

Penn

PL/18/4461/FA

Ward: Penn And Coleshill

Page No: 36

Proposal: Demolition of existing and erection of new dwelling.

Recommendation: Conditional Permission

Little Coppice, Church Road, Penn, High Wycombe, Buckinghamshire, HP10 8NX

Great Missenden

PL/18/4680/FA

Ward: Great Missenden

Page No: 41

Proposal: Single storey front extension

Recommendation: Conditional Permission

Ladymede, Grimms Hill, Great Missenden, Buckinghamshire, HP16 9BG

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 14th February 2019

PL/18/3887/FA

Case Officer: Lucy Wenzel
Date Received: 17.10.2018
Parish: Chesham
App Type: Full Application
Proposal: Erection of two detached dwellings and a five bay car port.
Location: 75 Lye Green Road
Chesham
Buckinghamshire
HP5 3NB
Applicant: Visao Limited

Decide by Date: 11.02.2019
Ward: Hilltop And Townsend

SITE CONSTRAINTS

Adjacent to A and B Road
Bovingdon Technical Radar Zone
North South Line
A and B Roads
Tree Preservation Order
Townscape Character

CALL IN

The application has been called to the Planning Committee by Councillor Culverhouse, if the Officers' recommendation is for approval.

SITE LOCATION

The application site is located on the south-eastern side of Lye Green Road within the area of Lye Green on the eastern side of Chesham. The site is situated to the rear of dwellings which front Lye Green Road, Codmore Crescent and Warrender Road, and is accessed via a long driveway from Lye Green Road. It is surrounded by residential gardens.

THE APPLICATION

The application seeks permission for the demolition of the existing house and garage and the erection of two detached houses with garages.

The dwellings will be identical in form measuring approximately to a maximum depth of 14 metres and width of 7.1 metres. The roof will be gabled to the front with a ridge height of 8.3 metres and eaves height of 4.2 metres.

RELEVANT PLANNING HISTORY

CH/2016/1768/FA - Demolition of existing house and garage and erection of two detached houses with garages, refused permission.

TOWN COUNCIL - Received 29th November 2018

"No Comment."

REPRESENTATIONS

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

- It is a long way for residents to walk from the main road.
- The access track appears inadequate.
- There will be windows which overlook neighbouring dwellings.
- The sight lines from the access onto Lye Green Road are dangerous.
- The proposal has already been dismissed twice.
- The area is semi-rural and trying to gain as many houses on site is unacceptable.
- The dwellings are crammed within the plot which is out of character to the surrounding area.
- There will be a greater increase in traffic and disturbance for all surrounding properties.
- The increase in traffic will create a danger to users.
- The proposal is sheer overdevelopment of the site.
- The entrance is too narrow and cannot be widened due to the presence of mature trees.
- Inadequate access for emergency vehicles.
- The proposals will damage existing hedges bordering the site.
- The drainage system cannot cope with greater volumes.
- The plans include very limited parking for the dwellings.
- The garden areas seem small.
- Refuse lorries will struggle manoeuvring down the access track.
- There is minimal manoeuvring space within the site for vehicles.

CONSULTATIONS

Buckinghamshire County Council Highway Authority

"I note that this application follows CH/2018/0366/FA, which, in a response dated the 6th April 2018; the Highway Authority had no objections subject to conditions. This application proposes an additional dwelling from that of the previous application on site.

Lye Green Road is classified as the B4505 and in this location is subject to a speed restriction of 30mph. Proposals include the erection of an additional detached dwelling from that of the previous proposals, which would bring the total number of dwellings served by the access point to 4.

When considering trip generation, I would expect a dwelling in this location to generate in the region of 4-6 vehicular movements each, two-way. As this is the case, I would expect the proposed dwelling to generate in the region of 4-6 additional vehicular movements a day, two-way. I am confident that these movements can be accommodated onto the Local Highway Network in this location.

As Lye Green Road is subject to a speed restriction of 30mph, visibility splays of 2.4m x 43m are applicable, commensurate with current Manual for Streets guidance. Following a recent site visit, it was apparent that these splays are achievable within the publicly maintained highway.

As previously stated, the proposals would bring the total number of dwellings served by the access point to 4. The submitted plans show the access point measuring 4.8m for the initial 10m of the site, before narrowing to

2.75m for a short distance within the site. The access road would then widen out again to 4.1m for 6.5m, before widening to 4.8m again. A further narrowing of 2.75m is then shown for a short distance, with the access point then widening to 4.8m for the remainder of the access road. Given that Manual for Streets states that a distance of 2.75m is acceptable over a short distance, and taking into consideration the quantum of development proposed, I do not consider that I could uphold a reason for refusal on access width in this instance, particularly given the Highway Authority had no objection to the provision of three dwellings on the site.

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

With regard to refuse collection, Manual for Streets guidance states that residents should not be required to carry waste more than 30m to the storage point, and waste collection vehicles should be able to get to within 25m of the storage point. The proposed site plan does not accord with these requirements, and residents will therefore have to carry their waste bins in excess of this distance to enable roadside collection from Lye Green Road. Whilst this is not ideal, as the access road will not be adopted by the Highway Authority, I do not believe that I am in a position to justify this as a potential reason for refusal of the application.

Mindful of the above, I have no objection to the proposals, subject to conditions being included on any planning consent that you may grant."

District Tree Officer

"The application proposes two houses partially within the rear garden of 75 Lye Green Road and partially within the land behind 6 Warrender Road that was the subject of CH/2017/2174/FA, but with the access from 75 Lye Green Road.

The siting of the proposed houses would require the loss of several fruit trees, some beech hedging about 4m in height that separates 75 Lye Green Road from 6 Warrender Road and a cypress hedge about 5m in height along the southern boundary of the site. However none of these is considered to be important.

The three lime trees on the rear boundary of 79 Lye Green Road protected by Tree Preservation Order No 8 of 2003 would be just outside the application site adjacent to the proposed front garden of Plot A and should not be affected by the proposal.

The proposed five bay car port would not require any additional tree loss. However the application does involve some widening of the access drive but not in the parts immediately adjacent to the five beech trees within the avenue that are protected by Tree Preservation Order No 8 of 2003. This would require the loss of a few trees that had previously been identified as being in poor condition in an earlier tree survey, including a dead tree, a purple-leafed plum and a birch.

Although I regret the loss of some of the poorer avenue trees I would not object to the application provided there is adequate protection for the retained trees."

Waste Management

"Both properties will have to bring down and present their refuse and recycling containers to the property boundary on Lye Green Road."

Chiltern and South Bucks Joint Building Control Service - Disabled access

"The approach to the dwelling is via a gravelled path and this is not suitable for wheelchair users; to comply with the Building Regulations this will have to be amended to provide a level or gently sloping access route with a hard ground surface from the car parking area to the principal entrance onto the dwellings."

Chiltern and South Bucks Joint Building Control Service - Firefighting access

"I have no objections or comments arising out of the amended plans."

POLICIES

National Planning Policy Framework.

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC2, GC3, GC4, H3, H11, H12, TR2, TR3, TR11, TR15 and TR16.

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

EVALUATION

Principle of development

1. The site is located within the built up area of Chesham where in accordance with Policy H3, proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Local Plan policy. Proposals should be compatible with the character of those areas by respecting the general density, scale, siting, height and character of buildings in the locality of the application site, and the presence of trees, shrubs, lawns and verges.
2. In addition, the spatial strategy for Chiltern District, in accordance with Policies CS1 and CS2 of the Core Strategy, is to focus development on land within existing settlements outside the Green Belt and Area of Outstanding Natural Beauty (AONB).
3. The current application seeks permission for the erection of two detached dwellings and a detached car port. The site currently has planning permission for the erection of three detached dwellings sited to the south east of the plot with the current application replacing one of these dwellings to allow for the erection of the carport and the subsequent two dwellings sited to the north east of the plot. A previous planning application at No. 6 Warrender Road (Reference CH/2017/2174/FA) sought permission for the erection of two detached dwellings on land sited to the rear and access leading from Warrender Road. The location and siting of these two dwellings is similar to that proposed in the current application but the access will now lead off Lye Green Road rather than Warrender Road. This previous application was refused planning permission with the subsequent Appeal being dismissed. The main reason for refusal maintained by both the Council and Planning Inspector was, by reason of the access coming off Warrender Road, the dwellings would have been viewed in the context of that street scene, and would have failed to respect the character of that road. It was therefore concluded that the resultant dwellings would appear cramped and at odds with the prevailing pattern of development along Warrender Road, solely due to the relationship with that road arising from the access coming off that road. Whilst the Council also refused the application on the potential impact of the development upon the amenity of No. 79a Lye Green Road, this was not upheld by the Planning Inspector. In fact the Inspector was quite critical of this reason for refusal, stating that there would clearly be no adverse impact on this property.

