

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 14th February 2019

PL/18/3887/FA

Case Officer:	Lucy Wenzel	Decide by Date:	11.02.2019
Date Received:	17.10.2018	Ward:	Hilltop And Townsend
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		

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.