



## Report to East Buckinghamshire Area Planning Committee

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<b>Application Number:</b>	PL/20/1166/FA
<b>Proposal:</b>	Erection of a detached dwelling with the formation of new vehicle access and associated works, following demolition of existing building
<b>Site Location:</b>	Fir Tree Cottage, Monument Lane, Chalfont St Peter, Buckinghamshire, SL9 0HY
<b>Applicant:</b>	Mr Lawrence Fenwick
<b>Case Officer:</b>	Lucy Wenzel
<b>Ward affected:</b>	Chalfont St Peter
<b>Parish Council:</b>	Chalfont St Peter
<b>Valid date:</b>	7 April 2020
<b>Determination date:</b>	26 June 2020
<b>Extension of Time:</b>	28 August 2020
<b>Recommendation:</b>	Conditional Permission

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Permission is sought for the erection of a replacement dwelling.
- 1.2 The application is before Committee as the Local Member Councillor Rush has indicated concerns with the proposal. These concerns are that the proposal does not respect the character and integrate with the surrounding area by virtue of its scale and does not respond appropriately to existing adjacent buildings.
- 1.3 The recommendation for the proposal is conditional permission.

### 2.0 Description of Proposed Development

- 2.1 Permission is sought for the erection of a replacement dwelling. The site is located to the northern side of Monument Lane which is a residential road

situated to the north west of Chalfont St Peter. A dwelling currently exists on site but is of a derelict nature and has not been inhabited for a number of years.

- 2.2 The replacement dwelling measures approximately 17.7 metres in maximum depth with a maximum width of 9.5 metres. The dwelling is a chalet bungalow in form with a front former window, front hip projection with a dormer on the rear elevation with a gabled projection. The main ridge height measures 5.8 metres.
- 2.3 The application is accompanied by:
  - a) Design and Access Statement
  - b) Preliminary Bat Roost Assessment
  - c) Waste and Recycling Strategy
  - d) Flood map

### **3.0 Relevant Planning History**

- 3.1 No planning history found on our records. Representations from neighbouring dwellings mention a covenant over the land; however no record can be found of this.

### **4.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), February 2019.
- National Design Guidance, October 2019
- Core Strategy for Chiltern District - Adopted November 2011:
- Chiltern District Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Draft Chiltern and South Bucks Local Plan 2036.
- Affordable Housing Supplementary Planning Document (SPD) - Adopted 21 February 2012
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

#### **Principle and Location of Development**

Core Strategy Policies:

CS1 (The spatial strategy),

CS2 (Amount and distribution of residential development 2006-2026),

Local Plan Saved Policies:

H3 (Provision of new dwellings in the built-up areas excluded from the Green Belt (other than in accordance with Policies H2, H4 & H7)),

- 4.1 The site is located in the built up area of Chalfont St Peter where, in accordance with Development Plan Policy H3, proposals for replacement dwellings are acceptable in principle, provided the proposed development is compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality and the presence of trees, shrubs, lawns

and verges and the size, design and external appearance of the dwelling should be compatible with existing dwellings.

- 4.2 In addition, Core Strategy Policy CS20 also states that the Council will require that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness. All other relevant Development Plan Policies should be complied with.
- 4.3 Given the derelict nature of the site as it currently stands, the existing built form on site would need to be demolished

### **Raising the quality of place making and design**

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

H11 (Distance between flank elevation(s) of a proposed multi-storey dwelling and boundary of dwelling's curtilage throughout the district)

- 4.4 The proposal seeks permission for the erection of a replacement dwelling. The site lies off of Monument Lane which is characterised by a wide variety of dwelling form and appearance with no overriding design character but currently has no direct access onto the highway network. Currently the dwelling that resides on site is in a dilapidated and derelict form and as such is not considered to be habitable. However, built form remains to be located on site which shows that a bungalow was located on site. The proposed replacement dwelling will be erected partially on the existing footprint and will therefore have a similar position within the plot. Due to the narrow form of the plot, the replacement dwelling will occupy close to the full width; with a one metre spacing retained to the north eastern boundary. To ensure that the dwelling is viewed cohesively with the street scene and isn't dominant in its visual appearance, a chalet bungalow is proposed with projecting gable elements and dormer windows to facilitate the use of the roof space. To further incorporate the dwelling into the street scene, a low ridge height is proposed to ensure the dwelling is viewed subserviently to adjacent dwellings. In terms of the materiality of the dwelling, the elevations are proposed to be constructed from a mixture of render and brick with a plain tile roof. In contrast to the original dwelling on site, this is constructed from red brick but given the variation in materiality along Monument Lane it is considered that these chosen materials are acceptable.

- 4.5 In relation to the surrounding residential dwellings; the proposed replacement dwelling is not considered to negatively impact upon the character and appearance of the area given the small scaled nature of the dwelling proposed which sensitively and cohesively blends into the street scene. As aforementioned, the dwelling will not be visually dominant in its appearance.

#### **Amenity of existing and future residents**

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

H14 (Safeguarding the amenities of neighbours)

H12 (Private residential garden areas throughout the district)

- 4.6 In terms of the siting of the dwelling; it has an unusual layout with neighbouring dwellings such that it neighbours No. 27, sits to the rear of No. 39 and with the rear amenity space extending to No. 33. The proposed replacement dwelling would be sited predominately on the exiting footprint of the original dwelling but would extend greater to the western boundary. The increase in width is considered to be marginal and would not negatively impact upon the western neighbour. In comparison to the depth of the original dwelling; the replacement dwelling would not project as far to the rear northern boundary. Limited flank elevation windows are proposed on the dwelling; although it is stated that the first floor south western window will be obscurely glazed this will be conditioned to remove any potential for overlooking and to ensure that it is built to this specification. Whilst the scale of the dwelling will be larger than existing, it remains sensitive in scale to neighbouring dwellings and would not appear as obtrusive or dominant. Given the above assessment, the proposed replacement dwelling isn't considered to cause detrimental impacts that would result in a severe loss of amenity levels for existing and future occupiers of neighbouring dwellings and therefore the proposal complies with Policies GC3 and H14.
- 4.7 In line with this, the general standard depth expected is 15 metres. Where average garden depths in the vicinity of the development are significantly more or less than 15 metres then the proposed garden depth should reflect this. From viewing the site and adjacent dwelling plots, there is high level of variation in garden depths and as such there is no uniformity amongst the dwellings located along Monument Lane. In comparison to the dwelling scale, the garden is narrow and rectangular in form but provides an area of private residential space appropriate to the scale of the accommodation and commensurate to surrounding gardens. Therefore, the proposal is compliant with Policy.
- 4.8 A private bin storage area is proposed to be sited along the north eastern boundary edge which can accommodate the required number of bins for this scale of dwelling.

## **Transport matters and parking**

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications throughout the district)

TR11 (Provision of off-street parking for developments throughout the district)

TR12 (Relaxation of parking standards throughout the district)

TR15 (Design of parking areas throughout the district)

TR16 (Parking and manoeuvring standards throughout the district)

4.9 In order to serve the replacement dwelling, a new access point is proposed which will feed onto Monument Lane and therefore an assessment is required to ensure that the adjacent highway can safely accommodate associated vehicular movements. The Highways Authority have stated that in line with the Manual for Streets Guidance, visibility splays of 2.4m by 43m would be required; however, these can be achieved at the right hand exist but not along the left. Whilst this is noted, a visibility splay of 34m can be accommodated. Although this is a noted shortfall, this is not a substantive reason for a refusal that could be sustained and upheld at appeal. Therefore, subject to conditions ensuring the creation of these visibility splays no concerns are raised.

4.10 In relation to the level of parking on site, the denoted spaces have been confirmed by the Highways Authority to be of appropriate dimension and have been laid out to ensure sufficient manoeuvrability on site.

## **Ecology**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests throughout the district)

4.11 In relation to protected species on site, an ecology survey was undertaken by GS Ecology (April 2020). It is considered that due regard has been given to protected species on site and subject to conditions relating to ecological enhancements the proposal is deemed acceptable.

## **5.0 Weighing and balancing of issues / Overall Assessment**

5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

5.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in

accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

5.3 As set out above it is considered that, the proposed development would accord with the development plan policies.

5.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

## **6.0 Working with the applicant / agent**

6.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

6.3 In this instance, the Officers consider the application to be acceptable as submitted and no assistance was required.

### **Recommendation: Conditional Permission**

Subject to the following conditions:-

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.  
Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.

2. Before any construction work commences above ground level, named types, or samples of the facing materials and roofing materials to be used for the external construction of the development hereby permitted shall be made available to and approved in writing by the Local Planning Authority.  
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.
3. 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 dwelling 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. Prior to the construction of development above ground level a scheme of ecological enhancements shall be submitted to the Local Planning Authority in order to ensure an overall net gain in biodiversity will be achieved.  
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.
5. The first floor window located on the south western elevation shall only be glazed with obscured glass and shall be non opening up to a height of 1.7 metres above the floor of the room in which the windows are installed. No alterations to the size or glazing of these windows shall take place unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To protect the amenities and privacy of the adjoining property.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no additional windows shall be inserted or constructed at any time at first floor level or above in either of the flank elevations of the dwelling.  
Reason: To protect the amenities and privacy of the adjoining properties.
7. Prior to the occupation of the development the new access to Monument Lane shall be laid out in accordance with the approved plans.

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

9. Prior to occupation of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from the right side of the new access and 35m from the left side of the new access onto Monument Lane shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The visibility splays shall be 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.

10. This permission relates to the details shown on the approved plans as listed below:

**List of approved plans:**

<u>Received</u>	<u>Plan Reference</u>
7 Apr 2020	2062-202 PROPOSED PLANS AND ELEVATIONS
7 Apr 2020	2062-101 EXISTING SITE LAYOUT PLAN
7 Apr 2020	2062-200 PROPOSED
7 Apr 2020	2062-100 & BLOCK PLAN
28 Apr 2020	2062-201A PROPOSED

**INFORMATIVE(S)**

1. All wild birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Consequently you should take adequate precautions to ensure that any tree work does not cause any disturbance to birds and their nests particularly during the normal nesting season of March to August. Similarly all bats and their roosting sites are protected by the same legislation so precautions should also be taken to avoid carrying out activities which might harm or disturb bats or their roosts.
2. The applicant is advised that the access should be constructed in accordance with the Council's Guidance note, "Private Vehicular Access within Highway Limits" 2013. In addition, a licence must be obtained from the Highway Authority before any works are

carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information or apply online via Buckinghamshire Council's website.

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

3. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
4. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
5. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.  
If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.  
If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.chiltern.gov.uk/CIL-implementation> or contact 01494 732792 for more information.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

Councillor Rush has called the application forward to Planning Committee should the Officers recommendation be for conditional permission. The stated concerns are that the proposal does not respect the character and integrate with the surrounding area by virtue of its scale and does not respond appropriately to existing adjacent buildings.

### Parish Council Comments

“Over development of a small plot, property on a bend and busy road. Design statement gives ground Floor Area as 136m<sup>2</sup>. Policy No TR16 and emerging Policy CP3 apply and three car parking spaces are required Plans show 4 bedrooms therefore three parking spaces should be mandatory as there is little on street parking. NP-Policy 7.”

### Consultation Responses

#### **Highways:**

“Monument Lane is an unclassified road which is subject to a 30mph speed limit. This application seeks permission for the demolition of the existing building and the erection of a dwelling with a new vehicular access.

In terms of trip generation, I would expect a dwelling in this location to generate approximately 4-6 daily vehicular movements, two-way, which I am satisfied can be safely accommodated onto the local highway network.

As a new access is proposed from the local highway, it is imperative that this is assessed to ensure it can safely accommodate the associated vehicular movements. In line with current guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required, commensurate with a 30mph speed limit. Having assessed the submitted plans, I am satisfied that full visibility splays can be achieved to the right upon exit and approximately 35m can be achieved to the left upon exit. Whilst this is not ideal, due to the nature of Monument Lane, I do not believe I would be able to substantiate this as a reason for refusal should the application go to appeal. However, in order to create and maintain the visibility splays, a large amount of hedgerow will need to be cut down to a maximum of 0.6m or removed entirely which I trust will be considered within the planning balance. I will secure the creation and maintenance of the visibility splays by way of condition below.

Whilst I trust the Local Planning Authority will consider the level of parking proposed, I am satisfied that the spaces are of sufficient dimensions and would allow vehicles to park, manoeuvre and egress in a forward gear.

