



Report to East Buckinghamshire Area Planning Committee

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Recommendation: Conditional Permission

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Report to East Buckinghamshire Area Planning Committee

PL/19/3623/FA

Case Officer: Lucy Wenzel
Date Received: 22.10.2019 Decide by Date: 23.03.2020
Parish: Penn Ward: Penn And Coleshill
App Type: Full Application
Proposal: Part two storey/part single storey side extension with rear gable to replace existing rear gable extension, rear dormer roof extension to accommodate habitable space in loft. New front and rear rooflights and changes to windows
Location: Merchants Yard
Elm Road
Penn
High Wycombe
Buckinghamshire
HP10 8LF
Applicant: Mr and Mrs Sam and Kate Noble

SITE CONSTRAINTS

Article 4 Direction
Adjacent to A and B Road
Adjacent to Unclassified Road
Area of Special Control of Advertisements
Adjacent Listed Buildings
Archaeological site
Biodiversity Opportunity Areas
Conservation Area
Within Green Belt other than GB4 GB5
North South Line
A and B Roads
Archaeological Notification Areas
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character
Established Residential Area of Special Character

CALL IN

Councillor Waters has requested this application is referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

This application site is located to the west of Penn to the southern end of Elm Road. The plot currently accommodates a detached dwelling set to the west of the plot with rear garden area extending considerably to the east. To the rear of the plot resides Penn and Tylers Green Football Club, with the Common to the west. The dwelling is set back from Elm Road by a parking area and front garden. Neighbouring dwellings reflect the detached nature and therefore there is a cohesive street scene but with variation in terms of external appearance. Both neighbouring dwellings are listed with a number of further listed buildings sited along Elm

Road. The site is located within the Penn and Tylers Green Conservation Area and also within an Established Residential Area of Special Character (ERASC).

THE APPLICATION

This application seeks permission for the erection of a part two storey/part single storey side extension with rear gable to replace an existing rear gable extension; a rear dormer roof extension, new rooflights and fenestration alterations.

The proposed part two storey extension measures approximately 7.2 metres in depth with a width of 2.5 metres. The roof will be pitched leading into a new rear gable which extends across the proposed new extension and existing rear elevation of the dwelling. The main ridge measures 7.5 metres in height with the eaves measuring 4.8 metres.

The part single storey extension measures approximately 4.3 metres in depth with a width of 3.5 metres. The roof will be flat in construction with an overhang detail and measures 3 metres in height.

The rear dormer measures approximately 5.4 metres in width with a height of 1.8 metres.

The fenestration alterations encompass an alteration to an existing window opening on the principal elevation of the dwelling and 2 front and 1 rear facing rooflight are proposed.

A Design and Access Statement and Heritage Statement have both been submitted with the application.

RELEVANT PLANNING HISTORY

CH/2013/0091/FA - Single storey rear extension and insertion of ground floor window (amendment to planning permission CH/2012/0269/FA). Conditional permission.

CH/2012/0269/FA - Single storey rear extension

PARISH COUNCIL

Received on the 7th November 2019

"Concern - we are concerned about the proximity of the two storey extension to the plot boundary and the impact on Well End."

On the receipt of amended plans, the Parish Council were re-consulted and provided further comments.

Received on the 16th January 2020

"No comment."

REPRESENTATIONS

Nine letters of objection have been received from neighbouring dwellings on the following grounds:

- There is mature hedging along the northern boundary which could be impacted.
- The separation distance to the northern neighbour would be 4 metres.
- The two storey extension would result in significant overshadowing and loss of light.
- The dormer window will be visually intrusive.
- Proposed front rooflights.
- The proposed development is out of scale in relation to the surrounding buildings in the immediate vicinity.
- The proposed works could result in it appearing overbearing.
- The resultant dwelling could harm viewing looking into and out of the Conservation Area.

Subsequent to receiving these comments, amended plans were sought and received. Three further letters were received from neighbouring dwellings and from the Penn and Tylers Green Residents Society

- The existing gap to the neighbouring dwelling would still be markedly reduced.
- There still could be resultant issues to the Conservation Area.
- The sense of an overbearing effect would still remain.
- There remains to be an impact of infilling on the open views from the Common and Conservation Area.
- Loss of privacy.

CONSULTATIONS

Archaeological Officer

Received on the 19th November 2019

"We have checked the Buckinghamshire Historic Environment Record and draw your attention to the designation of a Conservation Area. The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of the asset(s). We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest."

On the receipt of amended plans, the Archaeological Officer provided further comments.

Received on the 3rd January 2020

"The nature of the proposals remains such that they are unlikely to significantly harm the archaeological significance of any assets. We therefore have no objection to the amended proposals and do not consider it necessary to apply a condition to safeguard archaeological interest."

Listed Buildings and Conservation Officer

Received on the 15th January 2020

"The application is considered perfectly acceptable as there are no objections or detrimental concerns with regards to the Historic Buildings environment/Conservation aspect."

Former Wycombe District Council - consulted as the adjacent authority prior to 1st April 2020, and their comments were received prior to this date

"No objections."

POLICIES

National Planning Policy Framework (NPPF), February 2019

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS4 and CS20.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, H11, H13, H14, H15, H16, CA1, CA2, TR11 and TR16.

Draft Chiltern and South Bucks Local Plan 2036

EVALUATION

Principle of development

1. The site is located within the built-up area of Penn wherein extensions and alterations to existing buildings are acceptable in principle. However, the site is also set within an Established Residential Area of Special Character (ERASC) where dwelling width, spacing and external appearance should be in accordance with the prevailing character of the area and be compatible. Furthermore the site is located within the Penn and Tylers Green Conservation Area where in accordance with Policy CA1, proposed extensions and alterations to existing dwellings should preserve or enhance the character or appearance of the Conservation Area with regard to siting, established pattern of development, density, scale, bulk, height, design and external appearance.

Design/character and appearance

2. The proposal consists of a part two storey, part single storey side extension and a rear dormer window. The proposed two storey side and rear extension will extend from the northern flank of the dwelling and at ground floor level extends close to the full depth of the existing dwelling but with the depth reducing at first floor level. An appropriate roof form of a pitch (which leads into a new rear gable) is proposed to extend over the two storey element to ensure visual integration with the original dwelling. The single storey element would have a flat roof with overhang detail which mirrors the existing single storey rear projection. The ridge of the two storey pitched roof sits below the main ridge of the dwelling, ensuring that the extension is subservient, providing a clear distinction between old and new. This subordinate ridge additionally mirrors the southern flank projection. The replication of the flat roof to the rear also helps it integrate with the existing dwelling. Although extensions are located on the flank elevation of the dwelling, spacing is maintained to this boundary line and in part the proposed side extension replaces an existing single storey side extension. The extensions are considered to be appropriate in their scale having regard to their relationship with the existing dwelling. In addition, the plot is of an appropriate scale to be able to accommodate an enlarged dwelling and the proposed development would not result in a cramped or contrived relationship. The Conservation Officer comments that the proposal is acceptable in terms of its impact on the wider character and appearance of the Conservation Area. Furthermore, materials to match those existing are proposed to be used, which would also respect the visual amenities of the surrounding Conservation Area and ERASC.

3. The proposals also include the erection of a dormer window positioned on the rear roof slope of the dwelling. The dormer will sit marginally below the main ridge of the dwelling and is considered to be appropriate in scale and not visually dominating. The design of the dormer is proposed to have a flat roof with glazing covering the extent of the fascia. Given that rear dormers are not an uncommon feature and given its rear siting, no detrimental impact would arise on the character and appearance of the area.

4. The fenestration changes include the alteration to existing window openings on the principal elevation of the dwelling. The proposed rooflights would be discreet and would not adversely affect the appearance of this dwelling. These alterations are minimal in respect of the external appearance of the building.

