

# Appeal Decision

Site Visit undertaken on 12 December 2018

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

An Inspector appointed by the Secretary of State

Decision Date: 21 March 2019

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**Appeal Ref: APP/X0415/W/18/3202078**  
**Town Farm Meadow, High Street, Amersham, Buckinghamshire, HP7 OED**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr. and Mrs. Brian Lawson against the decision of Chiltern District Council.
  - The application, ref. CH/2017/2037/FA, dated 13 October 2017, was refused by notice dated 22 December 2017.
  - The development proposed is the demolition and re-build of an existing annexe as an independent dwelling.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Since the submission of the appeal, the National Planning Policy Framework 2012 (The Framework) has been superseded by the 2018 version. I have considered the appeal on this basis and refer only to the updated 2018 Framework within my decision.
3. I note that the planning Application Form and Decision Notice issued by the Local Planning Authority (LPA) have different descriptions for the development. For clarity, I have taken the Appellant's description of development as the basis of this appeal.

## Main issues

4. The main issues are:
  - Whether the proposal would provide acceptable living conditions for the future occupants of the appeal property with regard to the provision of private amenity space; and
  - The effect of the development upon the character and appearance of the locality, including the Amersham Conservation Area.

## Reasons

*Whether the proposal would provide acceptable living conditions for the future occupants of the appeal property with regard to the provision of private amenity space.*

5. During my site visit I noticed a number of similar developments to the rear of dwellinghouses along the High Street where outbuildings and barns had been converted into residential use. However these dwellings maintained a sizeable private amenity space which appeared to be in accordance with Saved Policies GC3 and H12 of the Chiltern *Local Plan* which specifies a general minimum standard of 15 metres in length. Given the dimensions of these surrounding plots, it would be suitable to apply the 15m minimum in this particular context.
6. Although the proposed dwellinghouse's living accommodation would meet the National Described Space Standards, the private amenity space is severely lacking. Although the amenity space may appear to reach the 15m minimum in length, the space is shaped in a triangular form that tapers and becomes very narrow indeed meaning that not all of the space would be sufficiently usable. The private garden space also adjoins an accessway for its entire length, and as a result of the very narrow and awkward layout would not be sufficiently useable, causing detriment to the living conditions of the future occupants of the proposed property.
7. I note comments from the Appellant's Planning, Design and Access Statement that the 'property which is in effect no greater in size than a two bedroom Flat, thus serving few people, and not a family.' I am unconvinced by these comments as the property could cater for a young family who would want to make use of the amenity space and whilst I agree that the provision of amenity space for a 4 bedroom house is not required, the space should however be sufficiently useable.
8. I do not consider that the proposal as a result of its 'size and shape that is logical in terms of the likely future users of the dwelling' as the Applicant contends. To me, the proposed amenity space does not promote a high standard of amenity for the future users with the proposal having sub-standard living conditions for future occupiers in terms of a private garden area that is adequate for and appropriate to the size of the living accommodation proposed.
9. Taking the above into account, the scheme presents a poor effect upon the living conditions of the future occupants of the appeal property and would be contrary to Saved Policies GC3 and H12 of the Chiltern *Local Plan* and Paragraphs 122 and 127 of the Framework.

*The effect of the development upon the character and appearance of the locality including the Amersham Conservation Area (CA);*

10. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 prescribes a duty upon a decision maker to give special attention to the desirability of preserving or enhancing the character or appearance of a CA, in the determination of a planning application.
11. Paragraph 127 of the Framework, Saved Policies CA1, CA3, GC1, and H4 of the Chiltern *Local Plan (Consolidated September 2007 & November 2011)* and Policy CS20 of the Chiltern *Core Strategy* seek that a decision maker assesses the siting, the established pattern of development, density, scale, and particularly

