



Planning Committee

Thursday, 7 November 2019 at 6.00 pm

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

A G E N D A

Item

1 Evacuation Procedure

2 Apologies for Absence

3 Appointment of Vice-Chairman

4 Minutes (*Pages 1 - 4*)

To approve the minutes of the Planning Committee held on 12 September 2019.

5 Declarations of Interest

6 Items for Noting

6.1 New Planning and Enforcement Appeals

6.2 Appeal Decisions

6.3 Withdrawn Appeals

6.4 Prior Approval Not Needed

6.5 Consent Not Needed

6.6 Withdrawn Applications

6.7 Information Regarding Planning Applications to be Determined

7 Report on Main List of Applications (*Pages 5 - 78*)

Little Missenden

PL/19/1159/FA

Recommendation: Conditional Permission

Klee House, Deep Mill Lane, Little Kingshill, Great Missenden, Buckinghamshire, HP16 0DJ

Great Missenden

PL/19/2806/FA

Recommendation: Conditional Permission

Ashlawn, Copes Road, Great Kingshill, Buckinghamshire, HP15 6JE

Great Missenden

PL/19/3230/FA

Recommendation: Conditional Permission

33 Wycombe Road, Prestwood, Great Missenden, Buckinghamshire, HP16 0NZ

8 Exclusion of the Public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Note: All reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Planning Committee

Councillors: D Phillips (Chairman)
M Titterington (Vice-Chairman)
J Burton
J Gladwin
M Harrold
C Jones
P Jones
J MacBean
S Patel
N Rose
J Rush
J Waters
C Wertheim

Date of next meeting – Thursday, 5 December 2019

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the **PLANNING COMMITTEE** held on **12 SEPTEMBER 2019**

PRESENT:

Councillors: M Harrold
P Jones
S Patel
N Rose
J Cook

APOLOGIES FOR ABSENCE were received from Councillors D Phillips, M Titterington, J Burton, J Gladwin, C Jones, J MacBean, J Rush, J Waters and C Wertheim

78 ELECTION OF CHAIRMAN

It was proposed by Councillor P Jones and seconded by Councillor M Harrold that Councillor N Rose be Chairman for the meeting.

79 MINUTES

The Minutes of the meeting of the Planning Committee held on 18 July 2019, copies of which had been previously circulated, were approved by the Committee and signed by the Chairman as a correct record.

80 DECLARATIONS OF INTEREST

There were no declarations of interest.

81 ITEMS FOR NOTING

RESOLVED -

That the reports be noted.

82 REPORT ON MAIN LIST OF APPLICATIONS

RESOLVED -

1. That the planning applications be determined in the manner

indicated below.

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

APPLICATIONS

PL/19/0592/FA Cherry Orchards, Cholesbury Road, Cholesbury, Buckinghamshire, HP23 6ND

Speaking for the Objectors, Isobel Clark
Speaking for the application, Alistair Langan

Officers advised Members that there had been one additional letter of objection received relating to the use of stained cladding. Officers confirmed that the Councils Listed Building and Conservation Area Officer had submitted a formal response to the proposal, outlined in paragraph 11 of the Report.

Officers also confirmed that the Applicant had agreed to the proposed pre-commencement conditions. It was also explained that the site location plan needed to be amended and resubmitted as the red edge of the application site did not extend to the highway. The necessary revised certificate and Notice No.1 therefore need to be completed and served and interested parties notified. The recommendation was amended to reflect this.

The Listed Building and Conservation Area Officer explained to Members in response to a question his reasons for not supporting the application.

RESOLVED

DEFER – Minded to approve, decision deferred and delegated to the Head of Planning & Economic Development subject to appropriate conditions including

an amendment to Condition 6 to require all windows on the south eastern flank elevation to be obscured glazed and an additional condition requiring the removal of Permitted Development rights, the required notification of interested parties and no new material planning considerations being raised, the provision of appropriate certificates and an amended location plan. If new material considerations are raised then the application be reported back to Planning Committee.

PL/19/1724/FA

Tier Cottage, Dibden Hill, Chalfont St Giles, Buckinghamshire, HP8 4RD

Speaking for the Parish Council, Councillor Jackie Lomas

Speaking for the Objectors, Bernard Bedford

Speaking as the agent for the applicant, Richard Turnbull

Officers confirmed that a photograph of Dibden Hill had been sent to the Members of the Committee by a local resident. Officers advised Members that two further letters of objection had been received relating to concerns of suitability and ownership of the access and adjacent road network. Members were also advised that Officers had had sight of an illustrative plan indicatively showing a proposed routing agreement, however, any such plan or agreement would be expected to form part of any Transport Management Plan, which forms the basis of proposed Condition No.4. Officers also referred to typographical errors in proposed Condition 9 (reference to condition 1 should read condition 7 and reference to condition 6 should read condition 8). It was recommended that a considerate contractor informative also be added to the grant of any planning permission. . With regard to Affordable Housing Members were advised that whilst the site may ultimately be capable of accommodating more than 10 units – thus invoking considerations as to the provision of affordable housing - factors pertaining to this particular site are such that the scheme as submitted is considered to be acceptable. An increase in density would result in an increase in traffic, and any additional built form or wider land use could potentially materially impact on the openness of the GB,

which the current scheme is not considered to do.
It was confirmed that the applicant agreed to all of the proposed pre-commencement conditions.

RESOLVED

Conditional Permission with Condition 4 amended to include “plan to be implemented as approved”, an additional condition requiring details of a bin storage/enclosure scheme to be submitted to and approved by the Council before commencement of development and then implemented, an amendment to numbering in condition 9 and an informative relating to considerate contractor.

PL/19/2029/TP

3 Fairhaven, Chalfont St Peter, Buckinghamshire, SL9 9JE

RESOLVED

Conditional Consent

PL/19/2428/FA

20 Hivings Park, Chesham, Buckinghamshire, HP5 2LF

Speaking as the agent for the application, Graham Gamell.

Officers referred Members to page 26 of the Agenda and confirmed that the Highways Officer had no objections to the proposal

RESOLVED

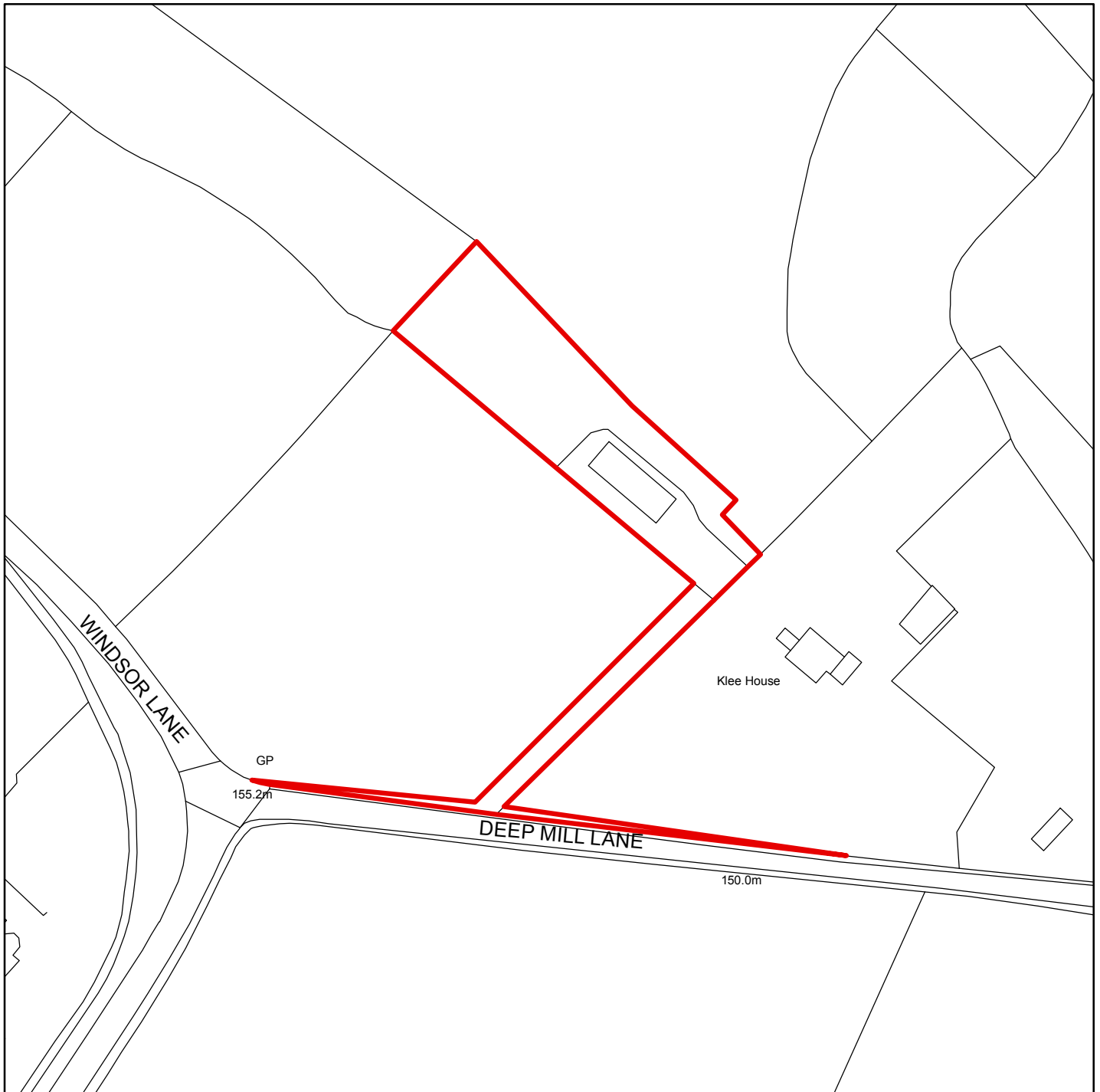
Permission Refused

The meeting ended at 7.32 pm



PL/19/1159/FA

Klee House, Deep Mill Lane, Little Kingshill, Buckinghamshire
HP16 0DJ



Scale: 1:1,250

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



PL/19/2806/FA

Ashlawn, Copes Road, Great Kingshill, Buckinghamshire
HP15 6JE



Scale: 1:1,250

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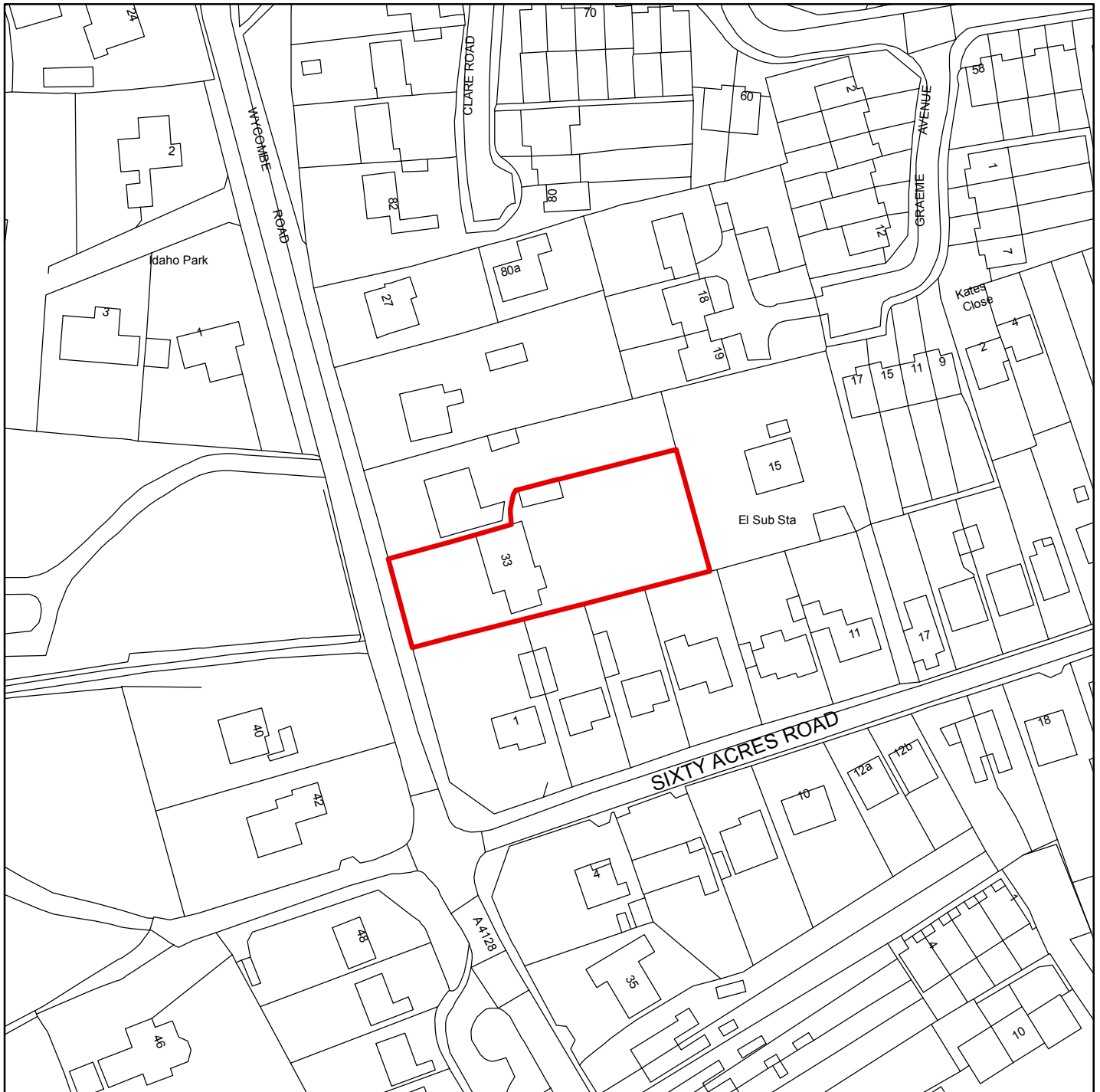
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

PL/19/3230/FA



CHILTERN
District Council

33 Wycombe Road, Prestwood, Buckinghamshire HP16 0NZ



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PLANNING COMMITTEE – 7 November 2019

REPORT OF THE OFFICERS

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

AGENDA ITEM NO. 5

5 ITEMS FOR NOTING

5.1 NEW PLANNING AND ENFORCEMENT APPEALS

2017/00121/AB - Appeal against the material change of use of the Land for the display for sale and storage of cars without planning permission, Just The Car Ltd, 112 Latimer Road, **Chesham**

CH/2017/1957/FA - Redevelopment of agricultural site and erection of three detached houses with associated car barn parking and alterations to existing site access, Hentucks Farm, Deadhearn Lane, **Chalfont St Giles**

CH/2017/2364/HB - Repair work to existing wall, introduction of opening with wooden access gates, The Meades, 32 Germain Street, **Chesham**

CH/2018/0825/FA – Redevelopment of site to provide a pair of semi-detached dwellings, served by new access, gates, associated amenity space and car parking, Kerns, 11 Woodlands Drive, **Knotty Green**

PL/18/2972/HB – Listed building application to retain internal partition walls, 5 The Broadway, **Amersham**

PL/18/3736/FA - Repair work to existing wall, introduction of opening with wooden access gates, The Meades, 32 Germain Street, **Chesham**

PL/19/0145/FA – Single storey rear extension, Norton House, 46 Whielden Street, **Amersham**

PL/19/0146/HB – Listed building application for single storey rear extension, Norton House, 46 Whielden Street, **Amersham**

PL/19/0732/HB - Replace existing rear ground floor window and door with patio doors and casements, 159 High Street, **Amersham**

PL/19/0849/FA - Change of use to a dwelling (Use Class C3) and associated alterations, Rear of 13 and 15, Springfield Road, **Chesham**

PL/19/1064/FA - Retention of existing house, erection of 4 detached dwellings, detached single storey pitched roof car ports, formation of vehicular access and associated works, 6 Warrender Road, **Chesham**

5.2 APPEAL DECISIONS

CH/2017/1228/AV - Two non-illuminated freestanding advertisement signs (retrospective), Land Adjacent to Jewsons, Chesham Road, **Hyde End**
Officer Recommendation: Conditional consent
Committee Decision: Refuse Consent
Appeal Decision: Appeal Allowed (13.08.2019)

