



Report to East Area Planning Committee

Application Number:	PL/22/0945/FA
Proposal:	Single storey front extension to the property and resurfacing of front garden.
Site location:	345 Waterside, Chesham, Buckinghamshire, HP5 1QE
Applicant:	Mr Steven Tideswell
Case Officer:	Martin Westwood
Ward affected:	Chess Valley
Parish-Town Council:	Chesham
Valid date:	29 March 2022
Determination date:	22 July 2022
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks planning permission for a single storey extension to the front elevation and the resurfacing of the front garden at No. 345 Waterside.
- 1.2 The application has been called to the Planning Committee by Councillor Baum.
- 1.3 The recommendation is to grant conditional permission.

2.0 Description of Proposed Development

- 2.1 The application site is located within the built-up area of Chesham. It is a three storey, end-of-terrace, town house property. The property was originally constructed with an integral garage, but this has since been converted to living accommodation. It is constructed in pale brickwork to the upper floors with red brick to the ground floor under a brown tiled, gable ended roof. Within the terrace, the properties alternate between the materials of the application property and those with brown brick to all floors. The River Chess lies to the rear of the application property's rear garden.

2.2 The proposed front extension would be 2.1m deep and 4.8m wide (the full width of the dwelling). The extension would have a mono-pitched roof containing four rooflights and would have eaves and maximum heights of 2.5m and 3.15m, respectively. The majority of the front garden would be resurfaced with permeable paving, although the final proposed material has not been decided. The proposals would retain the existing borders and small tree in the front garden.

3.0 Relevant Planning History

3.1 PL/21/2473/FA – *Single storey front extension, internal remodel and resurfacing of front garden*. Withdrawn 02.03.2022.

4.0 Summary of Representations

4.1 Chesham Town Council recommends refusal for reasons of being out of keeping and adequacy of drainage. Seven representations of objection have been received from six neighbouring and nearby properties with the main issues being: impact on the appearance of the terrace; neighbours' amenities, and parking/highways safety issues. A summary of all the points raised in the responses are set out in the Appendix.

4.2 The Council's Highways team has reviewed the application and has submitted a detailed consultation response. They do not object, but recommend that a condition is imposed requiring the parking space to be laid out and maintained for that purpose. The full response is in the Appendix. The Environment Agency has also considered the application and does not object on flood risk grounds. The full response is also in the Appendix.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), July 2021.
- National Design Guidance, October 2019
- Core Strategy for Chiltern District - Adopted November 2011:
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Buckinghamshire Parking Guidance SPD, September 2015.
- Residential Extension and Householder Development SPD, September 2013.
- Sustainable Construction and Renewable Energy SPD, February 2015.

Raising the quality of place making and design

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

Local Plan Saved Policies:

GC1 (Design of development)

GC4 (Landscaping)

H13 (Extensions to dwellings in the built-up areas excluded from the Green Belt and in Policy GB4 and GB5 areas in the Green Belt - general policy)

H15 (Design and siting of extensions)

- 5.1 Local Plan Policy H15 states that, amongst other things, an extension should be designed to respect the scale and proportions of the existing dwelling and should also reflect the form and design details of the existing dwelling. The proposed front extension would be a proportionately sized addition to the dwelling and the forward projection would not be excessively deep. Given its low eaves and relatively low maximum height, which would be comfortably below the bottom of the first floor window, it would also appear subordinate to this three storey dwelling. The mono-pitched roof form would reflect that of the main dwelling. The proposed rooflights would be of an appropriate number, size and position to prevent a cluttered appearance. The size, design and position of window and door openings would be appropriate. The proposed extension would not have a demonstrably harmful impact on the character and appearance of the dwelling.
- 5.2 Local Plan Policy H13 states that, amongst other things, an extension should not adversely affect the character and appearance of the street scene or locality in the vicinity of the extension. Local Plan Policy H15 states that, amongst other things, the siting of the extension should relate well to both the existing dwelling and the adjoining street scene and should not be obtrusive.
- 5.3 The application property is one of nine similar terraced townhouses, none of which have received front extensions. The terrace is set back from the main part of Waterside behind an access road. In the Chiltern and South Bucks Townscape Character Study 2017 and 2019, this part of Chesham is identified as being an “inconsistent suburban” area. This character typology refers to suburban areas where there is a noticeable lack of consistency in either the landscape or built form. The character study makes the following comments regarding Waterside “This suburban street has a disorganised appearance due to a large variety of housing types, including modern and inter-war terraces and semi-detached properties, as well as a pub.”

