chiltern District Council.
 - The application Ref CH/2017/2174/FA, dated 17 November 2017, was refused by notice dated 26 January 2018.
 - The development proposed is a new vehicular access and erection of two four bedroom detached houses including detached single storey pitched roof car port.
-

Decision

1. The appeal is dismissed.

Application for costs

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

Procedural Matters

3. Since the determination of the appeal application, the National Planning Policy Framework published in 2012 has been replaced, with the new version being published in July 2018 (the 2018 Framework). I have invited further representations from the Council and the Appellant on this specific matter and have taken the representations received into account in my decision.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of 79A Lye Green Road and 6 and 8 Warrender Road with particular regard to outlook, noise and disturbance.

Reasons

Character and appearance

5. The appeal site consists of the curtilage of 6 Warrender Road, but also includes land currently within the curtilages of 75 Lye Green Road and 15 Codmore Crescent. The area as a whole is residential in character with the vast majority of houses directly fronting onto a highway. The notable exception to this is 75 Lye Green Road which is accessed down a narrow driveway and is sited to the rear of several properties on Lye Green Road, Codmore Crescent and 6 Warrender Road.

6. The appeal development would be accessed from Warrender Road along a new access driveway and the new dwellings would be sited a substantial distance back from the street when compared to the existing properties. This lack of direct road frontage would not be characteristic of the existing dwellings on Warrender Road.
7. Furthermore, the overall layout and feel is one which would be a small backland style development accessed down a relatively long driveway. Whilst the position of the dwellings means that they would not be prominent or readily visible from the street, they would be visible from a number of existing residential properties. The limited views which would be available along the driveway would be dwellings isolated from the streetscene. Taking the above into account, the development would be harmful to the overall character and appearance of the area.
8. My attention has also been drawn to two recent permissions¹ for the redevelopment of 75 Lye Green Road which would include two dwellings which would back onto the appeal site.
9. The existing property at No 75 is sited in a tandem manner, and the permissions granted utilise the same access road, albeit with a greater intensity of development than the existing situation. Whilst the presence of this tandem development weighs in favour of the appeal proposal, to my mind, it does not provide a compelling reason to allow this appeal.
10. Turning to the width of the proposed plots, these would be similar to those in the development at No 75, although from the evidence before me the overall site is narrower where the front of the appeal dwellings would be sited. I have also had regard to the spacing between the proposed dwellings and that to the boundaries of the appeal site.
11. Notwithstanding the slightly narrower part of the site, the proposal would not appear to be significantly different to that permitted by the Council at No 75 which backs onto the appeal site. Taking account the proximity of that development to the appeal proposal I consider that the width and spacing around the dwellings does not weigh against the appeal scheme. However, that does not outweigh the harm I have already identified.
12. In addition to the above, I have been referred to several other appeal decisions², including one in relation to the now constructed 2A Warrender Road.
13. From the limited information before me, the Chartridge Lane and Denham Lane sites appear to be located within an area where there is a much greater degree of tandem development when compared to the current appeal site. The Berkeley Avenue case is over 10 years old and prior to the first Framework, whilst the Sutton Coldfield case relates to a larger development where the proposal also creates a new cul-de-sac. In respect of the Warrender Road decision, this relates to a scheme which had a street frontage and is significantly different in character to the current appeal scheme. Moreover, each application must be considered on its individual merits.

¹ References CH/2016/2230/FA and CH/2018/0366/FA

² References APP/P4605/A/11/2150763, APP/X0415/W/15/3135882, APP/X0415/A/05/1184634, APP/X0415/A/08/2067031/NWF and APP/X0415/W/17/3187480

14. For the above reasons the development would harm the character and appearance of the area and would be contrary to Policies GC1 and H3 of the Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001) (LP) and Policy CS20 of the Core Strategy for Chiltern District 2011 which amongst other matters seek to ensure that new development is compatible with the character of the area and those features which contribute to local distinctiveness. The proposal would also be at odds with the 2018 Framework which has similar underlying aims.