CH/2017/1637/FA - Residential development to create two 1bed flats and 2 duplex flats with five residents' parking bays, bin and cycle store, Land rear of 61 Rickmansworth Road, **Amersham**
Officer Recommendation: Refuse Permission
Appeal Decision: Appeal Dismissed (24.07.2019)

CH/2017/1650/FA - Log cabin for use as a farm office, restroom and storage associated with the agricultural use (part-retrospective), Oaklands Farm, Beamond End Lane, **Beamond End**
Officer Recommendation: Refuse Permission
Appeal Decision: Appeal Dismissed (13.08.2019)

CH/2017/2320/FA - Demolition of existing single storey garage and provision of a new single storey dwelling with basement accommodation, landscaping and associated works, Old Beams, Three Households, **Chalfont St Giles**
Officer Recommendation: Refuse Permission
Appeal Decision: Appeal Dismissed (26.07.2019)

PL/18/2197/FA - Redevelopment of land to rear of 14-16 Kings Lane, construction of three dwellings with associated access, parking & landscaping, Land to rear of 14-16 Kings Lane, **South Heath**
Officer Recommendation: Failed to Determine
Appeal Decision: Appeal Dismissed (07.08.2019)

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, Woodchester, Woodchester Park, **Knotty Green**
Officer Recommendation: Defer to approve subject to legal agreement
Committee Decision: Refuse Permission
Appeal Decision: Appeal Dismissed (31.07.2019)

PL/18/2956/FA - Erection of detached residential dwelling, vehicular access, landscaping and associated works, Land adjacent to Woodcote, Burtons Lane, **Little Chalfont**
Officer Recommendation: Refuse Permission
Appeal Decision: Appeal Dismissed (05.08.2019)

PL/18/3625/FA - Two storey side, single storey front and single storey rear extension following demolition of existing utility room, 55 Tylers Hill Road, **Chesham**
Officer Recommendation: Refuse Permission
Appeal Decision: Appeal Dismissed (25.07.2019)

PL/18/3811/FA - Demolition of existing dwelling and erection of two detached dwellings served by an altered access, 21 Howe Drive, **Knotty Green**
Officer Recommendation: Refuse Permission
Appeal Decision: Appeal Dismissed (02.08.2019)

PL/18/4774/FA – Detached garage, 378 Chartridge Lane, **Chartridge**
Officer Recommendation: Refuse Permission
Appeal Decision: Appeal Dismissed (25.07.2019)

PL/18/4808/FA - Construction of five dwellings with associated hardstanding and landscaping. Provision of garages and vehicular access, Old Britannia, Bottom Road, **Buckland Common**
Officer Recommendation: Refuse Permission
Appeal Decision: Appeal Dismissed (01.08.2019)

PL/18/4825/FA – Construction of single storey detached garage, Hawthorn Lodge, 11 Rickmansworth Lane, **Chalfont St Peter**
Officer Recommendation: Refuse Permission
Appeal Decision: Appeal Dismissed (23.07.2019)

5.4 PRIOR APPROVAL NOT NEEDED

PL/19/2146/PNE - Notification under The Town and Country Planning (General Permitted Development) Order 2015, Part 1 of Schedule 2 Class A 4 for single storey rear extension (depth extending from rear wall 3.8m, maximum height 3.4m, eaves height 2.3m), 76 Upper Belmont Road, **Chesham**

PL/19/2233/PNE - Notification under The Town and Country Planning (General Permitted Development) Order 2015, Part 1 of Schedule 2 Class A 4 for single storey rear extension (depth extending from rear wall 4.7m, maximum height 2.8m, eaves height 2.8m), 1 Skimmers Close, **Holmer Green**

PL/19/2248/PNE - Notification under The Town and Country Planning (General Permitted Development) Order 2015, Part 1 of Schedule 2 Class A 4 for single storey rear extension (Dimensions D 5m, MH 3.75m, EH 3m), Mount Carmel, Gold Hill North, **Chalfont St Peter**

PL/19/2301/PNE - Notification under The Town and Country Planning (General Permitted Development) Order 2015, Part 1 of Schedule 2 Class A4 for single storey rear extension (depth extending from rear wall 6.3m, maximum height 3.6m, eaves height 2.7m), Arley, 71 Nortoft Road, **Chalfont St Peter**

5.5 CONSENT NOT NEEDED

PL/19/2030/KA - Felling of an ash tree (Penn Street Conservation Area), 12 Pennwood View, Penn Street, **Penn**

5.6 WITHDRAWN APPLICATIONS

CH/2017/1397/VRC - Application to vary conditions 1 and 2 of planning permission CH/2015/0803/FA, Tunfield Farm, Hog Lane, **Ashley Green**

CH/2017/2063/HB - Internal alterations to listed barn, Glory Farm, Fagnall Lane, **Winchmore Hill**

PL/18/2107/HB - Demolition of part of front elevation and reinstatement and repairs, 3 and 7 Badminton House, Church Street, **Chesham**

PL/19/1144/NMA - Non-material amendment to planning permission PL/18/3693/FA (Single storey side/rear extension, erection of front porch and roof alterations) to allow changes to doors and windows, addition of Juliet balcony and change from painted brickwork to render, Westhorpe, Potter Row, **Great Missenden**

PL/19/1344/SA - Application for a Certificate of Lawfulness for proposed: Loft conversion with dormer to rear elevation, 300 Berkhamstead Road, **Chesham**

PL/19/1471/FA - Erection of annex in rear garden, Hamelins House, Austenwood Lane, **Chalfont St Peter**

PL/19/1480/FA - Demolition of existing side extension, part two storey part single storey side extension & front porch, Tall Timbers, 41 North Park, **Chalfont St Peter**

PL/19/1530/FA - Part single/part two storey front, side and rear extension with dormer window, roof lantern, side roof lights and rear juliet balcony, front porch and excavation of basement, Tall Timbers, 41 North Park, **Chalfont St Peter**

PL/19/1612/FA - Two storey front and single storey side extension, 7 Canterbury Close, **Amersham**

PL/19/1679/FA - Single storey rear extension, alterations, conversion of garage to habitable accommodation with link to main house, erection of detached garage and altered access, The Bay House, 10 North Park, **Chalfont St Peter**

PL/19/1718/NMA - Non Material Amendment to planning permission CH/2018/0911/FA (Ground Floor Rear Extension) to allow for change in roof from flat to pitched, 132 Bellingdon Road, **Chesham**

PL/19/1981/FA - Two storey rear extension, loft conversion with roof extension with rear dormer and alteration to shared vehicular access, Poppy Cottage, 13 The Row, The Hill, **Winchmore Hill**

PL/19/2117/FA - Single storey rear extension, changes to fenestration and demolition of existing garage, Cherwen, 16 The Glebe, **Prestwood**

PL/19/2120/FA – Single storey rear extension, Michaelmas House, 9 Dower Close, **Knotty Green**

PL/19/2143/PNE - Notification under the Town and Country Planning (General Permitted

Development) Order 2015, Part 1 of schedule 2 Class A 4 for single storey rear extension (depth extending from existing rear wall 6.0m, maximum height 3.7 m, eaves height 2.8 m), Lusty Glaze, 95 Elizabeth Avenue, **Little Chalfont**

PL/19/2153/FA - Change of use of land to garden use and erection of fence, Land Adjacent to Danescroft, 37 Kingsway, **Chalfont St Peter**

PL/19/2197/SA - Application for a Certificate of Lawfulness for proposed: Single storey front porch extension, Cassett House, Two Dells Lane, **Ashley Green**

PL/19/2603/NMA - Non Material Amendment to planning permission PL/18/3538/FA to allow: Alteration to window heights to first floor rear elevation and brick up windows to side elevations, 3 Mark Drive, **Chalfont St Peter**

PL/19/2709/NMA - Non Material Amendment to planning permission CH/2017/1979/FA (Demolition of existing garage to facilitate a two storey front/side/rear extension, demolition of existing rear extension and replacement single storey rear extension and erection of a new detached garage to front) to allow for : Alterations to the main roof removing the central pitched roof on the front elevation, Cherry Trees, Cokes Lane, **Little Chalfont**

5.7 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED

Appended for your consideration are lists of applications submitted under the Town and Country Planning Act, 1990, and the Planning [Listed Buildings and Conservation Areas] Act, 1990, together with a recommendation from the Head of Planning Services. The forms, plans, supporting documents and letters of representation relating to each application are available for inspection on Public Access on the Councils Website.

Background papers for each of these planning applications, unless otherwise stated, are the application form and related letters, statements and drawings, notices, papers, consultations, and any written representations and comments received.

Reports may be updated at the meeting if appropriate, for example, where responses from consultees or further letters of representation are received.

AGENDA ITEM No. 6

6 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 7

7 EXCLUSION OF THE PUBLIC

That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act

Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 7th November 2019

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

Little Missenden

PL/19/1159/FA

Ward: Little Missenden

Page No: 2

Proposal: Demolition of existing outbuilding and erection of detached dwelling with associated landscaping and formation of vision splays on existing vehicle access

Recommendation: Conditional Permission

Klee House, Deep Mill Lane, Little Kingshill, Great Missenden, Buckinghamshire, HP16 0DJ

Great Missenden

PL/19/2806/FA

Ward: Prestwood And Heath End

Page No: 9

Proposal: Two storey/front side extension and changes to windows and doors to front and rear elevation

Recommendation: Conditional Permission

Ashlawn, Copes Road, Great Kingshill, Buckinghamshire, HP15 6JE

Great Missenden

PL/19/3230/FA

Ward: Prestwood And Heath End

Page No: 12

Proposal: Demolition of bungalow and erection of 2 semi-detached two storey dwellings and 1 detached single storey dwelling, formation of vehicle access, parking and landscaping

Recommendation: Conditional Permission

33 Wycombe Road, Prestwood, Great Missenden, Buckinghamshire, HP16 0NZ

Classification: OFFICIAL

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 7th November 2019

PL/19/1159/FA

Case Officer: Melanie Beech
Date Received: 03.04.2019
Parish: Little Missenden
App Type: Full Application
Proposal: Demolition of existing outbuilding and erection of detached dwelling with associated landscaping and formation of vision splays on existing vehicle access
Location: Klee House
Deep Mill Lane
Little Kingshill
Great Missenden
Buckinghamshire
HP16 0DJ
Applicant: Mr D Hurley

Date Received:	03.04.2019	Decide by Date:	07.11.2019
Parish:	Little Missenden	Ward:	Little Missenden

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent to Unclassified Road
Area of Special Control of Advertisements
Within Chilterns Area of Outstanding Natural Beauty (AONB)
Biodiversity Opportunity Areas
Critical Drainage Area
Within Green Belt other than GB4 GB5
North South Line

CALL IN

Councillor Varley has requested that this application be determined by the Planning Committee if the officer recommendation is to approve.

SITE LOCATION

The application site is located on the northern side of Deep Mill Lane, which is situated to the east of the village of Little Kingshill. It is within the open Green Belt and the Chilterns Area of Outstanding Natural Beauty. It slopes downwards from the road.

The site consists of a large building which is currently used for the storage of gardening equipment, in connection with Klee House situated to the south-east.

THE APPLICATION

The application seeks planning permission to demolish the existing building and replace it with a single dwelling measuring 23m wide by 8.1m deep. It is single storey with a height ranging from 3.5m on the northern side to 5.1m on the southern side, given the change in land levels.

The property includes a study, lounge, kitchen and 2 bedrooms. The proposed materials include knapped flint cladding with a coloured zinc seamed roof and aluminium glazed windows.

RELEVANT PLANNING HISTORY

CH/2017/1886/EU - Application for a Certificate of Lawfulness for an existing use relating to the use of land as residential garden and as part of the residential curtilage of Klee House and for existing operational development comprising the erection of an outbuilding on the land - Certificate granted.

CH/2018/0284/FA - Conversion of outbuilding to dwellinghouse and provision of vision splays on existing vehicle access - Conditional Permission.

PARISH COUNCIL

Little Missenden Parish Council object to the application because the previous application was for a barn conversion, this application is to demolish and rebuild. The planning officer's previous decision was against demolition. The site is within the AONB.

Great Missenden Parish Council object to the application on the grounds that the change of use is inappropriate.

REPRESENTATIONS

None received at time of writing report.

CONSULTATIONS

Highway Authority

No objection subject to conditions to require visibility splays and parking within the site.

Ecology Officer

No objection subject to condition to require ecological enhancements.

Tree Officer

"Overall the proposal does not appear to involve any significant tree loss within the application site when compared with the approved application. However the loss of the line of ash and larch trees and any increase in the size of the required visibility splays would affect the character of the area, and if allowed, should be mitigated by new planting."

Waste Management

"Waste services note the proposal of the replacement dwelling at Deep Mill Lane, Little Kingshill. Waste will not object on the condition that the residents present their refuse & recycling containers at the property boundary adjacent to Deep Mill Lane in accordance with Council policies. Crews will not access the long drive."

Building Control

"Firm level/ramped access will need to be provided from the parking area to a level threshold on the entrance door. There are relaxations for extremely sloping sites but it is not clear from the plans provided if this is the case."

POLICIES

National Planning Policy Framework (NPPF), February 2019.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, GB2, LSQ1, H12, TR2, TR11, TR15, TR16.

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

EVALUATION

Principle of Development

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

2. Paragraphs 145 and 146 of the NPPF outline some exceptions to this, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. In this case, the existing building is used for residential storage, which means that it is ancillary to the main house. It is also noted that a Certificate of Lawfulness was granted in December 2017 which confirmed that the land surrounding the building is also used for purposes ancillary to the residential occupation of Klee House (CH/2017/1886/EU).

3. In determining this application, an assessment must be made as to whether or not the existing use (ancillary residential storage) would be the same as the proposed use (residential dwelling). In this regard, it is useful to consider a relevant appeal decision at a site in Coleshill, where the Inspector considered that the replacement of a number of domestic outbuildings with a single residential dwelling would not be inappropriate development (CH/2016/0320/OA). This approach was also used in approving a planning application in December 2018 in Ashley Green to replace existing outbuildings with a detached dwelling (PL/18/2770/FA).

4. Based on the above appeal and subsequent approach taken by the Council, the principle of replacing the existing building with a new dwelling on this site is accepted, provided the new dwelling is not materially larger than the existing building, and provided that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

5. There is no definition within the Chiltern District Development Plan or within the NPPF of what is considered to be "materially larger". Therefore, each case must be assessed on its own merits. In this case, the depth of the existing building would be increased by 1.7m and the width would be increased by 3.9m. Although this results in a 50% increase in floorspace and a 26.7% increase in volume, the shape and form of the building would be retained and the height would not increase. The siting of the proposed dwelling would

also overlap with the footprint of the existing building. Based on this, the overall scale of the proposed dwelling is such that it would not appear materially larger than the existing building and it would not have a greater impact on the openness of the Green Belt.

6. It is noted that a retaining wall, tarmac driveway and gravel/paving area are proposed around the new dwelling. Although these will affect the openness of the Green Belt to a degree, they are not significantly more intrusive than the existing areas of hardstanding or that which has been approved under planning permission CH/2018/0284/FA to convert the building to a dwelling.

7. Based on the above assessment, the proposed development is not considered to be inappropriate development in the Green Belt and is acceptable in principle.

Design/character & appearance

8. The site is situated within the AONB where, in accordance with Paragraph 172 of the NPPF great weight should be given to conserving and enhancing landscape and scenic beauty. Policy CS22 of the Core Strategy for Chiltern District states that proposals must protect the setting of the AONB and safeguard views into and out of the area; and Policy LSQ1 of the Local Plan provides criteria for assessing development within the AONB. The Chilterns Buildings Design Guide also provides some useful advice.