Mindful of the above, the Highway Authority has no objection to the proposed development, subject to conditions being included on any planning permission you may grant.”

### Representations

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

### Character and Appearance

- The dwelling appears too tight for the plot.
- The dwelling is overbearing.

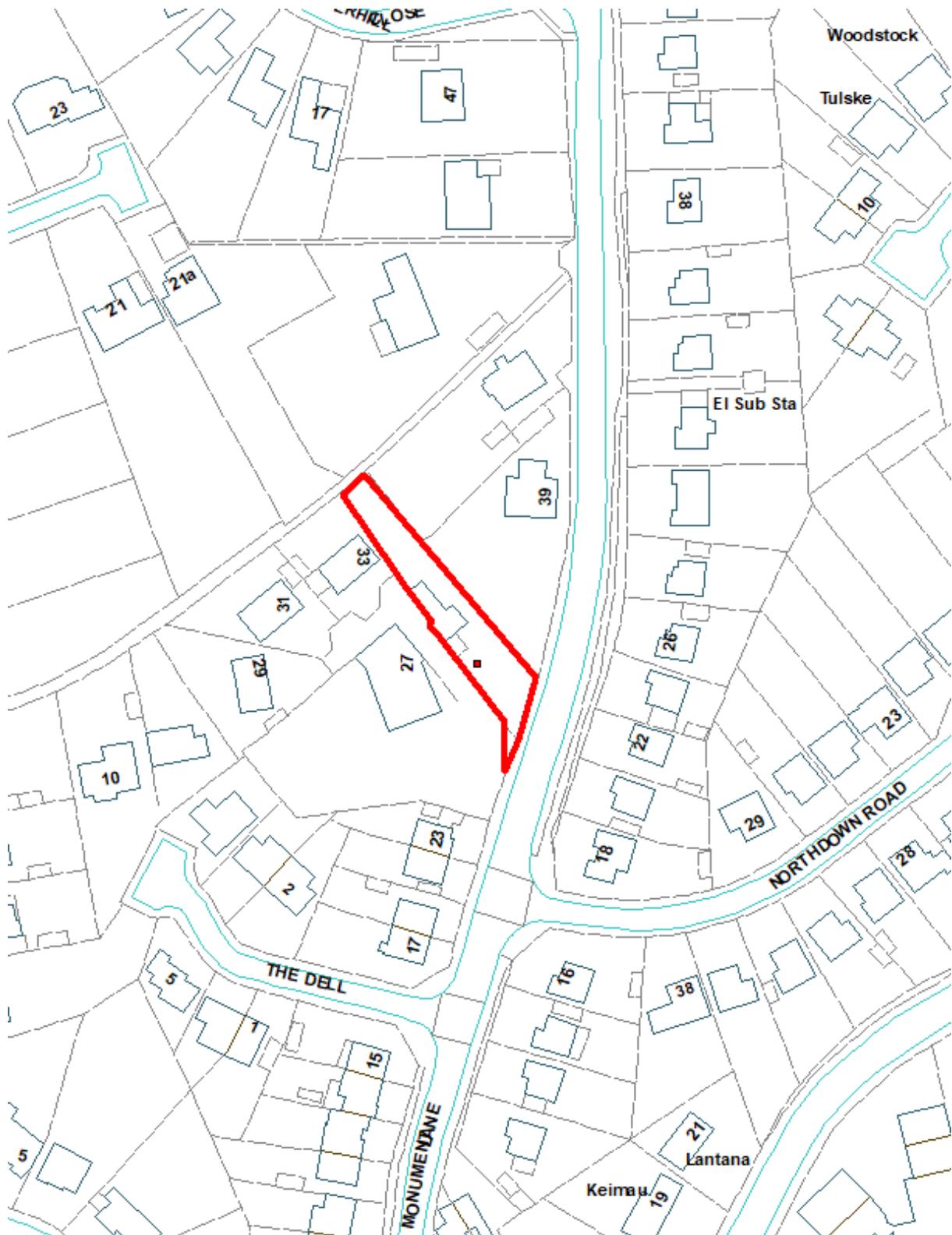
### Residential amenity

- Might block out sun for neighbouring dwellings.

### Highways

- There is low visibility along Monument Lane.
- Concerns with the level of parking as there is space to accommodate spaces along the highway.

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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