5. Having regard to the above assessment, the proposed development is considered to be acceptable. The plot is of an appropriate scale to accommodate a dwelling of increased size, with spacing maintained to all boundary lines. Furthermore, the proposed alterations to the fenestration and scale are not considered to have any detrimental harm to the overall character and appearance of the original dwelling or surrounding locality. Appropriate materials are to be used to ensure visual cohesion to the street scene along Penn Road and therefore there would be no harm arising to the Conservation Area and ERASC. In addition, the favourable comments from the Listed Buildings and Conservation Officer are noted and in accordance with those comments, these proposals are considered to be acceptable having regard to Policies GC1, H11, H13, H15, H16, CA1 and CA2.

Residential amenity

6. Comments have been made by third parties in relation to the resultant dwelling appearing overbearing and visually intrusive. These comments are noted but although occupiers of the adjacent dwelling would be aware of the proposed extensions at ground, 1st floor and roof level, notably the rearward extensions at 1st floor and roof level, a sufficient degree of separation would remain. The ridge height of the proposed side extension sits subordinately to the main ridge of the dwelling which minimises any resultant overbearing appearance. The two storey extension reduces in depth from ground to first floor and the proposed two storey depth reflects the depth of the adjacent dwelling to the north. Furthermore, flank windows are only proposed at ground floor level and these are high level windows which would not reduce privacy or cause concern related to visual intrusion.

7. Further to the above, objections have been received in relation to the proposed rear dormer window. Whilst the rearwards siting of the dormer is noted, given that the rear elevation already has windows sited in it, it is not considered that its central positioning would materially affect the present level of amenity enjoyed by neighbouring dwellings, in relation to any increased level of overlooking above that which already exists.

8. Therefore, having regard to the above assessment, it is not considered that the proposed development would result in any substantive reduction in amenity levels for neighbouring dwellings. As such, the proposed development is considered to be acceptable having regard to Policies GC3, H13 and H14.

Parking/highways implications

9. In relation to parking, the existing dwelling is already above 120 sqm in floor area, therefore no additional parking is required, having regard to the Council's standards. Therefore, having regard to Policies TR11 and TR16, no concerns are raised.

Community Infrastructure Levy (CIL)

10. Having regards to CIL, given the scale of the proposed extensions the proposed scheme is not CIL liable.

Working with the applicant

11. In accordance with Section 4 of the National Planning Policy Framework, the Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, amended plans were submitted and these were considered acceptable.

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 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.C108A General Time Limit

2 The materials to be used in the external construction of the development 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.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in any of the elevations of the extensions hereby permitted.

Reason: To protect the amenities and privacy of the adjoining properties.

4 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part of the roof of the extension hereby permitted shall be used as a balcony or roof terrace, nor shall any access be formed thereto.

Reason: To safeguard the amenities of the occupiers of the adjoining properties.

5 AP01 Approved Plans

INFORMATIVES

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.

PL/19/3820/FA

Case Officer:	Lucy Wenzel	Decide by Date:	29.05.2020
Date Received:	06.11.2019	Ward:	Ashley Green Latimer And Chenies
Parish:	Latimer & Ley Hill		
App Type:	Full Application		
Proposal:	Erection of detached dwelling		
Location:	Land To Rear Of Elmcroft The Green Ley Hill Buckinghamshire HP5 3QR		
Applicant:	Mr and Mrs Matt and Sally Gardner		

SITE CONSTRAINTS

Article 4 Direction

Area Special Adv. Control

Adjacent to Archaeological Notification Site

Archaeological site

Adjacent Public Footpaths and Public Rights Of Way

Bovingdon Technical Radar Zone

Within Green Belt other than GB4 GB5

North South Line

Archeological Notification Areas

Within 500m of Site of Importance for Nature Conservation NC1

On/within 250m rubbish tip

Adjoining Common Land

Common Land

GB settlement GB5,6,12,23,H7,13,19

Adjoining Public Amenity Open Space

Public Amenity Open Space

COMMITTEE CALL IN

Councillor Garth has requested that this application is referred to the Planning Committee, regardless of the recommendation made by the Officers.

SITE LOCATION

The application site is located down a private access road leading off The Green and Ley Hill Road to the north west of Ley Hill. The plot currently accommodates Elmcroft, a detached dwelling with the proposal set to subdivide this plot to facilitate the erection of a new dwelling. Surrounding the site to the north are large detached dwellings set within substantial plots, with small residential estates to the south. The plot is located within a Green Belt Settlement (GB5).

THE APPLICATION

The application seeks permission for the erection of a detached dwelling. It is identical in all respects to a recently refused planning application, reference PL/19/2593/FA. This was refused permission on 11th October 2019 and there have been no changes to the relevant policies or site circumstances since that refusal.

The proposed plot runs north to south with the dwelling sited at the far southern end and amenity space extending to the north. The dwelling has a L shaped form with a maximum width of 17.5 metres reducing to

10 metres. In terms of its depth this varies from 11.8 metres in maximum depth to 7 metres. The dwelling has a main hip roof with front projecting gabled element with the ridge heights measuring 8.7 metres and 9 metres retrospectively with eaves measuring 5.4 metres.

A Design and Access Statement has been submitted with the application.

RELEVANT PLANNING HISTORY

PL/19/2593/FA - Subdivision of plot and erection of dwelling. Refused permission for the following three reasons:

1. "*The application site is located within the Green Belt wherein there is a general presumption against inappropriate development, which includes most new residential development. As an exception limited infilling is acceptable within an existing row of dwellings or settlement, subject to the criteria contained in Policies GB4 and GB5 of the Adopted Local Plan. In this case, the proposal does not comprise acceptable infilling. The proposed dwelling is not located in an existing row of dwellings, but rather is located behind one of the buildings in the frontage to the road. As such it comprises backland development without a frontage to the road and would erode the open and rural character of the Green Belt. The proposal conflicts with Policies GB2 and GB5 of the Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework (2019)."*

2. "*The application site is located to the rear of The Green directly to the rear of two dwellings; Elmcroft and Shenley Cottage. The Green is characterised by dwellings that have a direct frontage to The Green creating a linear and uniform pattern of development. In contrast, the proposed dwelling would not a direct frontage onto The Green and would appear as an odd and untypical feature, by reason of its siting. The dwelling would have a poor relationship with other buildings in the vicinity, as it would be out of character with the surrounding urban grain and building layout. It is also noted that Policy DP8 of the Draft Local Plan 2036 does not allow for such tandem development. The siting of the dwelling behind the rear of those dwellings fronting The Green creates an unsatisfactory form of development which appears at odds with the existing pattern of development and would therefore fail to comply with Policy GC1 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011, Policy CS20 of the Core Strategy for Chiltern District - Adopted November 2011, and the provisions of the National Planning Policy Framework (2019) as well as conflicting with Policy DP8 of the Draft Chiltern Local Plan 2036."*

3. "*By reason of its siting, height, width and overall scale, the proposed dwelling would appear overbearing and visually intrusive when viewed from the rear elevation windows and rear amenity space serving the neighbouring properties at No. 5 and 6 Hollytree Close and Shenley Cottage. The proposal is therefore contrary to Policy GC3 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011."*

PARISH COUNCIL

Received on the 23rd December 2019.

"Latimer and Ley Hill Parish Council has considered this second planning application for Elmcroft and wish to object based on the previous grounds:

1. Interference with adjacent property
2. Loss of privacy
3. Overshadowing/bearing
4. Intrusion into countryside

The scheme does not appear to accord with either the Council's planning policies or those within the NPPF.

This proposal is not limited infilling as defined in the Council's policy GB4 and 5 as the proposed site does not sit within in a small gap in an existing row of dwellings and other substantial buildings, which form an

otherwise full developed frontage to a road. This is clearly a scheme of backland development which is out of keeping with the pattern of development in the surrounding area. Here all the current dwellings have a road frontage. This does not.

The proposal reduces the plot of the existing house at Elmcroft so that it is no longer of a shape and size comparable with others immediately adjacent on the road and thus fails to preserve the character of the area.

The appearance of the proposed property is not comparable to others in The Green which are all traditional houses with a front and rear garden. The proposed property has been shoe horned in to the rear corner of the site and therefore produces a one sided house with almost blank elevations presented to the surrounding houses.

