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CHILTERN
District Council



Planning Committee

Thursday, 17th January, 2019 at 6.00 pm

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

A G E N D A

- 1 Evacuation Procedure
- 2 Minutes
To approve the minutes of the Planning Committee held on 20 December 2018.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Items for Noting
 - 5.1 New Planning and Enforcement Appeals
 - 5.2 Appeal Decisions
 - 5.3 Permission/Prior Approval Not Needed
 - 5.4 Consent Not Needed
 - 5.5 Withdrawn Applications
 - 5.6 Information Regarding Planning Applications to be Determined

- 6 Report on Main List of Applications

Great Missenden

PL/18/3029/FA

Ward: Great Missenden

Page No: 2

Recommendation: Defer - minded to approve subject to the receipt of satisfactory amended plans

36 Church Street, Great Missenden, Buckinghamshire, HP16 0AZ

Chalfont St Peter

PL/18/3538/FA

Ward: Chalfont Common

Page No: 8

Recommendation: Conditional Permission

3 Mark Drive, Chalfont St Peter, Gerrards Cross, Buckinghamshire, SL9 0PP

Chalfont St Peter

PL/18/3563/FA

Ward: Austenwood

Page No: 15

Recommendation: Conditional Permission

Stable Farm, Amersham Road, Chalfont St Peter, Buckinghamshire, SL9 0PX

Chalfont St Peter

PL/18/3577/FA

Ward: Austenwood

Page No: 26

Recommendation: Conditional Permission

Stable Farm, Amersham Road, Chalfont St Peter, Buckinghamshire, SL9 0PX

Amersham

PL/18/4084/FA

Ward: Amersham On The Hill

Page No: 37

Recommendation: Conditional Permission

51 Highfield Close, Amersham, Buckinghamshire, HP6 6HQ

7 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, 14 February 2019

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

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** held on **20 DECEMBER 2018**

PRESENT: Councillor D Phillips - Chairman

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

APOLOGIES FOR ABSENCE were received from Councillors M Titterington and C Jones

ALSO IN ATTENDANCE: Councillor D Bray

39 MINUTES

The Minutes of the meeting of the Planning Committee held on 22 November 2018, copies of which had been previously circulated, were approved by the Committee and signed by the Chairman as a correct record.

40 DECLARATIONS OF INTEREST

Councillor J Waters declared a personal and prejudicial interest in planning application PL/18/3410/OA. Nature of interest – Councillor Waters knew some of the Objectors and left the room whilst the application was considered.

41 ITEMS FOR NOTING

RESOLVED -

That the reports be noted.

42 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

PL/18/2761/FA Thorne Barton Hall, Chesham Road, Ashley Green, Buckinghamshire, HP5 3PQ

Application withdrawn

PL/18/3069/FA Chalfont Park, Chalfont St Peter Bypass, Chalfont St Peter, Buckinghamshire, SL9 0QA

Speaking for the Applicant, the agent Mr Naylor

RESOLVED

Permission Refused

PL/18/3329/FA Rowan Farm, Hollow Way Lane, Chesham, Buckinghamshire, HP5 1TJ

Speaking for the objectors, Mr Taylor

RESOLVED

Permission Refused with additional reason relating to the Green Belt and in particular the lack of structural survey for the building, with reference to Policy GB29. Precise wording delegated to the Head of Planning and Economic Development.

Note 1: Councillor M Harrold entered the meeting at 6.23 pm

PL/18/3406/OA Site Of Former The Miltons Head Public House, 20 Deanway, Chalfont St Giles, Buckinghamshire, HP8 4JL

Speaking for the Parish Council, Councillor Lomas
 Speaking for the objectors, Mr Calderan
 Speaking for the Applicant, the agent Mr Clarke
 Speaking as the local District Member, Councillor Des Bray

RESOLVED

Permission Refused for three reasons:

1. Inadequacy of amenity space,
 2. Inadequate parking (Policy TR16), and
 3. Detrimental effect on amenities of 22 Deansway.
- Precise wording delegated to the Head of Planning and Economic Development.

Note 2: Councillor J Waters left the room at 7.05 pm

PL/18/3410/OA Stepping Stones, Ballinger Road, South Heath, Great Missenden, Buckinghamshire, HP16 9QH

Speaking for the Parish Council, Councillor Pusey
 Speaking for the objectors, Mr Landon
 Speaking for the applicant, the agent Mr Courtier

RESOLVED

DEFER – to allow Officers to negotiate with the applicant following concerns about the development, in particular to discuss the number of dwellings proposed. Also to seek clarification about the visibility splays from the Highways Authority. The application is to return to the Planning Committee for consideration once negotiations are completed.

Note 3: Councillor J Waters re-entered the room at 7.53 pm

PL/18/3413/FA Davos, 1 Pitch Pond Close, Knotty Green, Buckinghamshire, HP9 1XY

RESOLVED

Conditional Permission

PL/18/3539/FA

Spinelle, Narcot Lane, Chalfont St Giles, HP8 4DX

Speaking for the Parish Council, Councillor Lomas

Speaking for the objectors, Mr Beckett

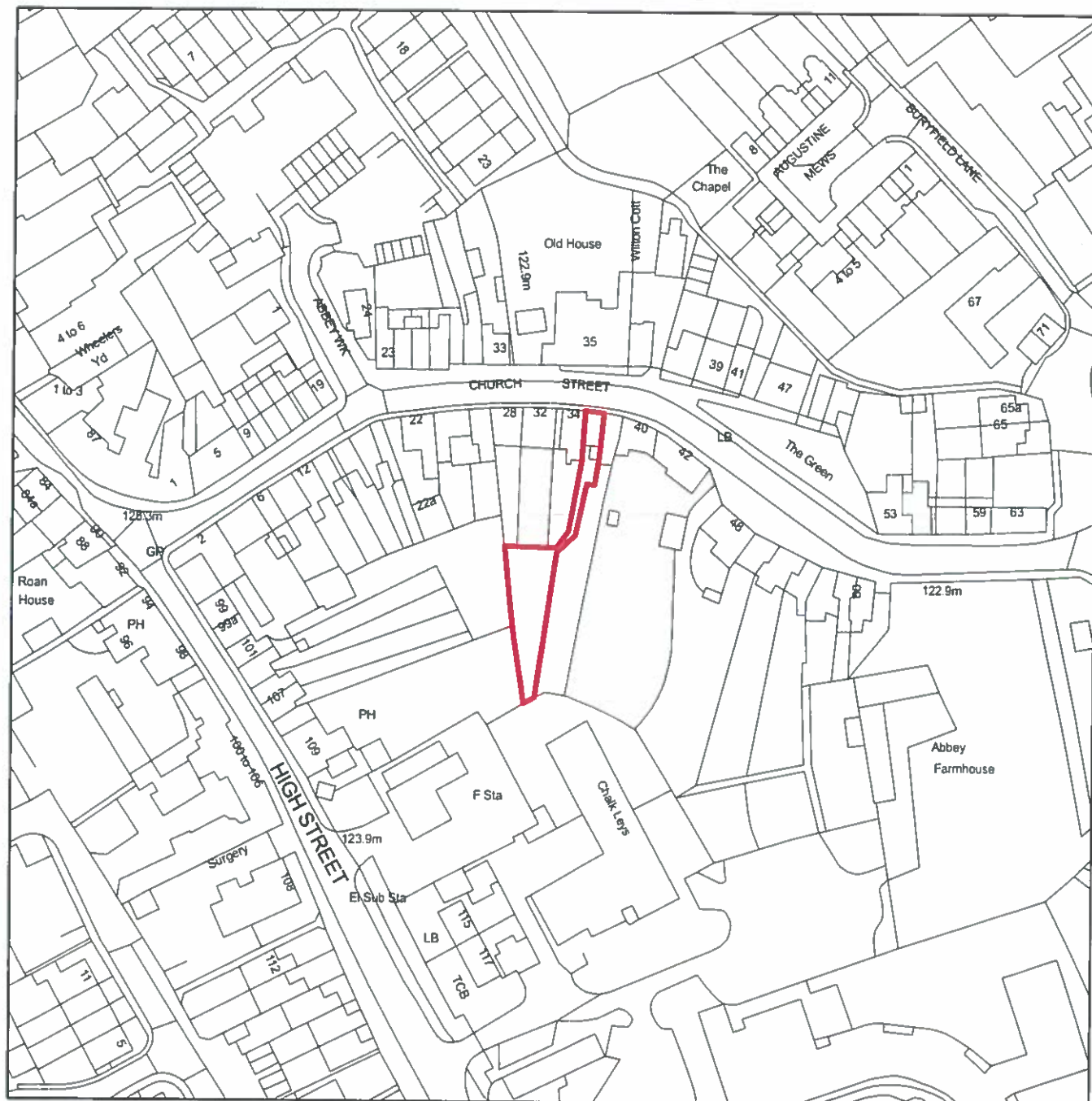
RESOLVED

Conditional Permission

The meeting ended at 8.09 pm



36 Church Street, Great Missenden, Buckinghamshire HP16 0AZ



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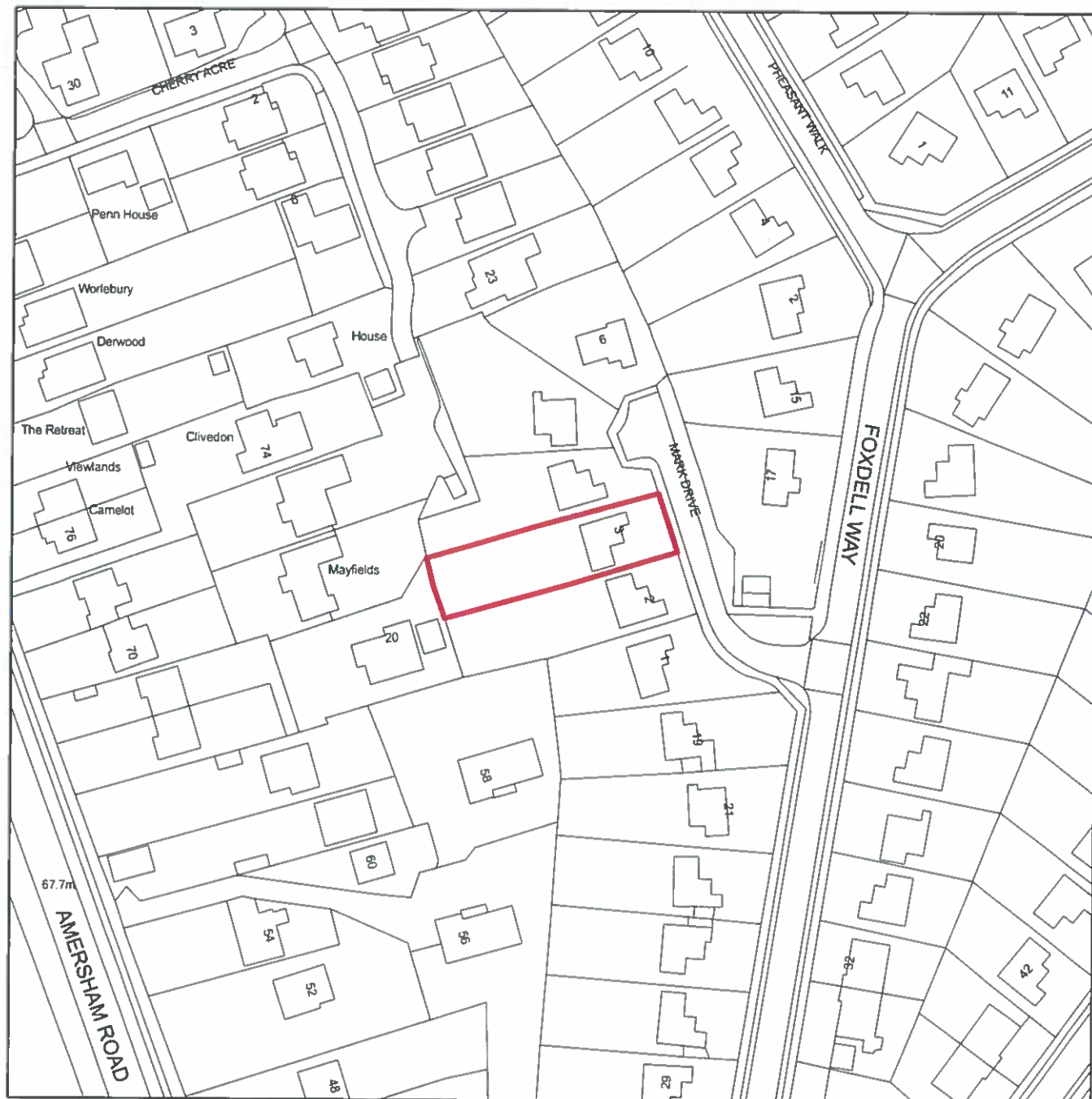
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| Organisation | Chiltern District Council |
| Department | Planning & Environment |
| Comments | |
| Date | |
| SLA Number | 100033578.2016 |

PL/18/3538/FA



CHILTERN
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3 Mark Drive, Chalfont St Peter, Buckinghamshire SL9 0PP



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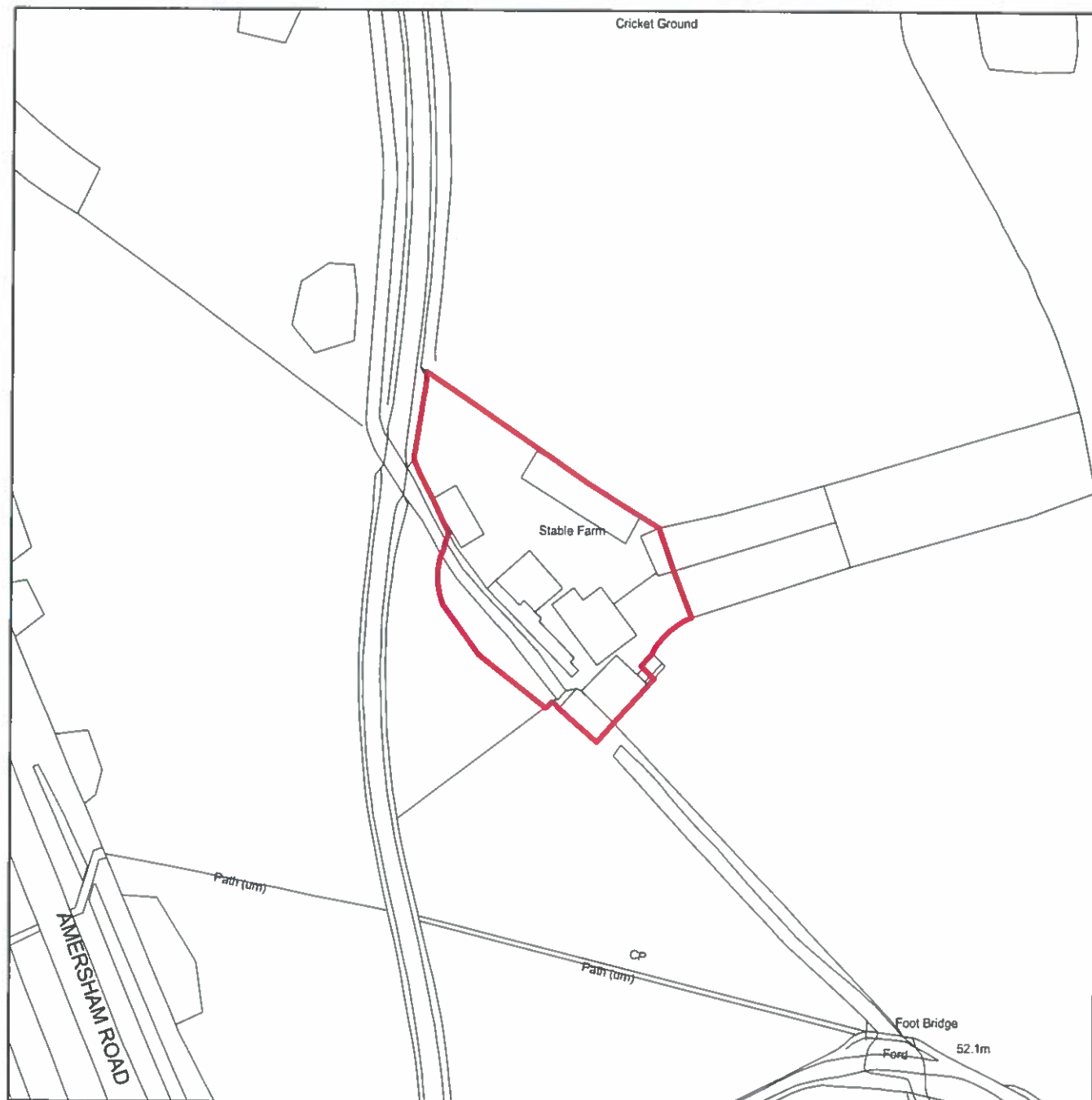
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| Organisation | Chiltern District Council |
| Department | Planning & Environment |
| Comments | |
| Date | |
| SLA Number | 100033578.2016 |