9. The proposed building has a relatively modern design with a Y shaped roof form which the applicant has described as reflecting the mono-pitch of the existing building and complementing Klee House which won a Chilterns Buildings Design Award in 2004. The proposed dwelling is only one room deep which is typical of the AONB. The proposed materials are knapped flint (also typical of the AONB), black stone cladding, and a zinc seamed roof. Images of these materials are shown in the Planning Statement submitted with the application. Although not typical of the AONB, the zinc roofing is considered to reflect the modern design of the new dwelling and of Klee House without being too prominent within the landscape. Zinc roofs have been approved on other new dwellings in the AONB, such as at Braid Wood Cottage in Asheridge (CH/2016/1844/FA).

10. Overall, the design of the new dwelling is considered to sit well within the rural landscape of the area and no objections are raised in this regard.

Residential amenity

11. Local Plan Policy GC3 refers to the protection of amenities throughout the district. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.

12. The only residential property within the vicinity is Klee House and given the distance to that property (approximately 29m), the proposed development is not considered to adversely affect the amenities of this property. It is also noted that the existing building already has permission to be converted a new dwelling under reference CH/2018/0284/FA and the current proposal creates no additional impact on neighbouring properties than that permission.

13. With regard to the future occupiers of the new dwelling, there is sufficient outlook and garden space in accordance with Policies GC3 and H12 of the Adopted Local Plan.

Parking/Highway implications

14. The proposed development uses an existing access from Deep Mill Lane. In consultation with the Highway Authority, no objections are made to this arrangement, subject to the provision of visibility splays. Drawing no. PLA 5:04 shows the proposed visibility splays, which have already been approved as part of the

previous application. Subject to a condition that these are provided, the development is not considered to have an adverse impact on highway safety or the highway network.

15. With regard to parking, Policy TR16 of the Local Plan recommends that 3 car parking spaces are provided for dwellings with a gross floor area in excess of 120sqm. These have been provided within the site with adequate manoeuvring space to use them.

Trees and landscaping

16. In consultation with the Council's tree officer, overall the proposal does not appear to involve any significant tree loss within the application site in comparison to the approved application. As such, no objections are raised to the current proposal in this regard.

17. It is noted that the proposed development appears to result in the loss of a line of ash and larch trees situated to the south-west of the building, to be replaced with new tree planting. However, as these lie outside the application site, the felling of these trees would not be covered by the planning permission and a separate felling license would be required from the Forestry Commission. Furthermore, the new tree planting shown on the plans cannot be conditioned under this planning permission as it falls outside the application site and is not within the applicant's control. However, the new planting is not considered necessary to make the development acceptable.

Ecology

18. An Ecological Appraisal has been submitted with the application which confirms that there was no physical evidence of bats and that the building does not provide a suitable roosting environment for bats. Therefore, in consultation with the Ecology Officer, no objections are raised to the application in terms of ecology, subject to a condition requiring a scheme of ecological enhancements to be submitted, approved and implemented.

Conclusions

19. Based on the above assessment, the proposal is considered to comply with the Development Plan policies and is therefore recommended for approval, subject to conditions.

Working with the applicant

20. 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.

Human Rights

21. 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 The exterior of the development hereby approved, including the hardsurfacing areas, shall only be constructed in the materials specified on the plans hereby approved and detailed in the Planning Statement submitted with the application, or in materials which shall previously have been 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 or the AONB.

3 The development shall only be carried out in accordance with the proposed ground and finished floor levels shown on the approved plans.

Reason: To protect, as far as is possible, the character of the locality, in accordance with Policies GC1 and GB30 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.

4 Prior to the occupation of the development hereby approved, the visibility splays shown on drawing no. PLA 5:04 shall be provided and thereafter kept clear from any obstruction between 0.6m and 2.0m above ground level.

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

5 Prior to occupation of the development hereby approved, space shall be laid out within the site for the parking for cars in accordance with the approved plans. This area shall be permanently maintained for this purpose.

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

6 Prior to the occupation of the development hereby approved, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes. Any fencing/new boundaries shall include holes to enable the safe passage of Hedgehog. The approved scheme shall be implemented prior to the occupation of the development hereby approved.

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

7 Prior to the occupation of the development hereby approved, the boundary treatments shown on drawing no. PL 5:02 shall be erected/constructed and thereafter retained in situ, unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB and general character of the locality.

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

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB and general character of the locality.

10 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that firm level/ramped access will need to be provided from the parking area to a level threshold on the entrance door. There are relaxations for extremely sloping sites but it is not clear from the plans provided if this is the case. Please contact the Council's Building Control department for more information on 01895 837541 or buildingcontrol@chilternandsouthbucks.gov.uk

2 INFORMATIVE: The applicant is advised that the development appears to result in the loss of a line of ash and larch trees situated to the south-west of the building. However, as these lie outside the application site, the felling of these trees would not be covered by the planning permission and a separate felling license would be required from the Forestry Commission.

3 INFORMATIVE: The applicant is advised that all wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Removal of any building or vegetation shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitability qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.

PL/19/2806/FA

Case Officer: Murtaza Poptani
Date Received: 13.08.2019
Parish: Great Missenden
App Type: Full Application
Proposal: Two storey/front side extension and changes to windows and doors to front and rear elevation
Location: Ashlawn
Copes Road
Great Kingshill
Buckinghamshire
HP15 6JE
Applicant: Mr Stuart McMurdo

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Within Chilterns Area of Outstanding Natural Beauty (AONB)
North South Line
Townscape Character

CALL IN

Councillor Gladwin has requested that this application is brought to the Planning Committee for determination. He refers to concerns regarding overdevelopment, although it is not explained what harm arises from this.

SITE LOCATION

The application site accommodates a detached two storey dwelling situated on the northern side of Copes Road and is set within a large near rectangular shaped curtilage. The site is situated within a built up area of Great Kingshill and is also situated within the Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

The application proposes the erection of a two storey/front side extension and changes to windows and doors to front and rear elevation. The proposed extension would measure a maximum of 11.3 metres in depth, 6.5 metres in width and 8.3 metres in height.

RELEVANT PLANNING HISTORY

None in connection with this application.

PARISH COUNCIL

"The Parish Council opposes this application on the grounds that the proposed development would be overbearing particularly for the neighbouring property to the left of the property."

REPRESENTATIONS

No comments received at the time of writing this report.

CONSULTATIONS

Wycombe District Council - We have no objections to the proposals as stated on 20 September 2019.

POLICIES

National Planning Policy Framework.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H13, H14, H15, H16, LSQ1, TR11 and TR16.

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

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

Draft Chiltern and South Bucks Local Plan 2036.

EVALUATION

Principle of development

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

Design/character & appearance

2. The adopted Residential Extensions and Householder Development SPD states that extensions should give due consideration to the impact of a development on the street scene by ensuring that the design properly integrates with the existing building. The application property is situated within a row of detached dwellings to the northern side of Copes Road, is set back from the highway boundary and is characterised with a centrally pitched hipped roof with a two storey hipped roof projection to the front elevation. The surrounding buildings differ in scale and appearance and this variety contributes to the character of the area. The proposed two storey front/side extension would remove the catslide roof to the side of the property and would replace it with a hipped roof to match that on the other side of the property. It would project to the same depth as the existing two storey front projection and the forward projecting element would be set down below the ridge of the main roof resulting in a near symmetrical front facade. The remainder of the side extension would be erected in line with the rear elevation and to the same height as the main roof, characterised with a matching centrally pitched hipped roof. It would therefore integrate satisfactorily with the existing dwelling. In terms of its impact on the street scene, the dwelling would be wider at first floor and roof level than at present. It would retain a minimum gap of 1.1 metres to the western side boundary, increasing to 1.3 metres towards the rear. This would obviously close off some of the space between the host dwelling and the neighbouring building at Pinecroft. However, there are other dwellings in this row with very similar close spacing, notably Keekin Penn and Apple Tree Cottage (the second and third properties along to the west). As such, the reduced spacing at first floor level would not be out of character with this row. Given the above, it is considered that the extension would be in keeping with the existing dwelling and would not have an adverse impact on the character of the locality and the wider landscape within the AONB. No objections are therefore raised with regard to Local Plan Policies GC1, H13, H14, H15, H16 and Core Strategy Policies CS20 and CS22.

Residential amenity

3. Policy GC2 states that the design and layout of proposed buildings and extensions to existing buildings enables adjoining land or buildings to be protected from significant loss of sunlight and that sufficient sunlight and daylight reaches into, between and around proposed buildings and extensions to existing buildings. The proposed extension would have a flank to flank relationship with the adjacent dwelling to the west at Pinecroft and would have a modest rearward projection. In accordance with BRE Report guidance, a 45 degree line was drawn from the mid-point of the closest rear facing window of the adjacent neighbouring property towards the proposed two storey side/rear extension and it would not be intersected. Given the identified sufficient separation distance from the extension coupled with the hipped roof design, this is considered acceptable and would it not appear overbearing or visually intrusive when viewed from the neighbouring property. No first floor flank windows have been proposed and there would therefore be no overlooking or significant loss of privacy. No objections are therefore raised with regards to Policies GC3, H13(i) and H14.

Parking/Highway implications

4. Off road parking for in excess of 3 cars is available to the front driveway, which complies with the Council's parking standards. No objections are therefore raised with regards to Policies TR11 and TR16.

Conclusions

5. For the aforementioned reasons, the application is recommended for approval.

Working with the applicant

6. 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 determined the application based on the submitted plans which were considered acceptable.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 C431 Materials to Match Existing Dev

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/rooflights shall be inserted or constructed at any time at first floor level or above in the flank elevation or roofslope of the extension hereby permitted.

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

4 AP01 Approved Plans

PL/19/3230/FA

Case Officer: Emma Showan
Date Received: 18.09.2019 Decide by Date: 20.11.2019
Parish: Great Missenden Ward: Prestwood And Heath End
App Type: Full Application
Proposal: Demolition of bungalow and erection of 2 semi-detached two storey dwellings and 1 detached single storey dwelling, formation of vehicle access, parking and landscaping
Location: 33 Wycombe Road
Prestwood
Great Missenden
Buckinghamshire
HP16 0NZ
Applicant: Mr Greg Wilkes

SITE CONSTRAINTS

Article 4 Direction
Adjacent to A and B Road
Within Chilterns Area of Outstanding Natural Beauty (AONB)
North South Line
A and B Roads
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character

CALL IN

Councillor Gladwin has requested that this application is determined by the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site is located on the eastern side of Wycombe Road in the built-up area of Prestwood. The existing property is a bungalow set among a row of dwellings of a variety of scales, including two storey houses. The properties to the south along Sixty Acres Road are also two storey dwellings.

THE APPLICATION

This application proposes the demolition of the existing bungalow and erection of two semi-detached dwellings and one single storey detached dwelling with associated parking and a new vehicular access.

The proposed two storey semi-detached dwellings would have a frontage and access onto Wycombe Road. They would replace the existing bungalow on site and would have a combined maximum width of 12 metres, depth of 14 metres and pitched roof height of 8.6 metres, with an eaves height of 5 metres. The dwellings would each accommodate three bedrooms.

The proposed single storey dwelling would be sited to the rear of the proposed dwelling facing Wycombe Road. It would have a maximum width of 14.3 metres, depth of 8.2 metres and pitched roof height of 5.2 metres, with an eaves height of 2.3 metres. It would accommodate three bedrooms.

Both parties would share an access onto Wycombe Road and would be served by surface parking.

The application follows on from:

1. Full application, reference PL/19/2181/FA, for the demolition of existing bungalow and erection of one two storey detached dwelling and one single storey detached dwelling with associated parking and new vehicular access. This application received conditional permission in September 2019.
2. Outline application, reference CH/2017/1118/OA, for the proposed demolition of the existing bungalow and erection of one two storey detached dwelling and one single storey detached dwelling. The application was made in outline, with only access and layout for consideration. This application received conditional permission.

RELEVANT PLANNING HISTORY

PL/19/2181/FA - Demolition of existing bungalow. Erection of one two storey detached dwelling and one single storey detached dwelling with associated parking and new vehicular access, conditional permission.

CH/2017/1118/OA - Demolition of the existing bungalow and erection of one two storey detached dwelling and one single storey detached dwelling, served by a new access, conditional permission.

CH/2016/1150/OA - Demolition of existing bungalow and erection of a two storey detached dwelling and two detached chalet bungalows, served by new access, refused permission.

PARISH COUNCIL

'The council opposes this application on the grounds that it set out in its letter of 13 August in relation to the previous application PL/19/2181/FA which was subsequently granted and allowed for 2 properties on this site namely:-

- a) This development would be overdevelopment of the site and the layout and density is out of keeping with the locality
- b) The plans incorporate the removal of some trees and no mention is made of any replacement trees. Any trees removed should be replaced.
- c) The Council has concerns as to the adequacy of the access from the highway and whether this meets the required safety standards.
- d) The Council has concerns as to the adequacy of the parking provision bearing in mind the size of the proposed dwellings and the lack of alternative parking provision in the locality.

The current plan to add an additional dwelling on the site leads to:-

- e) Further overdevelopment of the site with the layout and density being out of keeping with the locality.
- f) A reduction in the amount of amenity space provided for each of the proposed dwellings to that appears to be below the required amounts.
- g) An increase in traffic generation from the site.'

REPRESENTATIONS

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

- Plans are non-compliant with local policies
- The semi-detached design is cluttered and out of keeping with local character
- New house is larger than the existing house to be demolished
- Scale is out of keeping
- No dedicated cycle storage
- Loss of privacy
- Suggested removal of permitted development rights
- Increase in traffic
- Increase in density

CONSULTATIONS

Building Control Officer: 'Access for the fire service will need to be provided to within 45m of all areas inside the new dwellings. It appears that the 45m cannot be reached from the main road on the rear plot, therefore the access drive will need to comply with Part B5 of the Building Regulations so that a fire appliance can access within 45m of any point inside the dwelling. It will need to be minimum 3.7m between kerbs and 3.1m between gate posts designed to take the weight of a pump appliance. If longer than 20m it will need turning facilities to comply with Part B5.'

Highways Officer: I am satisfied that the amended plans submitted show the access to measure 4.8m in width which would allow for simultaneous two-way vehicular and pedestrian movements. Mindful of the above, I have no objection to the proposed development.

Waste Management: 'Waste services note the proposal for 3 dwellings at 33 Wycombe. We are satisfied with the bin storage/collection point listed in the plan. As this storage point is adjacent to the road the residents can either receive a communal collection or have their own bins. Crews will not access any other part of the site. All collections to take place in accordance with council policies.'

POLICIES

National Planning Policy Framework.

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2011) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, GC4, GC10, LSQ1, H3, H11, H12, TR11 and TR16.

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

EVALUATION

Principle of development

1. The application site is within the built-up area of Prestwood where new dwellings are acceptable in principle, subject to complying with the relevant Development Plan Policies. In particular, and in accordance with Development Plan Policy H3, proposals should be compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality. The site is also within the Chilterns Area of Outstanding Natural Beauty (AONB) where development should conserve and, where possible, enhance the natural beauty of the landscape.

2. It is noted that this application follows on from planning permission PL/19/2181/FA, for the demolition of the existing bungalow and erection of one two-storey detached dwelling and one single-storey detached dwelling with associated parking and a new vehicular access. This application received conditional permission in September 2019. This latest application proposes to amend this permission by way of subdividing the two storey dwelling approved at the front of the plot to create two semi-detached dwellings. The resulting building would be marginally narrower, shallower and lower in height than the detached dwelling previously approved but would have an almost identical siting and external appearance, albeit with two entrances as opposed to one. The bungalow to the rear would remain largely as approved and the relationship between the two properties and their arrangement on site too would remain as approved. Therefore, the main consideration with this application is to determine whether the subdivision of the approved two storey detached dwelling would have a detrimental impact on the design/character of the area; neighbouring amenities and parking/highway arrangements.

3. Members are advised that it is important to note that there are no policies governing the type of house that is acceptable in a built up area so to simply object because semi-detached houses are proposed rather than a detached house would be highly unreasonable and could well result in an award of costs against the Council at appeal, as there are no policies that would support such a refusal. The unreasonableness of such an approach is highlighted in a recent appeal decision for application CH/2018/0825/FA at 11 Woodlands Drive, Knotty Green, which was a Committee overturn, where Members refused the development due to semi-detached houses being out of character. The Appeal Inspector noted that there were no other semi-detached houses in that area, but that no harm arose from that proposal for a pair of semis that resembled a large detached house. The same conclusion has to be made for the current proposal, and in fact the area surrounding 33 Wycombe Road is notably more varied than the area around Woodlands Drive, including various areas of terraces and semi-detached properties. As such there cannot be any planning objection in principle to a proposal for semi-detached houses.

