

Report to East Buckinghamshire Area Planning Committee

Application Number:	PL/19/4344/FA
Proposal:	Demolition of existing dwelling and erection of five apartments with ancillary landscaping & parking
Site Location:	Clavering, 40 North Park, Chalfont St Peter, Buckinghamshire, SL9 8JP
Applicant:	Aquinna Homes plc
Case Officer:	Emma Showan
Ward affected:	Chalfont St Peter
Parish Council:	Chalfont St Peter
Valid date:	16 December 2019
Determination date:	10 February 2021
Recommendation:	Refuse permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application proposes the demolition of the existing dwelling and erection of a block of five apartments with ancillary landscaping and parking in its place. The site is located within an Established Residential Area of Special Character in the built-up area of Chalfont St Peter, and is sited adjacent to the North Park and Kingsway Conservation Area. The main areas for consideration are the impact of the proposed development on the character of the area; setting of the adjacent Conservation Area; neighbouring amenities; parking and the local highway network; and the Burnham Beeches Special Area of Conservation. Despite the submission of amended plans during the course of this application, it is considered that the proposal would be harmful to the character of the area and to the amenities of the adjacent neighbouring property and would not make an appropriate contribution towards acceptable avoidance and mitigation measures at Burnham Beeches Special Area of Conservation. For these reasons, the application is recommended for refusal.
- 1.2 The application has been reported for determination by the Planning Committee on the basis that the Local Councillor has raised concerns in respect of over development; insufficient manoeuvring space in the parking area; insufficient parking; lack of privacy from balconies; overlooking and loss of amenity to No. 38 North Park.
- 1.3 Councillor Wertheim has called in the application for consideration by the Committee.
- 1.4 The recommendation is for refusal.

2.0 Description of Proposed Development

- 2.1 This application relates to a site located in the built-up area of Chalfont St Peter. It is located off North Park, a residential road. North Park is characterised by large, detached residential dwellings of varying character. Dwellings are all set back from the road with large gardens. The site adjacent to the application site, and which has an elevation onto Packhorse Road as well as North Park, has been re-developed with the previous dwelling having been replaced with a three storey apartment block. There are also two apartment blocks opposite the application site with habitable accommodation in the roof space. The site borders a Conservation Area to the east flank boundary and is located within an Established Residential Area of Special Character.
- 2.2 The application proposes the demolition of the existing dwelling and its replacement with a block of five apartments with ancillary landscaping and parking.
- 2.3 The proposed building would have a maximum width of 17 metres, depth of 21.5 metres and height of 10.3 metres, with an eaves height of 6.4 metres. It would have accommodation on three levels and would include four flat roof dormers in the left-hand flank elevation and two flat roof dormers in the right hand flank elevation. Balconies/terraces would be provided in the rear elevation. The five apartments would each have two bedrooms and open plan living arrangements.
- 2.4 It is proposed to provide ten parking spaces to be located on hardstanding to the front of the building. A bin store and cycle store will also be provided to the front of the building.
- 2.5 A communal garden with a depth of 15.8 metres would be provided to the rear of the building.
- 2.6 The existing access onto North Park would be retained.
- 2.7 During the course of the assessment, a number of additional plans have been received in response to the concerns raised by the Planning Officer, Heritage Officer and Urban Design Consultant. The latest set of plan, received on 15th December 2015, are those that have been assessed by Officers and are now being considered at this Planning Committee meeting.

3.0 Relevant Planning History

- 3.1 CH/1993/1322/FA - CP - Two storey rear extension.

4.0 Summary of Representations

- 4.1 The Parish Council has objected to the proposal, including to the amended plans. They have raised concerns with respect to overdevelopment; inadequate parking; insufficient manoeuvring space; overlooking to Aspin Lodge; and support for the comments made by the Historic Buildings Officer.
- 4.2 Five letters of objection have been received in respect of the amended plans. Seven letters were received previously. The contents of the letters are summarised in the Appendix of this report.

5.0 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.
- Chalfont St Peter Neighbourhood Plan.
- Affordable Housing Supplementary Planning Document (SPD) - Adopted 21 February 2012
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020

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)),

H4 (Provision of new dwellings in Established Residential Areas of Special Character as defined on the Proposals Map).