The proposed new large dwelling by virtue of its location is immediately adjacent to the boundary of the open Green Belt and as such would introduce a significant mass of built form on to the sensitive edge of the Green belt. As such it would increase the perception of buildings when viewed from the Green Belt and by implication reduce the openness of the Green Belt.

The proposed property is extremely close to the boundary with Shenley Cottage and will introduce a significant bulk when viewed from both this property and the houses in Holly Tree Close which will affect both their view and privacy.

The National Planning Policy Framework states that planning policies and decisions should support development that makes efficient use of land, taking into account:

- The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- The importance of securing well-designed, attractive and healthy places.

As highlighted above, this scheme; principally due to its scale and form, fails to achieve any of these points.

Ley Hill is in need of a mixture of houses. The Parish Council wish to maintain the character of the village which includes the residential gardens and Green Belt. A more modest, single storey scheme could overcome some of these concerns. Infilling at backs of properties, particularly if this sets a precedent, will change the character and attractiveness of the village for the worse and we ask that you refuse this application."

REPRESENTATIONS

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

- The location of the proposed new dwelling is out of keeping with neighbouring dwellings.
- There would be a significant reduction in the privacy serving Shenley Cottage and would impact upon residential amenities.
- The dwelling would create an unacceptable sense of being enclosed; making the proposal extremely overbearing and visually intrusive.
- Local distinctiveness will be significantly affected; insomuch as the dwelling does not follow prevailing plot sizes, building lines, scale and boundary treatments.
- The dwelling sits close to properties located at the end of Holly Tree Close which will create detrimental concerns.
- There is concern over the loss of existing trees; both in terms of a loss of privacy but also for a loss of wildlife habitat.
- overshadowing could be an issue created by the erection of a dwelling in this location.
- Although no windows look directly at Shenley Cottage, all rear elevation windows at Shenley Cottage will have the new development in their outlook.

CONSULTATIONS

Highways Authority

Received on the 23rd December 2019:

"The Green is an unclassified road subject to a 30mph speed restriction in the vicinity of the site. The road does not have parking or waiting restrictions.

The application proposes the subdivision of the plot and the erection of a new dwelling using an existing access. When considering trip generation, I would expect a dwelling in this location to generate in the region of 4-6 vehicular movements (two-way) per day. As this is the case, the access arrangements serving the site will need to be assessed in order to determine its suitability to accommodate the vehicular movements anticipated.

In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a speed limit of 30mph.

As the proposed visibility splays fall within Common Land, the applicant will need to apply to The Secretary of State for Environment, Food and Rural Affairs for a S38 licence under the Commons Act to ensure that these splays are maintained.

The application proposes 3 parking spaces. The parking standards specify that each parking space should be a minimum of 2.4m x 4.8m wide. Whilst I trust that the Local Planning Authority will consider the level of parking proposed, I can confirm that these spaces are of adequate dimensions and would allow for vehicles to park, turn and leave the site in a forward gear.

Mindful of the above, the Highway Authority raises no objections to this application subject to conditions."

Waste Team

Received on the 23rd December 2019:

"Waste services note the proposal for a detached dwelling. We have no objections, resident to present their waste and recycling containers at the property boundary adjacent to The Green on collection day only. All collections to take place in accordance with Council Policies."

Building Control

Received on the 16th December 2019:

"Although the access has a 'pinch point', I believe that it is not too narrow to accommodate a Fire Service vehicle; I have no objections to these proposals."

Strategic Access Officer (in relation to the Rights of Way network)

Received on 18th December 2019:

"A small length of the property's southern boundary abuts Footpath LAT/17/3, but this remains unaffected by new fencing. The new access is proposed to share the existing access to Elmcroft off the vehicular highway. This passes across Leyhill common, but there are no proposals to surface this area.

In light of the above, I have no objection."

POLICIES

National Planning Policy Framework (NPPF), February 2019

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, GB2, GB5, H11, H12, TR2, TR11 and TR16

EVALUATION

1. Firstly, it should be noted that this application is identical in all respects to a previous application which was refused on 11th October 2019. No attempt has been made to overcome any of the reasons for refusal. The Council does have powers to decline to determine repeat or vexatious applications, but these only apply after two similar refusals, or an appeal which has been dismissed. The assessment below follows the approach of the previous application, given they are both identical. Since the submission of this application, local and national planning policies and guidance have not changed and therefore it would be unreasonable and inconsistent to reach a different conclusion.

Principle of development in the Green Belt

2. The site is located within a Green Belt Settlement as defined in Local Plan Policy GB5. This Policy states that the Council will accept limited residential development in the following circumstances:

a) *Limited "infilling" where the definition is 'the construction of one or two dwelling(s) in a small gap in an existing row of dwellings which forms an otherwise fully developed frontage to a road and where the width of the development is closely similar to the surrounding sites and the curtilage is of a comparable size and shape and the siting, scale and appearance is compatible with the existing locality.'*

Officer assessment:

The application clearly does **not** propose a new dwelling in a small gap fronting a road, between other dwellings. Therefore it is not infilling as set out in this part of Policy GB5.

Policy GB5 continues:

Or

b) *Where the development site consists of a small parcel of land in existing authorised or established residential use which is totally or substantially enclosed by existing residential development, including dwellings and not just their curtilages. A small parcel of land will be regarded as no more than 0.5 hectares.*

Officer assessment:

The site is within residential use but is clearly **not** "totally or substantially enclosed by existing residential development", as this part of the Policy expressly states this must include dwellings and not just their curtilages. The purpose of this is to ensure infilling in this respect is surrounded by other buildings. The site is bordered by a dwelling to the south, there are (loosely) dwellings located to the east, but no buildings to the north or west. To these sides, an open garden area is located to the north and an open field is located to the west. Therefore it is not bordered by dwellings on at least two sides. It is certainly not infilling under this part of Policy GB5, or having regard to any applicable appeal decisions.

Additionally, the curtilage for each dwelling should be of a size and shape comparable to existing surrounding development and the siting, scale and appearance of each new dwelling should be compatible with the existing character of the settlement around the development.

In conclusion to the above, it is plainly clear that the proposal does not comprise limited infilling, as it does not comply with any of the definitions or categories set out in the Local Plan. It is noted the Parish Council also recommend refusal and comment that it is not infilling. National guidance in the NPPF is more recent and again this states that limited infilling can be an exception to inappropriate development in the Green Belt. However, even using the same definitions of infilling as set out in the Local Plan, it is clear that this scheme is an undesirable backland development and is not infilling.

The proposal is therefore inappropriate development, which, by definition, is seriously harmful to the Green Belt. The NPPF directs LPAs to regard this as significant harm to the Green Belt. In addition to the inappropriateness, there would also clearly be harm to the openness of the Green Belt arising from the erection of a large new dwelling on an open parcel of land. As such the proposal is entirely contrary to Policies GB2, GB5 and the NPPF.

Design/character & appearance

3. Core Strategy Policy CS20 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. It is noted that the Parish Council objects strongly on several grounds, one of which is the impact on the character of the settlement.

4. The proposal again seeks permission for the erection of a large detached dwelling within a plot of land which sits to the rear of Elmcroft and Shenley Cottage. The site will be accessed off The Green and down a small access track. The site currently accommodates a detached chalet bungalow with an L-shaped rear garden which runs behind the adjacent neighbouring dwelling, Shenley Cottage. To the south there are dwellings and the residential development to the north extends along the road in a linear form. The proposed location of the dwelling would not follow the set building line to which the row of dwellings facing The Green aligns to. It would sit to the rear of this rigid and uniform development creating an odd and contrived visual relationship to surrounding buildings, as it would be the only building behind others in this row. In line with stipulations set out in Policy GB5, development must be compatible with the existing character around the site. The development would predominantly be viewed within the context of The Green given that this is where the access point leads from. Having regard to this, the set back from the street scene separates the proposed development from The Green in a negative manner as it would not be viewed cohesively but as an isolated backland development which results in a visually poor relationship forming which does not follow the stipulations of infilling. Furthermore, the set back from the road frontage creates a backland development site which is not characteristic of The Green or the wider surrounding locality, as it would be aligned at right angles to the linear pattern of plots along The Green. In addition, The Green is characterised by dwellings of varied form, scale and appearance but there is a general cohesiveness in terms of their siting, all being of a strong linear form fronting the road. The proposed dwelling would be entirely at odds with this arrangement, creating an isolated backland development, and not respecting the character of the settlement in any way.