- how the proposed scheme affects the character and appearance of the CA and reinforces the qualities which generate local character and local distinctiveness.
12. The significance of the Amersham CA derives from its historic development of a strong linear built form along the High Street with minimal setback from the road, with buildings of smaller narrow frontages which become grander and taller in scale the closer they are to the Market Square. Despite being quite fine grain and built up frontages to the street, to the rear many of the plots are quite spacious and contain long gardens, some in a burgage plot layout with rear outbuildings, many of which are also converted into residential dwellings. Some of these historic burgage plots can still be experienced from the scattering of carriageway entrances and alleyways along the High Street which give glimpses to the rear of these plots.
  13. This particular area has also been designated as an Established Residential Area of Special Character (ERASC) which runs alongside the aims and purposes of the conservation area and these areas are specially designated as a result of their definable sense of place, evidently historical, and of local interest as defined by Saved Policy H4 of the Chiltern *Local Plan*.
  14. The proposal would result in the demolition of an existing outbuilding and the erection of a new dwellinghouse which would take the form of a pastiche barn-styled appearance that would have roughly the same footprint as a historic planning approval for a replacement barn. Whilst it does not appear that there are any objections between the Council and the Appellant to the overall design of the barn itself, the main contention appears to be the impact towards the CA and ERASC by the use of the building as a separate dwellinghouse that would no longer be ancillary to the main dwellinghouse.
  15. In the Appellant's Planning, Design and Access Statement, it states that it is '*difficult to imagine how the use as an ancillary building, and the use as a dwelling in its own right, would create different environments in respect of the Conservation Area.*' Whilst I agree that the particular new building proposed, regardless of the proposed use would be an improvement to the general character and appearance of the CA and ERASC, the use of an ancillary building and that of a separate dwellinghouse are materially different considerations.
  16. For a dwellinghouse there is also the need to pay careful consideration to other additional factors such as the effect of the intensified use on the surrounding area; the form and layout of the development; its relationship to its context; and the associated residential paraphernalia such as the treatment of boundaries, garages, surfacing, car parking, ancillary buildings and structures etc. The use of a residential dwelling would typically have more comings and goings, increasing the density of occupation which can, in turn, have an effect on the activity generated by both people and vehicles, as well as the likelihood of requiring additional refuse facilities and additional stresses on local infrastructure.
  17. The occupiers of two flats may have a different lifestyle, resulting in movements at different times of the day and night in comparison with an ancillary building. It follows that whilst not necessarily changing the appearance of the area, it would be significantly detrimental to the local character and experience of this historic context which goes beyond a purely visual perception.

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18. The Appellant's Location Plan indicates that the proposed parking area for the dwellinghouse would fall outside of the red line and thus would not be considered as part of this proposed planning unit. The appeal site as a whole would not contribute positively to the spaciousness currently experienced within the area as the planning unit would contain very little garden space. The result of this cramped layout would be a development which would be at odds with the surrounding spacious character and distinctiveness which is currently experienced in this particular location. The scheme would therefore have an incongruous appearance generally out of character with the CA and ERASC.
  19. Although serious, the harm to the heritage asset in this case would be less than substantial, within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
  20. The benefits of the proposal put forward by the Appellant are to enhance the area and make efficient use of previously developed land and the benefits associated with providing an additional dwellinghouse for the local area.
  21. However, these circumstances would not justify the harm I have identified. I therefore find that insufficient evidence has been provided in relation to public benefits that would outweigh the harm to the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'
  22. On the basis of the above I conclude that the development would result in significant effects to the character and appearance of the locality and would therefore not preserve the character or appearance of the Amersham Conservation Area. Consequently, the proposal would be contrary to Paragraphs 127 and 196 of the Framework, Saved Policies CA1, CA3, GC1, and H4 of the Chiltern *Local Plan* and Policy CS20 of the Chiltern *Core Strategy*.