Living Conditions

15. Plot 1 of the proposed development would be sited close to the rear boundary of 79a Lye Green Road. From the evidence before me, the height of the dwelling would be around 8.4 metres (to ridge) and around 4.4 metres to eaves. The dwelling would be around 7.1 metres in width and around 14 from front to rear.
16. Whilst the new dwelling would be sited at the bottom of the garden of No 79a, it is significant that the garden area of No 79 is in the region of 27 meters long. To my mind, given this distance, the proposed dwelling would not appear as being excessively large or overbearing from the rear of that property or from the main part of the rear garden.
17. It is noted that the elevation facing No 79a has kitchen and reception room windows at ground floor and a dormer at first floor with windows to the bathroom and an en-suite. However, both of these first floor windows would be obscure glazed and be of a non-opening design below 1.7 metres from the first floor level. With that in mind, there would not be any significant overlooking potential to the rear garden of No 79a or adjoining properties.
18. Turning to the effect of the development on the occupiers of No 6, the new access driveway would be located close to the side elevation of the property which has two large windows in it. However, both of the rooms which these windows serve are dual aspect with further windows to the front and rear.
19. The proposal also includes a new fence and hedgerow between the property and the access driveway itself which would provide a degree of noise mitigation. Taking this into account, and given the limited scale of the development, any noise from vehicles would not be significant and as such would not give rise to a significant level of harm to the occupiers of No 6.
20. Finally, in respect of the effect on the occupiers of No 8, the principal impact would be from traffic traversing the access driveway. However, it is significant to note that a significant proportion of that driveway would be alongside an existing part of the dwelling, garage and driveway.
21. Taking this into account, and that the main part of the rear garden area would be away from the new driveway, any increase in noise and disturbance from vehicles would be minimal and would not result in any material harm to the living conditions of the occupiers of No 8.
22. For the above reasons the development would not harm the living conditions of the occupiers of 79a Lye Green Road, 6 or 8 Warrender Road and would therefore accord with Policy GC3 of the LP which amongst other matters seeks to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.

Planning balance

23. The Appellant has indicated that the Council is struggling to provide a satisfactory 5 year housing land supply. 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, other than the proposal would make a valuable contribution to the local housing supply.
24. Reference is also made to the evidence base for the Council's new Local Plan and the need to identify further sites to meet the housing requirements up to 2036, including potential releases of land within the Green Belt and relying upon a neighbouring Council to provide housing to meet the needs of the area. However, this does not in itself indicate that there is a current shortfall in the five year supply of housing land. Therefore, from the limited evidence before me, it is unclear whether the Council does have a five year housing land supply.
25. Notwithstanding that, the 2018 Framework indicates that planning decisions should apply a presumption of sustainable development. For decision taking, where Development Plan policies which are the most important for determining the application are out of date³, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the 2018 Framework taken as a whole.
26. In this case, I have found that proposal would harm the character and appearance of the area. This factor weighs heavily against allowing the proposed development.
27. 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.
28. However, the provision of two 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 2018 Framework when taken as a whole. The proposal cannot therefore be considered to be sustainable development.

Conclusion

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

Chris Forrett

INSPECTOR

³ Footnote 7 includes situations where the local planning authority cannot demonstrate five year supply of deliverable housing sites.



Costs Decision

Site visit made on 17 July 2018

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2018

Costs application in relation to Appeal Ref: APP/X0415/W/18/3194966 6 Warrender Road, Chesham, Buckinghamshire HP5 3NE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Visao Limited for a full award of costs against Chiltern District Council.
 - The appeal was against the refusal of planning permission for a new vehicular access and erection of two four bedroom detached houses including detached single storey pitched roof car port.
-

Decision

1. The application for a full award of costs is allowed in part in the terms set out below.

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG also makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material planning considerations or fails to produce evidence to substantiate each reason for refusal at appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. I am also mindful of Paragraph: 049Reference ID: 16-049-20140306 of the PPG which indicates that a local planning authority would be at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal *on appeal* (my emphasis).
5. The Applicant submits that the Council acted unreasonably as their refusal contradicts planning approval CH/2016/2230/FA on the adjoining site and the comments of a planning Inspector in an allowed appeal on the same road (APP/X0415/A/05/1184634).
6. The Council has responded in that it considers it acted reasonably and that there are no grounds for an award of costs to be made, particularly as the Applicant has not clearly demonstrated how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. It is also stated