5. Whilst the Draft Chiltern and South Bucks Local Plan has not been adopted it forms a material consideration in assessing applications and carries some limited weight. In his representations to call this application to Planning Committee, Councillor Garth notes several of these new policies. Many of these have received a high number of objections (e.g. those relating to removing Ley Hill from the Green Belt), therefore they carry virtually no weight at this stage. However, Policy DP8 is also referred to and has received fewer objections and hence has slightly more weight. This relates to backland development and states that it must respond well to the character of the area and respect the privacy and amenity of existing and new residents and should not result in tandem development. It further states that development should not take place in a piecemeal way. In relation to this policy and also Policy GB5, the siting of the dwelling behind the rear of those dwellings fronting The Green creates an unsatisfactory form of development which appears at odds with the existing pattern of development and would as such visually appear as tandem development. It would certainly be a piecemeal development and exactly the type of development that Policy DP8 would seek to prevent. This Policy does not have full weight at this stage, but it adds some limited harm to the strong harm already identified above, in relation to the Green Belt and the character of the area.

6. In terms of the scale and detailed appearance of the proposed dwelling, it would be a large fairly bland building, measuring around 17.5m by 12m in footprint and with a maximum ridge height of 9.0m. It would form a substantial mass on this open plot and would be one of the biggest buildings in the vicinity. Whilst the appearance of individual houses around the site does vary, so no specific objections are raised to

its design, the size of the building would emphasise its inappropriate backland position in relation to other buildings.

Residential amenity

7. In terms of the impact of the new dwelling on the amenities of neighbouring properties, the positioning of the new dwelling would be such that it is sited to the rear of a number of neighbouring dwellings fronting both The Green and Holly Tree Close (to the south). The previous (identical) application was refused due to the impact on the neighbouring properties at Nos. 5 and 6 Hollytree Close (to the south) and Shenley Cottage (to the east). It is noted that the Parish Council also raise objections on these grounds. Taking these in turn:

Impact on Nos. 5 and 6 Hollytree Close

As noted, the new dwelling would be a substantial mass of built form, being 17.5m in width and with a ridge height of 9.0m. It would be sited only around 1 metre from the rear boundary at its nearest point, due to the staggered relationship, although this point forms the boundary with the War Memorial Hall. The new dwelling would only be located 7m from the rear boundary with the public footpath, beyond which is the rear garden of No. 5 Hollytree Close. It would be located a mere 18 metres from the rear elevation of No. 5. Given its substantial width and height, it would form an imposing mass of built form when viewed from the properties in Hollytree Close, which have short rear gardens themselves. The relationship with these properties is poor and the new dwelling would have a significantly detrimental visual impact, appearing overbearing and visually intrusive. The agent has submitted a diagram showing a 25 degree line drawn from the horizontal, in an attempt to justify this relationship. However, this only relates to loss of light and, given the new dwelling would be to the north, there would be no loss of light. The 25 degree test has nothing to do with visual impact. He also draws reference to the trees along the intervening boundary, but these are not protected and could be removed at any point. The relationship therefore has to be assessed without the trees. The new dwelling would dominate the outlook from the properties to the south and given its size and very close proximity, it would appear overbearing and intrusive. This would harm the amenities of the neighbouring occupiers to a significant degree.

Impact on Shenley Cottage

The previous application was also refused due to the impact on the amenities of Shenley Cottage to the east. The impact here is not as severe as the impact on No. 5 and 6 Hollytree Close, but nonetheless, it would still be located fairly close to this boundary and neighbouring property, and would appear visually intrusive.

Therefore having regard for the above, the proposal is severely detrimental to neighbouring amenities and as such does not comply with Policy GC3 of the Chiltern Local Plan.

8. With regards to the proposed amenity space associated with the new dwelling, Policy H12 states that garden depths should generally be 15m in depth, or reflect the surrounding dwellings should those surrounding garden depths be substantially different. Having regard to this, the proposed rear garden depth is very small. However, adequate space around the dwelling (to the front) could be provided to cater for the amenity needs of future occupiers. No specific objections are raised in relation to Policy H12.

Parking/Highway implications

9. The plot will be accessed off The Green via a narrow access track leading between Elmcroft and Shenley Cottage. The Highway Authority has stated that adequate visibility splays can be achieved and therefore there are no concerns raised in relation to highway safety. With regards to parking on site, there are three parking spaces proposed which are of adequate and appropriate size and meet the required parking standard. Neighbouring occupiers have raised comment regarding the introduction of a new access but given that there will be only be approximately 4-6 vehicular movements generated it is not considered that these will give rise to traffic or noise increases over and above what is already experienced by residents in the locality. Therefore, there are no concerns raised having regard to Policies TR2 and TR16.

Working with the applicant

10. In accordance with Section 4 of the National Planning Policy Framework, the Council works in a positive and proactive way with Applicants and Agents and is focused on seeking solutions to any issues arising from a development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- Offering a pre-application advice service,
- Updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the proposal did not accord with the Development Plan and indeed follows an identical scheme which was refused for several reasons. The Agent was fully aware of the issues and was kept updated during the course of this application. No attempt was made to overcome the reasons. A slight attempt was made to reduce the scale of the dwelling to try and overcome the refusal relating to the impact on the amenity of neighbours, but when the case officer stated this reduction was not sufficient, the Agent was not willing to make any further changes and did not wish those changes to be formally considered. As the proposal is fundamentally unacceptable, no changes during the course of the application would have reasonably overcome the issues, so the application was recommended for refusal on the basis of the submitted plans.

Human Rights

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

RECOMMENDATION: Refuse permission

For the following reasons:-

1 The application site is located within the Green Belt wherein there is a general presumption against inappropriate development, which includes most new residential development. As an exception, limited infilling is acceptable within an existing row of dwellings or settlement, subject to the criteria contained in Policies GB4 and GB5 of the Adopted Local Plan. In this case, the proposal does not comprise acceptable infilling. The proposed dwelling is not located in an existing row of dwellings, but rather is located behind one of the buildings in the frontage to the road. Furthermore, it does not comprise a parcel of land surrounded by other residential development. As such it comprises backland development without a frontage to the road and would erode the open and rural character of the Green Belt. It is inappropriate development, which is seriously harmful to the Green Belt, by definition. The erection of a large building on this open site would also harm the openness of the Green Belt. There are no very special circumstances sufficient to outweigh this harm. The proposal therefore conflicts with Policies GB2 and GB5 of the Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework (2019).

2 The application site is located to the rear of The Green directly to the rear of two dwellings: Elmcroft and Shenley Cottage. The Green is characterised by a row of dwellings that have a direct frontage to The Green, creating a linear and uniform pattern of development. In stark contrast, the proposed dwelling would not a direct frontage onto The Green and would appear as an isolated, odd and untypical feature, by reason of its siting. The dwelling would have a poor relationship with other buildings in the vicinity, as it would be out of character with the surrounding urban grain and building layout. It is also noted that Policy DP8 of the Draft Local Plan 2036 does not allow for unsatisfactory tandem development. The siting of the dwelling behind the rear of those dwellings fronting The Green creates an unsatisfactory form of development which appears at odds with the existing pattern of development and would therefore fail to comply with Policy GC1 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011, Policy CS20 of the Core Strategy for Chiltern District - Adopted November 2011, and the

provisions of the National Planning Policy Framework (2019) as well as conflicting with Policy DP8 of the Draft Chiltern Local Plan 2036.

3 By reason of its siting, height, width and overall scale, the proposed dwelling would appear overbearing and visually intrusive when viewed from the rear elevation windows and rear amenity space serving the neighbouring properties at Nos. 5 and 6 Hollytree Close and Shenley Cottage. This would be significantly harmful to the amenities of these neighbouring properties, contrary to Policy GC3 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011.