### **Other Matters**

23. I note concerns from 3<sup>rd</sup> party respondents to the application with regards to overlooking from the site into neighbouring dwellings such as the 'Bramlings' and the 'Old Barn.' The proposed building is one and a half storeys tall with the first floor illuminated by windows which face the accessway. There would be some overlooking of the private garden of the 'Old Barn' but not to a material extent. Given the positioning of the 'Bramlings' to the rear of the appeal site, I am not convinced that adverse harm due to overlooking would occur into this property.
24. It is contended by the Appellant's Statement that the Saved Policies of the Chiltern *Local Plan* are out of date and due to their age are no longer in accordance with the Framework. Each of the policies referred to in the appeal have been saved by the Secretary of State because they are in general conformity with the Framework. I have no reason to divert from this position.
25. It is noted the Appellant has stated that the Council "*is extremely deficient in terms of urban small housing supply and the subject proposals contribute*

- incrementally to that supply.*" As set out in paragraph 11 of the Framework, there is a presumption in favour of sustainable development that means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against other policies within the Framework as a whole.
26. I have not been presented with any evidence as to the Council's land supply or perceived housing shortfall. Even if this was the case, the appeal proposal would make only a very modest contribution. I have identified above the harm caused to the CA, to which I give considerable weight and importance, and the poor living conditions present in the scheme. Having considered these factors and the Framework overall, I conclude that the proposal would result in significant harm that is not outweighed by any benefits including the limited contribution that one further dwelling would make to the Council's housing land supply.
27. It is noted that the appeal site is in close proximity to a number of listed buildings such as the Sir William Drakes Almshouse (Grade II\*), Ashleigh Cottage Farmhouse (Grade II); and a barn to rear of number 108 with attached wing and garages (Grade II). With regards to the Almshouse, whilst contributing positively to the street scene at the commencement of the access road to the appeal site, its significance is related to the design and construction and former form and function as an Almshouse which contributes positively to the historic street scene at this location. Its setting is somewhat severed from the rear with a lack of association to the traditional burgage plot layout which is experienced within this area as the building contains an enclosed appearance with boundary walls, and a new dwelling to the rear. I do not consider that the development of the appeal site would affect this significance or setting of this particular listed building.
28. Although the individually listed Ashleigh Cottage Farmhouse and the barn to the rear appear to be in separate ownership, they are still experienced together at the beginning and further along the access road to the appeal site as a historic farmhouse along the high street with burgage plot behind with an ancillary barn building. Both buildings derive their significance via their quality in materials and craftsmanship, as well as the form and function of this historic relationship to the rear of the historic burgage plot layout which contributes positively to their setting. These buildings would be experienced within the same context and setting as the appeal property at this backland location. The main impacts towards the setting would be as a result of the demolition and construction of a new barn, which I do not consider would result in harm to the significance or setting of these listed buildings.
29. In relation to the duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have considered the significance and the setting of these listed buildings, however I consider that there would be no impact towards their significance or setting as a result of this development.

## **Conclusions**

30. For the reasons given above, the appeal is dismissed.

*J Somers*

INSPECTOR



## Appeal Decision

Site visit made on 29 January 2019

by **Stephen Brown MA(Cantab) DipArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 March 2019

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**Appeal Ref: APP/X0415/X/18/3208141**

**84 Amersham Road, Little Chalfont, Amersham HP6 6SL**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a part refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mrs R Basra against the decision of Chiltern District Council.
  - The application ref. CH/2018/0537/SA, dated 19 March 2018, was refused by notice dated 14 May 2018.
  - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
  - The proposed development for which a certificate of lawful development is sought is the formation of a rear dormer, insertion of 2 front rooflights, modification/alteration of the pitched roof over the rear two-storey extension.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. For the avoidance of doubt, I should explain that the planning merits of the existing development are not relevant, and they are not therefore an issue for me to consider in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority.
3. The Council have granted a LDC for the insertion of 2 front rooflights but refused a certificate for the formation of a rear dormer, and modification/alteration of the pitched roof over the rear two-storey extension. My considerations in this appeal are therefore the part of the proposal that has been refused.

### Background matters

4. The appeal property is a semi-detached house standing on a deep plot to the southern side of Amersham Road. It has previously been extended with a rear two-storey extension with a hipped roof, a hip-to-gable roof conversion, a front porch and rear conservatory, and a single storey side extension. These developments were the subject of planning permissions<sup>1</sup>. The hip to gable conversion has been built, as have the conservatory and porch, and the side extension.