- that the appeal results from a difference in opinion as to the impact of the proposed development on the character of the area and neighbour amenity.
7. In respect of the first issue, there are some obvious similarities between the appeal development and that at 75 Lye Green Road. However, there are also differences in the two schemes, particularly in respect of the existing situation on site with the appeal scheme proposing a new access driveway to facilitate the tandem development.
 8. In terms of the impact on neighbour amenity, given the length of the rear garden at No 79a it was clear to me that a proposal of this scale would not have any significant impact on the amenity of the occupiers of that property. It is also significant that the Council reached a similar conclusion in respect of application CH/2016/2230/FA, albeit that this was to the rear of 77 Lye Green Road. Whilst the widths of the rear gardens of Nos 77 and 79a differ, it is clear that the length of the gardens indicate that there would not be any significant harm. In this respect, I find that the Council have acted unreasonably in coming to that conclusion with only limited evidence being submitted to justify the Councils stance. This unreasonable behaviour has resulted in wasted expense in the preparation of the appeal.
 9. In respect of the effect on the occupants of 6 and 8 Warrender Road, the Councils concerns arose from the fact that a new driveway was proposed between the two dwellings. The proposed development would have some impact in terms of increased noise and disturbance, but the level of harm is clearly a matter of judgement. Whilst I have found in favour of the Applicant in respect of these two properties the Council have, to my mind, provided sufficient justification in respect of this issue.
 10. The consistency concerns of the Applicant also relate to the character of area issue. However, as I have already identified there are differences between the appeal scheme and that at No 75. The Council have sufficiently articulated their concerns in this respect and it is clear that this is a matter of judgement for the decision maker.
 11. Turning to the appeal at 2A Warrender Road, I have noted in my decision that this proposal had a direct street frontage and was significantly different in respect of the overall impact to the character and appearance of the area. The fact that the property now constructed at No 2A is highly visible in the streetscene, and that the appeal proposal would not be owing to its backland nature, demonstrates the very material differences between the two developments.
 12. The Council have also identified the differences in circumstances in their appeal statement and to my mind given it sufficient consideration in the appeal process. Consequently, I find that no unreasonable behaviour in respect of this has been demonstrated in respect of this issue.

Conclusion

13. Taking all of the above into account, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated in relation to dealing with the matter relating to the effect of the development on the occupiers of 79a Lye Green Road and therefore a partial award of costs is justified.

Costs Order

14. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Chiltern District Council shall pay to Visao Limited, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting the effect of the development on the occupiers of 79a Lye Green Road.
15. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Chris Forrett

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: 20 August 2018

Appeal Ref: APP/X0415/D/18/3203994

Bendrose Laurels, White Lion Road, Little Chalfont, HP7 9LJ

- 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 G & A Rickard against the decision of Chiltern District Council.
 - The application Ref CH/2018/0063/FA, dated 11 January 2018, was refused by notice dated 12 March 2018.
 - The development proposed is first floor extension with mansard roof and dormer windows on the sides, rear conservatory extension and new front porch.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension with mansard roof and dormer windows on the sides, rear conservatory extension and new front porch at Bendrose Laurels, White Lion Road, Little Chalfont, HP7 9LJ, in accordance with the terms of the application Ref CH/2018/0063/FA, dated 11 January 2018, and the plans submitted with it, 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: 1:1250 site plan, GR/CHILTERN/PLANNING/2017/027, GR/CHILTERN/PLANNING/2017/028 block plan, and sketch mansard-dormer comparison.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
 - 4) Before the development hereby permitted is brought into use, all the first floor dormer windows on the western side shall be fitted with obscured glass and fixed permanently shut and shall be retained as such thereafter.

Main issues

2. I consider that the main issues in this case are a) whether the proposal constitutes inappropriate development in the Green Belt, b) if it is inappropriate development, its effect on the openness of the Green Belt, c) its effect on the character and appearance of the area, and d) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations, so as to amount to the very special circumstances necessary to justify the development.

Application for costs

3. An application for costs was made by Mr and Mrs G & A Rickard against Chiltern District Council. This application is the subject of a separate Decision.

Reasons

4. The appeal property is a bungalow with an open front porch, a rear conservatory, a garage and other outbuildings, set in a large garden. It has a large space in the roof, the potential usefulness of which is compromised by the lack of headroom resulting from the shallow pitch of the roof. It is one of a small group of houses served by a narrow access lane and separated by open fields from Amersham and Little Chalfont and from a large industrial estate to the east. It is within the Green Belt and the immediate surroundings are rural in character.
5. The National Planning Policy Framework (the Framework), updated in July 2018, sets out several categories of new buildings which are not inappropriate development in the Green Belt. It allows for the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The Council refers to local plan policies contained in the Chiltern District Local Plan (the local plan). This was adopted in 1997 and consolidated in 2007 and 2011. Policies GB2 and GB13 relate to development in the Green Belt and allow for extensions to dwellings which are subordinate in size and scale to the original dwelling and are not intrusive in the landscape.
7. The original building is defined in the glossary of both the original and updated Framework as "*a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally*". Local plan policy GB13 defines "original" as "*a building existing on 1 July 1948, as existing on that date and, in relation to a building built on or after 1 Jul7 1948, as so built*". The supporting text to policy GB13 seeks to resist a significant cumulative increase in size resulting from a series of extensions to the original building. The policy is broadly consistent with the Framework.
8. Policy CS 20 of the Core Strategy for Chiltern District 2011 requires new development to be of a high standard of design.
9. The Framework does not provide any direction as to what may be regarded as a disproportionate addition, nor does it indicate how this should be measured, for example, by floor space or volume.
10. Bendrose Laurels is a replacement dwelling permitted in 1989. In accordance with the Framework and local plan policy GB13, this is the original building. A conservatory extension was permitted in 2002.
11. The proposed first floor extension would result in the creation of a mansard roof with three dormer windows to either side and a slight increase in ridge height, together with an enlargement of the conservatory and a new porch. Planning permission was granted in 2017 for the larger conservatory and the

- porch together with three large dormer windows in each side of the roof (CH/2017/1573/FA).
12. The 2017 planning permission is a material consideration in this case. On the basis of the information before me and my observations at the site, the difference between that scheme and the current proposal is that between the permitted dormers and the proposed mansard roof form. I consider that the proposal would result in a relatively small increase in floor area and volume compared with the permitted scheme. It would appear somewhat bulkier but not significantly more so than the permitted scheme.
 13. The extension would enable a more efficient use of the space in the roof by increasing the headroom and thus allowing for easier internal circulation and improved building standards, including insulation.
 14. The appellants state that the proposal, together with the earlier conservatory, would result in a cumulative increase of 41.7% in floor area or 53.3% increase in volume over the replacement dwelling. I consider that this would not be a disproportionate addition to the dwelling. The house stands in a large plot at the end of a narrow lane and is partially screened by mature trees. I consider that the proposal would be subordinate to the size and scale of the original dwelling and that it would not be intrusive within the rural landscape. It would not compromise any of the purposes of the Green Belt set out in the Framework.
 15. I conclude that the proposal is not inappropriate development and in this respect it would be consistent with the Framework, local plan policies GB2 and GB13 and Core Strategy CS20.
 16. Concerns have been expressed by neighbouring residents regarding the potential for overlooking their properties from the dormer windows on the western side. The submitted plans indicate that the windows would be obscure glazed and fixed. However, it is not clear that this refers to all the relevant windows. These windows would not be the only means of providing light and ventilation to the rooms within and the matter can be resolved by the imposition of a condition requiring the installation and retention of fixed, obscured windows.
 17. For the reasons given above, the appeal is allowed.

Conditions

18. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development. It is necessary and reasonable to impose a condition requiring the dormer windows in the western side to be of obscured glass and fixed shut in order to protect the amenities of neighbouring residents.

PAG Metcalfe

INSPECTOR



Appeal Decision

Site visit made on 20 August 2018

by **Ian McHugh Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 September 2018

Appeal Ref: APP/X0415/D/18/3203852

Pennington, Ashwells Way, Chalfont St Giles, HP8 4HR

- 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 Mrs Rachel Nelson against the decision of Chiltern District Council.
 - The application Ref CH/2018/0301/FA, dated 6 February 2018, was refused by notice dated 4 May 2018.
 - The development proposed is a proposed garden room.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the planning application form, the Council's decision notice and the appeal form each describe the proposed development differently. In my decision, I have used the description contained in the planning application form i.e. a garden room.

Main Issue

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

Reasons

4. The appeal property is a detached dwelling, which is situated in a residential area. The dwelling faces Ashwells Way with its front garden sloping down towards the highway. Ashwells Way is characterised by dwellings that vary in terms of their size and appearance, but the front gardens of properties along Ashwells Way are generally devoid of built development (apart from boundary walls and fences). In the immediate vicinity of the appeal site, the front gardens provide a spacious appearance to the streetscene.
5. The proposal is to erect a detached, single-storey timber building within the front garden of the appeal property. It would be positioned close to the front boundary adjacent to the highway.
6. Saved Policy H20 of the adopted Chiltern District Local Plan (LP) states that proposals for residential outbuildings should be modest in size and subordinate in scale compared to the existing dwelling. In addition, Policy GC1 of the LP and Policy CS20 of the Council's Core Strategy require new developments to be of high quality design.

7. In addition, I have also considered the provisions of paragraph 127 of the National Planning Policy Framework 2018 (the Framework). This seeks, amongst other things, to ensure that developments add to the overall quality of the area and are sympathetic to local character.
8. In reaching my decision, I have taken into account the relatively low height of the proposed building; the possibility of it being screened by planting; and that due to ground levels, the proposed outbuilding would not be highly visible from neighbouring properties. I also note that no objections have been raised by third parties. My attention has also been drawn to other developments within the front gardens of properties in the wider area. However, these are on Kings Road, where the character of the streetscene is, in my view, different to that of Ashwells Way.
9. Notwithstanding the appellant's arguments in favour of the development, I consider that the proposed position of the outbuilding would be significantly at odds with the pattern and layout of development along Ashwells Way. Despite the relatively small size of the structure, it is my opinion that the development would appear incongruous and visually intrusive in the streetscene. Furthermore, I am not persuaded that landscaping would adequately mitigate the significant harm that I have identified. The proposal would therefore conflict with Policy GC1 of the LP, Policy CS20 of the Council's Core Strategy and with the Framework, as referred to above.

Conclusion

10. For the reasons given above, it is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR

Appeal Decision

Site visit made on 28 August 2018

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2018

Appeal Ref: APP/X0415/D/18/3205621
Halvorsen, Chiltern Road, Amersham HP6 5PH

- 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 K Riches against the decision of Chiltern District Council.
 - The application Ref CH/2018/0560/FA, dated 26 March 2018, was refused by notice dated 29 May 2018.
 - The development proposed is for the erection of a detached single garage with basement store.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The site is situated within a low density residential street of an Arcadian nature with well established, predominantly laurel hedging to frontages. Many dwellings have garages although these tend to be integral or located to the side of their respective dwellings. I did note on my site visit that the garages which serve Caxton House and The Croft are located within their front gardens, but nonetheless I consider that these do not form the predominant pattern of development in the locality, and in any event each case must be assessed on its own merits.
4. Halvorsen is of a contemporary design and includes a wide garage door opening to its principal elevation. It too is partially bounded by laurel hedging to each side of its driveway entrance which is of a sufficient width to allow clear views of the front garden and parking area serving the appeal property. Consequently, I consider that the garage would be quite exposed within the street scene, notwithstanding the mature hedging to the side boundaries of the front garden and by reason of its forward siting, in close proximity to the highway, would fail to respect the prevailing pattern of development in the locality.
5. Whilst I acknowledge that the proposed garage would be for a single car, it is nonetheless, of a reasonable width and whilst the flat roof with sedum planting would soften its visual appearance, nonetheless it would not mask the visual

impact of the elevations. I say this, notwithstanding the fact that I accept that the garage would appear subordinate to its host dwelling and the form and detailing of the proposal would be sympathetic to the contemporary architecture on the site.

6. I cannot however agree that the proposed garage would form a positive feature in the street scene, and find that by reason of its proposed siting would be contrary to the prevailing pattern in the locality and harmful to the character and appearance of the wider area. The proposal conflicts with Policy CS20 of the Core Strategy¹ and Policy GC1 of the Local Plan² which together stipulate that the Council require that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness. It also falls foul of criterion c of the latter policy, which states that the siting of new buildings should be in accordance with the siting of any existing adjoining buildings and if fronting a road, the scale and alignment of the road in which they are to be located.
7. In addition, in respect of the Council's Residential Extensions and Householder Development Supplementary Planning Document – Adopted 10 September 2013, where concerning garages and outbuildings, paragraph 38 (ii) stipulates that care needs to be taken in their siting, particularly in areas characterised by open frontages which are clear of built form. In these areas the SPD stipulates that it unlikely to be acceptable to site a garage forward of a dwelling as it would disrupt the existing pattern of development. I have already acknowledged that the site is enclosed by hedging but, nonetheless, the proposed garage would still be clearly visible from the street and the general area is characterised by frontages which are clear of built form.

Conclusion

8. Therefore, having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR

¹ Local Development Framework Core Strategy for Chiltern District Adopted November 2011

² Chiltern District Local Plan Written Statement Adopted 1 September 1997 (including alterations adopted 29 May 2001) and consolidated September 2007 and November 2011