INFORMATIVES

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.

PL/19/3828/FA

Case Officer: Melanie Beech
Date Received: 07.11.2019 Decide by Date: 29.05.2020
Parish: Little Missenden Ward: Holmer Green
App Type: Full Application
Proposal: Erection of two detached dwellings with integral garages and creation of revised vehicular access
Location: Beechwood Park
70 Beech Tree Road and Land to the rear of 72-76 Beech Tree Road
Holmer Green
Buckinghamshire
HP15 6UT

Applicant: Mr A Langley

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent to Unclassified Road
North South Line
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character

CALL IN

Councillor Martin has requested that this application is referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site is located on the northern side of Beech Tree Road within Holmer Green. It currently consists of an existing bungalow (70 Beech Tree Road) and its associated long rear garden. The application site extends to the west onto land situated to the rear of nos. 72-76 Beech Tree Road.

The site is not within any designated areas but is adjacent to the Green Belt and Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

The application seeks planning permission to demolish the existing bungalow at no. 70 Beech Tree Road and erect two detached dwellings on land to the rear.

The proposed dwelling on plot 1 is a two storey dwelling with a maximum width of 10m, maximum depth of 15.7m and height of 7.5m. It has an eaves height of 4.1m at the front with the base of the first floor dormer windows sitting below the eaves. The eaves height on the rear elevation is 3.6m with first floor dormer windows sitting above the eaves.

The proposed dwelling on plot 2 has a maximum width of 17m, maximum depth of 9.8m and ridge height of 7.3m. It has an eaves height of 3.1m and includes pitched roof dormer windows in the front and rear elevations.

Each dwelling includes four bedrooms on the first floor. They both have an integral garage and two car parking spaces in front of the garage. Each dwelling also has a private rear garden and space for bin storage.

The proposed development also includes widening the existing access onto Beech Tree Road and creating a new access drive to the new dwellings.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

PARISH COUNCIL

Objects to the application on the following grounds:

- Property will back onto fields which are classed as AONB.
- The new properties will be visible from the Ancient Heritage woodland less than 500m away.
- The two new properties will be overbearing on the existing single-story bungalows in front.
- The new properties will be seen from the road which will affect the street scene, especially from the road opposite (Glebe Close).
- Siting of a new access road differs from any other property on the street, this will also be opposite Glebe Close and thus making a crossroads affect.
- Will affect the existing natural line of the properties from the front view and rear views, at the moment you have a straight line of properties, all with the same size gardens which back onto Langley Farm, by adding two properties in the back gardens (where there are none) you will break this natural line, thus the new properties will stand out, this will also affect the scene from the AONB and the street view.
- The scale of the new properties will be out keeping with the existing properties on that road.
- We are concerned that if this was allowed it would then set a precedence and the road will quickly become over developed, a blot on the land scape.

Consider the proposal is contrary to Local Plan policies GC1, GC2, GC3 and LSQ1.

The Parish Council also wish to point out the following:

- The developer only owns No.70 Beech Tree Road, which is the small bungalow with a straight narrow plot, shown on the "Photo Sheet" he does not own any other land or has had access to survey any other areas of the development.
- It is made to believe on the AA Environment Ltd Bat and garden report has assessed over the whole development, this was not the case and was only carried out on the bungalow and garden of No.70
- No. 72 which owns a very large L shape garden which the developer is trying to purchase, has stated he will not sell under any circumstances and states he has not allowed access at any time to the property
- No.72 has also stated that bats regularly feed on his land and he also believes they may roost there as well, he also has a large natural pond in his grounds, the pond was there when he moved in over 25 years ago and can be seen on many very old OS maps of the area
- He believes it could be as old as the village pond dating back to 1854, he also states he has seen Newts in the pond but is unsure of what breed they are.

The development is different to 59-61 Watchet Lane and Mead Park. Other applications for development in rear gardens of Beech Tree Road have been refused.

REPRESENTATIONS

20 letters have been received in relation to the application which are summarised below:

- Siting and design of dwellings are out of keeping with character of the road
- Visual intrusion on the AONB
- Impact on public footpath
- Loss of privacy for neighbouring properties
- Loss of views
- Overbearing impact on neighbours
- Light pollution from possible security lights, car headlights and street lighting

- Bonfires in neighbouring garden would disturb new residents, causing conflict
- Disturbance from additional vehicles
- Negative impact on wildlife
- Inadequate ecology surveys and adverse impact on wildlife, especially great crested newts
- No tree surveys have been done
- Additional traffic on an already busy road near to a school
- Additional on-street parking leading to accidents
- New access is built close to Glebe Close entrance
- Inadequate access for emergency vehicles and refuse collection
- Increased hard surfacing would increase surface water
- Inadequate foul drainage
- Piecemeal development which will set a precedent for future development along Beech Tree Road
- This area is different to Watchet Lane or Mead Park, and nos. 74 and 76 were originally built with their existing small gardens
- Previous applications for similar developments have been refused (in particular CH/2011/1161/FA and CH/2010/1902/FA)
- Owner of 70 Beech Tree Road does not own land to rear of 72 - 76. The owner of that land will never give access or permission to build on this land. Applying for planning permission on this land seems strange and intimidating. Already erected high fence along boundary.
- Pressure on other properties to sell their back gardens is not welcome
- Development is contrary to National guidance, Adopted Local Plan, and new Local Plan
- Inaccuracies on plans and in Design & Access Statement
- Little diversity of houses being built in Holmer Green and lack of small houses and bungalows
- Devalue existing properties
- No GP surgeries
- If approved, please remove Permitted Development, ensure ridge heights are no higher than bungalows to the front, ensure both properties are built at the same time and restrict hours of operation during construction.

CONSULTATIONS

Highway Authority

No objection subject to conditions.

Waste services

No objection

Tree Officer

No objection

Ecology

No objection subject to condition.

POLICIES

National Planning Policy Framework (NPPF), February 2019.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS2, CS4, CS8, CS20, CS24, CS25, CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC2, GC3, GC4, H3, H11, H12, TR2, TR11, TR15, TR16.

Draft Chiltern and South Bucks Local Plan 2036.

EVALUATION

Principle of Development

1. The site is located within the built up area of Holmer Green, where in accordance with Local Plan Policy H3, proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Local Plan policy. In addition, the spatial strategy for the Chiltern area, in accordance with Policies CS1 and CS2 of the Core Strategy, is to focus development on land within existing settlements outside the Green Belt and AONB, which includes Holmer Green.

Design/character & appearance

2. This part of Beech Tree Road is characterised by a mix of dwellings situated towards the front of long, narrow plots, with the exception of nos. 74 and 76 Beech Tree Road which have shorter plots, and no. 72 Beech Tree Road which has a large 'L' shaped plot.

3. It is noted that applications for detached dwellings to the rear of nos. 78 and 80 Beech Tree Road were refused in September 2011 and March 2011 (CH/2011/1161/FA and CH/2010/1902/FA respectively). However, since that time, the Core Strategy has been adopted which states in Policy CS2 that the Council will facilitate the delivery of an additional 2,650 - 2,900 dwellings within the district and these will be focused in built up areas outside the Green Belt such as Holmer Green.

4. Furthermore, since these refusals were issued, the National Planning Policy Framework (NPPF) has been published (originally in March 2012 and updated in February 2019). Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 122 goes onto say that planning decisions should support development that makes efficient use of land, taking into account the availability of land suitable for accommodating housing, and the desirability of maintaining an area's prevailing character and setting (including residential gardens).

5. The Chiltern area is heavily constrained by the Green Belt and Area of Outstanding Natural Beauty (AONB) and therefore, it is necessary to make effective and efficient use of land outside these designated areas, whilst ensuring that the area's prevailing character and setting is maintained.