Design/character & appearance

4. This part of Prestwood is characterised by a mixture of dwellings, ranging from two storey detached properties to bungalows, and contains a number of cul-de-sacs and access roads which result in a settlement pattern that contains many dwellings set to the rear of others, including terraces and semi-detached houses. In particular, dwellings along Clare Road and Graeme Avenue can occasionally be seen in views between dwellings along Wycombe Road. Under application CH/2017/1118/OA, the principle of development on this site was accepted, and this was re-enforced with the approval of a two storey detached dwelling to the front and a bungalow to the rear under application PL/19/2181/FA. The arrangement within this application would remain as approved under PL/19/2181/FA and so no new objections could be raised in this respect.

5. In terms of the appearance of the building at the front of the site, it would be almost identical to the building previously approved. The main difference is that it would be split to accommodate a pair of semi-detached houses rather than being one detached house. As discussed above, it is not possible to object to this in principle. The proposed building would have an additional rearward projection, which would not notably affect the overall scale or appearance of the building compared to the previously approved scheme. The scale and traditional façade would be in keeping with the varied character of dwelling within the locality and so the building would integrate with its neighbours in terms of its appearance. It would be sited the same distance away from the side boundaries and would retain front and rear building lines in accordance with the neighbours to the north and south, and they would be the same as the previously approved building in this location. It is noted that this latest, amended scheme, proposes to subdivide the building to create two semi-detached dwellings. In the street scene, the building would appear almost identical to the detached dwelling that was previously approved, with the addition of a second entrance. Its overall proportions and architectural appearance would remain the same, thus ensuring that the proposed dwelling continues to integrate with the local street scene.

6. To reiterate the appeal scheme referred to above, it must be noted that an appeal decision dated 24th September 2019 for the replacement of a detached dwelling with a pair of semi-detached dwellings elsewhere in the District (11 Woodlands Drive, Knotty Green) was allowed. Within the appeal decision the Inspector stated that: 'The proposal would result in a more intensive form of development on the site, that would have a different appearance to neighbouring properties, but bearing in mind the wide range of building styles in the immediate area, the proposal would not result in a cramped or contrived form of development, and it would be compatible with the street scene.' The same approach must be taken at the current application site, particularly given the wider range of properties in this locality compared to Woodlands Drive, and, importantly, given the fact that planning permission has already been granted on this site for two buildings of an almost identical appearance.

7. Regarding the property to the rear, this would be very similar to that already approved in this location and therefore it would be unreasonable to come to a different conclusion. It would be a single storey bungalow with a low eaves and ridge height. Given its siting, it would not be prominent in the street scene and it would not dominate views of the surroundings. It would be modestly proportioned, retaining adequate spacing around the dwelling. No objections are raised in regards to its simple form and design.

8. Overall, the scheme would be almost identical with the approved scheme and there would be no planning related harm to the character of the area or the wider AONB landscape given the location of the site in the built-up area.

Residential amenity

9. As with the approved scheme, the dwellings proposed to the front of the site would have a front and rear elevation in line with those of the neighbouring property to the north and would maintain sufficient spacing so as not to appear overbearing. In regards to the windows proposed in the side elevation, it is proposed that these be obscurely glazed and this can be secured by way of a condition to ensure that there is no detrimental impact on the adjacent neighbouring properties.

10. In terms of the impact of the dwelling to the rear, this property would be almost identical to the previously approved planning permission. It would be of a low height and modest proportions and it would be sited away from neighbouring dwellings. It is not considered that this dwelling would have a detrimental impact on any neighbouring amenities.

11. The rear gardens for the front and rear dwellings measure approximately 15 metres and 11 metres respectively and this was considered acceptable under the earlier planning permission, reference PL/19/2181/FA. The garden depths are comparable to those of other properties in the vicinity and are also compliant with the requirements of Local Plan Policy H12 which sets out that the general standard expected will be a minimum rear garden depth of about 15 metres. The 15 metre standard would be provided for both of the semi-detached dwellings whilst the 11 metre garden at the bungalow to the rear is the same as previously approved. For these reasons, it is not possible to raise a new objection to garden depths, as that would be highly unreasonable, particularly as the gardens for the semi-detached properties comply with Local Plan policy H12.

12. Adequate provision for waste and recycling storage has been shown to be provided at the front of the site, as was the case with the approved scheme. This is considered to be an acceptable arrangement.

Parking/highway implications

13. The Highways Officer previously raised concern in regards to the highways aspects of the proposal. This has been overcome via the submission of amended plans which show the access amended to mirror that of the scheme approved under the earlier application (PL/19/2181/FA). As the amended highways access reflects that of the scheme approved earlier this year, which had no objection from the Highways Authority, it is considered that the new access would provide the requisite visibility splays and so no objections are raised in regards to the access arrangements serving the proposal.

14. In terms of the parking provision, Local Plan Policy TR16 recommends the provision of three parking spaces where the floor area of a dwelling exceeds 120 square metres and two spaces where the floor area of the dwelling is below 120 square metres. In this instance, it is proposed to provide three parking spaces per semi-detached dwelling and two spaces for the dwelling to the rear. These would be arranged so that four parking spaces would be provided forwards of the semi-detached dwellings and two spaces would be to the rear to accommodate additional vehicles. The two spaces for the bungalow would be located either side of this dwelling. Accordingly, adequate parking would be provided for the development proposed, in accordance

with the Council's parking standards. It is important to note that the amount of hardstanding proposed on the site is very similar to the previously approved scheme.

Ecology

15. The Council's Ecology Advisor reviewed the submitted bat surveys and assessed the impact of the development on protected species under the previous application, determined in September 2019. As the surveys are still valid and as the nature of the proposal is still comparable to the approved scheme, it is concluded that the potential presence of protected habitats and species has been given due regard and no objections are raised, subject to conditions.

Affordable housing

16. The proposal involves a net increase of one dwelling on this site. 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 specific circumstances set out in the NPPG (National Planning Practice Guidance) where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development, including developments of 10 units or less, which have a gross floorspace of less than 1,000sqm. In the AONB, as a designated rural area, this Council applies a lower threshold of five dwellings, which is one of the provisions of the guidance in the NPPG. However, the current proposal is for a net increase of one dwelling which would not reasonably have a floor area greater than 1,000sqm, therefore based on the recently amended guidance, which carries more weight than Policy CS8, no objections are raised to the current application without an affordable housing contribution.

Conclusion

17. The proposal is almost identical to the previous planning permission to erect a detached dwelling and a bungalow on the site. The scale and appearance of the two buildings proposed is almost the same as the previous approval and the main difference is that the front building is now proposed to be a pair of semi-detached dwellings. There are no planning policies to object to this in principle and this is highlighted by the appeal decision referenced above. The only possible planning-related objections would be that if the development created specific adverse issues such as the need for more parking or hardstanding, or if insufficient garden space was provided. As stated above, the amount of hardstanding shown on the plans is almost the same as that previously approved for the two dwellings, so there is no harm in that respect. In addition, the rear gardens of the semi-detached properties are 15 metres in depth, thus complying with Local Plan policies. In conclusion, the proposal is not significantly different to the approved scheme and there is no planning harm arising from the proposal. Consequently the application is recommended for approval.

Working with the applicant

18. 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

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 Before any construction work above ground level commences, details of the facing materials and roofing materials to be used for the external construction of the dwellings 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 the commencement of any works on site, detailed plans, including cross section as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.

4 Before any construction work commences, full details of the means of enclosure to be retained or erected as part of the development including those between the individual gardens of the approved dwellings and on the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundaries shall then be erected and maintained in accordance with the plans approved by the Local Planning Authority.

Reason: To safeguard, as far as possible, the visual amenities of the locality and the amenities of the adjoining properties and approved dwellings.

5 This permission is granted on condition that none of the trees or hedges on the site, other than those shown to be removed on the plans hereby approved, shall be felled, topped, lopped or uprooted, unless subsequently agreed in writing by the Local Planning Authority, for a period of five years from the date of implementation of this permission. Furthermore, the existing soil levels around the boles of the trees so retained shall not be altered.

Reason: In order to maintain, as far as possible, the character of the locality, 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 of the Core Strategy for Chiltern District (Adopted November 2011).

6 Prior to the occupation of the development the new access to Wycombe Road shall be designed in accordance with the approved plans. The access shall be constructed in accordance with Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access within Highway Limits" 2013.

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

7 Prior to the occupation of the development or within one month of the new access being brought into use, the existing access points onto Wycombe Road shall be permanently closed and stopped up in accordance with the approved plans. For the avoidance of doubt the applicants will be required to enter into a S184 Agreement with the Highway Authority in order to comply with the requirements of this condition.

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

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

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

9 No other part of the development shall begin until the visibility splays shown on the approved drawings have been provided on both sides of the access and 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.

10 The development shall be undertaken in accordance with the precautionary measures in respect of bats provided within Section 6 of the Dusk Activity Survey and Mitigation and Compensation Report produced by Syntegra Consulting (August 2019).

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

11 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes. Any new fencing will include holes to allow safe passage of Hedgehog.

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

12 AP01 Approved Plans

The End



Appeal Decision

Site visit made on 6 June 2019

by Mr M Brooker DipTP MRTPI

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

Decision date: 13 August 2019

Appeal Ref: APP/X0415/Z/19/3224699

Land Adjacent to Jewsons, Chesham Road, Hyde End HP16 0RD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Stuart Wilbraham against the decision of Chiltern District Council.
 - The application Ref CH/2017/1228/AV, dated 15 February 2017, was refused by notice dated 18 January 2019.
 - The advertisement proposed is described as two non-illuminated freestanding advertisement signs.
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Application for costs

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

Preliminary Matters

3. The two advertisements have been erected on site and consent for their display has been sought retrospectively. I have therefore determined the appeal on that basis. I have used the description of the proposal as detailed on the Council's decision notice because this clearly and accurately describes the proposal.

Main Issue

4. The main issue is the effect of the two advertisements on the amenity of the area.

Reasons

5. Local residents have raised objections relating to a number of matters. However, my assessment of this appeal is confined to the advertisements applied for and, by virtue of Regulation 3(1) and in accordance with the National Planning Policy Framework paragraph 132, and the issues of amenity and public safety, taking account of cumulative impacts.

6. The two advertisements are located adjacent to the entrance to the site off Chesham Road opposite residential dwellings and next to a builder's merchant, in an otherwise rural area. The appeal site is situated within the designated Green Belt and Chilterns Area of Outstanding Natural Beauty, furthermore the area is designated as an Area of Special Control for Advertisements (ASCA).
7. At my site visit I saw that the two advertisements, while large and situated above the tall metal fence that encloses the site, are set back from the road and as such are not widely visible along Chesham Road.
8. Within the immediate setting of the vehicular access onto the site, the size of the advertisements sit within the context of the signage relating to the adjacent builder's merchant and the related business that can be seen behind the signs.
9. Thus, I find that the advertisements are not injurious to the amenity of the local area. I have taken into account policy CS20 of the Core Strategy for Chiltern District which seeks to protect amenity and so is material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with this policy.

Conclusion

10. For the reasons given above I conclude that the display of the advertisements would not be detrimental to the interests of amenity.

Mark Brooker

INSPECTOR



Costs Decision

Site visit made on 6 June 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Costs application in relation to Appeal Ref: APP/X0148/Z/19/3224699 Land adjacent to Jewsons, Chesham Road, Hyde End HP16 0RD

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
 - The application is made by Mr Stuart Wilbraham for a full award of costs against Chiltern District Council.
 - The appeal was against the refusal of express consent for two non-illuminated freestanding advertisement signs.
-

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Examples of unreasonable behaviour of the local planning authority include not determining similar cases in a consistent manner and where the Council has prevented development which should have been permitted.
3. The PPG also makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material planning considerations or fails to produce evidence to substantiate each reason for refusal at appeal.
4. The main thrust of the Applicant's case is that the members of the planning committee incorrectly assessed the impact of the proposal. The Applicant considers that the council made vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by an objective analysis and that this has led them to incur unnecessary delay and expense in having to appeal the refusal when planning permission should have been granted.
5. The Council submitted very limited information in support of the Committee's decision. However, in the reason for refusal, a short but clear analysis is presented. It is evident that the Council has had regard to the character of the surrounding area and the specific characteristics of the advertisements themselves.

6. In reaching my decision, it was clear that the merits of the proposal rested on a subjective opinion as to whether or not the proposed development, on balance, would harm the amenity of the area.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and therefore an award of costs is not justified.

Mark Brooker

INSPECTOR



Appeal Decision

Site visit made on 2 July 2019

by **D. Szymanski, BSc (Hons) MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/X0415/W/18/3216260

Land to rear of 59/61 Rickmansworth Road, Amersham, HP6 5JW

- 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 Leywood Estates Ltd. against the decision of Chiltern District Council.
 - The application Ref: CH/2017/1637/FA dated 25 August 2017, was refused by notice dated 28 June 2018.
 - The development proposed is residential development to create two 1-bed flats and 2 duplex flats with five resident's parking bays, bin and cycle store.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area; and,
 - The effect of the proposed development upon the living conditions of the occupants of Nos. 79 – 87 Sycamore Road, with reference to outlook and overbearing.

Procedural Matters

3. When the planning application was first submitted the development proposed was *'new residential development to create four 1-bed flats and one 2-bed flat with six residents parking bays, bin store and cycle store'*. During the consideration of the planning application, the appellant submitted an amended scheme and associated plans, which resulted in an amendment to the description of the development. As this amended description was agreed between the parties, I have used this description in the banner heading above and considered this appeal on the basis of the revised scheme.
4. In the Council's decision notice reason No. 2 makes reference to residential units at Nos. 81 – 87 and a roof terrace at No. 79, without referencing the street name. I have taken this to be (and as later clarified by the Council's Statement of Case) with reference to Nos. 79 – 87 Sycamore Road.

Reasons

Character and appearance

5. The majority of the site is a former car parking area, closed off for use at the time of the visit. The eastern portion is a private parking area accessed by a service road serving the rear of retail and business premises on Sycamore Road, and the residential premises above. The new building would be bound by a service area, rear gardens of dwellings on Rickmansworth Road, a spur road and the Sycamore Road Car Park. The proposed building would front, but be set back from, the south side of the spur road and pedestrian access leading to the car park and a recently completed mixed use development.
6. Existing buildings along Rickmansworth Road, Sycamore Road and the new mixed-use development opposite the appeal site, all have strong linear building lines, and are generally either in a terraced arrangement, or have narrow gaps separating the properties. The established character of existing buildings is one of having a strong sense of coherency and rhythm along the frontages in this busy commercial area.
7. The location of the appeal site and the siting of the proposed apartment building means that it would appear as an isolated building. Being set back approximately six metres from the flank elevation of No. 77 Sycamore Road and the spur road, the apartment building would not form part of any existing building line. When viewed from its surroundings, it would give the impression of the building being awkwardly and ill-positioned, and poorly related to nearby development. This is contrary to the established building patterns that contribute strongly to the character and appearance of the area, particularly the buildings on Sycamore Road.
8. I note the appellant's suggestion that the Council has not fully considered the impact of the new mixed-use development upon the character of the spur road. In my view the new development does not result in the spur road becoming a main thoroughfare from the presence of the short secondary frontage of that development. It does however, reinforce the linear building lines and close and coherent relationships between buildings, that are characteristic of the area, and thereby exacerbates the isolated appearance of the proposed development.
9. I also note the appellant's view that the development could provide an enhancement to the area compared to the existing site. However, for the reasons set out above, the proposed development would also result in considerable harm such that the adverse effects are not outweighed.
10. For the reasons set out above I conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policies GC1 and H3 of the Chiltern District Local Plan (1997) (including alterations adopted 29 May 2001, Consolidated September 2007 and November 2011) (the CDLP) and Policy CS20 of the Core Strategy for Chiltern District (2011) (the CSCD). These policies require (amongst other things) that new buildings must maintain and enhance local character by being well sited and laid out so as to integrate with, and complement neighbouring and adjoining buildings, and the local area. The development would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework),

which expects new development to be sympathetic to local character in the surrounding built environment.