- 5.4 The proposed front extension would be the first in the terrace and, as such, would cause a degree of change to the character and appearance of the terrace, but being the first extension and causing change does not make the proposal unacceptable in principle. The test is whether demonstrable harm would be caused. The impact of the proposed extension on the street scene would be localised due to the modest size of the extension, the curving nature of the road, the position of the buildings adjacent to the terrace and the boundary vegetation adjacent to No. 347 Waterside.
- 5.5 When approaching from the direction of The Pheasant public house, views would be limited by the part of the public house that sits close to the road and by the boundary fence at the pub. The extension would also be partly seen against the backdrop of the adjacent No. 347 Waterside. When approaching from the other direction, the curved nature of the road and the positioning of No. 347 Waterside, which projects forward of the application property, and the boundary vegetation would partially screen the proposal. In both directions and at closer quarters, the extension would also be seen in the context of the much greater scale of the three storey terrace. This, together with the modest scale and height of the proposed extension and the setback from the main part of the street, is such that the extension would not be prominent and it is considered that the impact on the street scene would not be obtrusive. Therefore, the impact on the character and appearance of the terrace, the street scene and the locality would not be demonstrably harmful and would not justify refusal.
- 5.6 The proposed resurfacing of the front garden would result in the loss of soft landscaping. However, the existing planted beds and tree would be retained. Moreover, this terrace is extensively hard surfaced. It is served by an access road off the main part of the street and the majority of the areas in front of the individual units are hardsurfaced in a variety of materials. It is also noted that the property at the other end of the terrace, No. 329 Waterside, also has an enlarged driveway. Consequently, the resurfacing of the front garden would have an acceptable impact in character and appearance terms.

Amenity of existing and future residents

Local Plan Saved Policies:

GC2 (Sunlighting and daylighting)

GC3 (Protection of amenities)

H13 (Extensions to dwellings in the built-up areas excluded from the Green Belt and in Policy GB4 and GB5 areas in the Green Belt - general policy)

H14 (Safeguarding the amenities of neighbours in relation to extensions)

- 5.7 The proposed extension would be immediately adjacent to the existing garage at No. 343 Waterside. Consequently, there would be no adverse impact on the amenities of the occupiers of this property with regards to daylight, sunlight or shading. While it is noted that a Certificate of Lawfulness was granted to convert this garage to a room, the application must be assessed on the basis of the existing situation and not a potential situation. Similarly, there would be no adverse impact on the amenities of the occupiers of the adjacent property, No. 347 Waterside, with regards to daylight, sunlight or shading as the extension would be a minimum of 1.9m from the boundary between the two properties. No side-facing windows are proposed (a previously proposed side window facing No. 347 Waterside has been omitted); consequently, there would be no adverse impacts with regards to overlooking or a loss of privacy.
- 5.8 A comment has been received from the neighbouring property, stating that the extension would inhibit them getting in and out of their car as doors would not be able to be opened. This would be a private matter, as it relates to land ownership and access. It is not therefore a material planning consideration. In any event, it is noted that erecting a means of enclosure along the boundary using the property's permitted development rights could result in the same effect.

Transport matters and parking

Core Strategy Policies:

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

CS26 (Requirements of new development)

Buckinghamshire Parking Guidance SPD, 2015

- 5.9 The proposed extension would not create any additional habitable rooms at the property. The original garage has previously been converted, but the property retains one parking space on the driveway. However, the proposed extension would reduce this in length such that it could not accommodate a parking space. The proposed resurfaced front garden would provide a replacement parking space of a policy-compliant size. The local highways authority has not objected to the proposal. No objections are raised in relation to parking provision or highway safety.