6. The proposed development would introduce two new dwellings to the rear of the existing row of dwellings. Given the guidance in the Core Strategy and the NPPF, the Council is seeking to approve development unless it causes material harm. In this regard, the proposed dwellings have been designed to be in keeping with the character of the area in terms of their relatively low ridge and eaves height. They are set well back from the road and therefore would not be prominent when viewed from the street. Furthermore, the plots do not encroach any further into the countryside than the development at Mead Park (to the east of the application site) or the boundary of the rear gardens of the existing dwellings along this part of Beech Tree Road.

7. As such, the proposed development is not considered to harm the character of the area and therefore complies with Policies GC1 and H3 of the Adopted Local Plan.

Residential amenity

8. Local Plan Policy GC3 refers to the protection of amenities throughout the district. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to

protect the amenities enjoyed by the occupants of existing, adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.

9. In this case, there is sufficient distance to the existing properties along Beech Tree Road so as not to cause a loss of privacy or loss of light to these dwellings (at least 24m and in most cases significantly more). Although it is acknowledged that the view from these properties will be altered, this is not a planning consideration that can be taken into account. In order to protect direct overlooking of neighbouring gardens, a condition is recommended to restrict any first floor windows in the side elevations of the dwellings.

10. With regard to potential disturbance from the development in relation to traffic noise and light pollution, the scale of development is not considered to be so vast that it would cause significant harm to amenity in this regard. In addition, disturbance during construction is not a planning consideration, but the developers are advised to register with the Considerate Contractors Scheme to minimise disruption to local residents.

11. The comments from neighbours requesting Permitted Development rights to be removed, and for a condition to be imposed to ensure that the two houses are built simultaneously are noted. However, these conditions would not meet the tests set out in the National Planning Practice Guidance and are therefore not included in the recommendation.

12. With regard to the amenities of the future occupiers of the development, there is sufficient light, outlook and garden space for the amount of accommodation proposed. Each property also has adequate space for bin storage. The Council's waste team have confirmed that collection vehicles will not enter the long drive and therefore collections will take place from the roadside in accordance with the Council's policies. Although this would mean that residents would have to carry their waste in excess of 30m, this is no different to other development allowed across the district, and which has been supported by appeal inspectors.

Parking/Highway implications

13. In accordance with Policy TR16 of the Local Plan, the Council's parking standard is three spaces for dwellings with a gross floor area in excess of 120sqm. These have been provided and therefore no objections are raised in this regard. The Highway Authority has also confirmed that there is sufficient space within the site for vehicles to park, manoeuvre and egress in a forward gear.

14. The Highway Authority has also confirmed that the additional vehicular movements associated with the development can be accommodated onto the highway network, and that the widened access onto Beech Tree Road is acceptable.

Ecology

15. Policy CS24 of the Core Strategy states that the Council will aim to conserve and enhance biodiversity. In this respect it states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest. This is consistent with the NPPF which aims to conserve and enhance biodiversity.

16. In this regard, a report was submitted with the application which concluded that the site is of overall low ecological value. In consultation with the Ecology Officer, the Council was not satisfied that the information submitted was adequate to demonstrate that the development would not affect any protected species, especially as the entire site could not be accessed. Particular concern was raised with regard to Great Crested Newts, given the presence of a pond within part of the site which could not be accessed.

17. In response to these concerns, the applicant submitted an addendum report and a mitigation strategy which the Ecology Officer has reviewed. The Ecology Officer is now satisfied that the potential presence of protected species and habitats has been given due regard, and that the measures set out in the mitigation strategy will safeguard Great Crested Newts if they are encountered.

Trees

18. Policy GC4 of the Local Plan seeks to protect existing established trees and hedgerows in sound condition and of good amenity and wildlife value. In this regard, the comments from the tree officer are noted and no objections are raised to the application.

Drainage

19. The site is not located within a designated critical drainage area but it is acknowledged that the proposed development would increase the amount of hard surfacing. In this regard, a condition requiring details of the proposed materials would ensure that the parking and turning areas would be constructed in permeable materials. The development would also need to meet building regulations with regard to proper drainage.

Affordable Housing

20. The National Planning Practice Guidance (NPPG) states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought, including from small scale and self-build development, such as developments of 10 units or less, or which have a gross floorspace of less than 1,000sqm. As the proposed development falls below these thresholds and the NPPG carries greater weight than the Core Strategy, no objections are raised to the scheme without a contribution to affordable housing.

Community Infrastructure Levy

21. The Council has recently adopted a Community Infrastructure Levy (CIL) for certain forms of development. The development is a type of development where CIL would be chargeable at a rate of £150 per sqm.

Conclusions

22. In conclusion, the principle of development on this site is accepted, and it is not considered that the proposal causes harm to the character of the area, amenities of neighbouring properties, highway safety, trees, drainage or ecology. As such, the proposal complies with the relevant Development Plan policies and is therefore recommended for approval, subject to conditions. The applicant has agreed to the pre-commencement conditions.

Working with the applicant

23. In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the submitted details were considered acceptable and the applicant was given the opportunity to respond to various points, including submitting additional ecology information. The application has been recommended for approval.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 Before any construction work above ground commences, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the new access road, parking and turning areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality or create flooding issues, in accordance with Policies GC1, GC10 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).

3 Prior to the commencement of any works on site, detailed plans showing the existing ground levels and the proposed slab and finished floor levels of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

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

4 Prior to the commencement of development approved by this planning permission,, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted

to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of this condition, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5 Prior to the occupation of the development hereby permitted, the access and driveway shall be constructed in accordance with the approved plans. The access and driveway shall thereafter be kept free from obstruction.

Reason: To ensure safe and convenient access to the highway, in order to minimise danger, obstruction and inconvenience to users of the highway and of the development, in accordance with Policy TR2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

6 The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas 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, in accordance with Policies TR2, TR3, TR11 and TR16 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

7 No development 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, those to be felled being clearly specified, and full details of those to be planted. This shall include full details of the locations, size and species of all trees, hedgerows and shrubs to be planted, removed and retained and should include the installation of bat and/or bird bricks and/or boxes.

Reason: In order to maintain, as far as possible, the character of the locality and to ensure biodiversity enhancements and to ensure a good quality of amenity for future occupiers of the dwellings hereby permitted, in accordance with policies GC1, GC4 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011).

8 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 and to ensure biodiversity enhancements and to ensure a good quality of amenity for future occupiers of the dwellings hereby permitted, in accordance with policies GC1, GC4 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011).

9 The development shall be undertaken in accordance with the recommendations provided within the Mitigation Strategy: Herpetofauna produced by AAe Environmental Consultants (February 2020).

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

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

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

11 Prior to the occupation of the development hereby permitted, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the dwellings hereby permitted and shall thereafter be retained, including the provision of hedgehog passages as required by Condition 10.

Reason: To protect, as far as possible, the character of the locality and the amenities of the adjoining properties and approved dwellings, in accordance with 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).

12 Prior to the occupation of the development hereby permitted, full details of the proposed bin storage for each new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of each new dwelling and permanently retained for bin storage.

Reason: To ensure that the development respects the character of the area, does not appear cluttered with bins and to ensure that there is adequate bin storage for future occupiers of the development, in accordance with 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).

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows/roof lights other than those expressly authorised by this permission, shall be inserted in any of the side elevations at first floor level or above, of the dwellings hereby permitted.

Reason: To protect the amenities and privacy of the adjoining properties, in accordance with policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

INFORMATIVES

1 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.

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 732792 for more information.

PL/19/3854/FA

Case Officer:	Emma Showan	Decide by Date:	29.05.2020
Date Received:	07.11.2019	Ward:	Chalfont Common
Parish:	Chalfont St Peter		
App Type:	Full Application		
Proposal:	Demolition of existing dwelling and erection of a new dwelling (Amendment to approved consent CH/2017/1788/FA)		
Location:	Bramblings 43 Denham Lane Chalfont St Peter Buckinghamshire SL9 0EP		
Applicant:	Mr R Haslam		

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent to Unclassified Road
Area of Special Control of Advertisements
BPA Pipelines Buffer
Within Green Belt other than GB4 GB5
Mineral Consultation Area
North South Line
MWLDF and BMWLP (Mineral Protection Zones)
Townscape Character

CALL IN

Councillor Smith has requested that this application is referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site relates to a former detached 1960s style bungalow located in Denham Lane, Chalfont St. Peter. Planning permission was granted in December 2017 for the replacement of this bungalow with a two storey detached dwelling with a detached double garage. Works have commenced and the property is currently under construction.