Living conditions – Outlook and Overbearing

11. The first and second floor dwellings above Nos. 79 – 87 Sycamore Road and the proposed flank elevation would be separated by a narrow service road. The rear facades of the dwellings are not uniform and so would result in the flank elevation being between around six metres from a first-floor roof terrace, and between approximately seven to eleven metres from the facades and various windows of other dwellings. If taken only from the floor level of the existing first floor dwellings, they would still be looking up at around five to six metres of the flank wall up to the proposed ridge. It is therefore considered that by virtue of its height, siting and proximity, the development would appear dominant and overbearing when viewed from the first-floor residential premises and also result in a considerable loss of outlook.
12. The appellant has stated the opinion that the proposed situation would be tantamount to looking onto a single storey dwelling, which they feel would be neither harmful or unusual, especially with available permitted development rights. I disagree with their view as to the harm of the proposed development, and the permitted development rights referred to are not analogous to the current development.
13. For the reasons set out above, I conclude that the proposed apartment building would cause harm to the living conditions of the occupants of Nos. 79 – 87 Sycamore Road with reference to outlook and overbearing. Therefore, the proposed development would be contrary to Policy GC3 of the CDLP which requires development protects the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. The development would also be contrary to paragraph 127 of the Framework which requires development should result in a high standard of amenity.

Other Matters

14. The appellant has pointed out their efforts to address previous concerns expressed by the Council, and compliance with various aspects of development plan policies, particularly in relation to design. Whilst I note the appellant's efforts in revising the scheme to that being considered in this appeal, this does not counterbalance or negate the harm that would result from the development as set out above.
15. I have noted that a number of third-party representations have been submitted to the planning application and to this appeal raising a variety of matters. Whilst I have given consideration to various matters raised, such as the living conditions of residents of Rickmansworth Road, parking provision, and highway safety, due to the clear harm found in respect of the main issues above, I have not considered these matters further.

Planning Balance

16. The proposed development would result in the provision of four dwellings in what can be considered a sustainable location and therefore would have some environmental benefits. There would be a small temporary economic benefit from construction and once built a small sustained benefit to the local economy. There would be some benefits from supporting strong, vibrant and

healthy communities through supplying a small number of dwellings. However, in this instance the adverse impacts to the character and appearance of the area, and to the living conditions of neighbouring dwellings, would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework as a whole.

Conclusions

17. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR



Appeal Decision

Site visit made on 21 May 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/X0415/W/19/3222534

Oaklands Farm, Beamond End Lane, Beamond End HP7 0QT

- 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 Channer against the decision of Chiltern District Council.
 - The application Ref CH/2017/1650/FA, dated 29 August 2017, was refused by notice dated 16 January 2019.
 - The development is a log cabin for agricultural use - farm office and restroom.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The log cabin in question is already in existence, having been installed for residential use by an agricultural worker following planning permission, reference CH/2011/1194/FA (the original permission). This was however a conditional temporary permission, with removal of the log cabin required by 30 June 2012. This condition was breached, and the Council subsequently initiated enforcement action. Other schemes have since been advanced in relation to the log cabin, including one dismissed at appeal in 2016. The use has itself already commenced.
3. The log cabin is described as a 'mobile home' within the conditions attached to the original permission. A mobile home falls within the definition of a 'caravan' set out in the Caravan Sites and Control of Development Act 1960 (as amended). However, as I have no information regarding its current degree of affixation to the ground, and given that both parties have considered the log cabin as though a building, I have also considered it as such for the purposes of this appeal.
4. I have removed 'retention of' from the description of development in the banner heading above, as this does not constitute an act of development. I have therefore considered the appeal on the basis that a permanent grant of planning permission is being retrospectively sought for the existing log cabin, including a change in its use from a residential to an agricultural use. I have thus made my decision on the basis of the log cabin as it exists. This also appears to have been the basis upon which the Council considered the planning application.

Main Issues

5. The main issues are:

- whether the development is inappropriate development in the Green Belt; and
- if the development is inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the development is inappropriate

6. The site lies within the Metropolitan Green Belt. The development has entailed use of the existing log cabin as office and mess space, with an element of storage, without any obvious required alteration to the domestic layout, services or fixtures it contains.
7. The appellant has principally promoted the scheme in relation to the exception set out in paragraph 145(a) of the National Planning Policy Framework (the Framework), which is applicable to 'buildings for agriculture'. Paragraph 145 however relates to the construction of new buildings, whereas the log cabin is already in existence, and its existence indeed long predates its current use. As such the exception set out in paragraph 145(a) of the Framework does not apply.
8. The appellant has also presented the scheme as a 'reuse' of an existing building. Though not specifically referenced within the submissions, this is an exception set out in paragraph 146(d) of the Framework, applicable to buildings of permanent and substantial construction, provided that the development in question preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it.
9. Notwithstanding the fact that the exception set out in paragraph 146(d) more logically relates to disused buildings than it does to changes of use, given that the log cabin is substantially built from timber, and was originally provided to serve a temporary use, its construction appears to be neither permanent nor substantial.
10. With regard to openness, the log cabin consists of solid built fabric, which, as a matter of fact, erodes the openness of the Green Belt. Despite having a limited adverse visual effect given enclosure by hedging, loss of openness is contrary to the fundamental aim of Green Belt designation set out in Paragraph 133 of the Framework. Consequently, the development does not preserve the openness of the Green Belt, and conflicts with the purpose of including land within it. As such the exception set out in paragraph 146(d) is not applicable.
11. I conclude therefore that the appeal scheme represents inappropriate development, which is by definition harmful to the Green Belt. The proposal, as such, conflicts with the Framework, saved Policy GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (Including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 (the Local Plan) which seeks to prevent inappropriate development in the Green Belt. Saved

Policy GB27 of the Local Plan was also cited by the Council. However, given that the log cabin is not a new agricultural building, and the development would not involve the extension or alteration of an existing agricultural building, saved Policy GB27 is not applicable.

Other considerations

12. The appellant indicates that if the appeal was allowed 2 portacabins which previously provided some of the functions now supported by the cabin, would be removed. This could be secured by a suitably worded condition. Though the portacabins are more visible features within the farm site than the cabin, they are however considerably smaller in combined size. As such the loss of openness resulting from presence of the log cabin would not be balanced by the removal of the cabins.
13. The appellant states that an increase in existing office space is required and sets out the statutory requirement to provide welfare facilities for staff. The log cabin clearly provides improved facilities relative to the 2 portacabins. Need is however disputed between the parties, and in this regard the log cabin clearly does not represent a solution specifically tailored to the appellant's stated needs given that it was originally provided to serve a residential use. I therefore attach limited weight to these considerations.
14. The appellant indicates that health and safety will be improved as a result of the relocation of staff and office facilities out of the farm yard. However, access to the log cabin nonetheless remains through the yard. As such the benefit is unclear. I therefore attach limited weight to this consideration.
15. The appellant has indicated that a similar building could be erected as permitted development. However, whilst I have been provided with limited information, I note that the appellant also indicates this would be subject to prior approval. I have therefore considered the appeal scheme on its own merits.
16. The appellant has drawn attention to 2 appeal decisions involving farm offices. However, based on these decisions, neither relates to sites within the Green Belt. As such the circumstances differ. The fact that appeals involving farm offices have been allowed elsewhere on sites outside the Green Belt does not therefore lend any weight in favour of the current appeal scheme.
17. The site is located within the Chilterns Area of Outstanding Natural Beauty (the AONB). I have therefore had regard to the statutory purposes of the AONB's designation, most particularly to conserve and enhance the natural beauty of the area. In that regard paragraph 172 of the Framework, states that great weight should be given to conserving and enhancing landscape and scenic beauty within ANOBs. On account of the limited visibility of the log cabin outside the site however, I am satisfied that it causes no harm to the AONB.

Planning Balance and Conclusion

18. The development is inappropriate within the Green Belt. Paragraph 144 of the Framework establishes that substantial weight should be given to any harm to the Green Belt.
19. The other considerations referred to by the appellant are insufficient to outweigh the harm to the Green Belt. Harm caused by the development is not

therefore clearly outweighed by other considerations, meaning that the very special circumstances necessary to justify the development do not exist. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR



Appeal Decision

Site visit made on 22 February 2019

by Rebecca McAndrew BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2019

Appeal Ref: APP/B0230/W/18/3217008

Old Beams, Three Households, Chalfont St Giles, HP8 4LJ

- 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 Spencer against the decision of Chiltern District Council.
 - The application Ref CH/2017/2320/FA, dated 20 December 2017 was refused by notice dated 25 May 2018.
 - The development proposed is the demolition of existing single storey garage and provision of a new single storey dwelling with basement accommodation, landscaping and associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area and the effect on the setting of the adjacent listed buildings;
 - The effect of the proposed development on the living conditions of the occupiers of the neighbouring residential property known as Ferndown, with particular regard to outlook; and
 - Whether the proposed development would provide suitable living conditions for the future occupiers of the new dwelling and the occupiers of the existing dwelling at Old Beams, with particular regard to the levels of proposed private garden space.

Reasons

Character and appearance and the setting of the listed buildings

3. The appeal site is located in an area which is semi-rural in character and includes two existing Grade II listed residential properties which are set in their own landscaped grounds.
4. The scheme would introduce a new dwelling into the rear part of the garden space beyond the rear elevation of listed Old Beams and also the adjacent property, Ferndown. This would be very close to the listed property, in-filling the existing landscaped buffer between these neighbouring dwellings, leaving

minimal space between the existing and proposed houses. Whilst the proposed dwelling would be set back within the plot and would be lower in height than adjacent properties, it would be wider and therefore visually dominant. I note the appellant's comments that, as the proposed dwelling would be set back, the space between Old Beams and Ferndown would be retained and discernible from the public realm. I also acknowledge this grouping of buildings could represent a rural courtyard arrangement. However, as described, the proposal would erode the green openness and space between the buildings, which are integral to the character of the site. Overall, the proposal would have a cramped appearance which would be detrimental to the visual appearance and character of both the appeal site and the area. This would also fail to preserve the setting of the listed building.

5. The proposal would erode the green openness of the existing site. A good proportion of the landscaped garden would be lost to the proposed dwelling. Additionally, the proposed building would obscure current views from within the appeal site and the public realm to the front of the site into the countryside to the rear. The proposed car parking spaces and vehicle manoeuvring area to the front of the properties would also result in the removal of areas of landscaping and would be a visual intrusion to the rural open setting of the listed building. Cumulatively, this would unacceptably harm the setting of the listed building and the semi-rural green character of the appeal site.
6. The proposed property would be set back behind the general building line of properties in this eastern part of Three Households. Whilst it is acknowledged that the building line is more varied to the west, the appeal site relates more to the properties to the east. As a consequence, the proposal would be at odds with the existing development pattern in the vicinity and would therefore exacerbate the detrimental impact the proposal would have upon the character of the area.
7. The appellant advises that the views into the green belt were recently formed when a line of trees was felled and I accept that this tree line could be replanted. However, given that the appellant considered it necessary to fell the trees, there is limited probability of them being replanted. In any event, whilst new trees could eventually obscure direct views into the Green Belt, they would represent a landscape feature which would compliment the semi-rural character of the area. Therefore, I attach limited weight to these matters in my consideration of the proposed scheme.
8. The appellant highlights that the dwelling would be set well back from the front boundary of the property and that an existing boundary fence and hedge boundary treatment would screen views into the site from the highway. He also notes the dwelling has been designed to reduce any visual impact in the street scene by including the lowest parts of the proposed dwelling at the front of the property. However, these features would offer limited mitigation and inevitably the expanse of built structure and cramped nature of the development would be perceived when viewed from the highway. Therefore, these factors do not alter my concerns regarding the overall visual impact of the proposal.
9. For the above reasons, I conclude that the development would fail to preserve the character and appearance of the green open setting of the listed buildings. This harm would be 'less than substantial' in the context of paragraphs 133 -

134 of the National Planning Policy Framework ('the Framework'). However, the limited benefits associated with the provision of a new dwelling do not outweigh the harm in this case.

10. The development would therefore be contrary to Saved Local Plan Policies LB1, LB2 GC1 and H3, Core Strategy Policy CS20, paragraphs 50, 134, 193 and 196 of the NPPF and the 1990 Act and guidance in the Framework relating to designated heritage assets.

Living Conditions of neighbouring occupiers

11. The proposed dwelling would be located adjacent to the boundary with the neighbouring property. The proposed dwelling would extend a significant distance beyond the rear elevation of the neighbours' property. Whilst the height of the property is limited to single storey height in this location, having regard to its scale, proximity to the boundary and relationship with the property, it would create a sense of enclosure and have an overbearing impact upon the outlook of the neighbouring property. Consequently, the proposed development would cause harm to the living conditions of the neighbouring property and would be contrary to Local Plan Saved Policy GC3 which seeks to protect the living conditions of existing residents.

Living conditions of the future occupiers and the occupiers of Old Beams

12. A small courtyard within the central area of the proposed U shaped dwelling would provide the sole private garden space for the proposed dwelling. The level of space proposed is inadequate for a property of this size, particularly given its limited value as it is enclosed on three sides and is therefore unlikely to experience significant levels of sunlight. The appellant considers an internal area of the proposed dwelling with large windows would provide 'a winter garden because it is south facing onto the open countryside'. Whilst this might form an attractive design feature, it cannot be considered to be private garden space and therefore I attach limited weight to it in my considerations. The proposal is therefore contrary to Local Plan Saved Policies H12 which requires dwellings to have an appropriate level of private garden space and GC3 which seeks to protect the living conditions of future residents.
13. The proposed garden for the existing dwelling, Old Beams, is smaller than would normally be expected for a property of this scale, particularly having regard to the size of other rear gardens in the area. Saved Policy H12 requires rear gardens to be a minimum of 15 metres deep, except in a number of defined circumstances, including where the rear boundary backs onto countryside. Given that this area looks out onto countryside it would not feel cramped and it is therefore considered to be an acceptable arrangement.
14. Whilst I have found the level of private garden space which would be provided for Old Beams to be acceptable this does not alter the harm to the living conditions which I have found in respect of the inadequate level of private garden which would be provided for the proposed dwelling. Consequently, taken as a whole, the proposal would conflict with the requirements of Saved Policies H12 and GC3.

Other Matters

15. Whilst it is recognised that the proposed dwelling would assist with the local housing supply, the provision of one dwelling would not make a significant

contribution to this target. Therefore, this matter does not outweigh my concerns regarding the adverse impact of the proposal in considering this appeal.

16. The proposed sustainable design and construction of the dwelling is noted but I afford this little weight in the face of my overall concerns regarding the proposal.

Conclusion

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

Rebecca McAndrew

INSPECTOR



Appeal Decision

Site visit made on 4 June 2019

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/X0415/W/19/3220949

Rear of 14-16 Kings Lane, South Heath HP16 0QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Dominic Killenger against Chiltern District Council.
 - The application Ref PL/18/2197/FA, is dated 8 June 2018.
 - The development proposed is redevelopment of land to rear of 14-16 Kings Lane, construction of three dwellings with associated access, parking & landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary Matters

3. The Council failed to make a decision on the planning application within the requisite period for determination and did not submit a statement of case in respect of the appeal.
4. However, the Council's response to the appellant's application for a cost award confirms that its concerns relate to the effects on the living conditions of neighbouring occupiers with respect to overlooking and loss of privacy. In addition, the Highway Authority (HA) submitted a statement expanding on its objections, with which the Council concurs.
5. My attention has also been drawn to reasons for refusal which were issued in relation to an apparently similar scheme on the site¹ which additionally raised concerns in relation to ecology. However, the County Ecologist has indicated that such matters could, in this case, be satisfactorily addressed through a suitable planning condition. I see no reason to disagree.
6. I have had regard to the above matters, together with all representations made by interested parties, in framing the main issues in this case. These are set out below.

¹ CH/2017/1505/FA

Main Issues

The main issues are:

- the effect of the proposal on the living condition of occupiers of 28 and 29 Sibleys Rise with particular regard to garden privacy; and
- whether the proposal would provide suitable and safe access for vehicles and pedestrians.