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<sup>1</sup> Decision notices ref. CH/1989/0463/FA; CH/2000/1287/FA (partly implemented), CH/2005/0653/FA & CH/2017/2255/FA.

5. The proposal subject of this LDC appeal entails alteration of the rear two-storey extension roof to form a crown roof, and construction of a box dormer on the rear main roof slope.

### **Reasons**

6. The main issue for me to determine is whether the Council's decision to refuse the grant of a LDC was well-founded. In that regard the principal question is whether the proposed development would come within the limits set out in Class B of Part 1 to Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO).
7. Class B permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Paragraph B.1(d) then precludes various situations from this allowance, including where the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres in any other case than that of a terrace house.
8. The government's Technical Guidance document of April 2017<sup>2</sup> advises that for the purposes of Class B 'resulting roof space' means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by Class B or not. Furthermore, any previous enlargement to the original roof space in any part of the house must be included in this volume allowance. The 'original roof space' will be the roof space of the original building.
9. The existing additions over and above the original roof space include the hip-to-gable conversion, and the pitched roofs over the porch and side extension. The roof over the two-storey extension must also be considered, but in the form as modified by this proposal.
10. The Council and appellant broadly agree that the modified roof over the two-storey extension would amount to about 15.4 cubic metres, and the new box dormer would add a further 20 cubic metres.
11. In the Council officers' report of 21 March 2018 the hip-to-gable conversion is assessed as an addition of 18 cubic metres. No details of this calculation are provided. An e-mail from the Council to the appellant's agent of 18 May 2018 records that there had been an error in that calculation, and the correct volume increase should be 12.8 cubic metres – very much in line with the appellant's figure in the LDC application. In their appeal statement the Council now go back to justify their original calculation of 18 cubic metres, based on what are referred to as 'electronic measurements' of the drawings for the 2000 planning permission for the hip-to-gable extension. However, the drawings submitted with the LDC application appear to be a true representation of the existing structure, and tie in closely with the appellant's calculation as well as the Council's calculation of 18 May 2018.
12. My estimate made on site – comparing the number of ridge tiles on the main roof of the appeal property with the number on that of the adjoining house – which retains the hipped roof – indicates the proportion of ridge length altered in the hip-to-gable conversion. This tends to support the accuracy of the dimension given by appellant. In the light of this it is likely that the hip to gable extension increased the volume by about 12.5 cubic metres. This brings

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<sup>2</sup> DCLG publication: Permitted development rights for householders - Technical Guidance. April 2017.

- the total increase resulting from the hip-to-gable conversion, the two-storey extension roof and the proposed dormer to about 48.7 cubic metres.
13. Notwithstanding, the Technical Guidance makes clear that '*any previous enlargement to the original roof space in any part of the house*' must be included in the volume calculation.
  14. In my view this means that the pitched roof over the recently built side extension, and that over the enclosed front porch must also be included in the overall increase. I saw that the side extension runs the full depth of the house – roughly 10 metres – and is about 1.8 metres wide. The porch is about 2 metres wide and 1.5 metres deep with a pitched roof. Although the side extension is mainly flat roofed, the section of pitched roof together with that of the porch are well in excess of 2 cubic metres.
  15. It follows that the total increase in roof volume, including the hip-to-gable conversion, the side extension and porch, the proposed box dormer, and the crown roof would, on the balance of probability be greater than the GPDO allowance of 50 cubic metres. The proposal is therefore be precluded from being permitted development under Class B of Part 1 to Schedule 2 of the GPDO.
  16. For the reasons given above I conclude that the Council's refusal in part to refuse a certificate of lawful use or development in respect of the formation of a rear dormer, insertion of 2 front rooflights, and modification/alteration of the pitched roof over the rear two-storey extension at no. 84 Amersham Road, Little Chalfont, Amersham HP6 6SL was well-founded, and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

*Stephen Brown*

INSPECTOR





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## Appeal Decision

Site visit made on 29 January 2019

**by Stephen Brown MA(Cantab) DipArch RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 March 2019**

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**Appeal Ref: APP/X0415/X/18/3210876**