Flooding and drainage

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding)

5.10 The River Chess lies beyond the rear garden of the application property and the application site falls within Flood Zone 3, which means it is on land at risk from flooding. However, this designation does not mean that no development should be permitted. Firstly, the application was accompanied by a Flood Risk Assessment prepared in accordance with the Environment Agency's flood risk standing advice for minor developments such as the application proposal. Secondly, the Environment Agency has not raised an objection to the proposed development on flood risk grounds. Permeable paving would be used for the resurfaced front garden, which would ensure that the development does not increase surface water run-off. There are no objections to the proposal on flood risk and drainage grounds.

Ecology

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests)

5.11 It is not proposed to remove any planting or the tree in the front garden. The area of lawn at the front would be lost for the proposed resurfacing, but this is low quality grassland and would score a low value in any biodiversity metric. Consequently, there would not be harm to local wildlife or biodiversity as a result of the proposals. While a biodiversity net gain should be encouraged, in this case, the permeable hard surfacing could be laid as permitted development anyway, so any further biodiversity measures would not be reasonable, having regard to this fallback position.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 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
- 6.2 As set out above, it is considered that the proposed development, subject to the recommended conditions, would accord with the Development Plan policies and the provisions of the NPPF. The application is therefore recommended for conditional permission.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2021) the Council approaches decision-taking in a positive and creative way taking a proactive approach to development proposals, focused on solutions, and works proactively with applicants to secure sustainable development.
- 7.2 The Council works 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 case, whilst no pre-application advice was sought, the Applicant and Agent have been kept updated regarding the progress of the application.

8.0 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. Prior to the commencement of the development hereby permitted, full details of the system and materials to be used for the surface of the driveway/parking spaces hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out using the approved materials.

Reason: To ensure a satisfactory appearance to the development. To ensure that the resurfaced front garden is surfaced in permeable materials for the reasons of sustainable drainage and to prevent surface water run-off onto the adjacent highway.

3. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial commencement 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. The materials to be used in the external construction of the extension hereby permitted shall match the size, colour and texture of those of the existing building.

Reason: To ensure that the external appearance of the enlarged building is not detrimental to the character of the locality.

5. 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>
29 Mar 2022	1551-01
29 Mar 2022	1551-02
29 Mar 2022	1551-03
29 Mar 2022	1551-04
29 Mar 2022	1551-05

INFORMATIVE(S)

1. Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- o on or within 8 metres of a main river (16 metres if tidal)
- o on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- o on or within 16 metres of a sea defence
- o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- o in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities_environmental-permits or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

2. 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 475679 or planning.cil.csb@buckinghamshire.gov.uk for more information.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Baum – I would like to call this application into the Planning Committee for their consideration if the Case Officer is minded to recommend approval.

Chesham Town Council Comments

The Committee recommends REFUSAL of this application on the grounds of being out of keeping with the existing street scene and concerns on inadequate drainage.

Consultation Responses

Highways

Waterside is a C class road subject to a 30mph speed restriction.

An additional parking space is proposed. The parking standards specify that each parking space should be a minimum of 2.8m x 5m. Having assessed the amended plans submitted, I am satisfied that the space is of adequate dimensions and would allow for vehicles to park clear of the highway.

Mindful of the above, I do not have any objections to this proposal subject to the following condition being imposed in any consent you may grant:

Condition: The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial commencement 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.

Environment Agency

Based on a review of the submitted information, we have no objection to the proposed development. However, please include the below informative for any permission granted.

Informative – Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities_environmental-permits or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to LPA – Flood risk standing advice

The proposed development falls within Flood Zone 3, which is land defined in the planning practice guidance as being at risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us.