Reasons

Living Conditions

7. The proposed development comprises three two-storey dwellings within the large rear gardens of 14 and 16 Kings Lane. Two of the houses would be semi-detached with the third detached. They would be located broadly on the site of an existing large, detached outbuilding set in a sizeable area of hardstanding.
8. The dwellings would be orientated at right angles across the existing plots, with their main elevations aligned on a north west/south east axis. The north west elevations would be sited fairly close to the boundary with the rear gardens of 28 and 29 Sibley Rise which are set at a somewhat lower level beyond a brick wall.
9. The submitted plans indicate there would be rear-facing bedroom windows at first floor in each of the three dwellings and occupiers of these rooms would have uninterrupted view across these private spaces. Consequently, there would be a harmful loss of privacy to the garden areas of Nos 28 and 29. The appellant contends that the harm could be mitigated through the imposition of a planning condition requiring the first floor rear windows to be fitted with obscured glazing up to a height of 1.7m.
10. Whilst this would ensure no loss of privacy would arise, the proposed windows would be the sole source of outlook for occupiers of those rooms. The imposition of such a condition would therefore give rise to an oppressive environment for future occupiers of the dwellings and would not provide suitable living conditions for bedrooms.
11. Accordingly, I conclude on this main issue that the proposed development would give rise to an unacceptable loss of garden privacy for occupiers of No 28 and 29. Alternatively, the scheme, if conditioned as described above, would not provide satisfactory living conditions for occupiers of the proposed north-west facing bedrooms at first floor. This would conflict with Policy GC3 of the Saved Chiltern District Local Plan (1997, including alterations adopted 29 May 2001, consolidated September 2007 & November 2011) (the CLP). That Policy requires good standards of amenity for future occupiers and to protect the amenities of those of existing adjoining and neighbouring properties. For the same reasons, the proposal would also not accord with the National Planning Policy Framework (the Framework) which requires a high standard of amenity for existing and future users of development.

Highway access

12. The appeal site would be accessed off Sibleys Rise, a cul-de-sac which loops around to terminate at a block of five garages. The street is flanked for the majority of its length on both sides by footpaths and incorporates a turning

- circle and occasional side roads providing opportunities for cars to pass and/or turn.
13. Whilst there is some dispute over the width of the highway, it appeared to me that sufficient width is available to allow two cars to pass along the majority of its length. However, it is narrow with frequent on-street parking and a sharp bend in the road on approaching the appeal site, which provide constraints on free-flowing traffic.
 14. The main parties concur that the development would be likely to generate between 12 – 18 additional vehicular trips per day. Whilst this would add to inconvenience experienced by existing road users on the main section of Sibleys Rise, I do not regard this level of increase in traffic volumes as being so harmful to the free operation of the highway network as to require permission to be withheld. Furthermore, I have seen no substantive evidence that the additional traffic flows would give rise to an increased risk to the safety of pedestrians, cyclists or other road users.
 15. However, in the vicinity of the proposed access to the dwellings and associated car parking area, near 22A Sibleys Rise, the street has only one footway located on its north western edge upon which, according to the HA's evidence, informal car parking takes place. Furthermore, the pavement terminates at this point and pedestrian access to the dwellings would be via a shared surface curving around towards the proposed parking area.
 16. Again, whilst there is disagreement over the existing dimensions, the main parties concur that the width of the highway at this point falls below the HA's minimum requirement of 4.8m, which would allow vehicles and pedestrians to safely co-exist.
 17. In this regard, the appellant submits that the existing garage block would be demolished and replaced thus enabling the required width to be achieved. However, the garages fall outside of the appeal site and no clear mechanism has been submitted which would enable me to be confident that such a measure would be undertaken in the event of planning permission being granted.
 18. Whilst the distance between the existing footpath outside No 22A and the appeal properties is not particularly extensive, it would nonetheless be the sole means of accessing the dwellings on foot. Given the limited width of the road at this point, such an arrangement would not, in my judgement, be conducive to safe and comfortable pedestrian access.
 19. As regards access for refuse vehicles, I accept that smaller units can reasonably be expected to be deployed by the waste collection authority where necessary. Nevertheless, the submitted 'swept path' diagrams² indicate that the retention of the garage block would mean space, even for smaller vehicles, would be somewhat constrained and require multiple manoeuvres in order to turn. Moreover, this assumes that the area remains free of other vehicles being parked immediately outside the garages. I am not aware of any restriction currently preventing such parking, or any firm proposals to introduce any such restrictions. Consequently, I attach little weight to the claimed benefits of the scheme allowing such vehicles, together with other large vehicles such as fire

² Set out in the Access Statement prepared by Lanmor Consulting, September 2018

appliances, to arrive and depart in forward gear in contrast to the pre-existing situation.

20. In conclusion on this main issue, therefore, whilst the increased level of traffic associated with the development would not have an unacceptable effect on the safe and free operation of the estate road, it would not provide safe and convenient pedestrian access. As such it would conflict with CLP Policies TR2 and TR3 and Core Strategy for Chiltern District (November 2011) Policies CS4, CS25 and CS26.
21. Together, those policies require provision of safe access and standards of road safety for all users including the provision of safe, convenient and attractive access on foot and making suitable connections with existing footways. For the same reasons, the scheme would not accord with the policies of the Framework which seek to ensure that safe and suitable access can be achieved for all users, giving priority first to pedestrians. The Framework also states that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians and vehicles.

Other Matters

22. The site lies in the designated Green Belt to which the Framework makes clear the Government attached great importance. Accordingly, whilst the Council has not raised any objections in relation to this matter, I requested copies of relevant Development Plan Policies during the course of the appeal.
23. Of particular relevance are Policies GB5 and GB23 which, together, permit infilling developments within settlements in the Green Belt provided the development consists of a small parcel of land in established use which is totally or substantially enclosed by existing buildings and not just their curtilages.
24. The policies also require the design of the proposed development to be compatible with the existing character of the settlement around the development and where appropriate, of a type and size to suit local housing needs.
25. Whilst those Policies have been in operation for a considerable period of time and were adopted in a different planning policy context, they are nevertheless broadly consistent with Paragraph 145 e) of the Framework which establishes that limited infilling in villages is, by definition, not inappropriate development in the Green Belt.
26. I have seen no evidence to suggest that the type of housing proposed would not meet local needs. Furthermore, given the site is not prominent in townscape, would replace an existing substantial outbuilding and is located in fairly close proximity to existing dwellings where there is variation in the pattern of development, I do not find that the proposal would be harmful to the character and appearance of the area.
27. Accordingly, I find the proposal would not be inappropriate development in the Green Belt and would accord with local and national planning policies in this regard.

28. Turning to other elements of the scheme, the proposed development would provide additional housing within a settlement where there is accessibility to day-to-day services and facilities. The scheme would also support employment during the construction phase and would provide some additional ongoing support for services and local businesses. These factors weigh in favour of the proposal. However, given the small scale of the development, they are not sufficient to outweigh the harm I have found.
29. I have had regard to a number of other issues raised by interested parties. However, as I am dismissing the appeal in relation to the main issues above, they are not determinative to my decision.

Conclusion

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

Ian Bowen

INSPECTOR



Costs Decision

Site visit made on 4 June 2019

by **I Bowen BA(Hons) BTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Costs application in relation to Appeal Ref: APP/X0415/W/19/3220949 Rear of 14-16 Kings Lane, South Heath HP16 0QY

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Dominic Killenger for a full award of costs against Chiltern District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for redevelopment of land to rear of 14-16 Kings Lane, construction of three dwellings with associated access, parking & landscaping.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application essentially relies on two grounds; firstly that the Council failed to determine the planning application in a timely manner and secondly that there was a considerable delay in the Highway Authority's (HA) comments being published on the Council's website and shared with the applicant.
4. This resulted in a technical Access Statement having been prepared and submitted without the appellant having had prior knowledge of the HA's comments. It is also contended that despite the Access Report having apparently been submitted to the Council prior to the receipt of the HA's comments in September 2018, the HA did not take that document into account.
5. The applicant has not indicated whether the application is for a full, or partial, award of costs. However, as it is being contended that the appeal was unnecessary, I have treated it as an application for a full award.
6. The Council does not contest that, apparently as a result of staff turnover and resource pressures, delays occurred in the processing of the planning application. Whilst an Extension of Time was agreed, this was nonetheless breached without explanation and, according to the Council, a few weeks elapsed before the appeal was submitted.

7. Furthermore, the Council does not dispute that a delay occurred in making the Highway Authority comments available to the appellant.
8. Having regard to the advice of the PPG, the Council's failure to determine the application in a timely manner and to draw attention to the HA's response amounts to unreasonable behaviour.
9. It is not clear from the submitted evidence the extent to which the HA took into account the appellant's Access Statement or even whether it had been provided with a copy by the Council at that stage.
10. Nevertheless, it is clear that, had the Council made a decision on the application, it would have refused permission. Furthermore, whilst I fully appreciate the applicant's frustration over the Council's unreasonable behaviour, I concluded in my decision letter that the appeal should fail in part on highway grounds. As such, even though the Council did not deal with the application in a timely manner, the appeal was in any event necessary.
11. Whilst the applicant is concerned that the Council's failure to publish the HA's comments left little opportunity to address the highway concerns, I note the appeal appears to have been lodged after the highway comments became known. There was, therefore, opportunity for the applicant to respond to the HA's comments prior to the making of the appeal if necessary. In this regard, I note that no further technical highway evidence was in any event prepared by the applicant at the appeal stage.
12. As a result, I find that whilst the Council acted unreasonably, this did not result in the applicant incurring any wasted or unnecessary expense.

Conclusion

13. For the above reasons, I conclude that whilst unreasonable behaviour on the part of the Council has been demonstrated, this did not result in unnecessary expense during the appeal process. Accordingly, an award of costs is not justified.

Ian Bowen

INSPECTOR



Appeal Decision

Site visit made on 4 June 2019

by **I Bowen BA(Hons) BTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/X0415/W/19/3220978

Plots 15 and 16, Woodchester, Woodchester Park, Knotty Green HP9 2TU

- 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 Zafiro Homes against the decision of Chiltern District Council.
 - The application Ref PL/18/2774/FA, dated 20 July 2018, was refused by notice dated 8 October 2018.
 - The development proposed is erection of three detached dwellings with double garages (in lieu of two approved dwellings).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal, the appellant submitted an executed Unilateral Undertaking (UU) which would secure developer contributions towards affordable housing. I consider this matter later in my decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of neighbouring occupiers with particular regard to privacy and outlook; and
 - the character and appearance of the area, including whether adequate private rear amenity space would be provided.

Reasons

Living conditions

4. The appeal site is vacant parcel of land which had previously formed part of the curtilage of Woodchester, a bungalow, which sat in extensive grounds prior to its demolition. The site benefits from an unimplemented extant planning permission for two dwellings¹ (the original permission) which formed part of wider development taking place in the area. More recently, during the course of the appeal, planning permission has been granted for three dwellings² on the appeal site (the recent permission).

¹ CH/2018/0122/FA

² PL/18/4331/FA

5. The proposed development lies immediately to the south west of two substantial dwellings known as Hawthorn House and Tinkersfield (the neighbouring properties). Those houses are set back some way from the appeal site beyond their rear garden areas.
6. The topography of the area is such that the appeal site is elevated somewhat above the ground levels of the neighbouring properties. Existing planting filters views to a degree between those properties and the appeal site although the evidence indicates that tree removal has recently taken place, allowing an appreciable degree of inter-visibility between the properties. At the request of the occupiers, I viewed the appeal site from the house and gardens of the neighbouring properties on my site visit.
7. The proposed dwellings would be two storeys and have comparable ridge heights to those consented under the original permission. The rear elevations of the appeal dwellings would face directly towards the neighbouring properties across their rear gardens. In contrast to both the original and recent permissions, however, the appeal scheme would incorporate roof dormer windows to the rear elevations, effectively creating an additional half-storey.
8. According to the submitted evidence, the separation distance between the nearest proposed windows (in Plot 2) and those of Hawthorn House would be around 38m. Whilst this represents a slightly reduced distance from both the original and recent extant schemes, I consider this degree of separation would be sufficient to safeguard the privacy of occupiers within habitable rooms of the neighbouring dwellings, even taking into account the difference in ground levels.
9. However, I saw that whilst relatively large, the rear gardens of Hawthorn House and Tinkersfield lead immediately off the back of the host properties such that full extent of the gardens are in active use as functional private outdoor amenity space.
10. The introduction of roof dormer windows on the appeal dwellings would enable elevated and expansive views across these private garden spaces. This effect would be compounded by the difference in relative levels of the properties. In my judgement, this would result in an unacceptable degree of overlooking of those rear gardens and give rise to a harmful loss of privacy for the properties' occupiers.
11. I appreciate that the appellant has already undertaken significant replacement landscaping along the rear boundary of the appeal site, in line with the requirement of the recent permission. This, in due course, can be expected to combine with existing planting to provide a high degree of screening between the properties. Nevertheless, it is reasonable to expect such planting to take a considerable period of time to mature to the extent that it would provide effective screening of views from roof dormer level. Moreover, I am mindful that soft landscaping cannot, in any event, be guaranteed to remain in good health and effective in perpetuity and would not, in this case, therefore provide an effective safeguard against loss of garden privacy.
12. In terms of outlook, I am satisfied that the distances involved would not give rise to any unacceptable sense of enclosure from either the neighbouring properties' gardens or houses and so no harm would arise in that respect.

13. In conclusion on this main issue therefore, whilst no unacceptable loss of outlook would occur from the neighbouring properties, or loss of privacy from the dwellings, the proposed development would give rise to a harmful loss of garden privacy for occupiers of those dwellings. As such, the scheme would conflict with the Saved Chiltern District Local Plan (September 1997 including alterations adopted May 2001 and consolidated September 2007 & November 2011) (the CLP) Policy GC3. That Policy seeks to achieve good standards of amenity for existing adjoining and neighbouring properties in considering proposals for development.

Character and appearance

14. Woodchester Park is a sizeable development of large, detached dwellings generally occupying spacious plots in a landscaped environment. Whilst in this respect there is a high degree of consistency, there is also considerable variation in the size and type of buildings and the orientation of plots.
15. The appeal scheme proposes the erection of three detached dwellings which would cover a similar width of development as that already consented under the original and recent permissions. The dwellings would all directly address the road frontage and according to the appellant's evidence, would be separated from each other by gaps of 4.6m. The dwellings and their associated garage/carport blocks would be set back some distance from the highway behind existing landscaping.
16. In terms of its effect upon the street scene, the scheme would give rise to a more dense form of development compared to that of the original permission. However, it would nonetheless be broadly comparable to, and appear as a continuation of, Plots 14A and 14B immediately to the north west which I saw were under construction at the time of my site visit. Furthermore, the scheme would, in proposing three smaller dwellings, introduce a lesser degree of continuous built-up frontage.
17. Moreover, whilst the dwellings would incorporate living accommodation at roof level, this would not be readily perceptible in public views from the highway and the dwellings would not appear disproportionately tall.
18. As such, from this perspective, I consider the proposal would not appear as a cramped form of development in the street scene and would be consistent with the character of the immediately surrounding area.
19. Turning to adequacy of proposed garden space, CLP Policy H12 sets out, amongst other requirements, a general expectation of minimum rear garden depths of about 15m throughout the District. The purpose of the Policy is stated as being to ensure environmental quality and also to provide reasonable amenity space for future occupiers. For convenience, I have considered both these aspects in this main issue.
20. The submitted plans show that all three of the proposed gardens would incorporate a depth of at least 12m for a substantial proportion of their width, albeit that those distances would, in places, be considerably less taking into account the proposed projecting rear elevations of the dwellings.
21. Accordingly, the proposal would not, on the face of it, comply with the stated numerical requirement of CLP Policy H12. Moreover, the Council submits that

average garden lengths in the area exceed 15m and, in accordance with criterion (i)(a) of CLP Policy H12, that the level of provision required under the appeal proposal should be similarly larger.