**58 Winters Way, Holmer Green, High Wycombe HP15 6YB**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal in part to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr & Mrs Pocock against the decision of Chiltern District Council.
  - The application ref.CH/2018/0779/SA, dated 1 May 2018, was refused by notice dated 26 June 2018.
  - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
  - The proposal for which a certificate of lawful development is sought is a new vehicular access and permeable driveway parking area.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. For the avoidance of doubt, I should explain that the planning merits of the existing development are not relevant, and they are not therefore an issue for me to consider in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority.
3. The Council have granted a LDC for the proposed permeable driveway parking area but refused the application to construct a new vehicular access. My considerations in this appeal are therefore limited to the part of the proposal that has been refused.

### Background

4. The appeal property is a two-storey house in a short terrace fronting onto the mostly grassed triangular area, at the junction of a short cul-de-sac off Winters Way – an unclassified road. The proposal is to form a parking area in the front garden of the property, with a vehicular access across the footway and grassed triangle to the front. This access would be on an oblique line relative to the axis of the appeal site and would meet the roadway at a right-angle.

### Reasons

5. The main issue for me to determine is whether the Council's decision to refuse the grant of a LDC was well-founded. In that regard the principal question is whether the proposed development would come within the limits set out in

Class B of Part 2 to Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO).

6. The development permitted by Class B is the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class of Schedule 2 (other than Class A of Part 2).
7. In this case the access is required in connection with the construction of permeable driveway parking area, which as the Council have found is permitted development under the provisions of GPDO Class F of Part 1 of Schedule 2.
8. GPDO Article 3(6) qualifies the Class B allowance in stating that, apart from certain instances not pertinent to this case, permission granted by Schedule 2 does not authorise any development which creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger.
9. The Highway Authority (HA) have been consulted, and refer to guidance in the government document 'Manual for Streets', which advises in a case such as this, that visibility splays in both directions should be 2.4 metres by 43 metres. The HA report that the maximum visibility from the proposed access towards the west would be 20 metres. Due to the angle of the access and its proximity to the junction of the cul-de-sac with Winters Way it would be difficult for drivers making an exit to see vehicles travelling southwards along Winters Way, who may be turning into the cul-de-sac. Furthermore, the HA consider there would not be sufficient space within the appeal site for vehicles to turn and egress in a forward gear, resulting in drivers having to reverse into, or out of the site at a point of poor visibility. In addition, significant on-street parking near the site means that visibility might be further restricted.
10. On my visit I saw that visibility to the west is indeed restricted to about 20 metres, and concur with the view that this would result in an obstruction to visibility for drivers leaving the site. They would not be adequately aware of vehicles heading southwards on Winters Way, and possibly turning into the cul-de-sac. I also saw that there was quite extensive on-street parking close to the proposed access, and in the area generally. In some cases this is somewhat disorganised, and I saw examples of parking on footways, and on the grassed area to the front of the appeal property. This too would be likely to contribute to the poor visibility at the proposed access.
11. I also saw there are dense hedges to either side of the front garden of no. 58, and along the frontage of the neighbouring house, no. 60. Pedestrians on the footway running along the frontages of the terrace would have an obstructed view of any vehicle leaving no. 58, and similarly a driver would have an obstructed view of pedestrians. Overall, I consider the proposed access would be likely to cause significant danger for users of the highway - both drivers and pedestrians - in the vicinity of the appeal site, as a result of obstructed visibility.
12. The appellant argues that construction of the new access does not in itself create an obstruction, and that Article 3(6) is intended to control such things as fencing to the front or sides of a property. However, it is only the creation of this access that would result in the obstructed visibility that would arise - just as the existence of the hedges would not cause an obstruction or highway

hazard if no access were created. I give virtually no weight to this rather tortuous argument.