5.1 The application site is located within the built-up area of Chalfont St Peter where proposals for new dwellings will be acceptable in principle subject to there being no conflict with any other policy in the Local Plan. 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 and the presence of trees, shrubs, lawns and verges. The site is also located within an Established Residential Area of Special Character and should comply with the provisions of Development Plan Policy H4 and is located adjacent to a Conservation Area so should comply with the provisions of Development Plan Policy CA2.

5.2 All other relevant Development Plan policies should also be complied with.

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)

GC14 (Access for disabled people to developments used by the public throughout the district)

H18 (Dormer windows on dwellings throughout the district)

H20 (Ancillary residential buildings (domestic garages, workshops, etc.) in the built-up areas excluded from the Green Belt)

CA2 (Views Within, out of, or into the Conservation Areas as defined on the Proposals Map)

Neighbourhood Plan policy:

H6 (Residential development that reinforces the positive characteristics of its specific Character Area will be permitted subject to its meeting the requirements of other relevant

policies in this Neighbourhood Plan, and higher level planning policy. Development that fails to reinforce the characteristics of its specific Character Area will be resisted.

- 5.3 Local Plan Policy GC1 relates to the design of development throughout the District. It states that throughout the District, the Council will permit development which is designed to a high standard and which also complies with other Policies in the Local Plan. Design includes both the appearance of the development and its relationship to its surroundings. Planning applications will be assessed in respect of these matters and with regard to the following criteria: scale of development; height of development; siting and relationship with adjoining buildings and highways; relationship of development to its site; appearance of car parking and servicing areas; building materials; form of new buildings and extensions; detailing of building work in sensitive location; and design against crime.
- 5.4 Local Plan Policy H4 relates to the provision of new dwellings in Established Residential Areas of Special Character. It states that development within any of these areas must maintain the special character of that area. Proposals for new dwellings which would significantly affect the density of buildings or damage the special character will not be permitted.
- 5.5 Local Plan Policy CA2 refers to views within, out of, or into Conservation Areas. It states that any proposed development which does not preserve or enhance the important views within, looking out of, or into a Conservation Area, will be refused.
- 5.6 Core Strategy Policy CS20 relates to design and environmental quality. It 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.
- 5.7 The application site is located on North Park, a residential road that is located within a designated Established Residential Area of Special Character and adjacent to a Conservation Area. It is predominantly characterised by large detached dwellings set within expansive grounds. In the Chalfont St Peter Neighbourhood Plan, the site falls within Character Area 10, the North Park Residential Area. This is described as an intact example of early 20th century residential development.
- 5.8 The Chiltern and South Bucks Townscape Character Study defines the area as being a high quality example of the 'Green Suburban Road' character typology which is particularly well preserved and maintained. It states that 'plots are predominantly regular with a consistent width and rhythm along individual roads' and 'properties are predominantly set back a short distance from the road and there are grass verges in places'. It is stated that the area has been identified as an Area of Special Character due to its high quality townscape. It is considered particularly vulnerable to change as a result of its low density distinctive pattern of detached and semi-detached houses with a variety of architectural styles set within large garden plots associated with mature vegetation, fronting onto the well-treed green streetscape, and elsewhere the distinctive consistency of architectural styles.
- 5.9 Specifically, the application site concerns a detached two storey dwelling of limited architectural merit. It is set back from the public highway with a large hardstanding

driveway and has been faced with a yellow brick, out of keeping with its neighbours. To the east of the application site, there is located a large, three-storey detached residential dwelling which is a distinctive early 20th century villa. This building, and the other properties along the eastern side of North Park, fall within a Conservation Area. The detached dwellings within the Conservation Area are substantial and are predominantly characterised by white render and black timber beams which gives dwellings a 'mock Tudor' appearance. Meanwhile, to the west of the application site, the previous detached residential dwelling has been replaced with a three storey apartment block. This building has a frontage onto both North Park and Packhorse Road. It is faced with bricks and white render and contains flat roof dormers in the roof slopes. Across the road from the application site are two further apartment blocks, both of which contain habitable accommodation within their respective roof slopes.