22. However, I am mindful that a great deal of development has taken place recently in the area and I have been provided with no substantive evidence to indicate that average gardens depths in the area are "significantly" in excess of 15m as required by the Policy. On the contrary, the proposed garden areas are marginally smaller than, but broadly comparable with those of adjoining Plots 14A and 14B, with which the dwellings would be closely associated.
23. In terms of the effect of the garden sizes on the character and appearance of the area, the configuration of the plots are such that no significant views of the rear of the proposed dwellings would be gained from public vantage points. The depth of the proposed rear gardens would not therefore be determinative of, or detrimental to, the character and appearance of the area.
24. Furthermore, whilst the proposed dwellings would be relatively large, I have no substantive evidence to show that the proposed garden spaces would not be provide a comfortable level of outdoor amenity for normal domestic needs.
25. In any event, whilst not achieving a minimum depth of 15m, the proposed gardens are broad, with the smallest plot totalling 178 sq.m. according to the appellants' figures.
26. In this context, I am conscious that CLP Policy H12 refers to "about" 15m as the minimum standard to be achieved. Consequently, having regard to the consistency of the proposed gardens with those on the adjoining development and the generous widths of the garden areas, I find no conflict with Policy H12 in this case.
27. I acknowledge the appellants' submission that the Policy, having been adopted in 1997 and having antecedents some time before that, should be regarded as out of date. However, the National Planning Policy Framework (the Framework) indicates that existing policies should not be considered out-of-date simply because they were adopted prior to its publication. In this regard, it states that due weight should be given to those policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
28. Whilst the Framework establishes that development should make efficient use of land taking into account the desirability of maintaining and area's prevailing character and setting (including residential gardens), that is not inconsistent with the overall intentions of CLP Policy H12. As noted above, that Policy does not require the rigid application of a blanket numerical standard in all cases. Accordingly, I have therefore had regard to the Policy in determining the appeal.
29. In conclusion on this main issue therefore, I find that the proposed development would not lead to a cramped form of development and would not fail to make adequate provision for private outdoor amenity space. As such it would accord with CLP Policies GC1, H3, GC3 and H12 and adopted Chiltern District Core Strategy (November 2011) (the CCS) Policy CS20. Together, these Policies require high standard development to be compatible with the character of the built-up area by respecting the general density, scale, siting,

height and character of buildings in the locality and the presence of landscaping. They also require the provision of adequate garden areas including good standards of amenity for future occupiers of the development.

Other Matters

30. The Council's second reason for refusal related to the absence of developer contributions towards affordable housing. As noted above, however, a UU was submitted during the appeal which would secure a payment of £75,000 for off-site affordable housing measures in line with CCS Policy CS8. The Council has not indicated whether this would remove its concerns in relation to this matter.
31. Nevertheless, as there would be planning benefits in terms of affordable housing, this matter weighs in favour of the proposal. Furthermore, there is no dispute between the main parties that the appeal site is, in principle, a suitable location for housing development and the scheme would contribute to general housing land supply. However, these benefits are limited by the small scale of the scheme which amounts to a single net additional dwelling compared to the original permission. As such, the benefits are not sufficient to outweigh the harm I have found in the overall planning balance.

Conclusion

32. Whilst the proposed development would not be unacceptably harmful to the character and appearance of the area, it would give rise to unacceptable loss of garden privacy for occupiers of neighbouring properties. For the reasons given, the appeal should be dismissed.

Ian Bowen

INSPECTOR



Appeal Decision

Site visit made on 1 July 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2019

Appeal Ref: APP/X0415/W/19/3226293

Land Adjacent to Woodcote, Burtons Lane, Little Chalfont HP8 4BA

- 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 D Salter against the decision of Chiltern District Council.
 - The application Ref PL/18/2956/FA, dated 3 August 2018, was refused by notice dated 28 January 2019.
 - The development proposed is the erection of new residential dwellings, access, landscaping and associated works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - a) Whether the proposal would be inappropriate development in the Green Belt.
 - b) The effect of the proposal on the openness of the Green Belt
 - c) The effect of the proposal on the character and appearance of the Chiltern Area of Outstanding Natural Beauty (the AONB).
 - d) If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. Policies CS1, CS4 and CS20 of the Core Strategy for Chiltern District 2011 (the CS) and saved Policies GC1, GB2 and GB17 of the Chiltern District Local Plan 2019 (including alterations 1 May 2001) Consolidated September 2007 and November 2011 (the LP), state that the council will seek sustainable development that protects the Greenbelt and that planning applications will be considered in line with national policy. Section 13 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in

- very special circumstances. It states that construction of new buildings should be regarded as inappropriate in the Green Belt, except for listed exceptions.
4. The proposed dwelling would have 1 bedroom on an upper mezzanine, with 2 bedrooms on the larger ground floor, along with the proposed office and open plan kitchen living space. The basement of the proposed dwelling would provide a garage and small pool area. The roof of the proposed dwelling would be planted, incorporating solar panels and rooflights.
 5. The appeal property forms a plot currently designated as a field in agricultural use within the Green Belt. The plot is adjacent to 'Woodcote', a house on the edge of the built-up area of the village of Little Chalfont. A public footpath accessed from Burtons Lane runs between these two properties. The proposed dwelling would be located towards Burtons Lane, forward of the halfway point of the appeal plot, and would be accessed by a new driveway and pathway incorporated into a new landscaping scheme.
 6. The appellant has brought to my attention an Appeal Decision¹ that relates to the considerations of whether development proposals should be considered infill development in villages within the Green Belt. However, as clarified by the Appeal Court Decision², also brought to my attention by the appellant, which determined that the 'village' in paragraph 89 of the Framework need not be the same as the settlement boundary, depending on the situation 'on the ground'. This is, therefore, a matter for my planning judgement based on consideration of matters affecting the proposed development.
 7. Where the appeal plot fronts on to Burtons Lane it faces detached houses on generous plots that form part of the built-up area of Little Chalfont and an open field that appears to be in agricultural use. The rear boundary faces onto open fields that also appears to be in agricultural use and the boundary of the plot away from 'Woodcote' is shared with the extensive garden of a property that appears to be called Rowood Farmhouse. This is a large detached house separated from the village by the field that forms the appeal site. This large detached house and its gardens form part of small grouping of larger detached houses and farm buildings isolated from the village.
 8. The appeal plot appears to be outside of the built-up area of the village and separates the village from other isolated buildings in the countryside and does not appear to be within the village for the purposes of infill development. I, therefore, conclude that the proposal does not benefit from the listed exception in Paragraph 145 of the Framework for limited infilling in villages.
 9. Taking all of the above into account, I find that the proposal would be inappropriate development in the Green Belt.

The effect of the proposal on the openness of the Green Belt

10. Section 13 of the Framework makes it clear that an essential characteristic of Green Belts is their openness and their permanence.
11. As I have identified above, the proposed detached building would result in an inappropriate development, that would add an additional built form into the

¹ Appeal Ref: APP/P1940/17/3187494

² Julian Wood v SSCLG & Gravesham Borough Council [2015] EWCA Civ 195

Green Belt. The proposal would be readily apparent within the context of open fields from Burtons Lane, the existing properties on the edge of the village, Rohood Farmhouse and the fields adjacent to appeal site. Notwithstanding its design that incorporates an extensive planted roof, the proposed development would, due to its footprint and scale result in a loss of openness and, therefore, harm to the openness of the Green Belt.

Chiltern Area of Outstanding Natural Beauty

12. The site of the proposed development is a field in agricultural use adjacent to the village of Little Chalfont and other open fields within the AONB. I consider that the field makes a positive contribution to the scenic beauty of the AONB.
13. With respect to the proposed development's appearance, it is of a contemporary design that incorporates some commendable features that appear to make the house more environmentally sustainable and would not be out of keeping with other housing in the nearby village that exhibit a wide variety of architectural expressions. However, given the location of the proposal in relation to fields on the edge of the village, within a field that appears to be agricultural use, and without any topographical or natural screening from wider views in the area, I find that the proposal would introduce an urbanising feature, incongruous within its countryside setting. This would be harmful to the landscape and scenic beauty of the AONB and would therefore conflict with Policy CS22 of the CS and Policy and LSQ1 of the LP, which seek to ensure that development conserves or enhances the AONB's landscape character and scenic beauty.

Other considerations

14. Through the development of a 'windfall site' not identified in the Development Plan as a site allocated for housing, the proposal would add to the delivery of housing within the Chiltern District and an increase in housing stock. However, the benefit of a single dwelling within this context is a matter of only very limited weight in favour of the appeal scheme
15. The appeal site is one that appears to have good access to local transport facilities, being located close to the village and nearby train stations. Notwithstanding that the proposal includes substantial below ground garaging, this also appears to show plenty of scope for secure cycle storage and the local area appears to provide good scope for cycling. This would however carry little weight in favour of the appeal scheme.
16. Although the proposal does include some environmentally sustainable design features, such as solar panels and the planted roof that would appear to reduce/slow water run-off and provide opportunities for biodiversity. However, these benefits are limited and would not in themselves mitigate against the other hard surfaces proposed, or the energy use of the house when in occupation and, therefore carry little weight in favour of the proposal.
17. Whilst the construction of the proposal could potentially lead to temporary construction jobs and the occupants of the house could potentially lead to spending in shops and other local services, such as public transport, these benefits would be limited in scope and would have a minimal impact of the local economy and for this reason carry little weight in favour of the proposal.

Whether there are Very Special Circumstances

18. The 5 purposes of the Green Belt, as set out in Paragraph 134 of the Framework relate to the reasons for designation of Metropolitan Green Belt as a whole. Although the proposal does not directly challenge 3 of these principles, the proposal would, because of harm to openness, conflict with the checking of unrestricted sprawl and safeguarding the countryside from encroachment.
19. Paragraph 143 of the Framework sets out the general presumption against inappropriate development within the Green Belt. This states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
20. I have concluded that the proposal is inappropriate development that, by definition, would harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also found harm to the openness of the Green Belt and harm to the character and appearance of the AONB, and, having regard to Paragraph 172 of the National Planning Policy Framework (the Framework), I have given great weight to the requirement for development to conserve and enhance, wildlife, cultural heritage, landscape and scenic beauty in AONB's.
21. On the other hand, the other considerations I have already discussed are matters of limited weight in favour of the development. As such, the other considerations would not clearly outweigh the totality of harm that I have identified and therefore the very special circumstances necessary to justify the proposal do not exist. Consequently, the appeal scheme would be in conflict with Policies CS1, CS4, CS20 and CS22 of the CS and saved Policies GC1, GB2, GB17 and LSQ1 of the LP and the Framework.

Conclusion

22. For the reasons given above, the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Victor Callister

INSPECTOR



Appeal Decision

Site visit made on 2 July 2019

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th July 2019

Appeal Ref: APP/X0415/D/19/3224876

55 Tylers Hill Road, Chesham, Buckinghamshire HP5 1XJ

- 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 Michelle and Evan Hamilton-Pike against the decision of Chiltern District Council.
 - The application Ref PL/18/3625/FA, dated 2 October 2018, was refused by notice dated 24 December 2018.
 - The development proposed is a two-storey side, single storey front and single storey rear extension following demolition of existing utility room.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -

- Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
- The effect of the proposal on the openness of the Green Belt;
- The effect on the character and appearance of the existing property; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances which would be necessary to justify it.

Reasons

Whether Inappropriate Development

3. The Government attaches great importance to Green Belts. Saved Policy GB2 of the Chiltern District Local Plan (Local Plan) indicates that planning permission will be refused for inappropriate development in the Green Belt. Policy GB13 of the Local Plan allows for extensions in the Green Belt where the proposal is subordinate to the size and scale of the original dwellings, taking into account the cumulative effect of previous extensions. These policies broadly accord with Framework paragraph 145 c) which allows for the

extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

4. The proposed extensions would materially add to the floor area and volume of the existing dwelling. It is agreed between the main parties that the proposed extensions would collectively result in disproportionate additions over and above the size of the original building. I concur with that assessment. Consequently, the proposal would be inappropriate development that is, by definition, harmful to the Green Belt, and in conflict with Framework paragraph 145 c) and Local Plan policies GB2 and GB13 which aim to safeguard the Green Belt by restricting the scale of development and keeping land open.

Openness

5. An essential characteristic of Green Belts is their openness. The proposed extensions would introduce additional built form to all three sides of the property extending into the garden which is currently free from development. Whilst the extensions can be accommodated within the plot, and due to the property's location at the end of a terrace the visual impact would be limited, the development would nevertheless give rise to some loss of openness. Accordingly, it adds to the harm to the Green Belt.

Character and Appearance

6. The property forms the end terrace in a row of properties located at a right angle to the road behind 45 Tylers Hill Road. These are modest properties with pedestrian access between the properties and the outbuildings. The existing building has a straightforward two storey form and the outbuilding aligns with others in the row. Individually the proposed extensions reflect guidance in the Residential Extensions and Householder Development Supplementary Planning Guidance (SPD) in terms of proportions and form, however collectively they would engulf the property with significant new additions to the detriment of the character and appearance of the host property. I acknowledge that the planning permission granted by the Council¹ (the extant permission) remains extant and is for a similar scale of development, but the development under that scheme is restricted to the side elevation and therefore the impact on the character of the existing property is different.
7. I therefore conclude that the scale and form of the development would not reflect and respect the character of the existing property. The proposal would be contrary to Policy CS20 of the Core Strategy for Chiltern District and the SPD which jointly, among other things, seek a high standard of design and for extensions to integrate in way that does not adversely affect the character and appearance of the property.

Other Considerations

8. Very special circumstances can only exist if the harm I have identified is clearly outweighed by other considerations.
9. The appellant has put forward a number of factors in support of the proposal. The extant permission would create the same amount of volume and footprint as the appeal scheme, although as noted above the two schemes differ in terms of their form and relationship with the existing property.

¹ LPA reference CH/2018/0453/FA

10. The appellant refers to the appeal scheme as an amendment to the extant permission. However, the appeal scheme is for a separate planning permission and was described on the application form as an amendment to PL/18/2401/FA, which is a withdrawn scheme.
11. Whilst the appellant indicates that the single storey side extension from the extant permission would not be built, and that the appeal scheme is to be built instead there is no means for this to be controlled. The implementation of an existing planning permission cannot be prevented by a condition. The "revocation" of a planning permission can only be carried out by the Local Planning Authority or the Secretary of State by a process under sections 97 and 100 of the Town and Country Planning Act 1990. Alternatively, it can be dealt with by way of a binding obligation by the appellant. In the absence of such an obligation in this case, no weight is attached to the non-implementation of the extant planning permission.
12. Therefore, if this appeal was to be allowed the property would benefit from both planning permissions. Whilst the two-storey side extension is the same in both schemes it would mean that, even though the existing outbuilding would be demolished, all the single storey elements could also be implemented which would result in further disproportionate additions to the property, exacerbating the harm to the Green Belt and its impact on the openness of the Green Belt.
13. I note the Local Planning Authority's concern that another outbuilding could be erected, but this could be controlled by the imposition of a condition removing permitted development rights for outbuildings.
14. The Council have raised no concerns with the general design indicating that the extension would integrate with the vernacular of the host building nor would it adversely impact on the neighbours, highway safety or parking provisions. I have no reason to disagree with the Council's assessment, however, the absence of harm in these matters is a neutral factor.

Conclusion

15. In this appeal I have found harm to the Green Belt by way of inappropriateness and openness, and other harm in terms of the impact on the character of the host property. By definition these are harmful, and I attach them substantial weight as required by paragraph 144 of the Framework.
16. Despite having regard to all the other considerations put before me in favour of the scheme by the appellant, I conclude that these other considerations taken together, do not clearly outweigh the harm that I have identified to the Green Belt. The development would conflict with policies GB2 and GB13 of the Local Plan and the Framework. Accordingly, the very special circumstances necessary to justify the proposal do not exist and the proposal does not represent sustainable development.
17. For the reason set out above I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR



Appeal Decision

Site visit made on 6 June 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/X0415/W/19/3225126

21 Howe Drive, Knotty Green HP9 2BD

- 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 Sani Aweida against the decision of Chiltern District Council.
 - The application Ref PL/18/3811/FA, dated 12 October 2018, was refused by notice dated 7 February 2019.
 - The development proposed is described as the demolition of existing dwelling and erection of two detached dwellings served by an altered access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - protected species, with regards the absence of a nocturnal ecological survey.