This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

Representations

Other Representations

Six neighbouring and nearby properties have submitted representations of objection (seven representations in total), the main points of which are listed below (summarised):

- Objected to previous withdrawn application, as it took the development beyond the permitted building line, could create precedent along the line of townhouses and therefore create drainage and parking issues
- New proposal has a window overlooking our property (*Officer note: this window has now been omitted*)
- A 'lean to' with glazing right up to and above boundary wall has been erected. Whilst it probably falls within permitted development, we would like to understand if there are any restrictions around rights to light or privacy
- Will look out of character with the other houses

- Visually will be an eyesore
- Communal driveway is used by residents to gain access to their properties. It could potentially become dangerous when cars turn in from the busy main road should cars be loading/unloading in what would become a restricted area due to the proposed extension that would cause the removal or blocking of parking spaces
- Size of extension would stop neighbours parking on their own drive
- Would also intrude beyond the building line of the rest of the terraced houses, thus spoiling the aspect of the whole group of Town houses
- Plenty of room at the rear to extend into the garden as others have done in this block
- Objected to the previous withdrawn application, as this took the property beyond the building line of the row of townhouses
- Conveyancing document pertinent to our property and applied to all properties within the development (329 - 345 Waterside Chesham) outlines that no alterations can be made to the front elevation of any property. Whilst this may not be taken into account as part of this planning decision, if approved and passed, this development would hugely contradict the spirit of the Conveyance Document outlined and its intent to protect all residents
- No historical precedents for the passing and approval of these plans and no other property has previously sought or built in front of the original building line since being built more than 50 years ago
- Extremely concerned that the planned changes will set a precedent in the future, to the detriment of building aesthetics and the parking available to residents, especially our own
- Further concerns and objections relating to impact on our own property, permitted development we intend to carry out and on our personal lives
- Will create significant parking issues for us. A 2.1m wall down one side of the driveway boundary will make it extremely difficult to open the doors on one side of our car when it is parked on the drive. We have two young children, both requiring assistance to get into and out of the car. It will not be possible to take both children out of the car whilst it is parked on our drive. Is it expected that we remove and leave our children on the communal or public highway whilst we park our car, creating another public safety issue?
- Create potential highway safety issues if a car were to turn into the communal driveway whilst (i) Cars are being loaded/unloaded in the newly created car parking space. (ii) If a car were to pull off the new parking space onto the communal driveway
- Create the potential for entry and egress issues adjacent to a public highway
- Encourage the use of our land as a means of entering or egressing the subject's property, by parking on our driveway (we have already experienced this, preventing us parking on our own drive)
- Disregard and hinder us from carrying out our plans to convert the garage into a kitchen with a front-facing window (Ref No: CH/2017/0323/FA), causing an overbearing appearance at the front and block light into our property

- Could have an impact on the market value of our property and future sales potential
- Site plan of the property provided is incorrect as it does not show the 'lean to'. Whilst probably permitted development, we would still expect this to be represented
- Deeds for the 329-345 Waterside development restrict the altering of the front elevation of any property within this development that brings forward the established building line
- There is already a lack of parking space for our development. The proposed extension would further impinge upon the available space for residents as the proposed extension would be built upon the current driveway
- Potential natural light blocking issues
- Not in keeping with the established and current facade of the development
- Would not allow the residents of 343 Waterside to park on their own driveway as passenger side access to their car would be impossible, thus compounding further access, egress, and parking issues
- Unconvinced the proposed replacement space can safely accommodate a large family car without removal of existing small trees
- Reduced parking will only make the existing parking on kerbs and pavements worse, particularly during schools 'drop off' and 'pick up' times
- Drainage concerns given the poor condition of existing drains frequently already leads to excess surface water when it rains heavily
- Plans submitted are inaccurate, both in relation to 347 Waterside and the applicant's premises
- Side window directly overlooks our front garden/drive, directly affecting our privacy unless it is either removed or frosted (*Officer note: this window has now been omitted*)
- Principal concern is not this application in isolation, but the precedent it sets for all the town houses in the future, which will risk exacerbating all the above when the existing situation is already far from ideal
- Would affect parking and natural flow of traffic for deliveries and domestic uses to all properties 329-345
- Would look unsightly and not in keeping to the front of the all properties 329-345