- 5.10 It is proposed to replace the two storey detached dwelling on site with a three storey building comprising five apartments. The building would be characterised by two projecting gable ends at the front elevation and flat roof dormers along both the front and side elevations. There would be rear facing balconies, a driveway which would accommodate hardstanding parking for ten parking spaces.
- 5.11 Despite the submission of amended plans, it is considered that the replacement building would be large and bulky by virtue of its roof shape and inclusion of flat roof dormers. It is considered that, when viewed from North Park, its scale, design and bulky appearance would have a considerable visual impact. It would be markedly different to the prevailing character of residential development along North Park and would appear far more prominent in views than the adjacent apartment blocks by virtue of its bulky plan form and large roof which accommodates a large number of dormer windows. This position is supported by the Council's Conservation Officer who has assessed the impact of the proposal on the character of the adjacent conservation area. It is stated in the comments relating to the previous set of plans that the proposed scale, mass and design of the new block of flats and the development in the front garden; all of which have none of the identified characteristics of the conservation area, would result in an alien development which would dominate the approach into to the conservation area, causing harm to the setting of the designated heritage asset. The Conservation Officer concludes by stating that the proposed new development would cause 'less than substantial harm' to the significance of the designated heritage asset and its setting, and no public benefit to balance that harm has been identified. Amended plans have since been submitted, those which are being assessed under this application, and the Conservation Officer has considered these also. It is stated that the amended plans do not overcome the concerns with respect to the bulk, scale and mass of the development, and the proposed building would still remain unduly prominent in views from the street scene and adjacent North Park and Kingsway Conservation Area.
- 5.12 The site lies near another conservation area; the Gerrards Cross Centenary Conservation Area. However, this is to the south, largely to the rear of the site and the proposed building would not impact on any views identified in the conservation area appraisal relating to that conservation area. So whilst concerns are raised regarding the setting

and views in and out of the North Park and Kingsway Conservation Area, no objections are raised regarding the impact on the Gerrards Cross Centenary Conservation Area.

- 5.13 Furthermore, one of the Design Principles in the Townscape Character Study is that 'New developments should have soft landscaped front gardens', as large areas of hard surfacing detract from the characteristic green and landscaped appearance of the Green Suburban Roads. The proposal has a large parking area which would dominate the frontage and this does not accord with the Design Principles. Having regard to the above, the proposal is considered to harm the character of the area and cause 'less than substantial harm' to the significance of the adjacent designated heritage asset.
- 5.14 Further, whilst the new building has reasonable separation distances from the site boundaries, by reason of its sheer scale and bulky appearance it would nevertheless appear to be a cramped form of development and not typical of the prevailing pattern of spacious development on other parts of North Park. It is considered that the proposal would not accord with the aims of the Chiltern and South Bucks Townscape Character Study which states that this area is particularly vulnerable change as a result of its low density distinctive pattern of detached and semi-detached houses. In contrast, the scale and bulk of the proposed development means that the resultant building would emphasise the increased density on site and clash with the prevailing pattern of development along North Park.
- 5.15 Paragraph 127 parts B and C of the NPPF state that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. This position is emphasised in Paragraph 130 which states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. It is therefore clear that local design standards should be taken into account when making planning decisions.
- 5.16 It has already been stated that the Chiltern and South Bucks Townscape Character study defines the area as being a high quality example of the 'Green Suburban Road' character typology which is particularly well preserved and maintained. It states that 'plots are predominantly regular with a consistent width and rhythm along individual roads' and 'properties are predominantly set back a short distance from the road and there are grass verges in places'. It is considered particularly vulnerable to change as a result of its low density distinctive pattern of detached and semi-detached houses with a variety of architectural styles set within large garden plots.
- 5.17 The proposed development is not considered to conform with the standards set out in the Chiltern and South Bucks Townscape Character Study. Although the proposed building would be set back from the road and would maintain the front build line, the proposal would see an increase in density (net gain of four residential units) and the increase in scale and mass of development on site would be at odds with the 'low density distinctive pattern of detached and semi-detached houses...set within large garden

plots.' It is noted that there is a flatted scheme opposite the site and adjacent to the site at Aspin Lodge, however these have dual frontages onto both North Park and Packhorse Road. They are set within larger plots and have an important relationship with Packhorse Road, unlike the application site. The circumstances of the application site are such that it has a closer relationship to North Park, where dwellings are predominantly detached and set within large garden plots. For this reason, the erection of a flatted scheme of five residential units with a bulky mass and scale is considered to be out of character with the prevailing pattern of development and character along North Park. In addition, the provision of a large area of hardstanding to the front of the development site accommodating ten vehicular parking spaces would dominate the frontage and views of the building from North Park. It would detract from the 'garden plot' and further emphasise the urbanisation of the plot and it's out of keeping relationship with the Conservation Area and 'Green suburban road typology'.

- 5.18 The National Design Guide emphasises the importance of context in creating well-designed places. It is clear in this instance that the proposal would not relate well to either the Conservation Area or the 'Green suburban road typology' as set out in the Chiltern and South Bucks Townscape Character Study. It also does not relate well to the character area identified in the Neighbourhood Plan. The Conservation Officer has stated that the proposal would cause 'less than substantial harm' to the significance of the adjacent designated heritage asset, namely the North Park and Kingsway Conservation Area. The proposal therefore fails to accord with Policies GC1, CA2 and H4 of the Local Plan; Policy CS20 of the Core Strategy; Policy H6 of the Neighbourhood Plan; the NPPF; and the National Design Guide, in relation to Context, Identity and Built Form.

Amenity of existing and future residents

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

H12 (Private residential garden areas throughout the district)

- 5.19 Local Plan Policy GC3 seeks to protect amenities throughout the District. It states that in considering proposals for development throughout the District, 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. Where amenities are impaired to a significant degree, planning permission will be refused.
- 5.20 Local Plan Policy H12 relates to private residential garden areas throughout the District. It states that throughout the District, the Council will expect private garden areas to be included which conform to the following criteria as appropriate for the type of dwelling proposed. If the criteria are not met, planning permission will be refused. Each new house should have a private garden area adequate for and appropriate to the size, design and amount of living accommodation proposed. The general standard expected will be a minimum rear garden depth of about 15 metres, except in the following situations: a) where average garden lengths in the vicinity of the development site are significantly more than 15 metres, the garden lengths of the proposed houses should be similar to those in the surrounding area; b) where average garden lengths in the vicinity

of the development site are significantly less than 15 metres, the garden lengths of the proposed houses should be similar to those in the surrounding area; and c) in cases where adequate private amenity space exists within the application site or where the rear site boundary abuts a public bridleway or footpath, an open field, open countryside, a recreation ground or a play field, a reduced garden depth may be acceptable.

- 5.21 The proposed building would have a frontage onto North Park and would be sited adjacent to Aspin Lodge, a three storey apartment block to the west side elevation, and a three storey detached residential dwelling to the east side elevation. To the rear, the site would share a rear boundary with the residential gardens of No. 44 North Park and No. 100 Packhorse Road, both detached residential dwellings.
- 5.22 In terms of the impact of the proposal on Aspin Lodge, it is considered that adequate separation will be retained between the two buildings so that the proposed building does not appear overbearing when viewed from Aspin Lodge. The two buildings would have a comparable front build line whilst the proposed building would extend to the rear by approximately 3.8 metres beyond the rear elevation of Aspin Lodge. The submitted site plan has shown that this additional rear projection would still allow for adequate light and outlook from the closest window at Aspin Lodge. It is therefore considered that the proposal would not appear overbearing when viewed from Aspin Lodge. In terms of intrusion, four first floor windows and two roof dormers are proposed to face towards Aspin Lodge. The submitted elevation plan shows that these windows and dormers would all be obscurely glazed and non-opening. This arrangement can be secured by way of a condition, should planning permission be granted. It is considered that this arrangement would be acceptable and would not result in a harmful level of intrusion into the apartments at Aspin Lodge. Finally, it is proposed to erect balconies and terraces to serve the first and second floor units at the proposed development. Concerns have been raised by occupiers of the adjacent Aspin Lodge that the proposed terraces/balconies would encourage views into some of these units. Again, the site plan shows that screens would be erected along the side boundaries to restrict views in this direction. Approximately 19 metres would separate the balconies/terraces from the nearest windows at Aspin Lodge and provided that adequate screens were erected along the flank elevation of the balcony/terrace, it is considered that the relationship with Aspin Lodge would be acceptable. These screens can be secured by way of a condition, should planning permission be granted. Views to the rear of Aspin Lodge would be onto this property's car ports and parking area which is considered to be acceptable.
- 5.23 To the east, the site borders No. 42 North Park which is a detached, three storey residential dwellings. This property would be sited entirely forward of the proposed building. At the closest point, 10 metres would separate the two buildings and views from inside No. 42 of the proposed building are considered to be acceptable. The development would however appear more overbearing when viewed from the rear garden of No. 42 with the proposed building being extremely visible as it would extend along almost half the depth of No. 42's garden. Whilst views of a building from a garden is not in of itself harmful, in this instance, the bulk of the building and its inclusion of four first floor windows and four roof dormers, albeit all to be obscurely glazed and non-

opening, combined with the addition of terraces/balconies at the rear of the proposed building would result in an unacceptable level of harm to the amenities of the occupiers of No. 42. From the garden of this property, the proposed development would appear overbearing and the perception of being overlooked from the first and second floor windows is considered to be harmful to the amenities of No. 42. The proposal is therefore contrary to the provisions of Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 which seeks to secure a good level of amenity for neighbouring properties.

- 5.24 Concern has also been raised by the neighbours to the rear of the application site who are concerned that their rear gardens would be overlooked by the proposed development and its rear balconies/terraces. To this end, approximately 22.5 metres would separate the rear elevation of the proposed building from the rear boundary and 15.6 metres would separate the proposed balconies/terraces from the rear boundary. This separation is considered to be sufficient to prevent the proposal from appearing intrusive to a harmful degree to the amenities of the rear neighbours, particularly as views from the development would be into the rear sections of these already long gardens, and not into these dwellings themselves or onto their primary patio areas. It is noted that balcony screens would add an additional layer of screening to the development which would help to maintain privacy.
- 5.25 Having regard to the amenities of future occupiers of the development, it is considered that the development would allow for adequate light and outlook for each of the residential units. A communal garden area with a depth of 15 metres would be provided to the rear of the building, whilst balconies/terraces would be provided to the rear. Given the amount and type of living accommodation proposed, it is considered that adequate amenity space would be provided for future occupiers.
- 5.26 An area to the front of the site is proposed to be laid out to accommodate both a waste store and a cycle store for future occupiers. This is considered to be an acceptable arrangement to serve future occupiers.

Transport matters and parking

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications throughout the district)

TR3 (Access and road layout throughout the district)

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

TR14 (Retention of existing areas of off-street vehicle parking throughout the district)

TR15 (Design of parking areas throughout the district)

TR16 (Parking and manoeuvring standards throughout the district)

- 5.27 Local Plan Policy TR11 relates to the provision of off-street parking for developments throughout the District. It states that the Council will require vehicle parking and manoeuvring provision to be made as part of any development in accordance with the Standards in Policy TR16. The provision should be made within the application site.

- 5.28 Local Plan Policy TR16 sets out the parking and manoeuvring standards throughout the District. It states that for dwellings where the gross floor area of the dwelling minus the garage area is 120 square metres or more, three car parking spaces per dwelling should be provided.
- 5.29 It is proposed to retain the existing access onto North Park. This arrangement has been reviewed by the County Highway Officer who has confirmed that the proposed access would be of sufficient width to accommodate the proposed development, in addition, adequate visibility splays can be achieved. It is also confirmed that the additional vehicular movements can be accommodated onto the local highway network. The Highway Officer has not raised any objections to the proposed access arrangements.
- 5.30 In terms of parking, it is proposed to provide parking spaces on an area of hardstanding to the front of the building. A total of ten parking spaces would be provided, equating to two spaces per residential unit. The parking standards set out in Local Plan Policy TR16, for residential units which exceed 120 square metres in floor area, are three car parking spaces per unit. However, the units would all be two-bedroom and the site is located in a sustainable location, close to public transport and Gerrards Cross High Street. For this reason, it is considered that a refusal of the application based on inadequate parking could not be substantiated at appeal. Although often busy, there are no parking restrictions along North Park and there would be space within the site to also accommodate delivery vehicles. Further the Highway Officer has confirmed that the parking spaces within the site are of adequate dimensions to allow vehicles to park, manoeuvre and egress in a forward gear. As such it is not considered that a refusal in terms of parking could be supported.

Environmental issues

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS20 (Design and environmental quality)

CS24 (Biodiversity)

Local Plan Saved Policies:

GC4 (Landscaping throughout the district)

- 5.31 Core Strategy Policy CS24 states that the Council will aim to conserve and enhance biodiversity within the District and where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.
- 5.32 The Applicant has submitted an Ecological Impact Assessment which considers the impact of the proposal on protected species. It states that no badger or nesting birds were identified and no bats have been found to be roosting within the buildings, though foraging and commuting behaviour was observed in relation to trees. The report concludes that the proposed no development would have no significant ecological effects as long as the mitigation measures recommended within the report are implemented. These can be secured by way of a planning condition, should planning permission be granted.
- 5.33 In addition, the site is located within the 5.6 km zone circling Burnham Beeches Special Area of Conservation (SAC). Due to the increase in dwellings (from one to five) on this

site, it is considered that the proposal would likely result in increasing recreation pressure on the SAC and so mitigation measures are considered necessary to rule out the adverse effects on the integrity of the SAC. To this end, in line with the guidance from Natural England, the Applicant would need to make a financial contribution towards the Burnham Beeches Access Management Scheme or any subsequent scheme that replaces this. This financial contribution can be secured by way of a legal agreement. However, no such agreement has been completed in this case and, in the absence of an agreement, the proposal would harm the SAC.

Landscape Issues

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

- 5.34 Local Plan Policy GC4 refers to landscaping through the District. It states that existing established trees and hedgerows in sound condition and of good amenity and wildlife value - together with any other existing landscape features of the site which are an important part its character, such as ponds, should be retained and should be shown on the submitted plans. In appropriate case, planning applications should include landscaping proposals suitable for the development proposed and the characteristics of the site, including details of any service runs and/or changes in ground level. Wherever possible, the additional landscaping should enhance existing features of wildlife interest and planting should use native trees, shrubs, herbs or grasses where appropriate for the site.
- 5.35 The proposed development has been reviewed by the District Tree and Landscape Officer who has raised concern about the effects of the proposal on a number of trees on site. It is recommended that the parking spaces are no closer to the trees than the existing drive; for the surface to use a no-dig method of construction and for the front carport to be removed. These recommendations could be complied with planning conditions, in the event that the recommendation is to grant planning permission.

Affordable Housing and Housing Mix

Core Strategy Policies:

CS8 (Affordable housing policy)

- 5.36 The proposal involves a net increase of four dwellings 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. Therefore, based on the amended guidance, which carries more weight than Policy CS8, no objections are raised to the current application without an affordable housing contribution.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 The application has been assessed against the provisions of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and the Core Strategy for Chiltern District - Adopted November 2011. It is considered that the application fails to comply with policies GC1, GC3, CA2 and H4 of the Local Plan and Policy CS24 of the Core Strategy, on the basis that the appearance, scale, bulk and massing of the development would be harmful to the appearance of the street scene and character of the locality and adjacent Conservation Area; it would result in a loss of amenity and would overbearing when viewed from the rear aspect of No. 42 North Park; and the increased density on site would result in a significant detrimental impact on the designated Burnham Beeches Special Area of Conservation.
- 6.2 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.3 It is noted that the Council's Local Plan is dated, having been adopted in 1997 and consolidated in 2007 and 2011. The Core Strategy was adopted in 2011. Furthermore, the Council does not have a five-year housing land supply. Currently, the Council has a 4.18-year supply based on local housing need. Therefore, there is a presumption in favour of sustainable development, as per the requirements of the NPPF.
- 6.4 The site is not located in a protected area and nor does it concern an asset of particular importance, as per the designations set out in Footnote Six of Paragraph 11 of the NPPF. However, it does lie directly adjacent to, and share a boundary with, a Conservation Area which is a designated heritage asset.
- 6.5 There is therefore a requirement to trigger the planning balance in order to ascertain whether the proposal would be acceptable or whether the adverse impacts identified would demonstrably outweigh the benefits.
- 6.6 To this end, the proposal would result in a net gain of four residential units. This carries significant weight, given the Council's 4.18-year housing land supply. In addition, there would be temporary benefits to the local economy during the construction period. This carries limited weight.
- 6.7 Conversely, it has been identified that the proposed development would be harmful to the character of the area, by way of introducing a large and bulky building that is out of scale with the prevailing character of North Park, harmful to the setting of the adjacent Conservation Area and which fails to respond to the characteristics of the Chiltern and South Bucks Townscape Character Study. This carries significant weight.

- 6.8 It has also been identified that the proposal would appear overbearing when viewed from the rear garden of No. 42 North Park. The bulk of the building, its substantial projection beyond the rear elevation of No. 42 and its inclusion of four first floor windows and four roof dormers combined with the addition of terraces/balconies at the rear of the proposed building are considered to result in an unacceptable level of harm to the amenities of the occupiers of No. 42. This carries significant weight.
- 6.9 Further, new evidence has demonstrated that new housing within 5.6km of the Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure which would adversely impact upon the conservation objective of the SAC. The proposal would be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects due to the fact that it would not be providing or making an appropriate contribution towards acceptable avoidance and mitigation measures. A signed legal agreement to secure a contribution towards mitigation measures would overcome this harm, but in the absence of completed agreement, this carries significant weight. Importantly, Paragraph 177 of the NPPF clarifies that the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitats site. The proposal would not therefore benefit from the presumption in favour of sustainable development set out at paragraph 11(d) of the NPPF.
- 6.10 When balancing the benefits of the proposal versus the harm identified, it is considered that the benefits are not sufficient to outweigh the harm identified. It has been set out that there would be significant harm to the character of the area and setting of the adjacent Conservation Area and significant harm to the amenities of the adjacent neighbouring property at No. 42 North Park. It is not considered that the benefits of the proposal, namely the provision of a net increase of four residential units, would be substantial enough to make a significant contribution to the Council's housing supply, and therefore the planning balance is tilted in favour of refusing this development.
- 6.11 In conclusion, it is considered that this proposal would be harmful to both the character and appearance of the local area, specifically the adjacent Conservation Area, and would have a detrimental impact on the amenities of the neighbouring property at No. 42 North Park. Furthermore, the proposal would result in a significant detrimental impact on the designated Burnham Beeches Special Area of Conservation and no legal agreement has been completed to secure a financial contribution to mitigate the harm to the Special Area of Conservation. It is considered that the harm arising from this development would not outweigh the benefits of the proposal, namely the net increase of four residential units. Therefore, the proposal is unacceptable and the application is recommended for refusal.

7.0 Working with the applicant / agent

- 7.1 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.

- 7.2 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.
- 7.3 In this instance, the applicant has been informed how the proposal does not accord with the Development Plan, that no material considerations are apparent to outweigh these matters and has been provided with the opportunity to amend the application or provide further justification in support of it. Despite meetings between the Planning Officer and Heritage Officer and the submission of amended plans, it was considered that the revisions were not acceptable and the applicant was advised accordingly, ahead of the Planning Committee meeting.
- 7.4 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.

Recommendation: Refuse permission

For the following reasons:-

1. By reason of the scale and bulky appearance of the apartment block, it would appear as a cramped form of development that is not typical of the prevailing pattern of spacious development along North Park. The proposal would not accord with the aims of the Chiltern and South Bucks Townscape Character Study, 2017, which states that this area is particularly vulnerable to change as a result of its low density distinctive pattern of detached and semi-detached houses. In contrast, the scale and bulk of the proposed development means that the resultant building would emphasise the increased density on site. Furthermore, the proposed scale, mass and design of the new block of flats and the extensive hardsurfacing would result in an alien development which would dominate the approach into the North Park and Kingsway Conservation Area, harming the views into and out of the conservation area and causing harm to the setting of this designated heritage asset. The proposal therefore fails to accord with Policies GC1, CA2 and H4 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011; Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011); Policy H6 of the Chalfont St. Peter Neighbourhood Plan; the National Planning Policy Framework; and the National Design Guide, in relation to Context, Identity and Built Form.
2. The proposed development would appear overbearing when viewed from the rear garden of No. 42 North Park with the building being extremely visible as it would extend along almost half the depth of No. 42's garden. The bulk of the building and its inclusion of four first floor windows and four roof dormers combined with the addition of terraces/balconies at the rear of the proposed building would result in an unacceptable level of harm to the amenities of the occupiers of No. 42. From the garden of this property, the proposed development would appear overbearing and the perception of being overlooked from the first and second floor windows is considered to be harmful to the amenities of No. 42. The proposal is therefore

contrary to the provisions of Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 which seeks to secure a good level of amenity for neighbouring properties.

3. The application site is located within 5.6km of the internationally designated Burnham Beeches Special Area of Conservation (SAC). Recreation within Burnham Beeches has resulted in an adverse impact on the health of the site. New evidence has demonstrated that new housing within 5.6km of the Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure which would adversely impact upon the conservation objective of the SAC. The proposal would be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects due to the fact that it would not be providing or making an appropriate contribution towards acceptable avoidance and mitigation measures. As such, the proposal is contrary to CS24 of the Core Strategy for Chiltern District - Adopted November 2011, The Conservation of Habitats and Species Regulations 2017 (as amended), and the requirements of the NPPF.