PL/18/3563/FA & ...3577/FA



CHILTERN
District Council

Stable Farm, Amersham Road, Chalfont St Peter, Buckinghamshire
SL9 0PX



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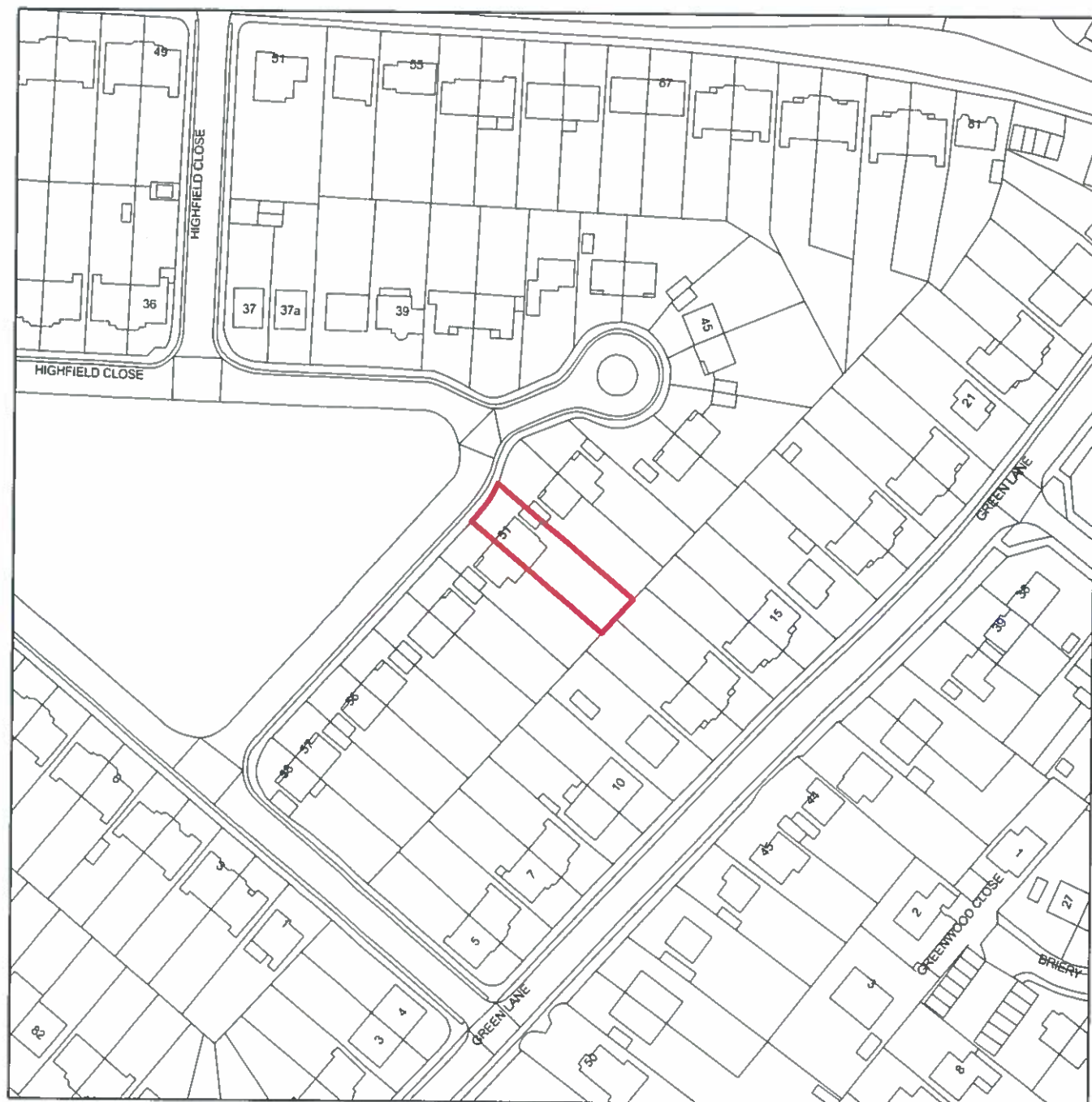
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| Comments | |
| Date | |
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PL/18/4084/FA



CHILTERN
District Council

51 Highfield Close, Amersham, Buckinghamshire HP6 6HQ



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| Department | Planning & Environment |
| Comments | |
| Date | |
| SLA Number | 100033578.2016 |

PLANNING COMMITTEE – 17 January 2019

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/2017/2320/FA - Demolition of existing single storey garage and provision of a new single storey dwelling with basement accommodation, landscaping and associated works, Old Beams, Three Households, **Chalfont St Giles**

CH/2018/0075/FA - Detached dwelling within curtilage with attached garage and creation of a new vehicular access (amendment to planning permission CH/2016/0549/FA), Land adjacent to Giles House and to rear of Larkes Field, Doggetts Wood Lane, **Little Chalfont**

CH/2018/0383/FA – Single storey dwelling with associated hardstanding and vehicular access, Land to the Rear of 99 Berkeley Avenue, **Chesham**

CH/2018/0471/FA - Erection of attached two storey dwelling with associated parking provision and amenity space, 2 Wardes Close, **Prestwood**

CH/2018/0726/FA - Detached dwelling with attached garage, vehicular access and associated hardstanding, Land adjacent to 20 Pennington Road, **Chalfont St Peter**

PL/18/2033/FA – Redevelopment of site to provide two detached dwellings with integral garages, a pair of semi-detached dwellings with garages and hardstanding, landscaping and vehicular accesses, 28-32 Oval Way, **Chalfont St Peter**

PL/18/2180/FA – Demolition of existing garage, erection of two-storey side extension to form one flat and erection of detached rear building to form one flat with associated garage and hard landscaping, MMC Sportif Ltd, Sunnyside, London Road, **Chalfont St Giles**

PL/18/2186/FA - Erection of two storey dwelling on land to rear of 1 Oakington Avenue and new vehicular crossover, 1 Oakington Avenue, **Little Chalfont**

PL/18/2660/FA – Two storey side extension, single storey side/rear extension and canopy to front porch, Glendale, Lycrome Road, **Chesham**

PL/18/2681/OA - Outline application for the erection of a dwelling with off road parking, Land at Woodley Hill, **Chesham**

5.2 APPEAL DECISIONS

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

Officer Recommendation: Conditional Permission

Committee Decision: Refuse Permission

Appeal Decision: Appeal Dismissed (21.12.2018)

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**

Officer Recommendation: Conditional Permission

Committee Decision: Refuse Permission

Appeal Costs Decision: Award of Costs Refused

Appeal Decision: Appeal Allowed (30.11.2018)

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

Officer Recommendation: Refuse Permission

Committee Decision: Refuse Permission

Appeal Decision: Appeal Dismissed (04.12.2018)

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**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Allowed (06.12.2018)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (26.11.2018)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Allowed (04.12.2018)

5.3 PERMISSION/PRIOR APPROVAL NOT NEEDED

PL/18/3629/TP - Felling of a horse chestnut tree protected by a Tree Preservation Order, St Marys Court, The Broadway, **Amersham**

PL/18/3912/PNE - Notification under The Town and Country Planning (General Permitted Development) Order 2015, Part 1 of Schedule 2 Class A 4 for single storey rear extension (Dimensions D 4m, MH 2.4m, EH 2.25m), 14 Ashfield Road, **Chesham**

PL/18/3983/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 5.345 metres, a maximum height of 2.9 metres and a maximum eaves height of 2.9 metres, 48 Copners Drive, **Holmer Green**

PL/18/4011/PNE - Notification under the Town and Country Planning (General Permitted Development) Order 2015, Part 1 of Schedule 2 Class A 4 for single storey rear extension (Dimensions D 4.0 m, MH 3.55 m, EH 3.0 m), 56 The Gowers, **Amersham**

PL/18/4039/PNE - Notification under The Town and Country Planning (General Permitted Development) Order 2015, Part 1 of Schedule 2 Class A 4 for a single storey rear extension (D 8.0 m, MH 4 m, EH 2.2 m), Hohturli, Village Road, **Whelpley Hill**

5.4 **CONSENT NOT NEEDED**

PL/18/3844/KA - Cherry tree-fell within a conservation area, Common Land in front of 127 Chestnut Lane, **Chesham Bois**

5.5 **WITHDRAWN APPLICATIONS**

PL/18/2539/NMA - Non material amendment to planning permission CH/2016/1746/FA (Demolition of existing industrial building; erection of a community building, parking and associated works) to allow change in height of external plant enclosure, amendment to size and numbers of windows and curtain wall, addition of kitchen extract flue to roof, Jarvis, Church Lane, **Chalfont St Peter**

PL/18/2761/FA - Change of use from dwelling to private club, formation of enlarged car park, Thorne Barton Hall, Chesham Road, **Ashley Green**

PL/18/3814/SA – Certificate of Lawfulness for proposed outbuilding, Sand Dollar, **Orchard Leigh**

PL/18/3835/SA - Certificate of lawfulness for proposed single storey rear extension and conversion of garage, Fanals, Village Way, **Little Chalfont**

PL/18/4225/SA - Certificate of lawfulness for proposed: Single storey rear/side extension, The Steps, 5 London Road, **Little Kingshill**

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.

AGENDA ITEM No. 6

6 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 7

7 EXCLUSION OF THE PUBLIC

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 - 17th January 2019

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

Great Missenden

PL/18/3029/FA

Ward: Great Missenden

Page No: 2

Proposal: Demolish existing rear extension. Erection of three storey rear extension and dormer to front roofslope

Recommendation: Defer - minded to approve subject to the receipt of satisfactory amended plans

36 Church Street, Great Missenden, Buckinghamshire, HP16 0AZ

Chalfont St Peter

PL/18/3538/FA

Ward: Chalfont Common

Page No: 8

Proposal: Part two/part single storey front/side, first floor front extensions, conversion of garage into habitable space, small raised area to rear.

Recommendation: Conditional Permission

3 Mark Drive, Chalfont St Peter, Gerrards Cross, Buckinghamshire, SL9 0PP

Chalfont St Peter

PL/18/3563/FA

Ward: Austenwood

Page No: 15

Proposal: Redevelopment of site with 2 detached dwellings with associated access, parking and landscaping following demolition of existing buildings (Option 2).

Recommendation: Conditional Permission

Stable Farm, Amersham Road, Chalfont St Peter, Buckinghamshire, SL9 0PX

Chalfont St Peter

PL/18/3577/FA

Ward: Austenwood

Page No: 26

Proposal: Redevelopment of site with 2 detached dwellings, with associated access, parking and landscaping following demolition of existing dwelling and surrounding equestrian buildings (Option 1).

Recommendation: Conditional Permission

Stable Farm, Amersham Road, Chalfont St Peter, Buckinghamshire, SL9 0PX

Amersham

PL/18/4084/FA

Ward: Amersham On The Hill

Page No: 37

Proposal: Single storey rear, first floor side extensions, conversion of garage into habitable space and loft conversion incorporating rear dormer.

Recommendation: Conditional Permission

51 Highfield Close, Amersham, Buckinghamshire, HP6 6HQ

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 17th January 2019

PL/18/3029/FA

| | | | |
|----------------|---|-----------------|-----------------|
| Case Officer: | Tiana Phillips-Maynard | | |
| Date Received: | 10.08.2018 | Decide by Date: | 05.10.2018 |
| Parish: | Great Missenden | Ward: | Great Missenden |
| App Type: | Full Application | | |
| Proposal: | Demolish existing rear extension. Erection of three storey rear extension and dormer to front roofslope | | |
| Location: | 36 Church Street Great Missenden Buckinghamshire HP16 0AZ | | |
| Applicant: | Ms Sarah Ginn | | |

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Adjacent Listed Buildings
Within Chilterns Area of Outstanding Natural Beauty
Archaeological site
Biodiversity Opportunity Areas
Critical Drainage Area
Conservation Area
National Flood Zone 2
National Flood Zone 3
North South Line
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character
Established Residential Area of Special Character

CALL IN

Councillor Gladwin has requested that this application, as amended, is referred to the planning committee, if the officer's recommendation is for approval, on the basis of the appropriateness of the proposed design, the property being located within a Conservation Area.

SITE LOCATION

The site accommodates a mid-terraced brick dwelling in an irregular shaped plot located on the southern side of Church Street. The dwelling forms part of a conservation area characterised by fine grain brick dwellings with similar front elevations and varying rear elevations.

THE APPLICATION

The application seeks planning permission for the demolition of the existing two storey rear extension and the erection of a replacement three storey rear extension, single storey rear extension, loft extension to rear, new front dormer and the insertion of three rooflights.

The ground floor component measures 4.3m in depth and 3.7m in width. Of this, the single storey component comprises a glazed mono-pitched roof with a width of 0.7m and maximum height of 2.7m. The glazing is flanked by a parapet wall along the boundary to a height of 2.5m.

The first floor extension measures 4.3m in depth and 2.4m in width, with an eaves height to 4.45m and hipped roof ridge height to 5.65m.

The loft extension measures 2.7m x 3.7m, presenting as a half hipped roof to the rear elevation, with eaves to 5.6m and ridge to 7.1m to match existing. The front dormer measures 1.3m in width and 2m in height, projecting a maximum of 1m from the roofslope, the ridge matches the existing.

Officer note: Amended plans and a Design and Access Statement have been received in order to better integrate the proposals with the character and appearance of the area.

RELEVANT PLANNING HISTORY

None relevant.

PARISH COUNCIL

In respect of the originally submitted plans, the Parish Council approved the application but made the following comments:-

- The front dormer window should be the same size and position as the adjoining property, no. 40, as to be in keeping with the surroundings.
- On the rear plans - the side view glazing should be obscure/frosted glass and the windows be fixed, to respect the privacy of the adjoining property.

Officer note: At the time of drafting the report no comments have been received to the amended plans.

REPRESENTATIONS

Two objections were received from the occupiers of No's 34 and 36 Church Street to the original plans. Their summarised comments are as follows:

- Loss of privacy
- Extension/boundary will have overbearing impact over no.34 house and garden
- Glazing will impact on privacy to no.34 and appear intrusive and overlooking
- Front dormer will impact on privacy of no.36 by looking directly into bedrooms
- Loss of light
- Rear boundary wall will create lack of light to no.34 windows
- The timber glazing creates a sense of overshadowing to no.34
- Extension will cause loss of light
- Light pollution from glazing
- Gable element out of keeping and overbearing
- Raised ridge height is against policy
- Proposal out of scale and domineering

To date, no further comments have been received in respect of the amended plans

CONSULTATIONS

Historic Building Officer comments are repeated as follows: -

"Setting, significance, character and appearance.

The town is disposed about the High Street with Church Street as spur to the east. Both streets are narrow, winding and intimate in scale and a strong feeling of enclosed is enhanced by a number of glimpses of open country through gaps in street frontages. The transition from country to town is immediate, particularly and the north and south approaches to the High Street. To the south, is Missenden Abbey and the fine expanse of Abbey park with its many trees.

The buildings which are mostly shops with dwellings to the north and south end are diverse in style with Georgian and early Victorian cottages predominant. The materials used are substantially Chesham Red Bricks with some cement rendering and half-timbering. Brick and flint is also found, particularly on the number of fine walls. Roofs are almost all pitched with brown clay tiles or slate. Most of the buildings are in good condition and are well maintained.

Impact to heritage assets.

The proposed demolition of the existing two storey flat roofed rear extension is considered acceptable as this element is not considered in character with the host dwelling and the neighbouring properties.

The new front dormer is considered acceptable so long as it is located in the middle third of the roof. However, the width of the dormer should be reduced if not to be smaller than the window below at least no wider in order to demonstrate a clear hierarchy in window dimensions as they move up from ground level.

The proposed three storey rear extension is in principle acceptable given the variety of styles and depths of rear building lines to the rear of the neighbouring properties. However, the fenestration could be reduced particularly on the second element from three casements to two allowing a more balanced ratio of walling to fenestration. Given the expanse of fenestration to the garden elevation on both new levels which would allow ample light, the rooflights to these floors are considered excessive and should be omitted as they are considered to give the new roofs a cluttered appearance.

Given the diversity of building types the proposal is acceptable in principle subject to above modifications being made."

Officer note: The recommended removal of the ground floor rear rooflights is considered unreasonable as they have no detrimental impact to the character of the locality and are not prominent in the overall design. The dormer reduction is considered questionable, as the dormer as proposed, would create a pair of uniform dormers with the neighbouring no.36's dormer, and any reduction may create a sense of unbalance within the roofscape. It is noted this was questioned, with comments to be reported verbally at Committee.

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 LSQ1 H13 H14 H15 H16 H17 H18 LB2 CA1 CA2
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 site is located within an Established Residential Area of Special Character (ERASC) in Great Missenden wherein residential extensions are acceptable in principle subject to complying with the relevant Local Plan Policies, notably Local Plan Policy GC1(h) which ensures the detailing of building work is acceptable in relation to the ERASC. The site is also located within the Great Missenden Conservation Area where proposals should preserve or enhance the character or appearance of the Conservation Area as well as views within and looking into, with regard to siting, established pattern of development, density, scale, bulk, height, design and external appearance. This site is also adjacent to a Grade II Listed Building, where proposals should not adversely affect the setting of the Listed Building. The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB) where proposals should conserve, and where considered practical, enhance the special landscape quality and high scenic character of the AONB.

Design/character & appearance

2. The application site relates to a mid-terraced brick dwelling located within the Great Missenden Conservation Area. The dwelling is narrow and is flanked by dwellings which both extend notably rearward of the existing rear elevation. The proposal, as amended, includes a three storey rear extension which includes a loft extension with front dormer. The proposal in its amended format would maintain the existing ridge level as existing, whereas the original scheme raised the ridge height. The proposed roof form, comprising a hipped roof and half-hipped roof over the loft extension, is considered to satisfactorily integrate with the character of the area.

3. The proposed rear elevation satisfactorily integrates with, and adds to, the varied built form and character of the locality, without dominating the wider terrace. The proposed fenestration has been requested to be further amended to be reduced in size in order to balance the ratio, however reduction is considered unnecessary, as the proposed dormer would create a pair of uniform dormers with the neighbouring no.36's dormer, and any reduction may create a sense of unbalance within the roofscape.

4. The front dormer is considered to be a proportionate and subservient addition to the roofslope that mirrors the neighbouring front dormer situated in the front roof slope of the neighbouring dwelling at No.38. It is noted the dormer has been requested to be further reduced in size in order to demonstrate a clear hierarchy of windows for the dwelling.

5. The objections received relating to the proposal being out of character are considered to be addressed via the amended plans, by way of the roof form and fenestration detail integrating sympathetically with the character of the surrounding area.

6. The fenestration alterations as requested by the Historic Buildings Officer include reduction in dormer size, reduction in first floor rear fenestration, and omission of ground floor rear rooflights. The omission of the rooflights is considered unreasonable as they are not prominent and would have no detrimental impact on the character of the locality and therefore is not necessary to secure the approval of this application. The reduction in the dormer size is also not considered pertinent to the recommended approval of the application, as the dormer as proposed, creates a pair of uniform dormers with the existing dormer at no.36, and any reduction in size may unbalance this effect. However, the reduction of the first floor rear fenestration is welcome as it would be better integrate with the traditional character of the locality.

7. In conclusion, the proposal is considered to comply with policies GC1, H13, H15, H16, H18 and LSQ1 and would not have any detrimental impact on the character or appearance of the locality. This is subject to receiving small alterations relating to fenestration in accordance with paragraph 6 above.

Residential amenity

8. The proposed rear extension would align with the rear of No.38 and would project 1m beyond the rear of No.34. As such, the extension would not appear visually intrusive to the occupiers of neighbouring properties.

9. The parapet wall adjoining No.34 is 2.5m high and 1m long as amended, and is considered to have overcome previous concerns regarding No.34's amenity. The parapet wall does not breach the sight line, is comparable to the eaves height of No.34. Furthermore, given the rear of the property faces south, it is not considered there would be any adverse loss of light to No.34. In addition, the first floor is setback from the boundary of No.34 which would alleviate a sense of overbearing on the boundary.

10. Concerns were raised with regard to do with the side (timber??) glazing facing No.34, this has however been removed as part of the amended plans and is therefore considered to address the issue. Furthermore a condition can be imposed to restrict the glazing on this flank, to ensure privacy and amenity is maintained. In conclusion, the scheme is therefore considered to comply with policies GC3, H13 and H14 relating to residential amenity and would not have any significant adverse effect on the amenity or privacy of adjacent occupiers that could justify a refusal of planning permission.

Parking/Highway implications

11. The property does not currently benefit from any off street parking. The extended dwelling would remain under 120sqm in floor area and therefore there is no additional need for any parking, in accordance with Council's Local Plan Policy TR16.

Impact on Conservation Area and setting of Listed Buildings

12. The Historic Buildings Officer as outlined in the paragraphs above considers the amended proposals to be acceptable, subject to suggested alterations to fenestration details. The scheme is therefore considered to accord with Development Plan policies CA1 and CA2 and guidance contained in the NPPF relating to designated heritage aspects, in this instance, being the Conservation Area.

Flooding

13. The Council's mapping system indicates the location is within Flood Zone 2 and 3. However when searching Environment Agency the site does not fall within either of the Flood Zones (but is close to them) which is considered to be the most up to date information. Therefore, this consideration is considered not to be a material planning consideration.

Conclusions

14. The application as amended, has been assessed against the Development Plan and the NPPF and is considered to be acceptable, subject to the receipt of the requested fenestration alterations (refer to paragraph 15 below), and the imposition of conditions.

15. The fenestration alterations as requested by the Historic Buildings Officer include reduction in dormer size, reduction in first floor rear fenestration, and omission of ground floor rear rooflights. As stated in paragraph 6, the only necessary alteration is considered to be the reduction of the first floor rear fenestration. The dormer and rooflight changes are not considered essential in securing the approval of this application. The requested alterations were not received from the agent by the due date of this report due to the festive period, and will be reported verbally to the Committee.

Working with the applicant

16. 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.

17. 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 proactively sought amendments in order to better integrate the proposal with the character of the area.

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: Defer - minded to approve subject to the receipt of satisfactory amended plans Subject to the following conditions:-

1 C108A General Time Limit

2 C431 Materials to Match Existing Dev

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/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 western elevation of the extension hereby permitted.

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

4 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE - The applicant is advised that some kinds of work carried out to a property may be covered by the Party Wall etc. Act 1996, which is a separate piece of legislation from planning permission and building regulations approval.

2 INFORMATIVE - The proposed works involve works to the loft and demolition within a conservation area. The applicant is reminded that all species of bat and their roosts are protected under The Conservation of Habitats and Species Regulations 2017 which make it a criminal offence to undertake activities that may kill, injure or disturb an individual or damage or destroy a breeding site or resting place of that individual.

3 INFORMATIVE - The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Local Highway Authority. Please contact the Divisional Surveyor, Bucks County Council, 27, Windsor End, Beaconsfield HP9 2JL (Tel. No. Beaconsfield (01494) 586600) for further information.

PL/18/3538/FA

Case Officer: Carrie Chan
Date Received: 26.09.2018
Parish: Chalfont St Peter
App Type: Full Application
Proposal: Part two/part single storey front/side, first floor front extensions, conversion of garage into habitable space, small raised area to rear.
Location: 3 Mark Drive
Chalfont St Peter
Gerrards Cross
Buckinghamshire
SL9 0PP
Applicant: Mr & Mrs P Mailey

Decide by Date: 11.01.2019
Ward: Chalfont Common

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Biodiversity Opportunity Areas
Mineral Consultation Area
North South Line
On/within 250m rubbish tip
Townscape Character

CALL IN

Councillor L Smith has requested that this application is referred to the Planning Committee, if the Officer's recommendation is to approve.

SITE LOCATION

The application property is a two storey detached dwelling characterised by a large sloping roof to the front and benefits from off road parking to the front driveway and garage. The dwelling is situated on Mark Drive, a residential cul-de-sac in Chalfont St Peter and has the benefit of a 30m+ long rear garden.

Officer note: CDC holds no records in relation to the removal of any Permitted Development Rights.

THE APPLICATION

This application proposes the erection of a part two storey, part single storey front/side extension, first floor front extension over existing garage, conversion of garage into habitable accommodation, a raised area to the rear and the widening of existing driveway.

The ground floor element of the part two storey, part single storey front/side extension would measure 4m in width, 4.5m in depth at a height of 3.8m. The first floor element of the part two storey, part single storey front/side extension would measure 3.7 m in width, 3.2m in depth and a height of 4m with a hipped back roof style. The overall height of the extension would be 7.5m at the front and 8m at the rear due to a change of level.

The first floor front extension above the existing garage would measure 3.3 m in width, 5m in depth and 2.2m in height (from existing pitch to proposed pitch). The extension proposed to have a matching hipped back roof style as the proposed part single part two storey extension.

The existing driveway would be widened to provide parking spaces for three vehicles.

It is proposed to convert the existing single integral garage to form a study and utility.

Officer note:

Amended plans received following initial consultation and site visit. The amended plans (received on 19/11/2018) show a reduction in the width of the ground floor element and a reduction in the depth of the first floor element. Both gable end roofs have been amended to hipped roof. Revised scheme re-consulted for a further 14 days on 20/11/2018.

RELEVANT PLANNING HISTORY

CH/1979/1696/FA - First floor forward ext. to form bedroom over garage. Conditional Permission.

PARISH COUNCIL

Initial consultation: Object. Dominating in the street scene giving the impression of a terrace. Out of keeping and over bearing on neighbours. Too close to neighbouring properties. Overlooking neighbours. Parking shown not feasible particularly with very narrow road. (Received on 01/11/2018.)

Amended plans: Object. Dominating the street scene giving the impression of a terrace. Out of keeping and overbearing on neighbours. Too close and overlooks neighbours. Parking not feasible in a narrow road. Amendments minimal. (Received on 04/12/2018.)

REPRESENTATIONS

A total of 10 letters of objection received from 9 different households (6 during initial consultation period and a further 4 following re-consultation), main points summarised below:

- Out of character and dominate the street scene
- Disruption on a narrow road
- Over development
- Front garden parking is out of character
- Steeply sloping site
- Impact on adjacent properties
- Potential noise and nuisance from rear patio area
- Accuracy of boundary
- Uncharacteristic terracing effect
- Access to land not within the ownership of applicant
- Excessively large
- Safety concern
- Daylight / Right to Light
- Amended plans: minor cosmetic changes
- Breaches Building Research Establishment guidelines
- Still extending beyond 2 Mark Drive, covering side windows
- Failed to reflect neighbours comments.

CONSULTATIONS

Environmental Health:

Initial consultation: no comments (received 19/10/2018.)

Amended plans: The site is within 100m of a former landfill site (Land North of Water Hall, first input 31/12/1978, last input 31/12/1982, inert, commercial, household). Due to the proximity of the area of landfill, it may be considered prudent to construct the extension with an impermeable gas membrane and/or a ventilated sub-floor void. No further comments to make on behalf of the Strategic Environment Team.

Officer note: BCC Highways have been consulted verbally and have raised no objection provided they are consulted prior to any changes to the footpath/kerb.

POLICIES

National Planning Policy Framework.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H11, H13, H14, H15, H16, H17, H18, TR11 and TR16.

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

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

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

EVALUATION

Principle of development

1. The site is located within the built up area of Chalfont St Peter where residential development is acceptable subject to compliance with the relevant policies of the Local Plan.

2. In addition, Chalfont St Peter Neighbourhood Plan, Policies H6 and H7 state that extensions and alterations to dwellings should reinforce positive characteristics of its specific Character Area (being Hill Rise Residential Area, Area 7) and extensions to existing residential properties should maintain or enhance the design, character and quality of the building. Designing extensions and alterations should be sympathetic to the scale and character of the existing dwelling.

Design/character & appearance

3. Local Plan Policy H17 emphasises that a single storey extension to a dwelling can be built up to the side boundary of a property except in areas characterised by spacious layouts where relatively large distances are important elements in the street scene and that Local Plan Policy H11 states that there should be a minimum distance of 1m between the flank elevation(s) at or above first-floor level of a proposed dwelling and the boundary of the dwelling's curtilage. In this case, the ground floor element of the part two part single storey front/side extension would be located on the south eastern corner of the host dwelling. Although it would project closer to the shared boundary than the existing flank elevation, it would be modest in width, set 0.6m away from the shared boundary with No.2. The first floor element proposed to sit above would be constructed in-line with the existing flank elevation and is set in from the proposed ground floor element, which is considered to satisfactorily integrates with the existing dwelling and result in a proportioned dwelling. Recessing the first floor ensures the first floor remains subservient and helps maintain the spaces between the dwellings of at least 1m, maintaining the character of the street scene thus complying with Policy H11 and H16. The combined works will create one substantial extension to the dwelling that wraps around the north east and south east elevations. The proposed extension integrates satisfactorily with the existing dwelling and is an acceptable design. Although the width of the dwelling would increase, sufficient gaps are left at first floor to both side boundaries as to prevent a cramped appearance.

4. The extension above the existing garage (to be converted) is a modest addition that satisfactorily integrates with the dwelling. It would be constructed in line with the existing flank elevation, projecting no closer to the shared boundary with No.4, maintaining the existing 2m gap. The first floor extension along with the conversion of the garage is not considered to pose any major impacts on the character or appearance of the area. The roof alterations to accommodate the two extensions are considered to be relatively minor alterations to the host dwellinghouse and considered to have little overall impact upon the character of either the existing dwellinghouse or locality in general.

5. Given the scale and siting of the proposed extensions it is considered there would be a satisfactory level of openness between the host dwellinghouse and surrounding neighbouring dwellinghouses. Clearly, the extensions would result in the host dwelling appearing more prominent within the wider street scene of Mark Drive. However, given the design and scale of other dwellinghouses within the vicinity, the resultant dwellinghouse would not appear any more dominant than any other dwellinghouses along Mark Drive. To this end, it is noted that other houses on Mark Drive have had front and side extensions, some up to the shared boundary.

6. This application also proposes to erect a small raised area to the rear. This is not considered to appear out of keeping with the character of the site itself and is considered acceptable.

7. All materials will be as specified and to match existing. Materials were given great consideration and chosen to harmonise with the existing dwellings in the near vicinity.

Residential amenity

8. With respect to the impact of the proposals upon the amenity for the occupants of No.2 Mark Drive sited to the south of the host dwellinghouse, whilst there is no doubt the extension would result in greater built form and bulk to the host dwellinghouse, and therefore would appear more dominant to the occupiers of No.2 than at present, the resultant built form is not considered to be so substantial as to give rise to concerns of any over dominance or overshadowing. Furthermore, the ground floor element would be sited approx. 0.6m away from the shared boundary and first floor element would be sited over 1m away from the boundary.

9. Comments received from neighbouring properties in relation to the front/side extension being too close to the boundary and too over-bearing are noted. There is currently one first floor flank window and one ground floor flank window at No.2 Mark Drive which face northwards and as a result of the proposals would look out onto the part two part single storey front/ side extension, result in some loss of light. However, following two separate site visits, it was confirmed that both flank windows of No.2 Mark Drive are secondary windows serving the living room and bedroom and that the main windows are located to the front and rear of the room (east and west facing). As such, it is considered that light would still penetrate through the main windows and furthermore, given the separation distances between the resultant extended dwellinghouse and the mutual boundary to No.2 itself, it would be unreasonable to justify that any loss of light would be so detrimental as to warrant a refusal for the proposal.

10. To further test the potential loss of light, a 45 degree line was drawn from the mid-point of the closest ground floor front facing window of No. 2 towards the proposed extension. The line was not intersected by any part of the proposed extension. Therefore the proposed extension would not result in any breach of the 45 degree light angle rule in respect of any primary windows serving habitable rooms within No.2, such that no impacts upon light received for the occupants of No.2 is envisaged.

11. In regards to any potential loss of privacy concerns as a result of both front/side extension and first floor extension above garage, there are no windows shown within the flank elevations or within the roof slopes, therefore no concerns are anticipated. Given the position of adjoining neighbouring dwellinghouses, it would

be reasonable to impose a planning condition in the event that planning permission was forthcoming, which prevented the insertion of any additional first floor or above windows within the flank elevations to ensure privacy was maintained.

12. With regards to the raised platform, any outlook gained would predominantly be over the rear private amenity space of the host dwellinghouse itself and any outlook provision gained for the amenity spaces of respective neighbouring dwellinghouses would not be too dissimilar to the existing outlook provision for host dwellinghouse itself and would not be uncommon or unexpected within a built-up residential area. Given their nature, it is not considered that raised platform or extensions would give rise to any potential adverse impacts on neighbouring amenity for the occupants of either neighbouring dwellinghouses either side.

13. Consequently, for the reasons above and having regard to their siting, form, height and scale, it is considered that the proposals would not adversely affect the residential amenities of any neighbouring properties in terms of any significant over dominance, obtrusiveness, loss of light or overlooking and that the proposals would not unduly affect the visual outlook of any neighbouring properties. The proposals are therefore considered to be acceptable.

Parking/Highway implications

14. The existing property has driveway parking to the front and an integral garage. The proposed conversion of the existing garage would reduce the number of parking spaces by one and the increase in floor space would require the provision of three car parking space in line with Development Plan Policy TR16. The Applicant has proposed to widen the existing driveway to accommodate a total of three off-road parking spaces.

15. In terms of the proposed garage conversion, Section 55 of the Town and Country Planning Act 1990, which defines 'development', the carrying out of maintenance, improvement or other alteration of any building which (i) affects only the interior of the building, or (ii) does not materially affect the external appearance of the building, does not constitute 'development' and does not require planning permission. In this case, the conversion of the garage into habitable accommodation and all associated works are not considered to change the appearance of the building such that it would materially alter the building's appearance. Therefore in respect of part (ii) of Section 55 of the above Act, in this instance it is considered that the conversion of the garage into habitable accommodation and the associated alterations to fenestration do not constitute development and do therefore not require planning permission, either by deemed consent or by express permission.

Officer note: The host dwelling benefits from Permitted Development Rights and according to Class F of Schedule 2 Part 1, development is permitted by Class F provided the proposed hard surface (driveway) is incidental to the enjoyment of the dwellinghouse.

16. Following discussion with a member of the Bucks County Highways Team, based on the submitted information, it is unlikely that they would raise objection to the widening of the existing dropped kerb. An informative will be added to remind the applicant that should planning permission be granted, it is necessary for them to contact Bucks County Highways prior to any alterations of the kerb. As such, no objection is raised in regard to the Council's parking policy.

Conclusions

17. Although the dwelling will be considerably altered in size, the extensions are considered to satisfactorily integrate with the existing vernacular and remain in-keeping and respectful of the original dwelling. The dwelling would not extend to the full width of the plot and there remains a sizable garden to the rear preventing an overdeveloped appearance. The proposed extensions will therefore not appear as prominent or

unduly disproportionate and the dwelling would remain commensurate to the existing street scene as this is already highly varied.

Working with the applicant

18. 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 initial details submitted were unacceptable and amendment was sought.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 C431 Materials to Match Existing Dev

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), windows, roof lights or dormers, other than those shown on the plans hereby approved, shall be inserted or constructed at any time at first floor level or above in in the flank elevations or roofslopes of the extensions hereby permitted without the prior written approval of the Local Planning Authority.

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

4 The extensions hereby permitted shall not be occupied until the drive has been laid out and made available for parking in accordance with the submitted Dwg. No. LPS-1819-101 received by the Local Planning Authority on 19th Nov 2018. The drive shall thereafter be kept available for the parking of vehicles. The hardsurfacing to provide these spaces shall be of a permeable material, or alternatively provision shall be made to direct water run-off from the hardsurface to a porous or permeable area within the curtilage of the dwelling.

Reason: To ensure that adequate and satisfactory provision is made for the garaging/parking of vehicles clear of the highway.

5 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is reminded that the granting of this householder planning permission by the District Council (The Planning Authority) relates solely to the proposed extensions, conversion of garage into habitable space, small raised area to rear. It does not authorise the right to access land not within the ownership of the applicant. Please be advised that consent may be needed to access privately owned land/private right of way.

2 INFORMATIVE: 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/applyfor-a-dropped-kerb/>

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

PL/18/3563/FA

Case Officer: Laura Rheiter
Date Received: **28.09.2018** Decide by Date: **14.01.2019**
Parish: **Chalfont St Peter** Ward: **Austenwood**
App Type: Full Application
Proposal: **Redevelopment of site with 2 detached dwellings with associated access, parking and landscaping following demolition of existing buildings (Option 2).**
Location: **Stable Farm
Amersham Road
Chalfont St Peter
Buckinghamshire
SL9 0PX**
Applicant: **Daniel Family Homes**

SITE CONSTRAINTS

Article 4 Direction
Area Special Advertising Control
Archaeological site
Biodiversity Opportunity Areas
Critical Drainage Area
National Flood Zone 2
National Flood Zone 3
Within Green Belt other than GB4 GB5
Heathrow Safeguard (over 45m)
Mineral Consultation Area
North South Line
Denham Safeguard zone
Northolt Safeguard zone
Tree Preservation Order
Colne Valley Park R15

CALL IN

Councillor Wertheim has requested that the application be referred to the Planning Committee if the officer recommendation is for approval.

SITE LOCATION

This site is located on the eastern side of Amersham Road (A413), Chalfont St Peter. The application site is accessed via a side road off Amersham Road and is within open Green Belt. The site comprises a dwelling and redundant equestrian buildings. Gerrards Cross Golf Club lies to the east, the adjoining land consists of (former) paddocks and a manege.

THE APPLICATION

Planning permission is sought for the erection of two detached dwellings following the demolition of the existing dwelling and buildings. The dwellings would be single storey above ground, flat roofed with a basement underground and would have a maximum width of 18.5 metres, a maximum depth of 11.5 metres with a height of 3.5 metres (eaves height 3.0 metres) and an additional roof lantern with a height of 1m.

Access to the dwellings would be provided by creating a new gravel driveway using the existing access. One barn type garage structure with capacity for four cars and two surface parking spaces would be provided to the side of the dwellings. Landscaping would also be provided. The houses are orientated such that the front elevations face each other. When entering the site they would appear next to each other.

Amended plans have been submitted and tree T12 is now correctly shown to be removed as per the Tree Report.

This application is one of two different schemes submitted for the redevelopment of the site, Option 1 forming application PL/18/3577/FA.

RELEVANT PLANNING HISTORY

PL/18/3577/FA - under consideration - Redevelopment of site with 2 detached dwellings, with associated access, parking and landscaping following demolition of existing dwelling and surrounding equestrian buildings (Option 1).

CH/2016/0047/FA - conditional permission - Replacement dwelling.

CH/2013/0235/FAE - conditional permission - Replacement single storey dwelling (extension to time limit of planning permission CH/2010/0370/FAE).

CH/2010/0370/FAE - conditional permission - Replacement single storey dwelling (extension to time limit of planning permission CH/2005/1107/FA).

CH/2005/1107/FA - conditional permission - Replacement single storey dwelling.

CH/2003/2145/EU - granted - Application for certificate of lawfulness for an existing use relating to the occupation as a separate self-contained dwelling.

PARISH COUNCIL

Response received 1 November 2018. Object to inappropriate development in the green belt and flood plain. Unsuitable design for green belt. Believe floor area does not include garages and basements and their inclusion make this over development in green belt. If officers minded to approve would like to see condition that prevents further development of the site.

REPRESENTATIONS

None have been received at time of drafting the report.

CONSULTATIONS

Highways Authority

No objections subject to condition - The Highway Officer comments as follows: The application site is located along Amersham Road which is classified as the A413 and is subject to the national speed limit, due to Amersham Road being a dual carriageway this is 70mph. Access to the property is taken via a private road which leads to a golf club.

The existing access drive meets the public highway at the A413 to the south of the site. From a recent site visit the access has been constructed to the appropriate construction and has adequate visibility.

The redevelopment of this site would increase vehicles trips associated with the site. The existing dwelling and agricultural uses would likely generate minimal vehicle trips; the proposed development would generate

approximately 4-8 vehicle movements per dwelling. The Highway Authority does not consider this increase to be significantly detrimental in terms of its impact upon the existing highway network nor does it introduce unacceptable impacts relating to highway safety.

Within the limit of the site it is proposed for six parking spaces to serve the two new dwellings, The Local Planning Authority as the Parking Authority should make an informed decision on the quantum of parking required for this scale of development. The Highway Authority is satisfied that there is adequate turning and manoeuvring within the limits of the site.

Therefore taking the above into consideration the Highway Authority has no objections.

Ecology Officer

No objection subject to conditions - The Ecology Officer comments that she has reviewed the ecological assessment produced by All Ecology (August 2018) and overall is satisfied that the potential presence of protected species has been given due regard. The proposed development area on the whole largely comprises habitats of low ecological value. Safeguards are required to ensure off-site habitats such as the River Misbourne are protected during construction, along with enhancements to ensure a net gain in biodiversity is achieved.

The Ecology Officer therefore recommends that details of ecological enhancements such as native landscape planting, including species of known benefit to wildlife, and provision of artificial roost features, including bird and bat boxes shall be secured by condition. A Construction Environmental Management Plan is also required to protect species and habitats during the construction period, as well as a lighting design strategy to prevent disturbance to species. These have all been included as conditions attached to this application.

Tree Officer

No objection subject to conditions - The Tree Officer comments as follows: A revised Report on the impact on trees of proposals for development has now been submitted, which includes a tree survey and the correct tree protection proposals. The whole site is covered by Tree Preservation Order No 6 of 1951, which protects all the trees that were present when the Order was made in 1951. Much of the site is enclosed by trees with lines of Leyland cypresses about 15m in height (H3) along the western and northern boundaries of the site around the northern corner of the site. There are similar lines of Leyland cypresses (H16) around the southern corner of the site. The gap between these lines consists of hedgerows and old trees largely associated with the path of an old water course. There are two very large old London plane trees towards the front of the plot, which are over 30m in height and with diameters of about 2-3m. These are important veteran trees that appear to have been planted as part of the 18th century parkland landscape of Chalfont Park House. One of the trees has fire damage at the base but this does not seem to have had a significant effect on its health. There is an existing gravelled area in the front part of the site but the Proposed Site Plan seems to show a reduced area of hardstanding with a new edge to the access drive. Any work in this vicinity should be carried out with care to avoid root damage to the London plane trees.

Option 2 consists of two similar dwellings beside each other facing the entrance to the site. Option 2 also includes a "barn" garage for four cars.

The plans propose the removal of most of the trees in the south-eastern half of the site opening it up significantly. This includes the removal of the lines of Leyland cypresses (H16), which are too young to be protected by the Tree Preservation Order and the report states have now grown too large to be reduced to a manageable hedge. Most of the old hedgerow trees are also shown for removal. The three large sycamores T11-13 are all in poor condition with damage, poor structures and decline with old age. The beech T14 has a dead top and has a dangerous decay fungus at its base. The hawthorns are all small trees that have grown up

from the hedge. The plans show the retention of an ash T4 and the site plan shows the retention of sycamore T12 although the tree report shows it removed.

The tree report includes various precautionary procedures to avoid root damage during both the demolition and construction phases of the proposed project and these are considered to be appropriate.

The tree report also includes some landscaping proposals. These consist of hornbeam hedging along the boundary of the garden of Plot 1 (but not Plot 2), and the planting of a dawn redwood and three holly trees around the two dwellings. It would seem sensible to include some hornbeam hedging around Plot 2 as well.

Overall the proposal involves significant tree loss opening up the site to public views but this would be justifiable based on the condition of the trees. I have no objections to the application provided there is adequate protection for the retained trees, particularly the two veteran London plane trees.

Strategic Environment

No objection subject to conditions - The proposed development involves the redevelopment of site with 2 detached dwellings, with associated access, parking and landscaping following demolition of existing dwelling and surrounding equestrian buildings.

The Council's historical maps show a copse of trees on site during the 1874-1891 epoch. No changes are shown on the last historical map to which we have access (1960-1976). The site does not appear to have had a previous potentially contaminative use.

The aerial photograph of the area shows a group of buildings that appear to have corrugated cement sheets on roofs. There is a manege to the north east and a mound to the south east. This may be a manure pile. There are some vehicles parked on site.

Consideration should be given to the possibility that the roofing sheets may contain asbestos fibres. Other activities such as the parking of road vehicles may have given rise to contamination on the site. The proposed development will result in a sensitive end use.

Based on this, the standard Land Quality Condition is required on this and any subsequent applications for the site.

Waste team

None received at time of drafting the report.

Building Control

No objection - The Building Control Officer comments that they have no objections to fire brigade access and that disabled access should be in accordance with building regulations which is to be determined via a Building Regulations application in due course.

POLICIES

National Planning Policy Framework - July 2018

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GB2, GB7, H12, TR2, TR3, TR11 and TR16.

Chalfont St Peter Neighbourhood Plan - November 2016

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

EVALUATION

Principle of Development

1. The site is located in the open Green Belt where, in accordance with Chapter 9 of the NPPF, most development is considered to be inappropriate development. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. Nonetheless, paragraph 145 of the NPPF lists some forms of development which are not considered to be inappropriate, including the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

2. There are 10 buildings on the site including one residential unit which has planning permission for a replacement dwelling. There are no commercial equestrian activities carried out on the site. The remainder of the buildings on site are former stables and other outbuildings.

3. The application proposes the removal of all buildings. The floor area of the existing buildings is a total of 732.38 m² with a maximum height of 4.5 metres. The proposed dwellings would have a floor area (above ground) of 491.32 m² with a proposed maximum height of 3.5m (eaves height of 3.0 metres). An additional roof lantern with a maximum height of 1.0 metres is situated on the roof. As a consequence the floorspace of the proposed dwellings has a reduced floorspace of 202.84 m² (32.9%) compared with the floorspace of the existing buildings. Given that the proposal would reduce the number of buildings and the dwellings would be of a modest size and scale it is considered that they would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4. As discussed above, paragraph 145 of the NPPF accepts that the complete redevelopment of a site is acceptable provided that it would not have a greater impact on the openness of the Green Belt. The proposed dwellings would result in a reduction of the total floorspace and the overall height would be lower than the highest existing building and have a low eaves height of 3.0 metres and a flat roof. It is therefore considered that the proposal would cumulatively improve the openness of the Green Belt when compared to the existing situation.

Design/character & appearance

5. The dwelling on Plot 1 would be located in broadly the same location as the existing dwelling and cabin. The dwelling on Plot 2 would be located to the north-east of Plot 1. The dwellings would be partly screened by new hedging to the south, east and north, in addition existing trees would be retained to the north, north-west and north-east. In particular the most significant trees including two large London plane trees are located along the road frontage and would screen the dwellings from the road. A small number of native trees would also be planted to west, east and south of the dwellings. The dwellings would be modest in scale and height and the level of existing hardstanding would be reduced and the area would be landscaped with new landscaped curtilages to each dwelling. The visual appearance of the site would be improved by removing the unsightly and semi-derelict buildings and hardstanding and replacing them with modern designed dwellings and a car port with landscaped side and rear gardens and driveway. The dwellings would be located on large plots and the design would be contemporary incorporating rendered walls and timber cladding for the dwellings and the barn/garage structure would have a traditional design with a brick plinth and timber framed walls. The contemporary design of the dwellings would be supported by the NPPF. It is therefore considered that the proposal would not adversely affect the character and appearance of the locality. Therefore no objections are raised with regard to Local Plan policy GC1 and Core Strategy policy CS20.

Residential amenity

6. Policy GC3 of the local plan seeks to protect the amenities of existing residents and ensure good standards of amenities for future occupiers. There are no immediate neighbours and the proposal would be a considerable distance away from other dwellings in the area. There is considered to be ample amenity space for each of the dwellings, the rear garden of Plot 1 has a maximum depth of 14 metres. Plot 2 has ample garden area to the side and a maximum of 7 metres to the rear. There are also some garden areas proposed to the front of each dwelling. Native hedge planting and trees are proposed and the landscaping of the site will be greatly enhanced and improve the amenity for residents. It is considered that adequate amenity space for future occupiers of the development would be provided. The proposed development would be in accordance with policies GC2, GC3 and H12 of the Local Plan.

Parking/Highway implications

7. The new dwellings would have a floor area of more than 120 square metres. The parking standard is three parking spaces for each dwelling. There is one car port proposed to the side (north-west) of the dwellings providing parking space for four cars. Two additional spaces are provided opposite the barn. It is proposed to use the existing access to the site and a gravel driveway would be created, which allows for vehicles to enter and exit the site in forward gear. The Highways Officer confirms that, from a recent site visit, the access has been constructed to the appropriate construction and has adequate visibility. There would be a small increase in vehicle movements and the Highway Authority does not consider this increase to be significantly detrimental in terms of its impact upon the existing highway network nor does it introduce unacceptable impacts relating to highway safety. It is noted that Buckinghamshire County Highways Authority have no objections to the proposals. As such, it is considered that the proposal adheres to policies TR2, TR3 and TR11 and TR16.

Trees and Landscaping

8. The proposal involves significant tree loss opening up the site to public views but this would be justifiable based on the condition of the trees. Adequate protection for the retained trees, particularly the two veteran London plane trees is proposed. A Tree Report, including a Tree Retention Plan and a Tree Protection Measures Plan for the construction phase, has been submitted by the applicant which is found to be satisfactory with the Tree Officer. A condition has been attached to comply with these plans to ensure protection of the trees. It is noted that the Tree Officer has no objection to the proposals. The Tree Report also includes proposed landscaping and in collaboration with the Tree Officer it is proposed that new hedging should also be included to the south-east and north-east of Plot 2 so that it continues all the way around both dwellings. This would be secured through a landscaping scheme that would have to be submitted as described in condition 3.

Ecology

9. The Ecological Assessment submitted by the applicant shows that the potential presence of protected species has been given due regard. The proposed development area on the whole largely comprises habitats of low ecological value. Safeguards are required to ensure off-site habitats such as the River Misbourne are protected during construction, along with enhancements within the site to ensure a net gain in biodiversity is achieved. These would be secured by conditions which have been attached to the application. It is noted that the Ecology Officer raises no objections.

Other issues

10. Waste collection/bin stores - Bins need to be presented on the public highway.

11. Flooding - The site lies within Flood Zone 1 and therefore there is no requirement for a flood risk assessment. The site is not within the 8 metres buffer zone of the River Misbourne and there is no requirement for a flood risk permit from the Environment Agency.

12. Aerodrome - The site is within Northolt Safeguard Zone, within the Denham Aerodrome Traffic Zone and under the flight path. The site is for residential development and there is already a residential dwelling on the site.

Pre-commencement conditions

13. The agent has agreed to all suggested pre-commencement conditions.

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 Prior to any construction above ground level, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the new access road, parking and turning areas, shall be made available to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

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

3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which shall include indications of all existing trees and hedgerows on the land, with details of those to be retained, those to be felled being clearly specified, and full details of those to be planted. This shall include full details of the locations, size and species of all trees, hedgerows and shrubs to be planted, removed and retained and should include the installation of bat and/or bird bricks and/or boxes.

Reason: In order to maintain, as far as possible, the character of the locality and to ensure biodiversity enhancements and a good quality of amenity for future occupiers of the dwellings hereby permitted, in accordance with policies GC1, GC4 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011).

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

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

5 The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Report on the impact on trees of proposals for development Ref 1-38-4639/OPT 2/2 dated 1st November 2018, the Tree Retention and Tree Protection Measures (Site Preparation Phase) plan Ref 1-38-4639/OPT2/P2v3 dated 17-Sep-18 and the Tree Retention and Tree Protection Measures (Construction Phase) plan Ref 1-38-4639/OP2/P3v1 dated 1 Nov-18 by John Cromar's Arboricultural Company Limited. This shall include the use of tree protection fencing and the use of appropriate measures for the removal of existing hard surfaces, for no-dig construction and for foundations for the barn garage.

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.

6 Prior to occupation of the development space shall be laid out within the site for parking for six cars, cycles, 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, 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.

7 Prior to the commencement of development above ground level, 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 preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) 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.

iii) 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.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) 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.

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.

8 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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.

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

9 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 7.

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.

10 Prior to the commencement of development above ground level, 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 protect, as far as possible, the character of the locality and the amenities of the adjoining properties and approved dwellings, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

11 Prior to the commencement of development, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of native landscape planting, including species of known 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 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.

12 Prior to occupation, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: The prevention of disturbance to species within the site during operation in accordance with policy 24 of the Chiltern District Core Strategy.

13 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

a) Risk assessment of potentially damaging construction activities;

b) Identification of "biodiversity protection zones" including off-site receptors;

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

d) The location and timing of sensitive works to avoid harm to biodiversity features;

e) The times during construction when specialist ecologists need to be present on site to oversee works;

f) Responsible persons and lines of communication;

g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy.

14 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, B & 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: the site is located within the Metropolitan Green Belt wherein strict control over development is necessary to maintain the openness of the Green Belt and to ensure a satisfactory development in accordance with policies GB2 and GB7 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

15 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that information and guidance documents on land quality for developers can be found online at http://www.southbucks.gov.uk/information_for_developers
<http://www.chiltern.gov.uk/article/2054/Information-for-Developers>

2 INFORMATIVE: For clarity, the applicant is advised that a landscaping scheme required to be submitted as per condition 3 would override the proposed planting shown on any drawings in the Tree Report.

3 INFORMATIVE: The applicant is advised that, in accordance with section 4 of the NPPF, Chiltern District Council take a positive and proactive approach to development proposals focused on solutions. Chiltern District Council works with applicants/agents in a positive and proactive manner by:

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

PL/18/3577/FA

Case Officer: Laura Rheiter
Date Received: **28.09.2018** Decide by Date: **14.01.2019**
Parish: **Chalfont St Peter** Ward: **Austenwood**
App Type: Full Application
Proposal: **Redevelopment of site with 2 detached dwellings, with associated access, parking and landscaping following demolition of existing dwelling and surrounding equestrian buildings (Option 1).**
Location: **Stable Farm
Amersham Road
Chalfont St Peter
Buckinghamshire
SL9 0PX**
Applicant: **Daniel Family Homes**

SITE CONSTRAINTS

Article 4 Direction
Area Special Advertising Control
Archaeological site
Biodiversity Opportunity Areas
Critical Drainage Area
National Flood Zone 2
National Flood Zone 3
Within Green Belt other than GB4 GB5
Heathrow Safeguard (over 45m)
Mineral Consultation Area
North South Line
Denham Safeguard zone
Northolt Safeguard zone
Tree Preservation Order
Colne Valley Park R15

CALL IN

Councillor Wertheim has requested that the application be referred to the Planning Committee if the officer recommendation is for approval.

SITE LOCATION

This site is located on the eastern side of Amersham Road (A413), Chalfont St Peter. The application site is accessed via a side road off Amersham Road and is within open Green Belt. The site comprises a dwelling and redundant equestrian buildings. Gerrards Cross Golf Club lies to the east, the adjoining land consists of (former) paddocks and a manege.

THE APPLICATION

Planning permission is sought for the erection of two detached dwellings following the demolition of the existing dwelling and buildings. The dwellings would be single storey above ground, flat roofed with a basement underground and would have a maximum width of 18.5 metres, a maximum depth of 11.5 metres

with a height of 3.5 metres (eaves height 3.0 metres) and an additional roof lantern with a height of 1m. The dwelling to the east would have a basement under the whole of the dwelling whilst the dwelling to the west would have a partial basement to ensure that tree roots are not affected. Access to the dwellings would be provided by creating a new gravel driveway using the existing access. Two barn type garage structures would be provided with parking for three vehicles in each. Landscaping would also be provided. The houses would be orientated such that the front elevations would face north-east and they would be situated next to each other. When entering the site (from the north-west) Plot 2 would sit behind Plot 1 with most of Plot 2 being screened by Plot 1.

Amended plans have been submitted whereby tree T12 is now correctly shown to be removed as per the Tree Report.

This application is one of two different schemes submitted for the redevelopment of the site, Option 2 forming application PL/18/3563/FA.

RELEVANT PLANNING HISTORY

PL/18/3563/FA - under consideration - Redevelopment of site with 2 detached dwellings, with associated access, parking and landscaping following demolition of existing dwelling and surrounding equestrian buildings (Option 2).

CH/2016/0047/FA - conditional permission - Replacement dwelling.

CH/2013/0235/FAE - conditional permission - Replacement single storey dwelling (extension to time limit of planning permission CH/2010/0370/FAE).

CH/2010/0370/FAE - conditional permission - Replacement single storey dwelling (extension to time limit of planning permission CH/2005/1107/FA).

CH/2005/1107/FA - conditional permission - Replacement single storey dwelling.

CH/2003/2145/EU - granted - Application for certificate of lawfulness for an existing use relating to the occupation as a separate self-contained dwelling.

PARISH COUNCIL

Object to inappropriate development in the green belt and flood plain. Unsuitable design for green belt. Believe floor area does not include garages and basements and their inclusion make this over development in green belt. If officers minded to approve would like to see condition that prevents further development of the site.

REPRESENTATIONS

One representation letter has been received which can be summarised as follows:

With reference to the above application we would like to draw attention to the fact that the site is within the Denham Aerodrome Traffic Zone. Denham is a long established Civil Aviation Authority Licensed Aerodrome providing facilities for business aviation and flying training for both fixed and rotary wing aircraft and may be available for use at any time. It is inevitable that any occupants in this location will both hear and see aircraft operations and it is important that all concerned are aware of the juxtaposition of the sites.

CONSULTATIONS

Highways Authority

No objections subject to condition - The Highway Officer comments as follows: The application site is located along Amersham Road which is classified as the A413 and is subject to the national speed limit, due to Amersham Road being a dual carriageway this is 70mph. Access to the property is taken via a private road which leads to a golf club.

The existing access drive meets the public highway at the A413 to the south of the site. From a recent site visit the access has been constructed to the appropriate construction and has adequate visibility.

The redevelopment of this site would increase vehicle trips associated with the site. The existing dwelling and agricultural uses would likely generate minimal vehicle trips; the proposed development would generate approximately 4-8 vehicle movements per dwelling. The Highway Authority does not consider this increase to be significantly detrimental in terms of its impact upon the existing highway network nor does it introduce unacceptable impacts relating to highway safety.

Within the limit of the site it is proposed for six parking spaces to serve the two new dwellings, The Local Planning Authority as the Parking Authority should make an informed decision on the quantum of parking required for this scale of development. The Highway Authority is satisfied that there is adequate turning and manoeuvring within the limits of the site.

Therefore taking the above into consideration the Highway Authority has no objections.

Ecology Officer

No objections subject to conditions - The Ecology Officer comments that she has reviewed the ecological assessment produced by All Ecology (August 2018) and overall is satisfied that the potential presence of protected species has been given due regard. The proposed development area on the whole largely comprises habitats of low ecological value. Safeguards are required to ensure off-site habitats such as the River Misbourne are protected during construction, along with enhancements to ensure a net gain in biodiversity is achieved.

The Ecology Officer therefore recommends that details of ecological enhancements such as native landscape planting, including species of known benefit to wildlife, and provision of artificial roost features, including bird and bat boxes shall be secured by condition. A Construction Environmental Management Plan is also required to protect species and habitats during the construction period, as well as a lighting design strategy to prevent disturbance to species. These have all been included as conditions attached to this application.

Tree Officer

No objection subject to condition - The Tree Officer comments as follows: The application includes a Report on the impact on trees of proposals for development, which includes a tree survey and tree protection proposals. The whole site is covered by Tree Preservation Order No 6 of 1951, which protects all the trees that were present when the Order was made in 1951.

Much of the site is enclosed by trees with lines of Leyland cypresses about 15m in height (H3) along the western and northern boundaries of the site around the northern corner of the site. There are similar lines of Leyland cypresses (H16) around the southern corner of the site. The gap between these lines consists of hedgerows and old trees largely associated with the path of an old water course.

There are two very large old London plane trees towards the front of the plot, which are over 30m in height and with diameters of about 2-3m. These are important veteran trees that appear to have been planted as part of the 18th century parkland landscape of Chalfont Park House. One of the trees has fire damage at the base but this does not seem to have had a significant effect on its health. There is an existing gravelled area in

the front part of the site but the Proposed Site Plan seems to show a reduced area of hardstanding with a new edge to the access drive. Any work in this vicinity should be carried out with care to avoid root damage to the London plane trees.

Option 1 consists of two different dwellings in line facing the north-eastern side of the site. Option 1 also includes two triple garages.

The plans propose the removal of most of the trees in the south-eastern half of the site opening it up significantly. This includes the removal of the lines of Leyland cypresses (H16), which are too young to be protected by the Tree Preservation Order and the report states have now grown too large to be reduced to a manageable hedge. Most of the old hedgerow trees are also shown for removal. The three large sycamores T11-13 are all in poor condition with damage, poor structures and decline with old age. The beech T14 has a dead top and has a dangerous decay fungus at its base. The hawthorns are all small trees that have grown up from the hedge. The plans show the retention of an ash T4 and the site plan shows the retention of sycamore T12 although the tree report shows it removed.

The tree report includes various precautionary procedures to avoid root damage during both the demolition and construction phases of the proposed project and these are considered to be appropriate.

The tree report also includes some landscaping proposals. These consist of hornbeam hedging around the boundary of the proposed rear gardens, a dawn redwood to the front of the house on Plot 2 and three holly trees in the rear gardens of the properties.

Overall the proposal involves significant tree loss opening up the site to public views but this would be justifiable based on the condition of the trees. Consequently I have no objections to the application provided there is adequate protection for the retained trees, particularly the two veteran London plane trees.

He also suggests a possible condition for protection of the trees.

Strategic Environment

No objection subject to conditions - The proposed development involves the redevelopment of site with 2 detached dwellings, with associated access, parking and landscaping following demolition of existing dwelling and surrounding equestrian buildings.

The Council's historical maps show a copse of trees on site during the 1874-1891 epoch. No changes are shown on the last historical map to which we have access (1960-1976). The site does not appear to have had a previous potentially contaminative use.

The aerial photograph of the area shows a group of buildings that appear to have corrugated cement sheets on roofs. There is a manege to the north east and a mound to the south east. This may be a manure pile. There are some vehicles parked on site.

Consideration should be given to the possibility that the roofing sheets may contain asbestos fibres. Other activities such as the parking of road vehicles may have given rise to contamination on the site. The proposed development will result in a sensitive end use.

Based on this, the standard Land Quality Condition is required on this and any subsequent applications for the site.

Waste team

No objection - The Waste Officer comments that both properties will have to present their refuse & recycling on Amersham Road. Crews will not access the gravel drive.

Building Control

No objections - The Building Control Officer comments that they have no objections to fire brigade access and that disabled access should be in accordance with building regulations which is to be determined via a Building Regulation application in due course.

POLICIES

National Planning Policy Framework - July 2018

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GB2, GB7, H12, TR2, TR3, TR11 and TR16.

Chalfont St Peter Neighbourhood Plan - November 2016

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

EVALUATION

Principle of Development

1. The site is located in the open Green Belt where, in accordance with Chapter 9 of the NPPF, most development is considered to be inappropriate development. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. Nonetheless, paragraph 145 of the NPPF lists some forms of development which are not considered to be inappropriate, including the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

2. There are 10 buildings on the site including one residential unit which has planning permission for a replacement dwelling. There are no commercial equestrian activities carried out on the site. The remainder of the buildings on site are former stables and other outbuildings.

3. The application proposes the removal of all buildings. The floor area of the existing buildings is a total of 732.38 m² with a maximum height of 4.5 metres. The proposed dwellings would have a floor area (above ground) of 529.54 m² with a proposed maximum height of 3.5 / 3.3 metres (plot 1 / plot 2) and a maximum height of 3.3 metres (eaves height of 3.0 metres). An additional roof lantern with a maximum height of 1.0 metres is situated on the roof. As a consequence the floorspace of the proposed dwellings has a reduced floorspace of 202.84 m² (27.7%) compared with the floorspace of the existing buildings. Given that the proposal would reduce the number of buildings and the dwellings would be of a modest size and scale it is considered that they would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4. As discussed above, paragraph 145 of the NPPF accepts that the complete redevelopment of a site is acceptable provided that it would not have a greater impact on the openness of the Green Belt. The proposed dwellings would result in a reduction of the total floorspace and the overall height would be lower than the highest existing building and have a low eaves height of 3.0 metres and a flat roof. It is therefore considered that the proposal would cumulatively improve the openness of the Green Belt when compared to the existing situation.

Design/character & appearance

5. The dwellings would be located in the centre of the site with the dwellings broadly in the same location as the existing dwelling and cabin. The dwellings would be partly screened by new hedging to the south, east and north, in addition existing trees would be retained to the north, north-west and north-east. In particular

the most significant trees including two large London plane trees are located along the road frontage and would screen the dwellings from the road. A small number of native trees would also be planted to west, east and south of the dwellings. The dwellings would be modest in scale and height and the level of existing hardstanding would be reduced and the area would be landscaped with new landscaped curtilages to each dwelling. The visual appearance would be improved by removing the unsightly and semi-derelict buildings and hardstanding and replacing them with modern designed dwellings and car ports with landscaped front and rear gardens and driveway. The dwellings would be located on large plots and the design would be contemporary incorporating rendered walls and timber cladding for the dwellings and the garage/barn structures would have a traditional design with brick plinth and timber framed walls. The contemporary design of the dwellings would be supported by the NPPF. It is therefore considered that the proposal would not adversely affect the character and appearance of the locality. Therefore no objections are raised with regard to Local Plan policy GC1 and Core Strategy policy CS20.

Residential amenity

6. Policy GC3 of the local plan seeks to protect the amenities of existing residents and ensure good standards of amenities for future occupiers. There are no immediate neighbours and the proposal would be a considerable distance away from other dwellings in the area. There is ample amenity space for each of the dwellings, rear gardens have a maximum depth of 15 metres (plot 2) and 20 metres (plot 1). There are also garden areas proposed to the front and side of the dwellings. Native hedge planting and trees are proposed and the landscaping of the site will be greatly enhanced and improve the amenity for residents. It is considered that adequate amenity space for future occupiers of the development would be provided. The proposed development would be in accordance with policies GC2, GC3 and H12 of the Local Plan.

Parking/Highway implications

7. The new dwellings would have a floor area of more than 120 square metres. The parking standard is three parking spaces for each dwelling. There are two car ports proposed to the side and front of the dwellings providing parking space for six cars. It is proposed to use the existing access to the site and a gravel driveway would be created, which allows for vehicles to enter and exit the site in forward gear. The Highways Officer confirms that, from a recent site visit, the access has been constructed to the appropriate construction and has adequate visibility. There would be a small increase in vehicle movements and the Highway Authority does not consider this increase to be significantly detrimental in terms of its impact upon the existing highway network nor does it introduce unacceptable impacts relating to highway safety. It is noted that Buckinghamshire County Highways Authority have no objections to the proposals. As such, it is considered that the proposal adheres to policies TR2, TR3 and TR11 and TR16.

Trees and Landscaping

8. The proposal involves significant tree loss opening up the site to public views but this would be justifiable based on the condition of the trees. Adequate protection for the retained trees, particularly the two veteran London plane trees is proposed. A Tree Report, including a Tree Retention Plan and a Tree Protection Measures Plan for the construction phase, has been submitted by the applicant which is found to be satisfactory with the Tree Officer. A condition has been attached to comply with these plans to ensure protection of the trees. It is noted that the Tree Officer has no objection to the proposals. The Tree Report also includes proposed landscaping and in collaboration with the Tree Officer it is proposed that new hedging should also be included to the south-east and north-east of Plot 2 so that it continues all the way around both dwellings. This would be secured through a landscaping scheme that would have to be submitted as described in condition 3.

Ecology

9. The Ecological Assessment submitted by the applicant shows that the potential presence of protected species has been given due regard. The proposed development area on the whole largely comprises habitats

of low ecological value. Safeguards are required to ensure off-site habitats such as the River Misbourne are protected during construction, along with enhancements within the site to ensure a net gain in biodiversity is achieved. These can be secured by conditions which have been attached to the application. It is noted that the Ecology Officer raises no objections.

Other issues

10. Waste collection/bin stores - The Waste Team have no objections and bins need to be presented on the public highway.

11. Flooding - The site lies within Flood Zone 1 and therefore there is no requirement for a flood risk assessment. The site is not within the 8 metres buffer zone of the River Misbourne and there is no requirement for a flood risk permit from the Environment Agency.

12. Aerodrome - The site is within Northolt Safeguard Zone, within the Denham Aerodrome Traffic Zone and under the flight path. The site is for residential development and there is already a residential dwelling on the site.

Pre-commencement conditions

13. The agent has agreed to all suggested pre-commencement conditions.

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 above ground level commences, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the new access road, parking and turning areas, shall be made available to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

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

3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which shall include indications of all existing trees and hedgerows on the land, with details of those to be retained, those to be felled being clearly specified, and full details of those to be planted. This shall include full details of the locations, size and species of all trees, hedgerows and shrubs to be planted, removed and retained and should include the installation of bat and/or bird bricks and/or boxes.

Reason: In order to maintain, as far as possible, the character of the locality and to ensure biodiversity enhancements and a good quality of amenity for future occupiers of the dwellings hereby permitted, in accordance with policies GC1, GC4 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011).

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

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

5 The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Report on the impact on trees of proposals for development Ref 1-38-4639/OPT 1 dated 17th September 2018, the Tree Retention and Tree Protection Measures (Site Preparation Phase) plan Ref 1-38-4639/OPT1/P2v3 dated 17-Sep-18 and the Tree Retention and Tree Protection Measures (Construction Phase) plan Ref 1-38-4639/OP1/P3v2 dated 17-Sep-18 by John Cromar's Arboricultural Company Limited. This shall include the use of tree protection fencing and the use of appropriate measures for the removal of existing hard surfaces, for no-dig construction and for foundations for the triple garage.

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.

6 Prior to occupation of the development space shall be laid out within the site for parking for six cars, cycles, 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, 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.

7 Prior to the commencement of development above ground level 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 preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) 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.

iii) 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.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) 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.

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.

8 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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.

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

9 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 7.

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.

10 Prior to the commencement of development above ground level, 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 protect, as far as possible, the character of the locality and the amenities of the adjoining properties and approved dwellings, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

11 Prior to the commencement of development above ground level, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of native landscape planting, including species of known 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 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.

12 Prior to occupation, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: The prevention of disturbance to species within the site during operation in accordance with policy 24 of the Chiltern District Core Strategy.

13 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones" including off-site receptors;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy.

14 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, B & 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: the site is located within the Metropolitan Green Belt wherein strict control over development is necessary to maintain the openness of the Green Belt and to ensure a satisfactory development in accordance with policies GB2 and GB7 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

15 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that information and guidance documents on land quality for developers can be found online at http://www.southbucks.gov.uk/information_for_developers
<http://www.chiltern.gov.uk/article/2054/Information-for-Developers>

2 INFORMATIVE: The applicant is advised that, in accordance with section 4 of the NPPF, Chiltern District Council take a positive and proactive approach to development proposals focused on solutions. Chiltern District Council works with applicants/agents in a positive and proactive manner by:

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

3 INFORMATIVE: For clarity, the applicant is advised that a landscaping scheme required to be submitted as per condition 3 would override the proposed planting shown on any drawings in the Tree Report.

PL/18/4084/FA

Case Officer: Murtaza Poptani
Date Received: 05.11.2018
Parish: Amersham
App Type: Full Application
Proposal: Single storey rear, first floor side extensions, conversion of garage into habitable space and loft conversion incorporating rear dormer.
Location: 51 Highfield Close
Amersham
Buckinghamshire
HP6 6HQ
Applicant: Mr & Mrs Grimmelikhuijsen

Decide by Date: 31.12.2018
Ward: Amersham On The Hill

SITE CONSTRAINTS

Article 4 Direction
Adjacent Conservation Areas
Adjacent to Unclassified Road
Bovingdon Technical Radar Zone
Conservation Area
Community Assets/ CDC Owned Land
North South Line
Townscape Character

CALL IN

Councillor Shepherd has requested that this application be determined by the Committee if the officer recommendation is one of approval. He is concerned that the application comprises overdevelopment and the dormer is too big. The proposal is therefore contrary to policies.

SITE LOCATION

The application site accommodates a two storey semi-detached dwelling located on the south-eastern side of Highfield Close and is situated within a rectangular shaped curtilage with off road parking to the front driveway. The dwelling is characterised with a centrally pitched hipped roof. Although the Weller Estate Conservation Area adjoins the site along the front and rear boundaries, the application dwelling itself is not within the Conservation Area.

THE APPLICATION

The application seeks planning permission for the erection of a single storey rear extension, first floor side extension, conversion of garage into habitable space and loft conversion incorporating rear dormer. The single storey rear extension would measure 5.4 metres in depth, 4 metres in width and 3.2 metres in height. The first floor side extension would measure 7.2 metres in depth, 2.1 metres in width and 7.8 metres in height. The rear dormer would measure 5 metres in width, 2.3 metres in height and 3.2 metres in depth. The resultant extended dwelling would accommodate five bedrooms in total, one of which would be provided as a result of the proposed garage conversion.

RELEVANT PLANNING HISTORY

CH/1988/3613/FA - Single storey front/side extension incorporating replacement garage. Conditional permission. Implemented.

TOWN COUNCIL

The Town Council consider the proposals to be inappropriate development which would change the character of the dwelling by appearing as a third storey and would be intrusive to the neighbours.

REPRESENTATIONS

Four letters of representation have been received which are summarised as follows:

- The proposed dormer is overbearing and will afford considerable loss of privacy to my property.
- The proposed dormer is not in keeping with neighbouring properties.
- The scale and appearance of the proposed construction is overbearing and in its size it amounts to the addition of a third storey to the house, this being in contradiction to Policy H14.
- For a house of this size (5 bedrooms) no provision seems to have been made for the additional parking required.

CONSULTATIONS

None relevant.

POLICIES

National Planning Policy Framework (NPPF)

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H13, H14, H15, H16, H17, H18, CA2, TR11, TR16.

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

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

EVALUATION

Principle of development

1. The application site is located within the built up area of Amersham wherein residential extensions are acceptable in principle subject to complying with the relevant Development Plan Policies.

Design/character & appearance

2. The adopted Residential Extensions and Householder Development SPD states that extensions should give due consideration to the impact of a development on the street scene by ensuring that the design properly integrates with the existing building. The application property is situated within a row of semi-detached dwellings to the south-eastern side of Highfield Close, is set back from the highway boundary and is characterised with a centrally pitched hipped roof. The proposed first floor side element of the scheme is considered to be of an acceptable design, would be erected in line with the front and rear elevations and to the same ridge height as the existing dwelling. It would be characterised with a hipped roof to match the main dwelling and is considered to comprise a subservient form of development. The width of the proposed extension is considered to be subordinate in size and scale when compared to the existing dwelling. The first

floor side element would retain a gap of 1 metre to the north-eastern (side) boundary and would therefore maintain a satisfactory degree of openness to this side of the property.

3. The single storey rear extension would be characterised with a flat roof and this element is considered to be subordinate in size and scale to the rear elevation and would integrate well with the existing single storey rear flat roof extension. The submitted plans propose the conversion of the garage to habitable accommodation, the erection of a rear dormer and the insertion of two front rooflights. If constructed in isolation, these elements would constitute permitted development under Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and therefore would not require express planning permission. As such, it would be unreasonable to object to these elements in this regard. It is therefore considered that the extensions would satisfactorily integrate with the existing dwelling and would not have an adverse impact on the character of the locality. No objections are therefore raised with regard to Local Plan Policies GC1, H13, H14, H15, H16, H17, H18 and Core Strategy Policy CS20.

Residential amenity

4. The proposed first floor side extension would have a flank to flank relationship with the adjacent dwelling to the north-east, No. 50 Highfield Close. With regards to the single storey rear extension, the dwelling at No. 50 has a single storey garage to the flank elevation and a detached timber shed behind, with the main two storey element of the dwelling positioned away from the shared boundary. By virtue of its single storey form and low height flat roof design, it is considered that the single storey element would not appear intrusive or overbearing on the amenities of the occupiers of the adjacent dwelling. No first floor habitable rooms' windows are proposed in the first floor side extension with the exception of landing windows, which it is noted are not shown on the proposed elevations. It is therefore considered that subject to the imposition of conditions relating to no further windows being inserted in the side elevation, there would be no material loss in privacy resulting. With regards to potential overlooking from the proposed rear dormer, this element would constitute permitted development and as such, it would be unreasonable to withhold consent in this regard. Given the size and relationship to the neighbouring dwellings, the proposed extensions would not adversely affect the amenities of nearby properties. No objections are therefore raised with regards to Policies GC3, H13(i) and H14.

Parking/Highway implications

5. The proposal will increase the floor area of the dwelling from less than 120sqm to more than 120sqm, and therefore the parking standard for the dwelling would increase from 2 to 3 spaces. The hardstanding area to the front could be extended across the front garden in order to accommodate 3 spaces. To this end, a condition would be attached to the grant of any planning permission in order to ensure that adequate off road parking is provided. No objections are therefore raised with regards to Policies TR11 and TR16.

Impact on designated/non-designated heritage asset

6. As aforementioned, although the Weller Estate Conservation Area adjoins the site along the front and rear boundaries, the application dwelling itself is not situated within the Conservation Area. There are no important views (arrows) into or out of the Conservation Area that would be affected by the proposed development. The objections received relate mainly to the rear dormer extension, however, this element would constitute permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is considered that the scheme would not detrimentally impact on the designated heritage asset and would therefore comply with policy CA2 and guidance contained in the NPPF.

Conclusions

7. In conclusion, the scheme is considered to comply with all relevant development plan policies and guidance contained in the NPPF and the application is therefore recommended for approval.

Working with the applicant

8. 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 submitted plans which are considered acceptable.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

- 1 C108A General Time Limit
- 2 C431 Materials to Match Existing Dev
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those hereby approved shall be inserted or constructed at any time at first floor level or above in the north-eastern flank elevation of the extensions hereby permitted.
Reason: To protect the amenities and privacy of the neighbouring property.
- 4 The extension hereby permitted shall not be occupied until parking spaces for three vehicles have been provided in accordance with a plan which shall have previously been approved in writing by the Local Planning Authority. The parking spaces shall thereafter be retained unobstructed except for the parking of vehicles in accordance with the approved details. The hardsurfacing to provide these spaces shall be of a permeable material, or alternatively provision shall be made to direct water run-off from the hardsurface to a porous or permeable area within the curtilage of the dwelling.
Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of the highway and to ensure that the additional hard surfacing does not impact on flooding or pollution of watercourses.
- 5 AP01 Approved Plans

The End

Appeal Decision

Site visit made on 3 September 2018

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2018

Appeal Ref: APP/X0415/W/18/3195558

Land at the front of Highlands, Cherry Lane, Woodrow, Buckinghamshire, HP7 0QG

- 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 Sir Scott and Lady Baker against the decision of Chiltern District Council.
 - The application Ref CH/2017/1442/FA, dated 25 July 2017, was refused by notice dated 15 December 2017.
 - The development proposed is described on the application form as "Conversion of a former poultry barn to a residential dwelling and the use of the adjacent hay barn for garaging whilst retaining the stable building".
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has submitted an updated structural inspection report with their appeal statement, followed by a timber report and further structural inspection report with their final comments. I am satisfied that the Council and third parties would not be prejudiced by my consideration of this additional information and as a consequence I have considered the appeal on this basis.

Main issues

3. The Council has raised no concerns regarding the impact of the development on: - (a) the living conditions of neighbouring occupiers; (b) the local highway network; (c) ecology; and (d) flood-risk. Accordingly, within the context of the Council's reason for refusal and the evidence in this case, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt;
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal site is located within the Green Belt and Chilterns Area of Outstanding Natural Beauty (AONB). The poultry barn and hay barn are positioned to the south of Highlands, a large residential property. A long access road leading from Cherry Lane to Highlands would provide access to the site. The appellant states that the poultry barn is now used for storage purposes and that both barns have been in existence for more than 10 years, which is not disputed by the Council. The appeal site and both barns are set against the backdrop of mature trees to the west.
5. The locality is characterised by undulating open countryside, comprising agricultural fields, mature hedgerows, small clusters of trees and large woodland areas.

Whether the proposal would be inappropriate development in the Green Belt

6. Policy GB2 of the Local Plan¹ 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, such as the change of use of permanent and substantial buildings in accordance with Policy GB11. The latter policy states, amongst other things, that the Council will not regard the reuse of a non-residential building in the Green Belt for residential accommodation as inappropriate development, subject to a number of requirements, which include, amongst others, that the building is of permanent and substantial construction, and that the amount of work required to make it suitable for residential use should not be so substantial as to be tantamount to the construction of a new building.
7. Paragraph 146 of the Framework² states that reuse of buildings should not be regarded as inappropriate development in the Green Belt provided they are of permanent and substantial construction; they preserve its openness; and do not conflict with the purposes of including land within it.
8. On the basis of the evidence before me, I am satisfied that it would be technically possible to carry out additional works to both buildings to enable them to become residential accommodation and garaging. However, this alone is not sufficient for the development to comply with Policy GB11 of the Local Plan or Paragraph 146 of the Framework ie the fact that something can be repaired, or additional materials can be used to supplement those already existing does not in itself mean that the said works are limited. For compliance to be achieved, the decision-maker must be satisfied that the buildings in question are of permanent and substantial construction, and that the amount of works required for their new intended purpose are not so substantial as to be tantamount to the construction of a new building.
9. According to recent case law³, 'it is a matter of legitimate planning judgment as to where the line is drawn' between a conversion and rebuild, with the test focusing on one of substance, and not form. Having had regard to this case, planning policy, the submitted evidence and my on-the-ground assessment, it

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

² National Planning Policy Framework, Ministry for Housing, Communities and Local Government, July 2018.

³ *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin).

is my view that the poultry building is so skeletal and minimalist that the works needed to alter it to residential accommodation would be of such a magnitude as to constitute a rebuild for the following reasons:-

- Both structural reports state that the foundations beneath the slab would need underpinning, with the scale and extent such that I would consider these works to be substantial.
 - The drawings indicate that an entirely new blockwork inner skin wall would need to be constructed, together with the installation of new windows, doors, and wall and roof insulation.
 - Both structural reports state that additional timbers would need to be added to the roof and walls to assist in strengthening the existing structure to accommodate the increased loads, particularly that generated by the construction of an entirely new slate roof with felt and battens. Although no evidence has been provided that reveal the exact number of additional timbers or trusses, I note that the second structural survey report states that all areas of the existing building would require structural strengthening to convert it and that a new ridge beam might also be required to try and prevent eaves deflection due to the lack of ties to the top of the wall plate.
 - The installation of a new foul and surface water drainage system would be required.
10. I recognise that these works could potentially be carried out within the existing structure without it being dismantled, but to my mind, the evidence contained in both structural reports collectively demonstrate that the existing timber frame and roof would not be strong enough to take the loading associated with the necessary internal and external works.
11. To my mind, the works proposed, when considered collectively, are so extensive that from a practicable perspective they go well beyond what may be considered a repair and conversion of the poultry building to enable its reuse and would in fact amount to a rebuild, with only limited assistance from the original structure.
12. In terms of its impact on openness, the development would not increase the size of both buildings, but would result in more frequent parking of cars within the site and a private garden area that may include residential paraphernalia. I am however satisfied that the private garden area and parked cars would not be highly prominent in the landscape and that the harm to the openness of the Green Belt would be limited.
13. In view of the above, I conclude that the existing buildings are not of permanent and substantial construction and that the scheme would be tantamount to the construction of a new building. The proposal would therefore constitute inappropriate development in the Green Belt and not accord with Policies GB2 and GB11 of the Local Plan, which collectively seek, amongst other things, to restrict inappropriate development and preserve the openness of the Green Belt.
14. I also find that the development would fail to comply with Paragraph 146 of the Framework which seeks, amongst other things, to restrict inappropriate development and preserve the openness of the Green Belt.

Other matters

15. Given my conclusion on the main issues that the development is unacceptable, the other matters raised by interested parties have not been central to my decision. Accordingly, there is no need for me to consider them further as it would not alter the outcome of the appeal.

Other considerations

16. Whilst I recognise that there are bus services to nearby settlements, I am unaware of the frequency of these. In any event it is my view that the proportion of such trips by future occupants would be low given: (a) the not insignificant distance between the appeal site and the A404 bus stop at Penn Wood; and (b) the generous amount of space on-site to park cars. As a consequence, it is my view that future occupants would be car-dependant and heavily rely on other settlements for day to day facilities.
17. Although Paragraph 79 of the Framework states that isolated homes in the countryside should be avoided unless they fall within a number of exceptions, I do not consider this to be relevant as the proposed dwelling would be in close proximity to other properties and therefore not isolated. However, the fact that a dwelling is not physically isolated does not mean that it would be sustainable or that it should be approved.
18. I recognise that the dwelling would make a contribution to housing land supply, but am not of the view that this benefit would clearly outweigh the scheme's environmental harm to the permanence and openness of the Green Belt, which I have given substantial weight to in my assessment.

Conclusion

19. Paragraph 143 of the Framework states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 144 states that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. I have concluded that the proposal would constitute inappropriate development and therefore be, by definition, harmful to the Green Belt. I have also concluded that the proposal would cause limited harm to the openness of the Green Belt. In accordance with Paragraph 144 of the Framework, I have given substantial weight to this harm in my assessment.
21. I find that there are no very special circumstances that clearly outweigh the scheme's harm to the Green Belt by reason of inappropriateness, and the limited harm to its character, openness and permanence. All representations have been taken into account, but no matters, including the scope of possible planning conditions, have been found to outweigh the identified failures, harm and policy conflict. For the reasons above, the appeal scheme should be dismissed.

Robert Fallon

INSPECTOR

Appeal Decision

Site visit made on 6 November 2018

by Steven Rennie BA (Hons) BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2018

Appeal Ref: APP/X0415/W/18/3201326

Bidston, Burtons Lane, Little Chalfont, Buckinghamshire HP8 4BN

- 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 Cohn against the decision of Chiltern District Council.
 - The application Ref CH/2017/1662/FA, dated 31 August 2017, was refused by notice dated 24 November 2017.
 - The development proposed is the demolition of an existing dwelling and construction of three replacement dwellings with detached garages, including associated hard and soft landscaping and formation of new access from Burton's Way.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing dwelling and construction of three replacement dwellings with detached garages, including associated hard and soft landscaping and formation of new access from Burton's Way at Bidston, Burton's Lane, Little Chalfont, Buckinghamshire HP8 4BN, in accordance with the terms of the application, CH/2017/1662/FA, dated 31 August 2017, subject to the conditions set out in the attached Schedule 1.

Application for costs

2. An application for costs was made by Mr and Mrs Cohn against Chiltern District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The revised National Planning Policy Framework (the Framework) was published on the 24 July 2018 and replaces the first Framework published in March 2012. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.
4. I am aware that planning permission has already been granted for a dwelling to the rear of the site (Plot 1) and this is already under construction at the time of my site visit.

Main Issues

5. The main issues are the effect of the development on (1) the character and appearance of the area and (2) highway safety as a result of parking provision.

Reasons

Character and Appearance

6. The area is characterised by primarily detached dwellings in spacious plots. The proposal would replace a single house with three new dwellings. This includes two detached houses fronting Burton's Lane and another single detached dwelling which would have access onto Burton's Way. Although the existing house Bidston appears an attractive house, it is not listed or in a Conservation Area and the Council has raised no objection to its loss as part of this development proposed.
7. The site is set within an Established Residential Area of Special Character (ERASC) of which policy H4 of the Chiltern District Local Plan is relevant. This requires new development to maintain the special character of these areas.
8. With regards the dwellings at Plots 2 and 3, which face Burtons Lane, the replacement of the single large house with two smaller dwellings would result in narrower plots to accommodate this development. I acknowledge that the plot widths of Plot 2 and 3 would be narrower than most along Burton's Lane, but there is some variety both within this street in terms of plot widths. Furthermore, the existing plot is particularly wide as it splays towards the front boundary. As such, even with this plot being split for these proposed two houses this would still allow for a spacious development, with a clear gap between the two proposed houses and to the side boundaries. Whilst the gaps proposed may be less than some others in the street between buildings, the overall layout of the site is similar to some other houses in this street.
9. On this basis, I do not regard the narrowness of the proposed Plots 2 and 3 as being at a significant variance with the general character of this street scene or the wider area. Therefore, the plot widths proposed would not appear incongruous or result in a cramped form of over-development within the street scene. Furthermore, the replacement dwellings at Plots 2 and 3 would be well set back from the boundary with the road to the front, which is similar to the general layout for most other houses on this side of Burton's Lane. The garages would be to the front of the houses at these plots, but these would be subservient buildings and have less of a visual impact within the street.
10. The proposed houses at Plots 2 and 3 would be almost identical in appearance, whereas most of the houses in this street are of individual design. However, as this development would only result in two identical dwellings set within this long street this would not have a detrimental effect to the street scene as a whole. Furthermore, the houses as proposed, in my opinion, reflect the design and characteristics of this residential area with the use of traditional features and proportions, thereby being compatible with and preserving the character of the street scene.
11. Plot 1 would take up a section of what is the current rear garden of the Bidston site, but there is already planning permission for a dwelling in this location which is being constructed. In any case, this proposed dwelling would be in a sufficiently spacious plot. It would be forward of many of the other houses on

this side of Burton's Way. However, as there is no strong building line to this side and section of Burton's Way and the position of the house would not have an adverse effect on the street scene.

12. Overall, whilst I acknowledge that the proposal would increase the density of housing within the site, the proposed dwellings would not result in harm to the character and appearance of the area and would preserve the qualities of the ERASC. As such, the proposed development would be in accordance with the Policies GC1 and H4 of the Chiltern District Local Plan 1997 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. These policies seek to, amongst other things, ensure a suitable scale of development; require that new dwellings do not significantly affect the density of ERASC; and require a high overall standard of design.
13. My attention has been drawn to Core Strategy policy CS21 by interested parties. However, this was not included in the Council Decision Notice and from the evidence before me I cannot be sure that the areas this policy would cover has been finalised.

Parking Provision

14. The proposal includes a shared access for both Plots 2 and 3 off Burtons Lane. The Council has concerns regarding the parking provision for these two proposed dwellings. A particular issue is the size of the proposed garages being less than advised in the Chiltern District Local Plan. The proposed garages are stated to be deficient in depth.
15. However, the appellant has made clear in their statement that they only anticipate a single vehicle parked in each garage. This would allow for space for cycle and general storage, for example. I note that it is also the Council's assumption that only one vehicle would be kept within the proposed garages.
16. If for both Plots 2 and 3 there would be parking provision for one vehicle in the garage and two to the front of the garage, this would effectively be similar to a tandem arrangement. However, I have no substantive evidence that this would not be an effective parking arrangement and therefore I regard there as being sufficient off-street parking provision for these proposed houses.
17. Both Plots 2 and 3 also have an area for turning space. I acknowledge that, depending on the amount of vehicles parked, the space for turning could be tight, but turning would still be possible and achievable. There is also the possibility of vehicles from Plot 3 turning towards the front of Plot 2 if necessary with space available to do so. I do not regard there being such an issue with turning space that there would need to be vehicles reversing out of the access onto the highway.
18. The house at Plot 1 would access onto Burtons Way. There would be a single point of access onto this road and space for parking and turning within the plot. I regard this arrangement as proposed as acceptable. I regard the access proposed for Plot 1 to be of sufficient distance from the junction with Burtons Lane to avoid any highway safety issue. I also note that Burtons Way is a private road, but have no substantive evidence before me to demonstrate why this would be an issue for providing access to Plot 1.

19. Overall, the proposed development would provide sufficient parking and turning provision. The proposals are therefore in broad accordance with Policies 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. These policies seek to, amongst other things, require development to provide suitable off-street parking provision.

Other Matters

20. The three proposed houses would be within a residential area, with other dwellings in close proximity. There has been concern raised with regards loss of view as a result of the development. As planning is concerned with land use in the public interest, the loss of a private view is not normally considered to be a significant material consideration. There are also no details about the loss of any particular view. In any case, this is a residential development within an urban area and from the information before me I do not regard the proposal to result in any significant loss of outlook or important views.
21. The proposed dwellings are to be set off the boundaries and their layout and orientation would avoid significant levels of overshadowing or overbearing impact to neighbour living conditions. Furthermore, whilst the proposed dwellings would have first floor windows with views towards neighbouring properties they have been arranged to avoid any significant levels of overlooking.
22. The proposed development would result in some noise through the time of construction, but this is a temporary period and should not result in significant or lengthy levels of disturbance.
23. The proposed development, particularly Plot 1, would occupy an area that was open garden, to the rear of Bidston. However, the proposal would still result in spacious plots for all three dwellings proposed which allows for landscaping and also the retention of existing trees. As such, I do not regard the proposal as having a significant diminishing effect on greenery and openness within the plot.
24. I have taken into account representations referring to setting a precedent for future similar developments. However, the decision in this case takes into account the specific circumstances of the site, such as the proposed layout and scale of the proposed houses, and each case should be considered on its own merits.
25. Although mentioned by an interested party, from the evidence before me the site is not within an Area of Outstanding Natural Beauty.

Conditions

26. I have considered the conditions put forward by the Council against the requirements of the National Planning Practice Guidance and the Framework. I have attached some of the conditions recommended by the Council, as is explained below, but with some minor alterations in the interest of clarity and preciseness.
27. In respect of the single storey side extension I have attached the standard time limit condition and a plans condition as this provides certainty. I have not

included reference to plan 4912-05E, as this has been superseded by plan 4912-05F.

28. Conditions relating to materials and boundary treatment are all necessary in the interests of ensuring a satisfactory standard of development.
29. Due to the importance of the trees to the setting of the development and to safeguard them through the course of construction I have attached the tree protection conditions.
30. To ensure sufficient and appropriate levels of parking and turning space for future occupiers, in the interests of highway safety, I have attached the condition for this aspect of the development to be in place prior to occupation of the dwellings. A further scheme for approval is not necessary as the details are sufficiently shown on the submitted plans. I have included in this condition reference to the access provision.
31. I have not attached the Council recommended condition regarding obscure glazing as I am not satisfied that this is necessary to make the proposed development acceptable. Based on the evidence before me, even without obscure glazing in these windows the proposal would not result in significant levels of overlooking impact that would affect neighbour living conditions.
32. I have not attached either of the recommended conditions from the Council which require the restriction of usual permitted development rights. The Framework requires that this should be only necessary in exceptional circumstances. I am not satisfied that this situation would be such an exceptional circumstance and there is no substantive evidence before me to suggest otherwise.

Conclusion

33. For the reasons set out above, this appeal should be allowed, subject to the conditions in Schedule 1 below.

Steven Rennie

INSPECTOR

Schedule 1 – 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:
 - 4912-03A – Site plan and location plan
 - 4912-05F – Proposed site plan
 - 4912-06D – Proposed floor plans – Plot 1
 - 4912-07D – Proposed elevations – Plot 1
 - 4912-09A – Proposed floor plans – Plots 2 & 3

- 4912-10B – Proposed elevations – Plots 2 & 3
 - 4912-11 – Proposed garage details
 - 4912-12 – Site Sections
- 3) The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural Impact Assessment Ref: 1026 dated 23 June 2017 and the Tree Protection Plan Drawing Number 1026-02 dated June 2017 by SJ Stephens Associates. This shall include the erection of tree protection fencing in accordance with the Tree Protection Plan, and the use of no-dig construction and ground protection measures as proposed in the report.
 - 4) No tree or hedge shown to be retained on the Tree Protection Plan drawing number 1026-02 dated June 2017 by SJ Stephens Associates shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved. 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.
 - 5) Prior to the development of the dwellings above slab/ground level for Plots 2 or 3, details of all screen and boundary walls, fences and other means of enclosure, and a timetable for their erection, 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 dwellings hereby approved shall not be occupied until the details have been fully implemented.
 - 6) No dwelling shall be occupied until the accesses, along with garaging and areas for vehicles to park and turn have been laid out within the site in accordance with drawing no. 4912-05 F. The arrangement and layout shall thereafter be maintained and kept available at all times for those purposes.
 - 7) Prior to their use in the development hereby approved, details/samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

Costs Decision

Site visit made on 6 November 2018

by Steven Rennie BA (Hons) BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2018

Costs application in relation to Appeal Ref: APP/X0415/W/18/3201326 Bidston, Burtons Lane, Little Chalfont, Buckinghamshire HP8 4BN

- 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 Mr & Mrs Cohn for a partial award of costs against Chiltern District Council.
 - The appeal was against the refusal planning permission for demolition of an existing dwelling and construction of three replacement dwellings with detached garages, including associated hard and soft landscaping and formation of new access from Burton's Way.
-

Decision

1. The application for the award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant states that the appeal was unnecessary as the proposal complies with the development plan and standards with regards to parking provision and highway safety, which was the subject of the Council reason for refusal No 2.
5. I acknowledge that there was no Highways Authority objection to the proposal and that the decision was taken by the Planning Committee to refuse the planning application. With regards to the size of the garages, it appears agreed by both parties that they are deficient in length when assessed against the standards. The Council has also clearly explained the concerns about turning space, for Plots 3 especially. However, whilst I have not found harm with regards the proposed parking and turning provision on site, the reason for refusal is clearly set out and concluded against adopted Development Plan policy.

6. It is the right of the Planning Committee to come to a different view from their Officers and the Highway Authority and in this case they have done so in a way that is reasoned sufficiently and assessed against policy.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Steven Rennie

INSPECTOR

Appeal Decisions

Site visit made on 24 September 2018 with further visit on the 8 October 2018.

by Steven Rennie BA (Hons) BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2018

Appeal A Ref: APP/X0415/W/18/3196147

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

- 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 John Strange (Aquinna Homes Plc) against the decision of Chiltern District Council.
 - The application Ref CH/2017/2013/FA, dated 27 October 2017, was refused by notice dated 2 February 2018.
 - The development proposed is for the erection of five dwellings.
-

Appeal B Ref: APP/X0415/W/18/3205310

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

- 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 John Strange (Aquinna Homes) against the decision of Chiltern District Council.
 - The application Ref CH/2018/0594/FA, dated 29 March 2018, was refused by notice dated 5 June 2018.
 - The development proposed is for the erection of five new dwellings.
-

Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the erection of five dwellings at 28-32 Oval Way, Chalfont St Peter, Buckinghamshire SL9 8QB, in accordance with the terms of the application, Ref CH/2018/0594/FA, dated 29 March 2018, subject to the conditions set out in the attached Schedule 1.

Procedural Matters

3. The Council has confirmed that a contribution towards affordable housing would not be required for Appeal B following the publication of the National Planning Policy Framework (the Framework) dated July 2018. As the appeal is for a scheme comprising less than 10 units and falls below the threshold set out in the revised Framework, it is confirmed that affordable housing is no longer required as part of this development. This also applies to the proposal under Appeal A.
4. The revised Framework was published on the 24 July 2018 and replaces the first Framework published in March 2012. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to

the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.

Main Issues

5. The main issues for these appeals are:

- The effect of the development on the character and appearance of the area, including the setting of Gerrards Cross Centenary Conservation Area and the designated Established Residential Area of Special Character.
- The effect of the development on highway safety as a result of parking provision and the access proposed.
- For only Appeal A, the effect of the development on the existing trees on site, some of which are subject to Tree Preservation Orders.

Reasons

Character and Appearance

6. The area is characterised by mainly large detached houses with traditional features in spacious plots. The site is close to but to the north of the Gerrards Cross Centenary Conservation Area (CA). Due to the proximity of the Conservation Area boundary (from which the site can be seen), I regard the proposal as being within the setting of this heritage asset. The site is also located within an Established Residential Area of Special Character.
7. I am aware of the previous planning applications and also the appeal (ref: APP/X0415/W/16/3150402). However, whilst I have taken note of this planning history, the proposals in this appeal differ from that proposed previously, including the appeal which was for blocks of apartments.
8. The proposals with both appeals include a detached house and two pairs of semi-detached houses. I acknowledge that within this street there are predominantly detached houses, although there are a variety of sizes and designs which give a non-uniform appearance within the street scene. In this setting, the introduction of semi-detached housing would not have detrimental visual effects. Furthermore, these dwellings in both Appeals would not be clearly interpreted as semi-detached houses, having instead the appearance of a single distinct building without the symmetry typical of semi-detached housing.
9. On this basis I do not regard that the semi-detached houses as proposed with both appeals would have an adverse effect on the character and appearance of the area.
10. The semi-detached houses proposed would result in narrower plots than many others in the street. However, the plots as proposed would provide enough space for driveways and landscaping to the sides, for example. There is also some variation of plot widths within the street, so whilst the semi-detached plots may be narrower than most they would not be overly prominent or appear incongruous as a result. The layout would also represent an efficient use of land. The houses would also be set back from the front boundary, similar to other dwellings in the area and so would appear in keeping in this regard, with no strong building line on this side of the street to be followed.

11. The car port to the front of the dwelling at Plot 5 (Appeal B) would be to the front of the house. Whilst it is uncommon to have car ports or garages to the front of houses, there are some other examples in the area. Furthermore, this car port is set back from the road and would be at least partially screened by landscaping. The other car ports are set further back within the plots between the housing. Again, such a location for car ports or garages may be uncommon in the area but the proposed car ports would not be prominent or have a significant effect to the character of the street scene, due to their position set well back from the front boundary. I am also of the opinion that the garages would not appear as attached to the houses and so would not result in the appearance of a row of buildings. Instead there would be a gap between the buildings which would be visually apparent.
12. With Appeal A, the semi-detached dwellings are of a height which would be clearly set higher than many other houses within the street. Within the street scene there is some variety of house heights, but generally most are of modest two storey buildings with pitched roofs. The dwellings proposed with Appeal A, especially the semi-detached pairs, would be particularly tall with a height greater than most other houses in this street. As such, the proposed dwellings with Appeal A would appear overly prominent within the street scene and incongruous by reason of their excessive height. This does not adequately reflect the existing houses that make up this area and would have a detrimental impact to the character of the street scene and therefore also have an adverse impact to the Established Residential Area of Special Character. The special character of this area would therefore not be preserved.
13. The dwellings proposed with Appeal A, due to their prominence and incongruous appearance would also not preserve the character of the nearby CA, of which this site is within its setting as this section of Oval Way reflects and is a continuation of the general character of the CA. There is some intervening tree screening, but this would not completely block views of the proposed houses and therefore would not sufficiently mitigate the impact to the CA. However, the appropriate design and scale of the dwellings as proposed with Appeal B means that the setting of the CA is preserved in this case.
14. For Appeal A, the proposed residential development would result in harm to the character and appearance of the area and therefore also the Established Residential Area of Special Character. As such the proposal with appeal A would be contrary to Policies CS4 and CS20 of the Core Strategy (CS) for Chiltern District (Adopted November 2011), Policies GC1 and H4 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 & November 2011 (LP). These policies seek to, amongst other things, protect and enhance the historic heritage of the District; maintain the characteristics of the designated Established Residential Areas of Special Character; be of a high standard of design, which includes the relationship with the site's surroundings. Furthermore, the proposals are contrary to the relevant sections of the Framework which require development to be of an appropriate design and scale.
15. However, for Appeal B, I find that the proposal does not harm the character and appearance of the area and so would accord with Policies CS4 and CS20 of the CS, Policies GC1, CA2 and H4 of LP, together with the relevant sections of the Framework.

16. The Council has made reference to policy CA2 of the LP in their statement, which relates to Conservation Areas. However, I note that this was not included in the Decision Notice for Appeal A as part of the reasons for refusal of the application. However, I do note that policy CS4 of the CS does refer to the need to protect and enhance the historic heritage of the District as one of the sustainability principles.

Access and Parking Provision

17. Both proposed developments under Appeals A and B proposed access off Oval Way to the front of the proposed dwellings. This includes shared accesses also.
18. For Appeal A there is proposed to be a shared access for Plots 1 and 2 and also for Plots 3, 4 and 5. The Council states that the access for Plots 3, 4 and 5 should be 3.2m to be sufficient to serve the three dwellings, whereas it is proposed to be 3m. However, this could be adjusted as an access off a highway with the use of a condition.
19. The parking layout with Appeal A includes a shared turning area. I acknowledge that it is likely that there would need to be some reversing necessary, but not to a degree that would result in this being a significant constraint to parking at these houses. Furthermore, there is sufficient turning space proposed to ensure that vehicles could enter and leave in a forward gear.
20. For Appeal B, there is mention of issues relating to access to the car port to the front of Plot 5. There are some parking spaces shown to the front of this car port. However, whilst this would lead to effectively some tandem parking this would not be an insurmountable issue for future occupants as some level of tandem parking is not uncommon in this area.
21. Overall, I regard the proposed parking and access provision as appropriate for both Appeal A and B. The proposals therefore accord with Policies TR2 and TR3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. These policies seek to, amongst other things, require development to provide suitable access onto a highway.

Effect on Trees

22. For Appeal A, the proposal would result in the house at Plot 5 being close to some of the trees that are protected under the Tree Preservation Order (TPO) No. 33 of 1989, among some other trees which are not protected. However, the proposed house at Plot 5 or any other buildings do not significantly encroach into the root protection areas of these trees. Though there may be some minor pruning necessary in the future, I am satisfied from the evidence that these trees can be maintained.
23. Furthermore, I acknowledge that some of these trees, particularly those near to Plot 5 would cast some shadow over this property, but I am of the opinion that this would not be so significant as to be certain that future occupants would want their removal. In any case, many of these trees are protected under TPO.
24. I do note that one of the trees under this TPO has already been removed, with the appellant saying that this was an accident. As this has already happened before any decision with this appeal this is a matter for the Council.

25. There is also Tree Preservation Order No 6 of 2012 which protects two copper beech trees. The proposed dwellings are located where there would be no encroachment into their root protection areas and therefore should be maintained.
26. There are some other trees that are to be removed, but from the evidence submitted they are not of particularly high value and not prominent as important trees within the area. Also, there is scope for landscaping with new planting within the development, which can be required via condition.
27. There was no objection to the effect of the proposal on the trees at the site with Appeal B, and from the evidence before me this proposal would have no significant impact to the trees at the site, including those which are protected under TPO.
28. Overall, the proposals with both Appeals would not result in significant harm to the trees at the site and as such are in accordance with Policies GC4 and TW3 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, and the relevant sections of the Framework. These policies seek to, amongst other things, safeguard existing trees that are important to the character of the area and also those covered by a TPO.

Other Matters

29. The proposed development would be in a residential area, with neighbouring dwellings nearby. However, the proposed houses are set off the boundaries at the side of the current plot, with a substantial distance from the rear elevations proposed to the rear boundary. In such circumstances, considering also the height and form of the proposed houses, the schemes would not result in significant overshadowing or overbearing effect. Furthermore, they would not be oppressive or dominant when viewed from neighbouring properties due to this layout and arrangement.
30. The house at Plot 1 with Appeal B would not have upper floor windows in the side elevation facing towards the neighbour at No 34 Oval Way that could result in overlooking impact. There are roof lights in Plot 1 with Appeal A, but these appear to be high level and would not result in significant overlooking. There is also a first floor side elevation window with views towards this neighbour, but as this is to serve a non-habitable room (an en-suite) the overlooking effect would be minimal.
31. Although the proposed dwelling at Plot 1 with both Appeals would be close to the boundary with No 34, the design includes a series of drops in height towards this boundary. Coupled with the separation distance the proposed dwelling at Plot 1 would not result in significant levels of overshadowing or overbearing effects to the living conditions of these neighbours.
32. The house proposed at Plot 5 has some first floor windows which face towards the neighbour at No 24 Oval Way. However, considering the separation distance and the significant tree screen at the boundary, which includes protected trees, the proposal in this instance would not result in significant loss of privacy for this neighbour. Being to the north of No 24 the development should not result in any significant overshadowing effect and the separation distance to the boundary would be sufficient to avoid overbearing effects also.

33. Overall, the proposed development with both Appeals A and B would not result in significant adverse effects to the living conditions of neighbours to this site.
34. I have taken into account representations referring to setting a precedent for future similar developments. However, the decision in this case takes into account the specific circumstances of the site, such as the scale and layout of the proposed houses, and each case should be considered on its own merits.
35. There have been comments from interested parties relating to covenant restrictions on the site. However, I do not have full details of these restrictions and in any case the courts have taken the view that planning is concerned with land use in the public interest so that covenant restrictions concerning essentially private rights could not constitute material planning considerations. As such, the comments received have not changed my opinion on the main issues.
36. The proposed five dwellings would result in a likely increase in traffic within the area. However, I am not of the opinion that the additional traffic would be at a significant level and I have no substantive evidence before me that it would lead to highway safety or congestion issues.
37. Shared drives are not common in the area. However, these proposed shared drives would not be a prominent feature within the street scene and would not dominate the frontage of the houses. As such, I do not regard the use of shared drives as harmful to the character and appearance of the area.

Planning Balance

38. All parties agree that the Council is unable to demonstrate a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. In these circumstances, the tilted balance as described by paragraph 11 should therefore be applied. Paragraph 11 of the Framework states that where the development plan is out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted. In this case, from the evidence before me, there are no specific policies in the Framework which indicate that development should be restricted.
39. In terms of benefits, the development would provide additional housing and therefore a social benefit, mindful of the housing land supply shortfall. There would be economic investment from both its construction and subsequent occupation. The house would be in a location which is within an accessible location, thereby reducing reliance on the private car and representing an environmental benefit.
40. However, for Appeal A, the harm to the character and appearance of the area identified would be significant and as a result the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore the proposal would not be a sustainable form of development. The conflict with the

development plan is not outweighed by other considerations including the Framework.

41. For Appeal B, as I concluded with regards the main issue, I find that the development would be in accordance with the Development Plan policies and would also represent sustainable development in accordance with the Framework.

Condition Reasons

42. As I have found that Appeal B should be allowed, I have considered the recommended conditions from the Council against the requirements of the National Planning Practice Guidance and the Framework. I have made some amendments to the conditions as recommended by the Council to avoid pre-commencement conditions where possible and other changes in the interests of clarity and preciseness.
43. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials and hard landscaping, together with another requiring details of boundary treatment/enclosures, to ensure a satisfactory appearance. Furthermore, I have also attached a levels condition to establish the ground level of the new houses, in the interests of the visual amenity of the area. This is a 'pre-commencement' condition, as has been agreed in writing by the appellant.
44. I have attached conditions for both the implementation of the tree protection scheme and for a landscaping scheme (including implementation and replacements of retained trees or hedges), which would enhance the development visually and ensure a satisfactory appearance. There are also conditions to maintain and, if necessary, replace any of the trees which are to remain or the new landscaping if they are removed or die, for example. The requirement for an Arboricultural Method Statement condition I have altered to refer to the plan that shows the root protection areas. As most of the development is not within root protection areas then this information will only be required if any works have to take place in these areas.
45. I have attached conditions requiring that the parking, manoeuvring and accesses are all in place prior to occupation of the new dwellings. This will ensure highway safety and sufficient parking provision. I have not included reference to the accesses being in accordance with the guidance stated by the Council as this is not precise and I am not fully aware from the evidence before me of exactly what aspects the development should adhere to and why.
46. I have not included the conditions for the removal of permitted development rights, as it has not been sufficiently demonstrated that there would be exceptional circumstances for such conditions.

Conclusion

47. For the reasons given above, Appeal A should be dismissed.
48. However, I have found no harm in the proposals under Appeal B and therefore should be allowed subject to the conditions in Schedule 1 below.

Steven Rennie
INSPECTOR

Schedule 1 – Conditions for Appeal B.

- 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:
 - 17_014_010A LOCATION PLAN
 - 17_014_011 D PLANNING SITE LAYOUT
 - 17_014_014B SITE SECTIONS
 - 17_014_020B HOUSE TYPE A
 - 17_014_021A HOUSE TYPE B-C
 - 17_014_022B HOUSE TYPE D-E
 - 17_014_023A CARPORT DETAILS
- 3) Prior to their use in the development hereby approved, details of the facing materials and roofing materials to be used for the external construction of the dwellings and any hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with these details.
- 4) 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.
- 5) Prior to occupation of the development space shall be laid out within the site for parking for cars and manoeuvring, as illustrated on approved plan 17/014/011D. This area and the approved garages shall be permanently maintained for this purpose.
- 6) Prior to the occupation of the development the access points off Oval Way shall be constructed in accordance with the approved plans and details.
- 7) Prior construction of the dwellings hereby approved above ground or slab level, full details of the means of enclosure to be retained or erected as part of the development including those between the individual gardens of the approved dwellings and on the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundaries shall then be erected and maintained in accordance with the plans approved by the Local Planning Authority.

- 8) Prior to construction of the dwellings hereby approved above ground/slab level a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme should incorporate biodiversity features including the provision of a number of artificial bird features incorporated into the fabric of the buildings and on suitable trees on site.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 10) Prior to any site clearance works, tree protection fencing shall be erected around the trees and hedges to be retained in accordance with both British Standard 5837:2012 and the Tree Protection Plan Drawing No 9885-KC-3U-YTREE TPP01Rev0 dated May 2018 by Keen Consultants. The fencing shall then be retained in the positions shown on the Tree Protection Plan until the development is completed. Within the enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels.
- 11) No development shall take place within any of the root protection areas of the trees that are to remain, as indicated on plan No 9885-KC-XX-YTREE-TCP01RevB dated October 2017 by Keen Consultants, 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 relevant trees and hedges shown to be retained. This statement shall include full details of protection measures for the trees and hedges during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where necessary. In particular it shall show details of specialised foundations and no-dig construction where appropriate. The work shall then be carried out in accordance with this method statement.
- 12) No tree or hedge shown to be retained on the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01 Rev 0 dated May 2018 by Keen Consultants shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree or hedge shall be planted of such size, species and location as 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.

Appeal Decision

Site visit made on 6 November 2018

by Steven Rennie BA (Hons) BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2018

Appeal Ref: APP/X0415/W/18/3205309

**Finch House and Finch Cottage, Finch Lane, Little Chalfont,
Buckinghamshire HP7 9LU**

- 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 Eaton (GRE Group Construction) against the decision of Chiltern District Council.
 - The application Ref CH/2018/0544/FA, dated 23 March 2018, was refused by notice dated 30 May 2018.
 - The development proposed is described as 'Amendment to the approved scheme to allow for a garage attached to plot 1 with a modest link to the property, and a detached garage to plot 2.'
-

Decision

1. The appeal is allowed and planning permission is granted for amendments to the approved scheme to allow for a garage attached to Plot 1 with a modest link to the property, and a detached garage to Plot 2 at Finch House and Finch Cottage, Finch Lane, Little Chalfont, Buckinghamshire HP7 9LU, in accordance with the terms of the application, CH/2018/0544/FA, dated 23 March 2018, subject to the conditions set out in the attached Schedule 1.

Procedural Matters

2. At the time of my site visit the two new houses were being built on site. The stage of construction appeared quite advanced.
3. The revised National Planning Policy Framework (the Framework) was published on the 24 July 2018 and replaces the first Framework published in March 2012. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

5. The appeal site is situated in the Green Belt. Paragraph 145 of the Framework indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
6. Paragraph 133 of the Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 143 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to a number of express exceptions outlined in paragraph 145. This includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (Paragraph 145 d)
7. In this case the proposal is for the replacement of Finch Cottage and Finch House with two new dwellings. There is already consent for the replacement of Finch Cottage and Finch House with two new houses, ref: CH/2017/2252/FA, and so this appeal relates to a revised proposal, with the main difference being the inclusion of garages. I have also taken into account the revisions to Plot 1 approved under planning application CH/2018/0503/VRC. However, with these consents in place for the replacement dwellings, these are now being built with the former dwellings removed from site. On this basis, the built development at the site has moved on. The replacement houses are being built or quite possibly near or at completion at the time of writing. Therefore, the replacement houses exist and form a new chapter in the planning history of the site.
8. Therefore, having regard to the definition of 'original building' in Annex 2 to the Framework, it is not appropriate in these circumstances to regard the previous houses (now demolished) as the 'original' dwellings, as they have already gone and been replaced. Instead, it is for me to compare the size of the proposed houses with this appeal against the houses being built on site now. It is on this basis that I shall assess whether this proposal constitutes inappropriate development in the Green Belt or not.
9. Saved Policy GB2 of the Chiltern District Local Plan allows for replacement dwellings in the Green Belt, subject to the criteria within other policies, particularly Policy GB7. This Policy, GB7, states that the rebuilding or replacement of an existing habitable dwelling will be acceptable in principle providing the new dwelling is not materially larger than the dwelling which is to be demolished, or more intrusive in the landscape. This also takes into account what can be built under permitted development. The policy does not define further what would constitute materially larger. These policies are generally consistent with the Framework.
10. The revised proposals include an attached garage to Plot 1. This is not a small garage as it would likely provide enough internal space for two vehicles, and have a high pitched roof. There is also the link, but this would be a small addition as the garage would be close to the front of the house. However, as

additional volume over the dwelling already approved and being built it is not a substantial increase that would result in a materially larger house.

11. The garage proposed for Plot 2 is positioned in close proximity to the front of the house and so for the purposes of this assessment I regard this as part of the dwelling proposed. The house at Plot 2 would be smaller than Plot 1, but the garage proposed is also smaller with no link included. It is a fairly modest sized domestic garage and would not result in a materially larger overall dwelling than the dwelling already approved and being built at Plot 2.
12. Overall, the dwellings proposed would be approximately the same size as that previously approved, but with the addition of the garaging to the front of the two dwellings which would increase the overall volume over that already approved and being built. However, this increase in size would not result in materially larger dwellings and so the proposal is not inappropriate development in the Green Belt and therefore would not have a harmful effect to Green Belt openness, as defined by the Framework. Furthermore, the proposed garages would not result in an intrusive development within the wider landscape, be reason of their relatively modest scale and tree screens around much of the site.
13. Furthermore, the proposal generally accords with Policies GB2 and GB7 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011. These policies seek to, amongst other things, safeguard the Green Belt against inappropriate development.

Conditions

14. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance (PPG) and the Framework. Some of the conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
15. I have added an approved plans condition for certainty over the development. However, as this is a revised proposal and the houses are already being built the commencement condition is not required.
16. I have added the condition requiring details of materials and boundary treatment, as this would ensure an appropriate appearance and design of the dwellings and the garages.
17. I have not included conditions for the removal of permitted development rights for the houses as it has not been sufficiently demonstrated that there are exceptional circumstances for these to be necessary.
18. There is no necessity for a levels condition as the dwellings are already being built and therefore this aspect of the development has already been set.
19. I have added a condition for any tree protection to be in place as per the submitted Arboricultural Implications Assessment for the remainder of the construction period, to ensure the trees that are to remain are safeguarded.
20. Finally, I have attached conditions for details of the vision splay at the access to be submitted in full and implemented once agreed with the Council, prior to

occupation of the dwellings, in the interests of highway safety. I have not added a condition requiring details of parking and turning space as this is sufficiently shown on the proposed plans. However, there is a condition to require the parking and turning areas to be in place prior to occupation.

Conclusion

21. For the reasons given above the appeal should be allowed, subject to the following conditions in Schedule 1.

Steven Rennie

INSPECTOR

Schedule 1 – Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site layout plan – 1260/P3/1
 - Plot 1 floor plans & elevations – 1260/P3/2
 - Plot 2 floor plans & elevations – 1260/P3/3
 - Plot 2 – garage – 1260/P3/4
- 2) Prior to their use in the development hereby approved, named types, or samples of the facing materials and roofing materials to be used for the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority.
- 3) Prior to the occupation of the development hereby permitted, 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 residential units hereby permitted.
- 4) For the remainder of the construction period the tree protection as detailed in the approved Arboricultural Implications Assessment shall be erected and maintained around all the trees and hedges to be retained in accordance with both these details and British Standard 5837:2012. 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) Prior to occupation of the development the maximum achievable vehicular visibility splays from the back edge of the carriageway from both sides of the existing access onto Finch Lane shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

- 6) Prior to occupation of the development, space shall be laid out within the site for parking for cars and manoeuvring in accordance with details included on drawing 1260/P3/1. This area shall be permanently maintained for this purpose.

Appeal Decision

Site visit made on 5 November 2018

by Steven Rennie BA (Hons) BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2018

Appeal Ref: APP/X0415/W/18/3207372

**Adjacent to 1 The Row, Hawridge Common, Hawridge, Buckinghamshire
HP5 2UH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Wallis against the decision of Chiltern District Council.
 - The application Ref CH/2018/0545/FA, dated 23 March 2018, was refused by notice dated 18 May 2018.
 - The development proposed is the following: "Clear site of existing stored materials and vehicles. Construction of two storey dwelling house with detached timber garage to the rear. Front and side of house landscaped in pea shingle for driveway."
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on the 24 July 2018 and replaces the first Framework published in March 2012. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area, including the designated Area of Outstanding Natural Beauty (AONB).
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development and its effect on openness.

4. The Framework identifies that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, unless it is one of a number of exceptions as set out in paragraph 145 of the Framework.
5. Policy GB2 of the Chiltern District Local Plan (the Local Plan) states that most development in the Green Belt would be inappropriate, although there is a list of exceptions which include the replacement of existing buildings for example. This policy accords with the general thrust of the Framework, although I note there are differences. Where there are differences I have given more weight to the Framework.
6. The proposal would be for a new dwelling on land to the side of 1 The Row. This area has its own access off Cholesbury Lane and includes outbuildings and what appear to be stored vehicles. There is a high fence around much of the perimeter with a gate across the access. The proposal would be to remove the outbuildings from the site and build a new dormer style two storey dwelling with detached double garage.
7. There are existing buildings on the site, but the appellant has stated in their Design and Access Statement that this is "land being an extension of the grounds to 1 The Row". The definition of previously developed land in the Framework excludes land in built-up areas such as residential gardens. However, this is an area characterised by a loose ribbon of dwellings in an otherwise rural area. I would not consider this a built up area and therefore could be regarded as previously developed land. The exception of paragraph 145 (g) of the Framework relates to the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt.
8. However, in this case the proposed dwelling and double garage would be of a significantly greater volume than that of the existing collection of low profile sheds and outbuildings. It would also result in development within parts of the site where there is none currently. Whilst the proposed house would be partially screened by existing landscaping, it would have a significantly more visual impact due to its greater height than the existing low profile sheds, thereby also diminishing the visual aspect of openness. Therefore, the proposal would clearly have a greater impact in reducing the openness of the Green Belt than the current development on the site. The development would not comply with the exception under paragraph 145 (g).
9. The Framework does also allow for limited infilling in villages. However, this exception as it is expressed in the paragraph 145 (e) of the Framework is not advanced by the parties. In my opinion, Hawridge Common is a loose ribbon of dwellings and so I am not satisfied from the evidence before me that this would constitute a village in the context of this Framework paragraph. No substantive

evidence has been submitted to the contrary to demonstrate that the development would be not inappropriate development in this regard.

10. Overall, in considering both spatial and visual aspects, the proposal would have a greater impact on the openness of the Green Belt than the existing development. The fact that the proposed house would be partially screened and set near other houses does not sufficiently diminish the greater effect of the development on openness than exists at the site. The proposal would not comply with the fundamental aim of keeping the Green Belt permanently open and would not benefit from any exemption of Green Belt development as set out in the Framework. The proposal is therefore inappropriate development in the Green Belt, and as such conflicts with the Framework.
11. The proposal is also contrary to Policy GB2 of the Adopted Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the Framework. This policy seeks to, amongst other things, safeguard the Green Belt from inappropriate development.

Effect on the character and appearance of the area

12. As stated above, Hawridge Common is a loose ribbon of mainly detached houses along the southern side of Cholesbury Lane in a rural area of the Chiltern AONB, which is a nationally protected landscape. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty of such designated areas.
13. The dispersed and linear character of this part of the village means that there are often substantial gaps between dwellings. It is the low density of development and frequent substantial gaps between buildings along Cholesbury Lane that contributes positively to its rural character within the AONB. The proposal would introduce a large new dwelling where there is currently only a low-profile collection of sheds and outbuildings, which have minimal visual impact from outside of the site. The proposed house would be much more visible and prominent with its height above the boundary fences and landscaping, therefore eroding the existing spacious gap between existing dwellings. This would be to the detriment of the character of this line of dwellings and would also affect the wider character of the AONB of which Hawridge Common is set within.
14. The proposal would result in greater urbanisation in this rural area with the proposed house and associated garage and other domestic paraphernalia eroding the significant landscape qualities of the AONB.
15. Any new development, however small, in an AONB requires strong justification to overcome the effects of built development and intrusion into the countryside that I have referred to above. I acknowledge that the proposal would result in an additional dwelling towards housing land supply, but this does not outweigh the harm to the AONB.
16. For the above reasons, the proposal would cause harm to the character and appearance of this rural area and the AONB. As such, the proposal fails to conserve or enhance the special landscape character and high scenic quality of the AONB, contrary to Policy LSQ1 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) and Policy

CS22 of the Adopted Core Strategy for Chiltern District (November 2011). These policies seek to, amongst other things, require development to preserve and enhance the special landscape qualities of the Chilterns AONB.

17. Furthermore, the statutory duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. I note that, notwithstanding its wider objections, the Council has not concluded that there would be any harm to the Conservation Area from the proposed development. Having regards to the advice contained within the Framework I see no reason to disagree with this view and do not consider that the scheme would harm the heritage asset. However, this does not alter my views on the adverse effect of the scheme on the character and appearance of the area in which it lies.

Other Considerations

18. My attention has been brought to a new house in the grounds of The Full Moon Public House. However, I do not have full details of this application or the reasons why it was approved within the Green Belt. As such, I cannot compare the proposal with this appeal to this other case and so I give this matter limited weight.
19. I acknowledge that a new dwelling might visually improve some aspects of the site, but I would only give this limited weight. Moreover, I have concluded that the proposal would result in harm to the character and appearance of the area.
20. The proposal would provide one additional dwelling within the area, which would have some economic and social benefits, but as it is just a single dwelling this would only be given limited weight.
21. The site is adjacent to and between existing dwellings, but it is still within the Green Belt in a rural location. As mentioned above, there would be some screening of the proposed dwelling, although it would still be visible to some extent. As such, I give these matters limited weight.

Conclusions

22. In conclusion, I have found that the proposed development would be harmful to the character and appearance of the area and the designated AONB. I have also identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework, reducing the openness at the site. This would, by definition, be harmful to the Green Belt. Such harm, the Framework indicates, should be given substantial weight.
23. As explained above, I give only limited weight to the other material consideration cited in support of the proposal and conclude that having regards to all other matters raised, they do not outweigh the harm the scheme would cause.
24. Consequently, there are no very special circumstances necessary to justify inappropriate development in the Green Belt. For the above reasons, and having regard to all other matters raised, I conclude that the scheme should be dismissed.

Steven Rennie

INSPECTOR