Reasons

Character and Appearance

3. The appeal property occupies a corner plot at the junction of Netherwood Road and Howe Drive. I observed at my site visit that while there is some variation in the width and depth of the residential plots, the area is generally characterised by large wide properties situated on large wide plots with established planting and open front gardens, creating an open and spacious appearance.
4. The proposed development would replace the existing dwelling and attached garage with two dwellings, subdividing the existing plot. The submitted plans show that the proposed dwellings would be set towards the western boundary of the site and closer to Howe Drive than the existing dwelling.
5. While I note that the submitted plans show a separation of approximately 4 metres between the two proposed dwellings, I nonetheless find that the resulting development would appear cramped and would fail to create the open and spacious appearance found elsewhere in the area. As such, the proposed development would be harmful to the character and appearance of the surrounding area.

6. In support of the appeal, the appellant has directed me to the redevelopment¹ of 11 Netherwood Road, situated opposite the appeal site on the junction of Netherwood Road and Howe Drive, for two dwellings.
7. While I agree that there are some similarities between the two sites, I note that the former site of No.11 is of a more regular shape and depth allowing the new dwellings to be more evenly spaced on the site and that the two new dwellings face onto Netherwood Road and as such are less prominent than those under consideration here.
8. I had the opportunity to view the new dwellings at No.11 at my site visit and they do not persuade me as to the acceptability of the development proposed here. Furthermore, I have not been provided with full details of the policies and circumstances that applied at the time that planning permission was granted for the redevelopment of No.11. In any event I have determined the appeal proposal on its own merits.
9. Consequently, I find that the proposed development would harm the character and appearance of the area contrary to saved policies GC1, H3 and H12 of the Chiltern District Local Plan and policy CS20 of the Core Strategy for Chiltern District (2011) (CS) that seek to protect the character and appearance of the area.

Protected species

10. A 'Bat Preliminary Roost Assessment' produced by Ecology by Design was submitted in support of the application. The assessment found no direct evidence of bats and that the appeal property has a low potential for roosting bats. However, the survey identified that there were also a number of potential roost features on the building and a single emergence survey was recommended to determine the presence, or otherwise, of bats.
11. No such survey has been submitted and the Council's Ecological Consultant therefore objected to the application, identifying that bats are a protected species and further survey work is required. The appellant asserts that no additional survey work is required and has referred to two extracts from the Bat Conservation Trust that include a flowchart and trigger list. I note that the guidance is only an *overview* and that a surveyor may deviate from the guidelines as a result of assessments made on site.
12. On the basis of the evidence before me, I find that on balance, there is insufficient information to adequately assess the impacts of the development on protected species. The proposed development is therefore contrary to Policy CS24 of the CS that seeks to protect biodiversity, wildlife and protected species and the guidance set out in paragraph 175 of the National Planning Policy Framework.

Conclusion

13. For the reasons detailed above, the appeal is dismissed.

Mark Brooker

¹ APP/X0415/W/15/3130992 - 11 November 2015

INSPECTOR



Appeal Decision

Site visit made on 16 July 2019 by Alex O'Doherty LLB (Hons) MSc

Decision by A U Ghafoor Bsc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/X0415/D/19/3225773

378 Chartridge Lane, Chartridge HP5 2SJ

- 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 Terry Dyer against the decision of Chiltern District Council.
 - The application Ref PL/18/4774/FA, dated 18 December 2018, was refused by notice dated 12 February 2019.
 - The development proposed is a detached garage.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development on the character and appearance of the surrounding area.

Reasons for the Recommendation

4. The established pattern of development surrounding the appeal site is characterised by houses which are substantially set back from the road. On the site's side, the frontages have been mainly kept open and devoid of any notable development. The site, and its immediately adjoining neighbours, follow this pattern. Apart from views directly in front of the site, it is largely screened from views in both directions when seen from the road, due to landscaping. The proposed garage would be positioned closer to the front boundary than to the house. Whilst other garages are present along Chartridge Lane, as a whole the road is remarkably varied in its character, and as such it is necessary to assess the proposal against the character of the immediate vicinity.
5. Whilst aesthetically the garage would complement the house, due to the similarity in roof form, it would be a substantially-sized structure, in comparison, due to its height and width, and would not be seen as a subordinate addition. As such, the proposal's scale and massing, combined with its proposed siting in a somewhat isolated position in the front garden, has the potential to be an imposing feature in the street scene, which would be out-of-keeping with the quality of the street scene, and which would disrupt the established pattern of development. Currently the soft landscaping, which would not be removed by the proposal, softens this visual effect to an extent, but the presence of landscaping cannot be relied upon to reduce the harmful impacts of the proposal, as the screening could be removed at any time, either by present or future occupiers of the appeal property. The development would be

at odds with the aims and objectives of advice found in the Residential Extensions and Householder Development Supplementary Planning Document (2013) (the 'SPD').

6. The appellant has referred to an appeal decision relating to a proposal in Prestwood, Great Missenden¹. However, in that appeal, the Inspector mentioned that even if planting were to be reduced in the future, the proposal would have a minimal effect on the landscape and scenic beauty of the area. This is not the case here, where if the screening were to be removed, the proposal would appear out of character with the established pattern of development. The appellant also referred to an appeal decision relating to a proposal in Chalfont St Giles². However, that appeal involved a shed, which the Inspector noted was relatively small in scale, which is not the case for this proposal.
7. The appellant provided details of two grants of planning permission for garages, near the appeal site: Homestead Farm Cottage (Chartridge Lane), and 341 Chartridge Lane, and I went to both of these locations on my site visit. Regarding Homestead Farm Cottage, the established pattern of development and the street scene is markedly different from the proposal, with that site appearing in views as an independent and distinct unit. That proposal is not comparable with the scheme before me. In relation to 341 Chartridge Lane, the development appeared to be nearing completion, and whilst there are some similarities with the appeal proposal in terms of scale, that development does not set a desirable example due to such a large mass being positioned near the front boundary, in clear views from the road.
8. Both parties have referred to a previous appeal decision relating to 372a Chartridge Lane³. However, as each case must be determined on its individual merits, my assessment of the merits is based on the circumstances that prevailed at the time of my site visit.
9. In light of the above, I find that the proposal would have a significant adverse effect on the character and appearance of the surrounding area, in conflict with Policy GC1 of the Chiltern District Local Plan (including alterations adopted 2001) (consolidated 2007 and 2011), and with Policy H20. The proposal would also conflict with Policy CS20 of the Core Strategy (2011). Additionally, the proposal would conflict with the advice given in the SPD regarding the siting of garages in areas characterised by open frontages.

Conclusion and Recommendation

10. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR

¹ APP/X0415/D/18/3209591

² APP/X0415/D/18/3205771

³ APP/X0415/D/12/2189124



Appeal Decision

Site visit made on 2 July 2019

by **M Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/X0415/W/19/3225983

Land Adjacent to The Old Britannia, Bottom Road, Buckland Common, HP23 6NU

- 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 A. Davidson, Founthill against the decision of Chiltern District Council.
 - The application Ref PL/18/4808/FA, dated 19 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is described as "Development of site to provide 5no. dwellings arranged in 2no. pairs of semi-detached and 1no. detached dwelling, with associated access, hardstanding, landscaping and car parking".
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect on the character and appearance of the area having regard to the sites location within the Chilterns Area of Outstanding Natural Beauty (AONB); and
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

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

3. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework), at paragraph 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Limited infilling in villages, is listed as one of the exceptions.

4. The site lies on the southern side of Bottom Road, a lane which has a distinctly rural character. Whilst there are a small number of dwellings located along the road, these are well-spaced apart and there are little, if any, cohesive qualities as far as they are positioned along the lane. There is also some variation in the siting of these dwellings, with some set alongside the road and others set back.
5. The site comprises a gap between the existing properties, which contributes to this sporadic pattern of development, and has a greater affinity with the surrounding countryside than it does to any of the nearby dwellings, due to the general lack of built form within the site. Thus, the site is part of the rural setting and it does not comprise any part of a village. The appellant contends that the site is part of St Leonards, which comprises a group of dwellings further to the south of the site. However, there is a visual separation between these existing dwellings to the south and the dwellings along Bottom Road. In light of this, the site cannot reasonably be described as forming part of this grouping.
6. There is also reference to the site lying adjacent to a former public house, which it is contended would have been a focal point for a village and thereby, points to the site being within a village. However, there is not the substantive evidence to demonstrate that the public house had such a function as regards any village and it would not have been unusual for such a facility to be located in the countryside. I also note mention of the proximity to the parish hall and church. However, these are well separated from the site. As such, these matters do not dissuade me from my findings above. Consequently, as the site does not lie within a village, it would be inappropriate development in the Green Belt. The scheme would therefore conflict with the provisions of the Framework.
7. As a consequence, whether or not the site could be said to be 'limited infilling' is not a determinative factor as, even if this was the case, this would not address the conflict with the exception in relation to the site not being located in a 'village'. I am mindful of the Wood judgment¹ to which the appellant has referred. However, with the site's location, its limited relationship with existing development and to a settlement, and its physical circumstances, the site is not within what can be deemed a village. My views are also not altered by the definitions of a village, that have been referred to in the appeal submissions.
8. Saved Policy GB2 of the Chiltern District Local Plan (1997) (the Local Plan) allows for the limited infilling in Existing Rows of Dwellings (as defined in Policy GB4) and in Green Belt Settlements (as defined in Policy GB5). However, the Council highlights that the site does not fall within the areas permitted by these policies. The scheme would therefore also be contrary to Policy GB2. The age of this saved policy does not lessen my concerns, as in any event, the scheme would be contrary to the provisions of the Framework as I have outlined above.

The effect of the proposal on the openness of the Green Belt

9. The Framework, at paragraph 133, indicates that openness and permanence are the essential characteristics of the Green Belt. The proposed scheme would result in the construction of dwellings where there are currently none. The buildings, their accesses and parking areas, together with the domestic paraphernalia that is likely to be associated with residential units, would

¹ Julian Wood v SSCLG and Gravesham Borough Council [2014] EWHC 683 (Admin), [2015] EWCA Civ 195

inevitably lead to a loss of openness of the Green Belt, which in my view, would be considerable.

Character and appearance

10. The site is currently undeveloped and, as I identify above, has a greater affinity with the surrounding countryside than with any nearby dwellings. The sporadic nature of the development along Bottom Road contributes to the rural character of the area, as well as that of the AONB at this location. Consequently, the introduction of five residential dwellings to the site would fundamentally change its appearance, as well as its contribution to the character of the area. It would introduce a considerable amount of built form, that fails to respect the pattern of development in the area and would be highly visible from the adjacent road. The scheme would be an obvious deviation from the irregular spacing of dwellings within the vicinity. This harm would not be adequately addressed by that there may not be longer distance views of the scheme. The proposed dwellings would also have a distinct sub-urban appearance, at odds with the rural setting.
11. Thus, I find that the scheme would have an unacceptable effect on the character and appearance of the area, including the AONB. The scheme therefore would conflict with Policies GC1 and LSQ1 of the Local Plan and Policies CS20 and CS22 of the Core Strategy for Chiltern District (2011). Together, and amongst other things, these policies seek to ensure development relates to the characteristics of the site on which it is located, that development respects the character of the surrounding area and that proposals conserve and enhance the special landscape character of the Chilterns AONB. The scheme would also conflict with the guidance in the Framework, in respect of conserving and enhancing landscape and scenic beauty in AONBs.

Other considerations

12. The appellant has stated that the Council cannot demonstrate a 5-year housing land supply in accordance with the Framework and this has not been contested by the Council. Whilst the proposal would make a contribution to housing land supply and boost housing provision, with the number of additional dwellings that would result, such a benefit would be modest. The same applies as regards the economic and social benefits. As a consequence, these considerations attract limited weight.
13. Despite the matters that arise from the housing land supply, the presumption in favour of sustainable development, as is set out in paragraph 11 of the Framework, does not apply because the application of policies in the Framework that protect areas or assets of particular importance, related to the Green Belt and the AONB, provide a clear reason for refusing the development proposed.

Conclusion

14. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a considerable loss of openness. The scheme would also result in harm to the character and appearance of the area, in particular the AONB. The other considerations in this case do not clearly outweigh the totality of the harm that I have identified. Consequently, the very

special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies GB2, GC1 and LSQ1 of the Chiltern District Local Plan (1997) and Policies CS20 and CS22 of the Core Strategy for Chiltern District (2011), as well as the guidance in the Framework.

15. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR



Appeal Decision

Site visit made on 10 July 2019

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/X0415/D/19/3228350

11 Hawthorn Lodge, Rickmansworth Lane, Chalfont St Peter, SL9 0JY

- 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 Simpson against the decision of Chiltern District Council.
 - The application Ref PL/18/4825/FA, dated 21 December 2018, was refused by notice dated 15 February 2019.
 - The development proposed is a detached garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a detached two storey dwelling situated along Rickmansworth Lane, close to its junction with Fernsleigh Close. It has gardens to the front, side and rear and its front garden is separated from the pavement by a tall hedgerow.
 4. The appeal property is located in a residential area largely characterised by the presence of detached two storey dwellings sat in relatively large garden plots.
 5. Whilst they have larger gardens to the rear, houses across Rickmansworth Lane from the appeal property are set close to the road such that there are only very small garden areas between their front elevations and the pavement. By way of contrast, the appeal property and other dwellings on the same side of the road, are sat well back from the pavement behind gardens. This provides for a significant sense of spaciousness.
 6. During my site visit I observed that the presence of hedgerows, mature trees and gardens provides the area with an attractive green character. Further, these green and spacious attributes are significantly enhanced by the presence of attractive green and open public spaces adjacent to junctions along Rickmansworth Lane. During the time of my site visit, these significant open spaces were adjoined by the presence of luxuriant foliage.
-

7. One such open space lies close to the appeal property, at the junction of Rickmansworth Lane and Fernsleigh Close. There is a very tall evergreen hedgerow adjacent to the space and this continues to comprise the hedgerow to the front of the appeal property. As one travels towards and past the appeal property towards Fernsleigh Close, there are green, open and spacious views along and over the property's hedgerow.
8. Consequently, the garden area to the front of the appeal property makes a significant contribution to the green, open and spacious qualities of the area.
9. The proposed development would comprise a very large garage – which would be tall, long and wide. It is proposed to locate the garage in the area of garden between the front elevation of 11 Hawthorn Lodge and Rickmansworth Lane. It would replace an open area of garden that currently contributes to the green and spacious qualities of the area and it would be clearly visible above the hedgerow, as well as through a new entrance to be constructed as part of the implementation of another planning permission¹.
10. The harm arising from the above would be exacerbated as a result of the proposed garage, due to its size and siting, drawing the eye as a dominant built feature within a part of Rickmansworth Lane currently notable for its green and spacious qualities. I also find that the garage, which would be located much closer to the pavement than the host property, would combine with the presence of dwellings built close to the opposite side of Rickmansworth Lane to severely reduce the sense of greenery and spaciousness that currently exists.
11. Taking all of the above into account, I consider that the proposed development would harm the character and appearance of the area. This would be contrary to the National Planning Policy Framework; to Local Plan² Policies GC1, H13, H15 and H20; to Chiltern District Core Strategy (2011) Policy CS20; and to the Council's Supplementary Planning Document: Residential Development and Householder Development (2013), which together amongst other things, protect local character.

Other Matters

12. In support of their case, the appellants refer to other developments elsewhere. However, there is no substantive evidence before me to demonstrate that the circumstances relating to these developments are so similar to those before me as to provide for direct comparison. For example, none appear to be adjacent to the nearby space, or to a public space with the same qualities, as the one referred to in this decision.
13. Notwithstanding this, I have, in any case, found that the proposal would result in significant harm and this is not something that is reduced or mitigated by the presence of other developments elsewhere.

¹ Reference: CH/2018/0644/FA.

² Chiltern District Local Plan² 1997 (including Adopted Alterations 2001 and 2004) Consolidated 2007 and 2011.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR