



Report to East Area Planning Committee

Application Number:	PL/20/4132/FA
Proposal:	Demolition of existing dwelling and detached garage and erection of new dwelling.
Site Location:	Slievmore, 84 Denham Lane, Chalfont St Peter, Buckinghamshire, SL9 0ES
Applicant:	Mr Hill
Case Officer:	Charenjit Braich
Ward(s) affected:	Chalfont St Peter
Parish-Town Council:	Chalfont St Peter
Date valid application received:	7 December 2020
Statutory determination date:	11 March 2021
Recommendation	Conditional Permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Permission is sought for the erection of a replacement dwelling following demolition of the existing dwelling and detached garage.
- 1.2 The application is before Committee as the Local Member Councillor Mrs Smith has called the application in, if the officer recommendation is for approval.
- 1.3 The recommendation for the proposal is to grant conditional permission.

2.0 Description of Proposed Development

- 2.1 This application proposes the demolition of the existing dwelling and detached garage and the erection of a new dwelling. The proposed replacement dwelling would be detached and two storeys, with accommodation within the roofspace. The dwelling would be characterised by a crown roof, with three front projecting gables and a rear dormer. It would have a maximum depth of 14.3 metres and minimum depth of 12.8m, a width of 11 metres and height of 8.5 metres.
- 2.2 The proposed replacement dwelling would be constructed in line with the existing building line, however the forward projecting gables would project 0.5m and 1.5m from the building line.

2.3 The new dwelling would reduce the flank to boundary separation gaps to 1.35 to 1.05 metres at the south flank boundary (adjoining No. 86) and 1.35m to 1.2m to the north flank boundary (adjoining No. 82). The dwelling would be finished with painted white render with dark grey UPVC windows and red clay roof tiles.

2.4 The application is accompanied by:

- a) Preliminary Bat Roost Assessment
- b) Biodiversity enhancement plan

3.0 Relevant Planning History

3.1 CH/1991/0881/FA – Conditional permission granted on 2 August 1991 – Construction of rear conservatory.

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.
- 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 part demolished nature of the site as it currently stands, the remaining 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 It should be noted that demolition of the existing property did commence, where the applicant has removed the roof and cleared the inside of the property, however following clarification from the planning services, that demolition should not take place until a replacement dwelling is secured by way of planning permission, the applicant ceased works. The application property consisted of a two storey detached dwelling that was characterised with a centrally pitched hipped roof, two storey gable projections and a cat slide roof to the front elevation. The dwelling benefits from off road parking to the front driveway and is set within a long rectangular shaped curtilage. Specifically, the application site is located within a row of predominantly two storey properties, which are both detached and semi-detached in nature. There is a linear arrangement of properties along both sides of Denham Lane and there is a fairly consistent build line, although properties are mixed in character, appearances and scale. Roberts wood Primary school is located on the opposite side of the road. The application site is situated within the built up area of Chalfont St Peter and is not in a Conservation Area, nor the Metropolitan Green Belt. The Chiltern and South Bucks Townscape Character Study identifies the area as a Suburban typology area.
- 4.5 The replacement dwelling would introduce a dwelling that has 3 floors internally, where the 2nd floor would be provided within the roof space. As such the appearance of the dwelling would mimic a two storey dwelling. There are no alterations proposed to the curtilage of the replacement dwelling. The replacement dwelling would have a similar siting to the existing dwelling, and would include a forward projecting gable with gabled features and would be visible from the street scene of Denham Lane. The dwelling would at its deepest point have the same depth as the deepest point of the existing dwelling at 14.3m. The width of the proposed dwelling would be increased by 2.1m, and would be 11m. The new dwelling would reduce the flank to boundary separation gaps to 1.35 to 1.05 metres at the south flank boundary (adjoining No. 86) and 1.35m to 1.2m to the north flank boundary (adjoining No. 82). Whilst the separation distances are reduced, it should be noted that the remaining distances meet the requirements of policy H11 and are therefore considered acceptable.
- 4.6 The existing footprint of the dwelling and detached garage is approximately 103sqm, the replacement dwelling would have a footprint of approx. 150sqm. Whilst the replacement dwelling includes a greater amount of accommodation and would be of a larger scale, the dwelling would be of a similar appearance in terms of size and scale to other properties in Denham Lane and would be finished with materials which would integrate with the wider locality and not appear uncharacteristic or alien in the street

scene. In addition, it is considered that there would be sufficient space around the dwelling such that it would not appear cramped within its plot or give rise to the appearance of visual coalescence.

- 4.7 The form and design of the dwelling has however been substantially altered with the main roof of the dwelling increased in height by 1.48m and transformed to have a hipped roof with gable projections, which would be set down from the main ridgeline of the dwelling. Whilst the height of the dwelling would be set higher than its immediate neighbours, it appears that the overall height of 8.5m and roof design would be similar to other replacement and extended dwellings within Denham Road, namely No.16, No 34, and No 43. For this reason, it is considered that the altered form and design of the dwelling would respect the character and appearance of dwellings in the locality. Further, the proposed replacement dwelling would be considered to be an improvement on the existing dwelling which was not overly characteristic or 'special' in terms of design or materials. The proposed dwelling would be considered to integrate acceptably within the application plot and surrounding dwellings by virtue of the size, bulk, scale and positioning.

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)

- 4.8 Policy GC3 of the Local Plan seeks to achieve good standards of amenity for the future occupiers of development and to protect the amenities enjoyed by the occupants of adjoining and neighbouring properties. Local Plan Policies GC2, GC3 and H14 relate to the protection of residential amenities throughout the District. In terms of the design of the dwelling, in comparison to the existing dwelling, the rearwards spread is significantly increased. That said, the design has been carefully considered to minimise its impacts upon neighbouring dwellings.
- 4.9 Along the northern boundary line sits No.82, the flank to flank distance with this property would be approximately 3 metres. There are 3 windows in the first floor flank elevation, one of the windows appears to be obscurely glazed and serves a bathroom. The other two windows are secondary windows that serve bedrooms, given that the bedrooms both have other windows, the loss of light to these bedrooms would not be significant to the point that a refusal would be warranted. The siting of the proposed dwelling would not breach the splay line drawn by a line at 45 degrees from the nearest first floor rear windows
- 4.10 No.86 abuts the southern boundary, there would be a flank to flank separation gap between the properties of 4.5m, this property has 3 windows in its first floor elevation, one which serves a landing. The other two serve the same bedroom, this bedroom also benefits from a third rear facing window. Taking into account the large separation gap and that the room has 3 windows serving it, it is not considered that a significant amount of light would be lost from this habitable room. The siting of the proposed

dwelling would not breach the splay line drawn by a line at 45 degrees from the nearest rear facing window.

- 4.11 Concerns have been raised from residents with regards to the proposed first floor flank windows creating an opportunity to overlook. Given that these windows would look directly onto neighbouring flank windows it is considered necessary to attach a condition to any planning permission granted, which restricts these windows to obscure glazing only.
- 4.12 It is considered that sufficient spacing to either boundary line is maintained which reduces the potential for the proposed dwelling to be overbearing when viewed from neighbouring amenity space. For these reasons, it is considered that the replacement dwelling will have little alteration to existing amenity levels serving adjoining properties. Given the siting and design of the replacement dwelling, it is not considered that the proposal would have an adverse impact regarding the privacy or amenity of adjoining properties and is therefore acceptable having regard to Policies GC2, GC3 and H14.
- 4.13 Neighbours have also raised concerns regarding a temporary structure that has been erected at the rear of the garden, the applicant has confirmed that the structure, is temporary and has been erected to store materials and equipment during building works and that it will be removed once the work is complete. In any event, it is not part of this planning application.

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)

- 4.14 Given that the same access would be utilised and that sufficient parking will be available in the forecourt area and integrated garage, it is considered that the proposal would have no adverse parking implications, having regard to the Council's standard. The site frontage is able to accommodate the vehicles, and would allow them to park clear of the highway. The proposed turning area shown would not meet the standard 6 meters behind the space, however the highways officer does not consider this to be detrimental to highway safety given the context of the site and the existing situation.
- 4.15 The site entrance is situated opposite a school crossing, concerns have been raised regarding this crossing being blocked during construction. Any permission granted would not allow authority to obstruct this crossing, it is considered that an informative reminding the applicant of this should be attached to the approval, if granted permission.

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)

4.16 A Preliminary Roost Assessment was undertaken by Ecology By Design (Friday 12th February 2021). The ecology officer concluded that there is not a reasonable likelihood of protected species and/or priority habitats being affected by this development. Therefore, no further supporting ecological information is required and there is no objection towards this application. The development will need to demonstrate a net gain for biodiversity in line with national planning policy (NPPF, 2019). The submitted biodiversity enhancement plan (Oakman Architecture Ltd) is acceptable. A condition securing this plan should be attached to planning permission if granted.

4.17 Neighbours have raised concerns that some trees and shrubs have been removed prior to the submission of this application, it should be noted that none of the removed trees were protected by way of a tree preservation order, therefore the work would not have required formal consent. However, it is noted that some of those trees particularly those on the front boundary, contributed to the character of the street scene. To compensate for this loss, the applicant will be planting a hedge on the front boundary and the landscaping as a whole can be secured by condition. Accordingly, no objections are raised with in this regard.

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.

7.0 Recommendation: Conditional Permission

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. The exterior of the development hereby permitted shall only be constructed in the materials specified on the plans hereby approved 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.
3. The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other 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.
4. 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: In order that the Local Planning Authority can properly consider whether any future proposals would be detrimental to the amenities of the adjoining neighbouring properties, in accordance with policies GC1 and GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 of the Core Strategy for Chiltern District (Adopted November 2011).
5. The first floor window located on the north and south elevations shall only be glazed with obscured glass and shall also 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 thereafter.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals would be detrimental to the amenities of the adjoining neighbouring properties, in accordance with policies GC1 and GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

6. Prior to the commencement of any works above ground level, detailed plans, including cross sections 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. An additional scaled street view showing that the height of the proposed will not exceed the adjoining neighbouring property should be submitted. Thereafter, the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect the character and appearance of the surrounding area as per GC1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

7. The approved development shall be carried out in accordance with the biodiversity enhancement plan for 84 Denham Lane, Chalfont SL9 0EY (Oakman Architecture Ltd, submitted 19/02/2021). The condition will be considered discharged on receipt of a letter to confirm that all mitigation and enhancement measures have been implemented in accordance the approved measures.

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

8. Any new hard surfacing within the site must be made of porous material or provision must be made to direct run-off from the hard surface to a permeable or porous area or surface within the curtilage of the development.

Reason: To prevent reduce the risk of surface water flooding within 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 Classes A-E inclusive of Part 1 of Schedule 2 to the said Order shall be erected within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: To protect the character and appearance of the surrounding area and the amenity of neighbouring properties, as per policies GC1, GC3 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).

10. No construction work above ground level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which shall include indications of all existing trees and hedgerows on the land, with details of those to be retained, and those to be felled being clearly specified, as well as

new planting. The scheme shall include a hedge along the frontage, with precise details of species, planting size and spacing of new plants.

Reason: In order to maintain, as far as possible, the character of the locality.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to maintain, as far as possible, the character of the locality.

12. 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>
25 Jan 2021	2062-PL-104
13 Jan 2021	2062-PL-101 Rev A
13 Jan 2021	2062-PL-102 Rev A
13 Jan 2021	2062-PL-103 Rev A
18 Feb 2021	2062-PL-BIO
19 Feb 2021	Biodiversity Enhancement Plan
7 Dec 2020	2062-PL-001
7 Dec 2020	2062-PL-002

INFORMATIVE(S)

1. 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.

2. Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful

approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk.

3. You are advised that consent under the Building Regulations may be required for the proposed development and the Building Control Unit at the Council should be contacted in this regard.
4. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
5. 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.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Smith stated the following 'I would like this application to be determined by the Planning Committee if the officer's recommendation is for approval'. No stated concerns.

Parish/Town Council Comments

- The newbuild is large and bulky compared to neighbours. As such it is overbearing for neighbours and out of keeping with the street scene. This goes against our Neighbourhood Plan, policies H5 & H6. Refer also to Appendix B, character area 1 'Denham Lane to Amersham Road'.
- Is the Planning Officer satisfied that parking requirements have been met with the loss of the garage and side drive?
- The large window in the gable at the rear is very prominent and out of keeping with adjacent houses. It also overlooks properties on Highlands Close.
- Close proximity to Robertswood School raises concerns regarding safety, disruption and parking. It should be noted that HS2 built a road away from this area to facilitate large vehicles because of safety concerns.
- Concern that a lot of 'greenery' has been removed and a building erected in the back garden, which suggests overdevelopment.

Consultation Responses

Highways: The site frontage is able accommodate the vehicles, and would allow them to park clear of the highway. The proposed turning area shown here, whilst not meeting the standard 6 meters behind the space, I would not consider detrimental to highway safety given the context of the site and the existing situation. Therefore I have no objections to the proposal, subject to conditions.

Ecology:

- The submitted report is acceptable and no further information is required at this stage.
- However, the proposed development must show a net gain for biodiversity in accordance with national planning policy (NPPF, 2019).
- The submitted biodiversity enhancement plan (Oakman Architecture Ltd) is acceptable.
- Therefore, measures for biodiversity enhancement should be secured via a suitably worded planning condition.

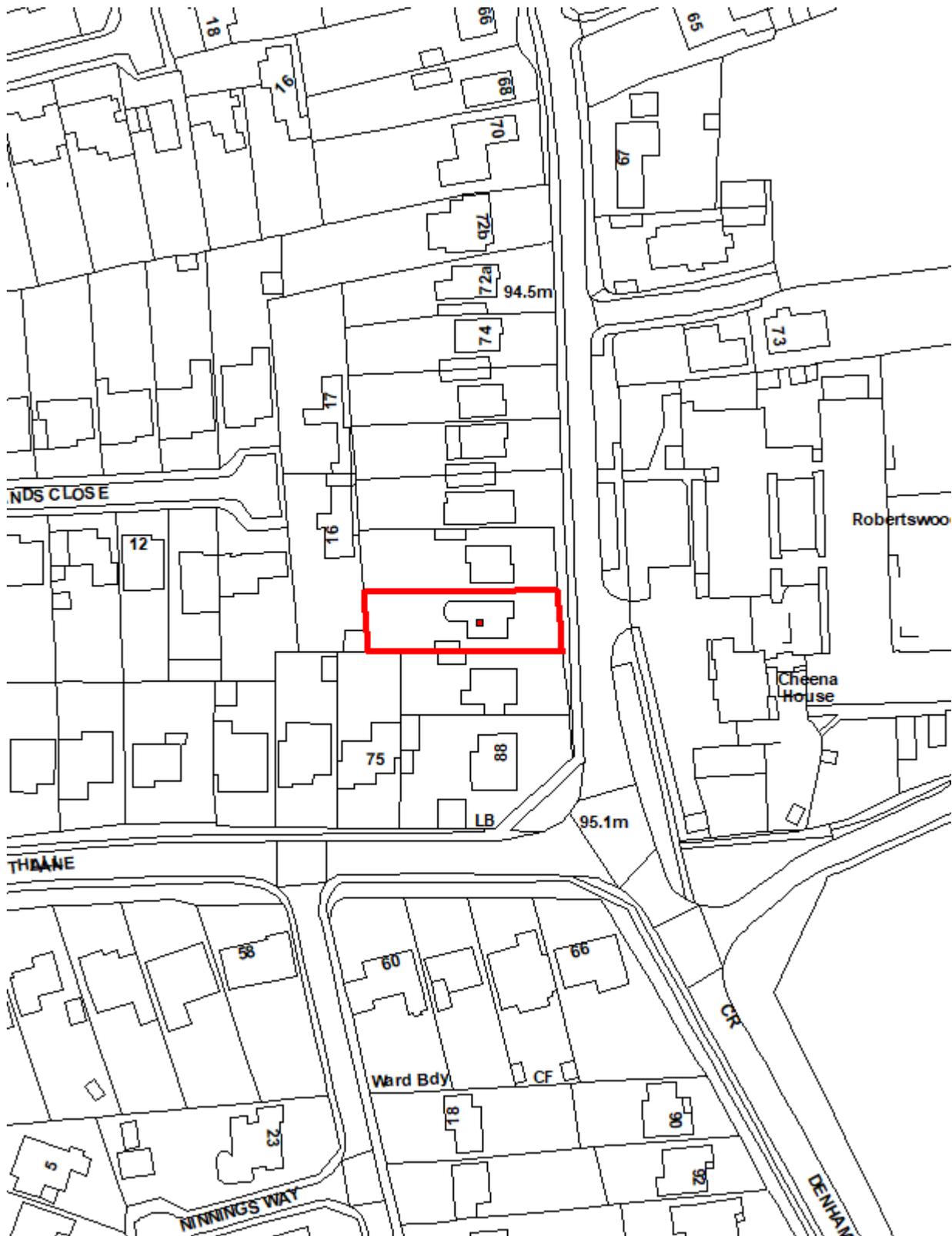
Representations

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

- The new build is large and bulky.
- overbearing for neighbours and
- out of keeping with the street scene.
- Contrary to Neighbourhood Plan, policies H5 & H6. Refer also to Appendix B, character area 1 'Denham Lane to Amersham Road'.
- Is the parking sufficient

- The large window in the gable at the rear is very prominent and out of keeping with adjacent houses. It also overlooks properties on Highlands Close.
- Close proximity to Robertswood School raises concerns regarding safety, disruption and parking. It should be noted that HS2 built a road away from this area to facilitate large vehicles because of safety concerns.
- Concern that a lot of 'greenery' has been removed and a building erected in the back garden, which suggests overdevelopment.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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