Design/character & appearance

4. Having regard for the aforementioned points, concern was raised with the location of the dwellings in relation to their relationship with Warrender Road. The Planning Inspector states within the appeal statement for CH/2017/2174/FA that:

"the lack of direct road frontage would not be characteristic of the existing dwellings on Warrender Road" and

Given that the current application proposes that the dwellings are served by access leading off Lye Green Road they are viewed within a different context and very much within the enclave of development of dwellings off that same access, rather than Warrender Road. This is also highlighted by the layout of the dwellings, which would now face the other direction, i.e. away from Warrender Road rather than towards it. As aforementioned, the site at Lye Green Road already has permission for three new dwellings and the proposed two dwellings would be viewed within this context. The dwellings would no longer be viewed in relation to Warrender Road as there would be no access from that direction. Additionally, the sense of a small backland style development would no longer be present given that the proposed two dwellings have no relationship with Warrender Road but have a relationship with the site at 75 Lye Green Road. Additionally, existing development was present upon the plot of land in which this application relates to in the form of a bungalow which had no direct road frontage. This therefore prevents the proposed dwellings appearing out of keeping with the surrounding locality and does not significantly alter the existing character of the area.

5. The proposed siting of the dwellings draw development and built form further north along the plot but as previously mentioned they remain to be viewed within the context of the existing and approved development. The visual external appearances of the dwellings are identical to those previously proposed under the application CH/2017/2174/FA in terms of form, height and overall design. There is however slight variance in their precise positioning as the dwellings would face into the Lye Green Road plot instead of Warrender Road enabling their incorporation into the site and creating a positive visual flow of development. The Appeal Inspector specifically stated that the plot sizes were acceptable in themselves, so no objections can be raised in this respect. The plots reflect those plots permitted under the 2017 application and also the immediate locality. Furthermore, the Planning Inspector mentions within the appeal decision that:

"The proposal would not appear to be significantly different to that permitted by the Council at No. 76 which backs onto the appeal site. Taking account the proximity of that development to the appeal proposal I consider that the width and spacing around the dwellings does not weigh against the appeal scheme."

As it was considered by the Planning Inspector that there were no concerns with spacing a different stance cannot now be given. The pattern of development in this area is variable with no rigid configuration and whilst an original dwelling has always been present within the plot and has historically formed part of a residential plot of land. It is acknowledged that the proposal seeks to erect two dwellings and a carport in addition to two dwellings already granted permission on site but it is not considered that they will appear shoehorned or cramped as they have been suitably designed and positioned within the plot such as to ensure adequate spacing around all boundary lines and between buildings. Concluding on the Appeal Inspectors points, the concern was related to the negative impact that the proposed dwellings would have upon the Warrender Road street scene as a direct result of the access leading off of Warrender Road. Given that the current proposal leads off of Lye Green Road it is viewed within this development and so removes those previous concerns.

6. The carport proposed will be sited within the plot where a dwelling was proposed under the previous application (CH/2017/2174/FA). It has a similar form to the dwellings proposed in that the roof will be pitched and materials will match. The carport will be sizeable given that it will accommodate five car parking spaces measuring to a similar depth of the current proposed dwelling. Having regard for this point, given that

approval was granted for a dwelling in this location, the erection of a carport would have a lesser impact upon the wider site and is therefore acceptable.

Residential amenity

7. As aforementioned, the proposed two dwellings will be sited to the north east of the plot with the car port to the south west. The site is surrounded by residential gardens with proposed new dwellings located to the south east. Both dwellings would face into the plot away from neighbouring boundary lines with a large area of landscaping sited to the front separating them from the proposed development to the opposing end. Plot 3 would have a flank elevation which stretches along the rear boundary of No. 11a Codmore Crescent with plot 4 extending along both Nos. 81 and 79a Lye Green Road. The rear of both plots will extend along the rear boundary line of No. 6 Warrender Road. Whilst it is acknowledged that the dwellings will most likely be visible from the rear amenity spaces of all the aforementioned neighbours, the distances of the gardens from No. 11a, 79a and 81 are considerable in length. Substantiating this point; the Planning Inspector stated that:

"It is significant that the garden area is in the region of 27 metres long. To my mind, given this distance, the proposed dwelling would not appear as being excessively large or overbearing from the rear of that property or from the main part of the rear garden."

As such any new concerns in relation to neighbour amenity cannot now be introduced given that the Appeal Inspector disagreed with it so strongly.

8. Additionally, no first floor flank elevation windows are proposed on either dwelling therefore eliminating any potential concern for overlooking or a reduction in privacy. Rooflights are set low in the roof slope on either flank elevations of the dwellings but as these are set within a slope there is minimal direct overlooking which can occur. The dominance of windows face to the front and rear of the dwellings with the rear elevation set in relative close proximity to the rear of No. 6 Warrender Road. Whilst acknowledging this, no concerns were previously raised by the Planning Inspector in relation to the erection and position of these two dwellings against No. 6 and therefore there is no reason to raise concern.

9. The garden depths are commensurate with Policy and no concerns were raised in this respect by the Appeal Inspector. However it is noted that Policy H12 does state that garden depths should reflect those surrounding dwellings and should those surrounding garden depths be substantially larger or smaller than the proposed depths should imitate this. Having regard for this, those surrounding gardens are of varied depth and scale and whilst the neighbours to the north and south have significantly larger garden depths the houses along Warrender Road and also those already approved on site have similar garden depths to those proposed. Therefore the amount of amenity space being provided is considered to be appropriate to the dwelling size and also within the context of its surroundings.

10. An area for bin storage is shown at the end of the access track within the site. The Waste Team have no concerns with the proposal but state that the properties will have to present their refuse and recycling containers to the property boundary on Lye Green Road. Whilst it is acknowledged that the access track covers a distance including the distance of the proposed dwelling to the far north east of the site no concerns were previously raised under application CH/2016/2230/FA and CH/2018/0366/FA as to the collection of waste and so there is no substantive reason to raise concern or refuse the application based upon this.

Parking/Highway implications

11. The parking proposal on site will provide six parking spaces; five within the proposed carport and one sited to the south of the car port. There will be an area of hardstanding located to the front in order to allow for the manoeuvring of vehicles into and out of the access and parking area. Given that each dwelling

measures over 120 square metres there parking standard sits at three spaces per dwellings. As this standard is met on site there are no issues raised with the proposed parking on site and is considered acceptable having regard for the Council's parking standards as set out in Policy TR16.

12. In terms of access, the existing access route leading off of Lye Green Road will be utilised for the proposed two dwellings increasing the number of dwellings being served by this access to 4. The Highways Authority stated that when considering trip generation the additional vehicular movements a day can be accommodated onto the Local Highway Network and the required visibility splays are achievable within the publicly maintained highway. The access route leading from Lye Green Road to the dwellings would be narrow in form varying from 2.75 metres to 4.8 metres along the stretch. On this point, the Highways Authority have stated that a distance of 2.75 metres is acceptable over a short distance, and taking into consideration the quantum of development proposed the access is considered acceptable.

Trees and landscaping

13. The comments from the Tree Officer are noted, which raises no objection to the proposal subject to conditions relating to Tree Protection Plans and the prevention of tree removal on site. Although it is noted that the Tree Officer regrets the loss of some avenue trees along the access point, mention is given that these trees are of poorer quality and sufficient acknowledgement and protection has been given to the larger more substantial trees and TPO trees on site.

14. Landscaping is shown clearly on the submitted drawing 918:1119/PL104 which is considered to positively enhance the site. A condition will be attached to the permission to ensure that the proposed landscaping is undertaken.

Affordable Housing

15. For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are now specific circumstances set out in the National Planning Practice Guidance where contributions for affordable housing and tariff style planning obligations (Section 106 planning obligations should not be sought from small scale development, including developments of 10 units of less, which have a gross floorspace of less than 1,000 square metres. No objections are therefore raised regarding the lack of affordable housing provision.

Conclusions

16. Based on the above assessment and comparing the current amended scheme of works to the previous approved permission the proposal is considered acceptable.

Working with the applicant

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

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 Prior to the commencement of construction work above ground level, full details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the access track to the front of the dwelling, 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 surrounding area and for all potential users of the site, in accordance with Policies GC1 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 a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall clearly show the trees and hedges to be retained and those to be removed, along with the positions of tree protection fencing and any other appropriate tree protection measures, such as no-dig construction. Before any other site works commence on the development hereby permitted this tree protection fencing shall be erected around all the trees and hedges to be retained in accordance with both this plan and British Standard 5837:2012. The fencing shall then be retained in these positions until the development is completed. Within these enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels. These protection measures shall then be implemented in accordance with the details in the approved plan.

Reason: To ensure that the existing established trees and hedgerows within and around the site that are proposed to be retained are safeguarded during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

4 No tree or hedge shown to be retained on the Tree Protection Plan approved under condition 3 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 shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

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

5 Prior to the occupation of the development the modified access to Lye Green Road shall be designed in accordance with the approved plans.

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

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

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.

7 No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

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

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

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

9 The proposed roof lights in the roof slopes of the proposed dwellings shall be a minimum of 1.7 metres above the floor of the room in which they are installed. The windows shall be permanently retained in that condition thereafter.

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.

10 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A - E; of Part 1; of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority. Reason: In order to protect the amenities of adjoining properties and to ensure adequate amenity space is retained for future occupiers of the dwellings, in accordance with Policies GC3 and H12 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

11 AP01 Approved Plans

INFORMATIVES

1 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.

Transportation for Buckinghamshire
London Road East
Little Chalfont
Amersham
Buckinghamshire

HP7 7DT

2 INFORMATIVE: It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

3 INFORMATIVE: The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.

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

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

PL/18/3904/VRC

Case Officer: Laura Rheiter
Date Received: 18.10.2018 Decide by Date: 11.02.2019
Parish: Chesham Ward: Asheridge Vale And Lowndes
App Type: Variation or Removal of a Condition
Proposal: Variation of Condition 14 of planning permission CH/2018/0854/FA (Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear (comprising the reconfiguration of plot 5 approved under planning permission CH/2017/0846/FA), associated hard landscaping, parking and altered vehicular access) to allow amended design of detached dwelling on plot 5.
Location: Land at 206 - 208 Chartridge Lane
Chesham
Buckinghamshire
Applicant: Chartridge Build Ltd

SITE CONSTRAINTS

Adjacent to C Road
North South Line
Townscape Character

CALL IN

Councillor Bacon has requested that the application be referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site is located on the south western side of Chartridge Lane within the built up area of Chesham. It is located at nos. 206 - 208 Chartridge Lane and land to the side and rear of 206-208 Chartridge Lane.

THE APPLICATION

The application seeks a variation of Condition 14 of planning application CH/2018/0854 which was approved in August 2018. This is the condition listing the approved plans, and the current application seeks some minor changes to the dwelling on Plot 5 only (house type B). The main changes to Plot 5 are:

- The roof form has been changed, from a gabled roof to a half hipped roof, the ridge height has been increased by 600mm and the eaves height has been increased, mainly at the sides;
- Rooflights replaced by dormer windows;
- The front projection has been increased slightly in height.

Further changes include: amended window and door design, additional retaining wall and steps (plot 5 only).

The remainder of the application is identical to the approved application CH/2018/0854/FA and has not changed.

RELEVANT PLANNING HISTORY

PL/18/4372/VRC - under consideration and on the same Committee agenda - Variation of Condition 14 of planning permission CH/2018/0854/FA (Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear (comprising the reconfiguration of plot 5 approved under planning permission CH/2017/0846/FA), associated hard landscaping, parking and altered vehicular access) to allow amended design of semi-detached dwellings on plots 6 to 9.

CH/2018/0854/FA - conditional permission - Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear (comprising the reconfiguration of plot 5 approved under planning permission CH/2017/0846/FA), associated hard landscaping, parking and altered vehicular access

CH/2017/0846/FA - refused at Planning Committee but allowed at appeal - Re-development of site, 5 detached dwellings (4 with integral garages, 1 detached garage), associated hard landscaping, parking and creation of vehicular access.

CH/2017/1959/FA - refused permission - Re-development of site comprising 5 dwellings (4 with integral garages), associated hard landscaping, parking and creation of vehicular access.

CH/2015/1713/FA - conditional permission - Erection of three detached dwellings and detached garage, creation of vehicular access.

TOWN COUNCIL

Response received 10 December 2018. Objects on the grounds that the increased height and dormer windows will make the building overbearing on its neighbours and represent over-development. [Officer Note: The Town Council do not explain what they mean by overdevelopment, or what planning-related harm would arise by any perceived overdevelopment].

REPRESENTATIONS

Three letters of representation have been received, raising issues regarding:

- Bulky and imposing looking house;
- Impact on privacy and garden space, overlooking;
- Dormer windows and unnecessary and overbearing;
- Blatant attempt to go from a chalet bungalow (and therefore with lower impact on the existing neighbours front to back) to a full blown house;
- Three storey houses fronting Chartridge Lane changes the character of the road [Officer Note: these are not part of the current application and have been approved under a separate permission];
- Plot 5 would be more acceptable if it would be two storey.

CONSULTATIONS

Buckinghamshire County Council - Highway Authority

No objection subject to conditions. The Highways Officer comments that the variation of Condition 14 relates to the approved drawing, the drawing submitted propose the enlargement of plot 5 from a two bed dwelling to a three bed dwelling. The scale of enlargement to this dwelling would not have a material impact in highways terms; therefore the Highway Authority has no objections or conditions to add.

Chiltern, South Bucks and Wycombe District Councils - Joint Waste Team

The Waste Policy & Efficiency Officer comments that residents to present their refuse and recycling at the property boundary on Chartridge Lane.

Tree Officer

No objection and no conditions. The Tree Officer comments as follows: The application proposes changing the floor plans for Plot 5 with a revised layout. It appears that the footprint and the site layout would not change. The only tree within the proposed plot is a cherry. Under CH/2018/0854/FA I had stated: A cherry tree that is about 12m in height is shown for retention within the rear garden of Plot 5 but this tree is in poor condition with little foliage and is nearly dead.

Since receiving the comments from the Tree Officer a landscaping scheme has been approved on 21/01/2019 as required in condition 6 of planning permission CH/2018/0854/FA.

Building Control

No objection.

Ecology Officer

Ecology details have been approved on 21/01/2019 as required in Condition 7 of planning permission CH/2018/0854/FA.

POLICIES

National Planning Policy Framework (NPPF), 2018.

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

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

EVALUATION

Principle of Development

1. There is no change in the principle of the development. The site is located within the built up area of Chesham where in accordance with Local Plan Policy H3, proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Local Plan policy. In addition, the spatial strategy for Chiltern District, in accordance with Policies CS1 and CS2 of the Core Strategy, is to focus development on land within existing settlements and in particular to the built up areas of the main settlements which includes Chesham.

2. The application seeks permission to vary the appearance of the dwelling on Plot 5. This report concentrates on those differences.

Design/character & appearance

3. The shape and size of the site for Plot 5 has not changed and is identical to the original planning permission. The changes proposed relate to an increase in the scale of the dwelling. It is situated between the row of dwellings approved under CH/2017/0846/FA and the two proposed semi-detached dwellings fronting Chartridge Lane approved under CH/2018/0854/FA. The proposed increased ridge height of 60cm is in itself not objectionable, as the dwelling would remain well below the height of all neighbouring dwellings. The dormers are well designed and reflect the appearance of the altered roof. The appearance of the dwelling would be of a chalet bungalow rather than a two storey dwelling, as the eaves would remain low at the front and rear. In summary, the dwelling on Plot 5 would be larger than originally approved, but it remains considerably smaller in scale than all of the neighbouring dwellings, with a chalet bungalow appearance, thereby not having any demonstrable adverse impact to the character and appearance of the area.

Residential amenity

4. Policy GC3 of the Local Plan seeks to achieve good standards of amenity for the future occupiers of the development and to protect the amenities enjoyed by existing neighbouring properties. The relationship with neighbouring properties in general has been found acceptable through planning permission CH/2018/0854/FA. The only issue for consideration is therefore whether the amended appearance makes the dwelling appear overbearing and intrusive for neighbours.

5. It was established in planning permission CH/2018/0854/FA that there were no amenity concerns regarding 210 Chartridge Lane or any of the proposed semi-detached dwellings fronting Chartridge Lane. The siting remains the same. The distance from the rear windows of the dwelling proposed for plot No. 9 to the north-east elevation of plot No. 5 is around 24 metres. This is considered to be a sufficient distance to not have an adverse impact on amenity by way of overlooking or visual intrusion in both directions. It is also important to note that the dwelling on Plot 5 is sited at a notably lower ground level than the dwellings fronting Chartridge Lane. The difference is a significant 4 metres in ground level, with Plot 5 sited 4 metres lower than the rear of the houses on Chartridge Lane. This notable difference in ground levels, coupled with the scale of the amended dwelling would mean that it would not appear overbearing or intrusive for the neighbouring occupiers. In terms of overlooking, as a matter of fact, there will be no overlooking whatsoever from Plot 5 towards the east, as the first floor windows are shown to be obscurely glazed. This can be secured by condition. Therefore it is considered that the amended scheme does not give rise to any concerns with regard to the amenity of neighbouring dwellings.

Parking/Highway implications

6. There are no changes proposed to the parking arrangements, which have been accepted with the approval of planning application CH/2018/0854/FA.

7. The impact of the changes to the proposed development on the local highway network and the proposed access road has not changed and is acceptable.

Ecology

8. The impact of the proposed development on ecology has not changed and conditions attached to planning permission CH/2018/0854/FA have been approved on 21/01/2019.

Trees and Landscaping

9. The impact on trees and any proposed landscaping has not changed. A landscaping scheme has been approved on 21/01/2019 as per condition that was attached to planning permission CH/2018/0854/FA.

Other issues - Fire Access

10. The access road has not changed and Building Control and the Waste Team previously had no objection to the proposal.

11. Bins and boundary treatment/fences have been approved on 21/01/2019 as per condition that was attached to planning permission CH/2018/0854/FA.

Pre-commencement conditions

12. The applicant has agreed to all recommended pre-commencement conditions, as now required under planning legislation.

Working with the applicant

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

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

14. 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 Materials to be used for the external construction of the development should be as submitted as part of the application for approval of details reserved by condition PL/18/3925/CONDA approved on 21/01/2019 unless written approval is given by the Local Planning Authority for alternative 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 Prior to the commencement of the development the new access shall be laid out in accordance with the approved plans.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with Policies TR2 and TR3 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.

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

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

5 All planting, seeding or turfing comprised in the details of landscaping approved on 21/01/2019, as part of application for approval of details reserved by condition PL/18/3925/CONDA, 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 and to ensure biodiversity enhancements and to ensure 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).

6 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, shall be inserted in the flank elevations of the dwellings hereby permitted.

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

7 Prior to the occupation of the new dwelling on Plot 5, the side facing dormer window at the rear, serving Bedroom 1, shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

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

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

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will be detrimental to the character of the locality or the amenities of neighbouring properties, 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 policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

9 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that an indemnity will have to be completed that waives all damage liability of the road surface, prior to waste collections commencing.

2 INFORMATIVE: The applicant is advised that the access should be constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access within Highway Limits" 2013. In addition the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

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

or apply online via Bucks County Council website at www.buckscc.gov.uk/services/transport-and-roads/licences-and-permits

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

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

5 INFORMATIVE: The applicant is advised that all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England. Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0345 1300228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained. Particular care and vigilance should be taken when roof tiles or slates are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

PL/18/4372/VRC

Case Officer: Laura Rheiter
Date Received: 19.11.2018 Decide by Date: 11.02.2019
Parish: Chesham Ward: Asheridge Vale And Lowndes
App Type: Variation or Removal of a Condition
Proposal: Variation of Condition 14 of planning permission CH/2018/0854/FA (Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear, associated hard landscaping, parking and altered vehicular access) to allow amended design of semi-detached dwellings on Plots 6 to 9
Location: Land at 206 - 208 Chartridge Lane
Chesham
Buckinghamshire
Applicant: Simco Homes

SITE CONSTRAINTS

Adjacent to C Road
North South Line
Townscape Character

CALL IN

Councillor Bacon has requested that the application be referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site is located on the south western side of Chartridge Lane within the built up area of Chesham. It is located at nos. 206 - 208 Chartridge Lane and land to the side and rear of 206-208 Chartridge Lane.

THE APPLICATION

The application seeks a variation of Condition 14 of planning application CH/2018/0854/FA which was approved in August 2018. The only changes proposed are for Plots 6-9. The changes include:

- Small porch infilled;
- Porch canopy added;
- Two small dormer windows added to rear roof slopes, largely hidden by the approved rear projections;
- Timber detail boarding added to front gables;
- Eaves raised slightly on the approved rear projections, to make them level with the main eaves;
- Rear line of plots adjusted by 30cm.

The remainder of the application is identical to the approved application CH/2018/0854/FA and has not changed. Conditions 2, 3, 6, 8, 9 & 10 of planning permission CH/2018/0854/FA have been approved and discharged under application PL/18/3925/CONDA on 21/01/19.

RELEVANT PLANNING HISTORY

PL/18/3904/VRC - under consideration and on the same Committee agenda - Variation of Condition 14 of planning permission CH/2018/0854/FA (Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear (comprising the reconfiguration of plot 5 approved under planning permission CH/2017/0846/FA), associated hard landscaping, parking and altered vehicular access).

CH/2018/0854/FA - conditional permission - Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear (comprising the reconfiguration of plot 5 approved under planning permission CH/2017/0846/FA), associated hard landscaping, parking and altered vehicular access

CH/2017/0846/FA - refused by the Planning Committee but allowed at appeal - Re-development of site, 5 detached dwellings (4 with integral garages, 1 detached garage), associated hard landscaping, parking and creation of vehicular access.

CH/2017/1959/FA - refused permission - Re-development of site comprising 5 dwellings (4 with integral garages), associated hard landscaping, parking and creation of vehicular access.

CH/2015/1713/FA - conditional permission - Erection of three detached dwellings and detached garage, creation of vehicular access.

TOWN COUNCIL

Response received 18 December 2018. Objects on the grounds of the application being overdevelopment, overlooking and impacting upon the amenity of the house located behind the proposed dwellings.

[Officer Note: The Town Council does not explain what they mean by overdevelopment, or what planning-related harm would arise by any perceived overdevelopment, which is purely a descriptive term with no precise meaning. Any perceived overlooking from the new dormer windows could be solved by attaching a condition requiring them to be obscurely glazed, as they serve landings].

REPRESENTATIONS

No representation letters were received at the time of drafting the report.

CONSULTATIONS

Buckinghamshire County Council - Highway Authority

No new comments have been received. The variation of condition 14 relates to the approved drawings and the proposed changes would not impact on the access, access road or parking. It is considered that the changes would not have a material impact in highways terms. Conditions attached to permission CH/2018/0854/FA would be attached to the application.

Building Control - Fire Access

No objection or other comments.

Ecology Officer

No objection.

POLICIES

National Planning Policy Framework (NPPF), 2018.

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

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

EVALUATION

Principle of Development

1. There is no change in the principle of development. The site is located within the built up area of Chesham where in accordance with Local Plan Policy H3, proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Local Plan policy. In addition, the spatial strategy for Chiltern District, in accordance with Policies CS1 and CS2 of the Core Strategy, is to focus development on land within existing settlements and in particular to the built up areas of the main settlements which includes Chesham.

2. The application seeks permission for minor changes to Plots 6 to 9 (the dwellings fronting Chartridge Lane). This report concentrates on those differences.

Design/character & appearance

3. Plots 6-9 are situated at the front of the site adjacent to Chartridge Lane replacing two dwellings, nos. 206 and 208 Chartridge Lane. The overall height, width, scale, spacing and siting of the dwellings has not changed and therefore no new concerns can be raised to these aspects. The only changes are a small increase in depth, by 30cm, changes to the front porches, some timber detailing has been added to the front gables, a slight increase to the eaves of the rear projections, and two small dormer windows in the rear.

4. In terms of the impact on the character of the area, the changes improve the appearance of the approved dwellings. The timber boarding to the gables adds interest, the porches are small in scale, the change to the eaves at the rear results in a much more cohesive design and has minimal impact on the scale of the rear projections, and the dormers are small and largely hidden from view by the rear projections. The changes would clearly have no adverse impact on the character and appearance of the area and would comply with Local Plan policies GC1 and H15 and Core Strategy policy CS20.

Residential amenity

5. Policy GC3 of the Local Plan seeks to achieve good standards of amenity for the future occupiers of the development and to protect the amenities enjoyed by neighbouring properties. The relationship with neighbouring properties in general has been found acceptable through planning permission CH/2018/0854/FA. There are no material changes to the scale of the buildings proposed, therefore it is not possible to introduce any new concerns regarding visual impact on neighbouring properties.

6. The Town Council raise concerns regarding overlooking, presumably from the new dormers now proposed. However, the dormers are very small, and large first floor windows have already been approved, which are set some 5.5m further back in the plot, i.e. much closer to the dwelling on Plot 5 at the rear. To introduce a new concern regarding overlooking from such small dormers, set much further away from neighbours than larger windows already approved, would be spurious and would stand no chance of being defended at appeal. However, notwithstanding the above, if Members are concerned with overlooking from the new dormers, they serve non-habitable areas (landings) and as Members are aware, development should not be refused if conditions overcome any perceived harm. The dormers could be subject to conditions to ensure they are obscurely glazed and non-opening below 1.7m, thereby eliminating any overlooking completely. Officers do not consider such a condition to be necessary, as the dormers are set so much further away from Plot 5 than the first floor windows already approved, and indeed are over 26m away from

the rear boundary with Plot 5. No objections therefore arise in terms of the amenity of neighbouring properties.

Parking/Highway implications

7. It is not proposed to change the parking provision which has been accepted with the approval of planning application CH/2018/0854/FA.

8. The impact of the changes to the proposed development on the local highway network and the proposed access road has not changed and is acceptable.

Ecology

9. The impact of the proposed development on ecology has not changed and conditions attached to planning permission CH/2018/0854/FA have been approved on 21/01/2019.

Trees and Landscaping

10. The impact on trees and any proposed landscaping has not changed. A landscaping scheme has been approved on 21/01/2019 as per condition that was attached to planning permission CH/2018/0854/FA.

Other issues - Fire Access

11. The access road has not changed and Building Control and the Waste Team previously had no objection to the proposal.

12. Bins and boundary treatment/fences have been approved on 21/01/2019 as per condition that was attached to planning permission CH/2018/0854/FA.

Pre-commencement conditions

13. The applicant has agreed to all recommended pre-commencement conditions, as now required under planning legislation.

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 Materials to be used for the external construction of the development should be as submitted as part of the application for approval of details reserved by condition PL/18/3925/CONDA approved on 21/01/2019 or as per drawing 1296-P2-2A or similar to the materials approved under PL/3925/CONDA unless written approval is given by the Local Planning Authority for alternative 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 Prior to the commencement of the development the new access shall be laid out in accordance with the approved plans.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with Policies TR2 and TR3 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.

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

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

5 All planting, seeding or turfing comprised in the details of landscaping approved on 21/01/2019, as part of application for approval of details reserved by condition PL/18/3925/CONDA, 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 and to ensure biodiversity enhancements and to ensure 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).

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

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will be detrimental to the character of the locality or the amenities of neighbouring properties, 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 policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

7 AP01 Approved Plans

INFORMATIVES

1 **INFORMATIVE:** The applicant is advised that an indemnity will have to be completed that waives all damage liability of the road surface, prior to waste collections commencing.

2 **INFORMATIVE:** The applicant is advised that the access should be constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access within Highway Limits" 2013. In addition the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

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or apply online via Bucks County Council website at www.buckscc.gov.uk/services/transport-and-roads/licences-and-permits

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

4 **INFORMATIVE:** The applicant is advised that no vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

5 **INFORMATIVE:** The applicant is advised that all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England. Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0345 1300228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained. Particular care and vigilance should be taken when roof tiles or slates are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

PL/18/4331/FA

Case Officer: Lucy Wenzel
Date Received: 14.11.2018
Parish: Penn
App Type: Full Application
Proposal: **Redevelopment of site to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and associated hardstanding.**
Location: **Woodchester
Woodchester Park
Knotty Green
Buckinghamshire**
Applicant: **Zafiro Homes**

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
North South Line
Tree Preservation Order
Townscape Character

COMMITTEE CALL IN

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

SITE LOCATION

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

THE APPLICATION

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

Plot 1 would consist of a detached two storey dwelling with accommodation within the roofspace. It would have a maximum width of 12.3 metres, depth of 13.6 metres and gable fronted hipped roof height of 9.4 metres and an eaves height of 5.3 metres.

Plot 2 would consist of a detached two storey dwelling with accommodation within the roofspace. It would have a maximum width of 12.3 metres, depth of 13.6 metres and gable fronted hipped roof height of 9.4 metres and an eaves height of 5.3 metres.

Plot 3 would consist of a detached two storey dwelling with accommodation within the roofspace. It has a maximum width of 11.5 metres, depth of 16.6 metres and gable fronted hipped roof height of 9.4 metres with an eaves height of 4.3 metres.

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

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

The access would be taken from Woodchester Park.

A Planning Statement and Design and Access Statement have been submitted with this application.

In comparison to the previous planning application all the dwellings have been reduced in height by 750mm and have been sited further forward within their plots by 500mm, thus increasing the rear garden area. The rear projections have been removed, further increasing the garden areas, as well as the dormer windows which were proposed to be sited on the rear roof slopes of all three dwellings.

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

PL/18/2774/FA - Redevelopment of site (Plots 15 and 16) to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and laying of associated hardstanding, refused permission by reason of the proposed dwellings heights, scale and rear garden depths resulting in the dwellings appearing as cramped and out of keeping with surrounding residential development.

PARISH COUNCIL - (Received on the 18th December 2018)

"Concern - we are not happy about the creeping development on this site. An application for 5 houses was refused on appeal; we now have 5 houses plus four flats. The Appeal decision should be confirmed." [Officer

Note: this is a simplistic view, as the specific concerns in the appeal decision have to be noted. It is not as simple as just refusing the same number of dwellings as previously proposed.]

REPRESENTATIONS

Two letters of objections have been received which have been summarised below:

- There will be huge detrimental impacts from the increase from two to three dwellings on a modest 0.23 hectare plot.
- The properties are too dense, too high, too close and too obtrusive.
- There is an intensification of the site.
- The density and footprint would fail to respect the spacious pattern of neighbouring development.
- The proposal is cramped.
- The proposal is out of keeping with the local character and appearance.
- The proposal will overwhelm Woodchester Park and create high-density housing.
- The development will be an eyesore.

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

- Replanting of trees along the rear boundary needs to be conditioned.
- The removal of PD rights should be considered should permission be granted to ensure that additional extensions or roof additions cannot be freely added.
- The dwellings have been scaled back from the previous application but the outdoor space is hugely at odds with the scale of the properties.

CONSULTATIONS

Chiltern and South Bucks Building Control - Fire Fighting Access

'Further to your letter dated 17th August 2018 concerning the above application, having studied the documentation online I am able to confirm that the proposed design appears satisfactorily with regard to the requirements for Fire Brigade Access. Disabled access and facilities appear adequate.'

Chiltern District Tree Officer

'Tree Preservation Order No 5 of 2012 protects a group of three pines and a sycamore, and a group of four pines and a maple on the front boundary of the application site, as well as a horse chestnut beside Latimer Way. The application does not include the further revision of the Arboricultural and Planning Integration Report that was submitted under the refused application PL/18/2774/FA but it does include some landscaping proposals.

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

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

The current application proposes three houses on Plots 15 and 16 similar to PL/18/2774/FA but with minor changes to reduce their sizes. Plot 1 would use the new access proposed under CH/2018/0122/FA whereas Plots 2 & 3 would both use the recently-constructed access for Plot 16.

No additional trees are shown for removal but trees at the rear of the site have been removed and the re-grading of the levels close to the front boundary trees is likely to have caused some root damage. One of the

TPO Scots pines on this boundary has recently died, perhaps related to root damage and another tree is showing signs of decline. The Tree Preservation Order would require that this should be replaced.

The proposals show double garages for Plots 1 & 2 within the root protection areas of the TPO trees and there was a general statement in section 6.7 of the revised Arboricultural and Planning Integration Report submitted under PL/18/2774/FA that these would use "specialised foundations to minimise root disturbance". The revised Arboricultural and Planning Integration Report and the Tree Protection Plan also showed no-dig construction and ground protection measures in these areas to reduce future root damage but it is likely that some damage has already occurred.

The application includes some landscape proposals, particularly for adding screening along the rear of the plots. This includes a line of pleached holm oaks 4.2m in height along the boundary of Plot 1 with the proposed apartments at the rear of the site. The plan also shows some additional planting of pleached holm oaks within the garden of The Hawthorns, but this planting would be outside the control of the application. There would be six trees planting within the site adjacent to Hawthorn House within Plots 1 and 2. These would consist of three Magnolias 6m in height, two alders 6m in height and a holm oak 5m in height. These planting proposals should in combination provide a significant improvement in the screening between the properties. The plan also shows nine western red cedars 4.5m in height along the rear boundary of Plot 3 to replace the laurels removed with an additional tree within Tinkersfield. I note that the Woodchester Tree Summary document shows some different tree planting proposals from those shown on the Landscape Design plan, and that the Deciduous Trees document and the Evergreen Trees documents show several species not included in the proposals.

Along the front of the site and along the internal boundaries within the site, the landscaping plan shows the planting of Portugal laurels 1.5-1.75m in height as hedging. This would need to be carried out with care to avoid root damage to the trees by the road. There would also be various ornamental shrubs in front of the proposed houses.

Overall I have concerns about the increasing tree loss on the site and the increasing stress on the retained trees but theoretically the current proposal should have little additional impact on the remaining trees if all the precautions listed in the tree report submitted under PL/18/2774/FA are followed. Consequently I would not object to the application provided there is adequate protection for the retained trees including appropriate foundations and levels for the garages. There should also be suitable replacement planting for the trees removed on the rear boundary and submitted proposals seem reasonable.'

Buckinghamshire County Council Highway Authority

'I note that the Highway Authority has provided previous comments for this site, most recently for application no. PL/18/2774/FA which proposed redevelopment of site (plots 15 and 16) to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and laying of associated hardstanding. In a response dated 28th August 2018, the Highway Authority had no objection subject to conditions.

It is considered that the application does not materially differ from that submitted under the previous scheme PL/18/2774/FA.

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

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

Within the limits of the site there is adequate turning and manoeuvring space to ensure that all vehicles enter and egress in a forward gear, without the risk of a vehicle having to wait and reverse onto the highway. I trust

in the Local Planning Authority to make an informed decision on the quantum of parking required for this scale in development.

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

POLICIES

National Planning Policy Framework (NPPF), July 2018.

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

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

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

EVALUATION

Principle of Development

1. The site is located within the built up area of Knotty Green where, in accordance with Local Plan Policy H3 of the Adopted Chiltern District Local Plan, proposals for new dwellings are acceptable in principle, provided there is no conflict with any other policy in the Development Plan, and providing that the proposed development is compatible with the character of those areas by respecting the general density, scale, siting, height and character of buildings in the locality and the presence of trees, shrubs, lawns and verges.
2. In addition, Core Strategy Policy CS20 also states that the Council will require that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness. All other relevant Development Plan Policies should be complied with.
3. The current proposed scheme seeks permission for the erection of three detached dwellings with two detached garages and a detached car port. The previous planning application (reference PL/18/2774/FA) was refused by the Planning Committee for two reasons:

"By reason of their height, scale and rear garden depths the proposed dwellings would appear cramped and out of keeping with surrounding residential development. The rear gardens to serve the dwellings would also be of insufficient depth to meet the minimum standard set out in Local Plan Policy H12. Furthermore, the dwellings, by reason of their siting in proximity to the rear boundaries, their overall height, scale and elevated position relative to the properties to the rear (Hawthorn House and Tinkersfield), including dormer windows in the rear roof space, would result in undue overlooking and appear overbearing resulting in an adverse outlook to these neighbouring properties. The proposal would therefore have a detrimental impact on the character and appearance of the area and would be detrimental to the amenities of Hawthorn House and Tinkersfield and the future occupiers of the development. As such, the proposal is contrary to Policies GC1, H3, GC3 and H12 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011)."

"The proposal seeks planning permission for the erection of three dwellings and forms part of a larger site which measures over 0.5 hectares. As such, having regard to the threshold set out in the National Planning Policy Framework (2018), a financial contribution of £75,000 towards affordable is required to meet Core Strategy

Policy CS8. Such a financial contribution would need to be secured by way of a Legal Agreement. No such Legal Agreement has been completed and there is therefore no mechanism to provide the required affordable housing contribution. As such the application is contrary to Policy CS8 of the Adopted Core Strategy for Chiltern District (November 2011)."

The current proposed application seeks to address the previous reasons for refusal.

Design/character & appearance

4. The current proposal shows the three dwellings in a similar position to the previous proposal. The dwellings have been reduced in scale by the removal of the rear projections which were present on Plots 1, 2 and 3. The removal of these rear projections has reduced the overall scale of the dwellings and has increased the suitability of the design, scale and spread in relation to the plot size. The garages and car port have not been altered from the previous application but as no concerns or comments were raised in relation to these there is no reason to add concern. To further contribute to a reduction in scale the rear dormers have been removed which reduce the overall visual bulk of the dwellings. Plots 1 and 2 proposed two rear dormers whilst Plot 3 proposed one but with these being altered to rooflights this is considered to be a positive improvement to the proposed dwellings and one which contributes to addressing one of the reasons for refusal. Additionally there has been a reduction in overall ridge height for all three dwellings proposed by 750mm. When viewing the dwellings within the context of its surroundings this reduction enables them to fit more cohesively and sensitively into the street scene.

5. Given that the proposed dwellings have reduced in scale, they correspond more positively to the surrounding street scene of Woodchester Park and to Plots 14A and 14B which have been granted planning permission to the north of the application site. The visual style, form and design of the dwellings remains similar with projecting principal elevation gables, chimneys and mixed nature of external materials. The visual coherence of the proposed dwellings to the surrounding street scene and character of Woodchester Park is positive and does not negatively affect the existing character levels. Additionally, the proposed dwellings would be of similar height to others along Woodchester Park and when viewed in comparison to the existing street scene and that which will occur from the erection of 14A and 14B to the north, the design, form, proportions and appearance of the proposed dwellings are considered compatible with the character of the existing locality.

Neighbouring Amenity

6. One of the previous reasons for refusal was regarding the overall height of the dwellings, resulting in an adverse outlook for the neighbouring dwellings to the rear. The current proposed dwellings have been reduced in overall height by 750mm which reduce their visual presence. It should be noted that the two proposed dwellings on site which were granted permission (reference CH/2018/0122/FA) had a ridge height greater than what is currently proposed and so from what has already gained permission there is a reduction in the height of built form on site. It would therefore not be possible to continue to object in this regard.

7. Mentioned within one of the previous reasons for refusal is the proximity of the siting of the dwellings to the rear boundaries (Hawthorn House and Tinkerfield). The dwellings have been moved forward within their respective plots and the rear projections and dormers have been removed. This considerably reduces the proximity of the dwellings to the rear boundary line and creates a greater separation distance between the proposed three dwellings and the two existing rear neighbouring properties. Additionally, substantial screening has also been proposed along the rear boundary line of the site and this will aid in reducing any impact to existing amenity levels. Given the siting and separation between the proposed dwellings and the rear neighbouring properties, it is considered that resultant relationship is acceptable and this previous objection has been overcome.

8. The proposed rear amenity space varies for each of the proposed plots and have increased since the last application by considerable distances. Plot 3 has a maximum depth of around 15 metres with Plots 1 and 2 measuring 18 metres and 14 metres retrospectively. It was stated in one of the reasons for refusals that the rear gardens to serve the dwellings are of an insufficient depth to meet the minimum standard set out in Policy H12. The level of rear amenity space now proposed is notably greater than the previous scheme and mostly accords with Policy H12. This objection has been overcome.

Parking/Highways implications

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

Trees

10. No objections were raised to the previous application regarding the impact on trees. The Tree Officer has stated that there is no objection in principle as the proposal should have little impact on the remaining trees on site if all of the precautions shown on the submitted drawing 1155:L02 are followed. Therefore there are no objections provided that adequate protection is implemented for the retained trees and suitable replacement planting (as shown on submitted plans 18 ZWPT SP02 G and 1155:L02) for the trees removed along the rear boundary during the construction process. Conditions on the planning permission will ensure that no harm comes to the existing trees on site and that the trees as shown on the site plan are planted along the rear boundary edge.

Affordable Housing

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

Conclusion

12. Assessing all of the relevant submitted plans and additional information it is considered that the current proposal addresses both previous reasons for refusal associated with the previous planning (reference PL/18/2774/FA) and subsequently the proposal is considered to be acceptable.

Working with the applicant

13. In accordance with Section 4 of the National Planning Policy Framework, the Planning Authority, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal. The local planning authority works with applicants/agents in a positive and proactive manner by:

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

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

Human Rights

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

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

Subject to the following conditions:-

1 C108A General Time Limit

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

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

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

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

4 No tree or hedge shown to be retained on the Tree Protection Plan approved under condition 3 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 shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

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

5 Prior to occupation, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be at a scale of not less than 1:500 and include full details of species and heights. The landscaping should then take place in accordance with the approved details.

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

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

commencement of any other construction work on the site and the approved means of enclosure between the individual gardens shall be erected prior to the occupation of that dwelling and shall be maintained as such thereafter.

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

7 No other part of the development shall begin until the new means of access to serve Plots 1, 2 and 3 have been sited and laid out in accordance with the approved drawing.

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

8 The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose. The garages shall not be converted to provide habitable accommodation at any time.

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

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

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

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

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

11 AP01 Approved Plans

INFORMATIVES

1 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/apply-for-a-dropped-kerb/>

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

2 INFORMATIVE: It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

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

4 INFORMATIVE: The applicant is advised that no vehicles associated with the building operations on the development site should be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

PL/18/4461/FA

Case Officer: Emma Showan
Date Received: 26.11.2018
Parish: Penn
App Type: Full Application
Proposal: Demolition of existing and erection of new dwelling.
Location: Little Coppice
Church Road
Penn
High Wycombe
Buckinghamshire
HP10 8NX
Applicant: Mr & Mrs J Kilgour

Decide by Date: 11.02.2019
Ward: Penn And Coleshill

SITE CONSTRAINTS

Article 4 Direction
Adjacent Conservation Areas
Adjacent to A and B Road
Area of Special Advertising Control
Within Chilterns Area of Outstanding Natural Beauty
Archaeological site
Adjacent Public Footpaths and Public Rights Of Way
Biodiversity Opportunity Areas
Conservation Area
Within Green Belt other than GB4 GB5
North South Line
A and B Roads
Within 500m of Site of Importance for Nature Conservation NC1
GB settlement GB4,6,12,23,H7,13,19

CALL IN

Councillors Burton and Waters have requested that this application be determined by the Planning Committee if the Officer recommendation is to approve.

SITE LOCATION

This application relates to a site located off Church Road, outside of the settlement of Penn. The property is designated as falling within an established row of dwellings in the Green Belt and it also falls within the Chilterns Area of Outstanding Natural Beauty. The property is accessed via a private driveway serving three properties with the dwelling being sited to the rear of other residential dwelling fronting Church Road. The properties fronting Church Road all form part of the Penn Conservation Area with the Applicant dwelling falling outside of this designation. Given the siting of the application site, the existing dwelling is not easily visible from the public highway and it occupies a plot with mature vegetation and trees at all four boundaries.

THE APPLICATION

The application proposes the demolition of the existing dwelling and its replacement with a new dwelling.

Classification: OFFICIAL

The proposed dwelling would have a maximum width of 20.7 metres, depth of 18 metres and pitched roof height of 9.9 metres, with an eaves height of 5.2 metres.

The dwelling would accommodate six bedrooms over three stories and would be located on the footprint of the existing dwelling.

The access arrangements would remain as existing.

RELEVANT PLANNING HISTORY

CH/1995/0749/FA - Alterations and two dormer windows in rear elevation, conditional permission.

PARISH COUNCIL

Objection - over development of the plot, style and size inelegant and out of keeping with the adjacent historic Conservation Area. Proposals will affect views into and out of the Conservation Area, Green Belt and AONB.

REPRESENTATIONS

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

- Access to the site is inadequate for the construction traffic that would be required in connection with the development

CONSULTATIONS

Archaeological Officer: 'The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of the asset(s). We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.'

Building Control Officer: 'I can confirm I have examined the documents associated with this application and it appears to be compliant with Part M of the Approved Documents "Access to and use of Buildings".'

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

Strategic Access Officer: 'I have no comments from a rights of way perspective.'

Waste Management Officer: 'Residents to present their refuse and recycling receptacles on Church Road. Crews will not enter or access the long drive.'

Wycombe District Council: 'No objections'.

POLICIES

National Planning Policy Framework, 2018.

Core Strategy For Chiltern District - Adopted November 2011: Policies CS4, CS5, CS8, CS10, CS11, CS20, CS22, CS24, CS25, CS26, CS31 and CS32.

Classification: OFFICIAL

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, GB4, GB6, H3, H12, H18, AS2, CA2, TR11, and TR16.

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

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

EVALUATION

Principle of development

1. The application site is located in the Green Belt, within a Defined Row of Dwellings, as designated by Development Plan Policy GB4, where the Council will accept the rebuilding or replacement of an existing habitable dwelling provided that all of the following criteria are met:
 - The siting of the dwelling to be rebuilt or replaces is the same or similar to the siting of the existing habitable dwelling and the curtilage of the development site is the same as the curtilage of the dwelling to be rebuilt or replaced
 - Policies GC1 and GC4 and other policies are complied with
 - On sites that are within a Conservation Area, the Conservation Area Policies in the Historic Heritage Chapter of the Local Plan should also be satisfied even if a development is acceptable under the general criteria of this Policy
 - If the existing habitable dwelling is a Building of Special Architectural or Historic Interest, consent for demolition will be refused in accordance with Policy LB3
2. The site is also located within the Chilterns Area of Outstanding Natural Beauty (AONB) where development should conserve, and where considered appropriate and practicable, enhance the special landscape character and high scenic quality of the AONB. The site is also adjacent to the Penn and Tylers Green Conservation Area where Local Plan Policy CA2 states that proposed development should preserve or enhance the important views within, looking out of, or into a Conservation Area.
3. All other relevant Development Plan policies should also be complied with.

Design/character and appearance

4. The application site is located off Church Road, a residential road that passes through the centre of Penn and links this settlement to Beaconsfield and Hazlemere. The road is characterised by ribbon development along both sides and forms part of the Penn and Tylers Green Conservation Area. The development along the road is varied in type and character with properties backing onto open countryside and the open Green Belt.
5. The application site comprises a substantial detached property (with accommodation in the roofspace) which is sited within considerable and heavily screened grounds. The dwelling was erected in the 1950s and is not of special architectural merit. It is accessed via a private access serving three properties off Church Road and the dwelling is therefore sited to the rear of existing properties fronting Church Road. It is not easily visible from the public highway. Furthermore, the site falls outside of the Conservation Area and outside of the open Green Belt. It shares boundaries with a number of other large residential properties set within considerable grounds.
6. It is proposed to demolish the existing dwelling and to erect a new dwelling in its place. The new dwelling would be sited on the same footprint as the existing property and would have the same orientation. It would also contain habitable accommodation over three levels and within the roof space. The proposed design is fairly traditional, encompassing pitched roof dormers and gabled roofs. Given the variety of property

types in the locality, and the presence of other large substantial properties in close proximity to the application site, the scale and design of the dwelling are not considered to be excessive or out of keeping with local character. Furthermore it is noted that the existing dwelling is fairly substantial in its width and height, with accommodation already being accommodated at third floor level. The proposed height of the dwelling or the fact that it would encompass accommodation within its roofspace is therefore not at variance with the existing dwelling.

7. In addition, the plot and residential curtilage would remain as existing, with in excess of 5 metres being retained between the flank walls of the dwelling and the plot boundaries. This would ensure that the property does not appear cramped within its site. Sizeable gardens to the front and back of the property would be retained, further ensuring that the dwelling is appropriate sized for the size of the plot.

8. The Parish Council have raised concern that the proposal would affect views into the adjacent Conservation Area, Green Belt and AONB. It is not clear where these views would be from or what any harm would be. The proposed dwelling would remain sited approximately 65 metres away from Church Road and it would not have a frontage onto this road either. It would be sited to the rear of other existing residential properties fronting Church Road so the proposal would not be easily visible from Church Road or other public areas within the Conservation Area. It would therefore clearly not impact on any important views into the Conservation Area. In terms of the impact of the proposal on the Green Belt, the dwelling would remain surrounded by other residential properties, including residential properties at both side elevations and to the rear. It is also noted that the dwelling does not fall within the open Green Belt but within an Established Row of Dwellings in the Green Belt where the rebuilding or replacement of an existing habitable dwelling is acceptable.

9. Finally, the proposal seeks to remove some existing conifers at the side boundaries. These trees are not protected and could be removed at any time. They are not native trees and nor do they form part of the Conservation Area. In addition, another tree line would be retained at the boundaries and it is therefore considered that the site would retain its green and rural character.

10. No objections are raised regarding the character of the replacement dwelling or its impact on the character/appearance of the locality.

Residential amenity

11. The proposed dwelling would be sited on the same footprint as the existing dwelling. It would be sited away from all of its boundaries and adequate separation would be maintained between the dwelling and the nearest neighbouring properties. This would ensure that the proposal would not appear overly prominent or overbearing to any neighbouring properties. In addition, no intrusive windows are proposed. No objections are therefore raised in regards to the impact of the proposal on neighbouring amenities.

12. With regard to private amenity space, the dwelling would retain a front garden with a depth of 50 metres and a rear garden with a depth of 50 metres also. This is considered to be adequate and no objections are raised.

13. The waste and recycling arrangements would remain as existing.

Parking/highways implications

14. The replacement dwelling would retain sufficient parking within the proposed garage and on the hardstanding to the front to accommodate in excess of three vehicles.

15. The access arrangements would remain as existing, with the replacement dwelling relying on continued use of a private access onto Church Road. The County Highways Officer has assessed this arrangement and confirmed that there are no highway objections to the proposal.

16. It is noted that there has been a neighbour representation raising concern that the proposed access may not be sufficient to accommodate construction vehicles required in association with any works on site. This is not a material planning consideration and it would be up to the developer to utilise suitable vehicles for the nature of the access.

Working with the applicant

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

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

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

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

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

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

4 AP01 Approved Plans

PL/18/4680/FA

Case Officer: Tiana Phillips-Maynard
Date Received: 10.12.2018
Parish: **Great Missenden**
App Type: Full Application
Proposal: **Single storey front extension**
Location: **Ladymede
Grimms Hill
Great Missenden
Buckinghamshire
HP16 9BG**
Applicant: **Mr & Mrs Peter Martin**

Decide by Date: **04.02.2019**
Ward: **Great Missenden**

SITE CONSTRAINTS

Article 4 Direction
Within Chilterns Area of Outstanding Natural Beauty (AONB)
Critical Drainage Area
North South Line
Within 500m of Special Interest for Nature Conservation NC1
Townscape Character
Established Residential Area of Special Character

CALL IN

No. However the application has been referred to the Planning Committee as the applicants are Chiltern District Councillors.

SITE LOCATION

The site accommodates a dwelling within a large plot. The dwelling has staggered elevations with projecting gable features, and benefits from a detached double garage. The locality is characterised by large dwellings set within large plots in an established leafy setting along a private road.

THE APPLICATION

The application seeks planning permission for the erection of a single storey front extension.

The extension comprises a staggered double elevation with maximum depth of 2.65m and maximum width of 7.3m. A double gable roof is proposed with the eastern element proposing eaves to 2.3m and ridge to 4.1m, and the western element proposing eaves to 2.5m and ridge to 4.7m.

RELEVANT PLANNING HISTORY

CH/1981/0798/FA - Erection of single storey hall and porch extension and creation of new vehicular access. Conditional Permission, implemented.

CH/2013/0083/FA - Part two storey, part first floor side extension incorporating porch canopy.

CH/2015/1993/FA - Demolition of outbuildings, erection of single storey side extension to garage, detached greenhouse, new entrance gates to both access points and retaining wall.

PARISH COUNCIL

No objection (received 15.1.19).

REPRESENTATIONS

None received at time of drafting report (25.1.19).

CONSULTATIONS

None relevant.

POLICIES

National Planning Policy Framework.

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, TR11, TR16.

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

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

Chilterns Building Design Guide.

EVALUATION

Principle of development

1. The application site is located within an Established Residential Area of Special Character (ERASC) where extensions to dwellings are acceptable in principle subject to maintaining the special character in accordance with Local Plan Policy GC1(h) as well as complying with relevant Development Plan Policies. In addition, the site lies within the Chilterns Area of Outstanding Natural Beauty (AONB) where proposals should conserve the high scenic quality of the AONB.

Design/character & appearance

2. The application site accommodates a detached dwelling with staggered elevations. The proposed extension maintains this character by proposing a staggered front elevation, with the double gable roof reflecting the main roof form and maintaining the character. The proposal is considered subordinate in size and scale and satisfactorily integrates with the dwellinghouse. The dwelling benefits from a generous front setback within a spacious setting. This setback would be reduced, however, given the proposed size it would not be to the detriment of the spacious setting and would not appear overly prominent within the streetscene. It is therefore considered the proposal would not have a detrimental impact on the character or appearance of the ERASC and conserves the quality of the AONB.

Residential amenity

3. Given the siting and relationship to adjoining dwellings, it is not considered there would be any adverse implications regarding privacy or amenity of neighbouring properties.

Parking/Highway implications

4. The site benefits from ample parking, and no objections are raised in this regard.

Conclusions

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

Working with the applicant

6. 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.

7. 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

8. 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 AP01 Approved Plans

The End