13. I have come to the view that the proposed access would create an obstruction to the view of persons using a highway used by vehicular traffic, so as to be likely to cause danger. In the light of GPDO Article 3(6) the proposal cannot therefore be authorised by the permission granted by Class B of Part 2 to Schedule 2 of the GPDO.
14. For the reasons given above, and with regard to all other matters raised, I conclude on the balance of probability that the Council's refusal in part to grant a certificate of lawful use or development in respect of a new vehicular access and permeable driveway parking area at no. 58 Winters Way, Holmer Green, High Wycombe HP15 6YB was well-founded, and that the appeal should fail. I will exercise accordingly the powers transferred to me by section 195(3) of the 1990 Act as amended.

*Stephen Brown*

INSPECTOR



## Appeal Decision

Site visit made on 13 February 2019

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2019

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**Appeal Ref: APP/X0415/D/18/3217685**

**4 The Farthings, Chesham Bois, HP6 6XJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Moss against the decision of Chiltern District Council.
  - The application Ref PL/18/3276/FA, dated 3 September 2018, was refused by notice dated 9 November 2018.
  - The development proposed is a first storey side extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the surrounding area.

### Reasons

3. The properties on The Farthings generally fill the width of their plots. A number of the properties have single storey garages which take them up to the boundaries. The space between the properties, provided by the distance between the first-floor elevations in most cases, contributes to the character of the area by setting the properties away from the side boundaries and each other, although the spacing between the properties is varied.
4. The proposal would be on the footprint of the existing property however, it would result in two storey accommodation being very close to the property boundary. Overall, this would reduce the visual gap currently present between the application site and the adjoining property.
5. As a result, the extension would reduce the spacious character between the properties. Given that the adjoining property, 3 The Farthings, is semi-detached, I place significant weight on retention of the space between Nos 3 and 4 as part of the street scene. This is to maintain the varying degrees of separation between the buildings as currently seen along The Farthings.
6. The appellant's statement of case contains photographs stated to be relative designs throughout the street and discusses the relationship of Nos 9, 10 and 11. I, however, consider that the properties referred to form a separate character to the rest of the street scene and thus the weight attributed to the comparison is limited.
7. The adopted Residential Extensions and Householder Development Supplementary Planning Document (SPD) states that extensions should

consider the impact of development on street scene. Where buildings are in a definable visual row the first floor of an extension should be set in from the boundary. Regardless of the distances recommended in the SPD the guidance seeks to prevent visual coalescing between buildings or an uncharacteristic terracing effect

8. Not only would the reduction in the spacing between properties harm the character of the area, but visually it would present as a cramped development and an awkward addition to the street scene when considering the overall appearance.
9. The proposal would therefore conflict with Policy CS20 of the Core Strategy for Chiltern District, which requires new development to contribute to local distinctiveness, as well as Policies GC1, H13 H15 and H16 of the Chiltern District Local Plan. These latter policies together seek a high standard of development, including in relationships to its site, adjacent buildings and the street scene. Furthermore, Paragraph 130 of the National Planning Policy Framework (NPPF) encourages good design stating that permission should be refused where design fails to consider any local design standards or supplementary planning documents.

### **Other Matters**

10. I note the appellant's inclusion of the decision for appeal reference APP/X0415/D/17/3173117 (the Acorns appeal) as well as plans relating to that site. In the Acorns appeal the appellant argued, and the Inspector gave weight to, the fact that the absence of a uniform development pattern and the variety of house designs would further diminish the likelihood of visual coalescence. The Acorn appeal site also benefitted from a mature oak tree in the front garden which the Inspector acknowledged as screening with properties being staggered in nature.
11. The properties on The Farthings are quite uniform in pattern, in a linear format, and appearance; the appellant acknowledges that they exhibit the same architecture with subtle differences to detailed design and arrangement. They are, therefore, not as varied as those considered within the Acorns appeal.
12. The Inspector, in the Acorns decision, felt that the merits of the proposal outweighed the drawbacks especially with the substantial improvement in the living accommodation. I do not find that the same balance can be shown here.
13. Each site must be considered on its merits. I find that there are differences between the sites which make them incomparable and I therefore attribute little weight to the Acorns decision in the determination of this appeal.

### **Conclusion**

14. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

*Eleni Randle*

INSPECTOR