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 and appearances. To the rear (north-east), the site borders open countryside and the Green Belt.

THE APPLICATION

This application proposes the demolition of the existing dwelling and the erection of a new dwelling.

The proposed replacement dwelling would be two storey and detached with a hipped roof. It would have a maximum depth of 16.1 metres and minimum depth of 10.4 metres, width of 11.6 metres and height of 8.7 metres. It would include single storey additions at the rear and would incorporate dormer and bay window features.

The proposed replacement dwelling would not be constructed forward of the existing building line and would retain a gap of 1.2 to 1.3 metres at the north-west flank boundary (adjoining No. 41) and 4.2m to the south-east flank boundary (adjoining No. 45). The dwelling would be constructed of facing brickwork with flint panels and clay plain roof tiles.

It should be noted that approval for a similar scheme was granted planning permission in December 2017 and works have commenced, and indeed neared completion, on this dwelling. The current application is a resubmission of the earlier, approved, scheme but accounts for a dormer which has been erected in the side elevation (to serve a bathroom) and a second dormer which has been erected in the rear elevation (to serve a bedroom). These dormers were inserted during the construction but were not included on the plans approved under the earlier permission. This latest application seeks to assess whether the additional dormers are acceptable. Other elements of the proposal remain as approved.

RELEVANT PLANNING HISTORY

CH/2017/1788/FA - Replacement dwelling with detached double garage, conditional permission.

PARISH COUNCIL

'Strong objection: detrimental to neighbours, window that overlooks onto neighbour's privacy, concerns to the approved materials used. Permitted development not allowed on a new build'.

REPRESENTATIONS

One letter received from the adjacent neighbour at No. 41 Denham Lane which can be summarised as follows:

- No objection was raised to the original planning permission, as granted, which removed Permitted Development Rights to put in additional windows
- Concern that the side dormer window faces directly into the neighbour's bathroom and garden
- Obscure glazing would not be sufficient to alleviate feeling of being overlooked
- Increase in bulk at the side elevation creates an incongruous relationship between the dwellings
- Replacement of side dormer with a rooflight would be acceptable
- Removal of the dormer would not have an adverse impact on the interior layout of the proposed accommodation
- Applicant has ignored the planning conditions imposed as part of the original approval

CONSULTATIONS

Highways Authority:

'Denham Lane is a C class road subject to a 30mph speed restriction. Within the vicinity of the site, there is an absence of parking and waiting restrictions. The road benefits from a pedestrian footway on the side opposite to the site.'

The proposed development is for a replacement dwelling. I would not expect a significant intensification in the number of vehicular trips associated with the site.

Four parking spaces are proposed. The parking standards specific that each parking space should be a minimum of 2.4 metres by 4.8 metres wide. Whilst I trust that the Local Planning Authority will consider the level of parking proposed, I can confirm that these spaces are of adequate dimensions and would allow for vehicles to park, turn and leave the site in a forward gear. The existing access is to be retained; this is suitable to serve the site.

Mindful of the above, the Highway Authority raises no objections to this application, subject to conditions.'

Waste Officer:

'Waste Services note the proposal for a new dwelling at No. 43 Denham Lane. We have no objections, residents to present their containers at the property boundary on collection day only. All collections to take place in accordance with Council policies.'

POLICIES

National Planning Policy Framework, amended 2019.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies - GC1, GC2, GC3, GC4, H3, H11, H12, H18, TR11 and TR16.

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

Chalfont St Peter Neighbourhood Plan, 2014. Policies: LC1, H1, H2, H3, H5 and H6.

Emerging Chiltern and South Bucks Districts Local Plan: 2036.

EVALUATION**Principle of development**

1. The application site is located within the built-up area of Chalfont St Peter where proposals for replacement 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.

2. It is noted that this planning application follows the approval of application reference CH/2017/1788/FA for the erection of a replacement dwelling with a detached double garage. This application was granted planning permission in December 2017 and works have commenced in association with this application. Whilst implementing the granted permission, the Applicant has inserted two dormer windows (one in the side elevation and one in the rear elevation) which were not approved as part of the earlier permission. The dwelling as erected to date has therefore not been erected in accordance with the approved plans and the main issue for consideration now is whether the two dormers are acceptable.

3. This latest application in effect seeks planning permission for the two dormers. All other elements of the dwelling remain as approved, and given that there have been no changes to local planning policy or legislation, or material changes to the site circumstances, no objections are raised to the elements of the proposal that are the same as those approved under the previous permission. As the only difference between the two schemes is in relation to the insertion of two dormer windows, it is therefore necessary to consider the impact of these two dormers on the permission as previously granted.

Design/character & appearance

4. Policy CS20 of the Core Strategy outlines that all new development should be of a high standard of design which reflects and respects the character of the surrounding area. Local Plan Policy GC1 refers to the design and appearance of the development and requires all proposals to be assessed with regard to the scale of development, height, siting and relationship with adjoining boundaries and highway, car parking, materials, form, detailing of building work in sensitive locations and design against crime.

5. In respect of the two dormer windows, one has been erected in the rear roof slope and a second has been erected in the side (north) elevation. Taking each dormer in turn, an assessment will be made as to their impact on the appearance of the dwelling and character of the area.

6. Local Plan Policy H18 refers to dormer windows on dwellings throughout the District and states that the Council will grant planning permission for dormer windows on dwellings provided that such dwellings are designed to respect the scale, proportions, existing windows and other features of the external appearance of the roof and elevation in which they would be constructed and with external materials to match those of the existing roof and existing windows in the same elevation.

7. To this end, the rear dormer serves a bedroom. Importantly, if the Applicant has waited until the dwelling was complete, it could have been erected as permitted development, without requiring a planning application. That is an important fallback position. The dormer has a flat roof, is of a modest size and would be sited centrally within the roof slope, off both the eaves and ridge, so that it does not dominate the roof in any way. It would not be visible from the street scene at all and is considered to integrate with the appearance of the dwelling, without appearing incongruous or overly large or intrusive.

8. With regard to the second dormer which has been erected in the side elevation, this would serve a bathroom. This dormer too has a flat roof, is small in size and is in keeping with the style of the other dormer at the property. Given its siting off the ridge and its modest width, it is not considered to dominate its respective roof slope. In addition, the projection of the dormer from the roof slope would be modest and, given that the dormer is set back from the projecting gable end, it is considered that the dormer would not dominate the appearance of the dwelling from the front elevation or detract in any way from the character of the street scene.

9. Finally, it is noted that the Parish Council has raised concern in respect of the proposed materials. The materials used in the construction of the dwelling to date have been found to be acceptable and have been approved in writing by the Local Planning Authority (CH/2018/30029/COND) and so no new objections can be raised now. In respect of the two dormers, these have not yet been completed, but can be subject to a condition requiring that they are completed in materials to match those of the remainder of the property. This will ensure that they integrate effectively with the dwelling and the area.

Residential amenity

10. Local Plan Policy GC3 refers to the protection of amenities throughout the district which seeks to ensure good standards of amenity for future occupiers of the development and existing neighbouring properties. Planning permission will be refused where amenities are impaired to a significant degree.

11. The dormer in the rear elevation would have an outlook onto the Applicant's own rear garden. As noted above, it could be built anyway, as permitted development, if built after the dwelling had been completed. Given its orientation and relationship with the adjacent neighbouring properties, it is not considered to have a detrimental impact on either of the neighbour's amenities. Specifically, it is noted that the dormer would not project beyond the rear projecting gable end at the north flank, and so views from No. 41 Denham Lane would be obscured by this existing part of the dwelling. Notwithstanding this, it is noted that neither of the adjacent neighbours have objected to the inclusion of this rear-facing dormer window.

12. In respect of the dormer in the side elevation, both the adjacent neighbour at No. 41 and the Parish Council have raised objection, on the basis that this dormer would be intrusive and would overlook No. 41's garden and dwelling. The dormer would serve a bathroom and the submitted plans indicate that the associated window would be opaquely glazed. If it was subject to a condition requiring it to be obscurely glazed and non-opening up to eye level, then clearly it would be incapable of causing overlooking. It is noted that it faces towards No. 41's flank elevation and the neighbouring occupiers state that they now feel vulnerable to overlooking and are unable to open their respective bathroom window. However, as the dormer

is sited at a higher level than the neighbour's existing window, even if it capable of being opened, any direct views from the dormer would be onto the neighbour's roof slope, and not into their property. On the basis of the proximity, it is considered that subjecting the dormer to a condition requiring that it be opaquely glazed and non-opening, would ensure that views from the side dormer are obscured and users will not be able to open the window to look into No. 41's dwelling or garden. Therefore, subject to this condition, there would be no overlooking at all and the dormer would not be harmful to the neighbour's amenities.

13. The proposed garden and waste arrangements would remain as existing and as approved as part of the earlier planning permission. No new objections are raised in either of these respects.

Parking/Highway implications

14. The proposed replacement dwelling would have a gross external floor area which exceeds 120 square metres. In accordance with Local Plan Policy TR16, this would require three on plot parking spaces to be provided. As the application proposes three car parking spaces to the front of the property, it therefore complies with the provisions of Local Plan Policies TR11 and TR16 and no objections are raised.

15. With regard to the access onto Denham Lane, this will remain as existing and the Highways Officer has confirmed that there is no objection to this arrangement.

Conclusion

16. The application has been assessed and the impact of the rear and flank dormers has been considered in respect of their impact on the appearance of the dwelling and character of the area, and any resulting loss of amenity to the neighbouring properties. It is noted that the rear dormer could be erected as "permitted development" anyway, once the house was completed. It is considered that the dormers would integrate satisfactorily with the remainder of the dwelling and would not have a detrimental impact on the appearance of the property within the street scene.

17. With respect to concerns regarding intrusion, it is considered that subjecting the flank dormer to a condition requiring it to be obscurely glazed and non-opening would ensure that the neighbour's amenities are adequately protected, as no overlooking would then be possible.

18. Based on the above assessment, it is not considered that a refusal of the application could be substantiated at appeal, particularly as conditions can be included to secure adequate protection for the neighbour's amenities.

Community Infrastructure Levy

19. The Council has recently adopted a Community Infrastructure Levy (CIL) for certain forms of development. The development is a type of development where CIL would normally be chargeable at a rate of £150 per sqm.

Working with the applicant

20. In accordance with Chapter 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the Council has considered the details as submitted which were considered acceptable.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 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 dwelling hereby permitted shall be erected in accordance with the levels details submitted to the Local Planning Authority in relation to application CH/2018/30029/COND and approved in writing on 17th April 2018, unless alternative details have been agreed in writing by the Local Planning Authority.

Reason: To protect, as far as is possible, the character of the locality.

3 The facing bricks and roofing tiles to be used in the external construction of the dwelling hereby permitted shall be in accordance with the details submitted to the Local Planning Authority in relation to application CH/2018/30029/COND and approved in writing on 17th April 2018, unless alternative details have been agreed 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.

4 Before the first occupation of the dwelling hereby permitted the windows at first floor level in the side elevations shall be fitted with obscured glazing and any part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

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

5 Before the first occupation of the dwelling hereby permitted, the window in the north flank dormer shall be fitted with obscured glazing and shall be non-opening. The window shall be permanently retained in that condition thereafter.

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the side elevations of the dwelling hereby permitted.

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

7 AP01 Approved Plans

INFORMATIVES

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.

PL/19/4110/FA

Case Officer:	Dipanwita Chatterjee	Decide by Date:	24.03.2020
Date Received:	27.11.2019	Ward:	Chalfont St Giles
Parish:	Chalfont St Giles		
App Type:	Full Application		
Proposal:	Demolition and reconstruction of a new single dwelling house with associated works.		
Location:	Chiltern Cottage 8 Dibden Hill Chalfont St Giles Buckinghamshire HP8 4RD		
Applicant:	Mr and Mrs Dunn		

SITE CONSTRAINTS

Article 4 Direction

Adjacent to Unclassified Road

Area of Special Control of Advertisements

Adjacent Public Footpaths and Public Rights Of Way

Chalfont St Giles Neighbourhood Plan

Within Green Belt other than GB4 GB5

Mineral Consultation Area

North South Line

MWLDF and BMWLP (Mineral Protection Zones)

GB settlement GB4,6,12,23,H7,13,19

CALL IN

Councillor Bray has requested that this application be referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site is located to the northern side of Dibden Hill in Chalfont St Giles within a defined Row of Dwellings in the Green Belt, designated under Policy GB4. Within the site there is an existing two storey detached dwelling house and a detached carport and garage to the side. The surrounding locality has detached dwelling houses with varied styles and design. Dibden Hill rises towards the western side and there is a slope on the application site towards the north whereby the site slopes downwards from the road.

THE APPLICATION

The application seeks full planning permission for a replacement dwelling with associated landscaping and hardstanding demolishing the existing dwelling and the detached carport and garage.

The proposed dwelling would measure a width of 11.5m and a maximum depth of 14m in the ground level and 11.5m x 11.5m in the first floor level and will be placed centrally within the site having a gap of 4m from each of the side party boundary with the neighbouring properties Nos. 7 and 9 Dibden Hill. The overall height of the property will be 7.8m having a hipped roof form with a crown in the middle and an eaves height of 5.4m. It would have a neo-Georgian appearance.

The bin and garden store will be placed to the side of the dwelling along the party boundary with No. 9 Dibden Hill and will measure 1.8m in width and 6m in depth having a hipped roof form with a maximum height of 3m with 2.1m height to the eaves.

Further low level storage sheds will be placed along the party boundary with No. 7 Dibden Hill and will be around 2m high to ensure that it is concealed within the hillside upto existing retaining wall of boundary with No. 7.

During the planning application process the following amendments have been made:

- The previously proposed subterranean i.e. part underground double garage has been removed and the description accordingly changed.
- The proposed basement has been removed also removing the internal split levels.
- New garden and bin stores added to the side.
- New storage spaces added along No. 7 Dibden Hill party boundary.
- The maximum height would be 9.1m with 5.6m eaves height as compared to the originally proposed 9.6m with 5.8m eaves height.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the application site.

PARISH COUNCIL

Initial comments received dated 10/01/2020 as follows:

'The Parish Council object to this application. They agree with the comments by the highways officer - 'The proposed access is at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. The development is contrary to the National Planning Policy Framework, the aims of Buckinghamshire's Local Transport Plan 4 and the (former) Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).'

Further comments received on amended proposal dated 21/02/2020 as follows:

'The amended plans do not address all of the concerns raised by the Parish Council therefore the Parish Council object to this planning application. Although Dibden Hill is a mixture of dwellings, this proposed application is completely out of character with the street scene. Concerns were raised about the car parking on site and the proposed removal of hedges and trees as shown on the plans. If this application is to be approved a full traffic management plan must be put in place as Dibden Hill is not a highway but a bridle path.'

REPRESENTATIONS

Ten letters of representation have been received as summarised below:

- Proposed is completely out of character and overpowering design for this location.
 - Officer's note- This has been discussed in the 'Design/character and appearance' section of this report.
 - Design of windows in particular not in keeping with surrounding area.
 - Officer's note- This has been discussed in the 'Design/character and appearance' section of this report.
 - Size and height will seriously overpower immediate neighbouring property.
 - Officer's note- This has been discussed in the 'Design/character and appearance' section of this report.
 - Visual impact of the subterranean garage.
 - Officer's note- This has been removed within the amended proposal.
 - Concern regarding gradient and narrowness and the proposed driveway and subterranean garage is unworkable. Does not reflect the rural vernacular. Impact on traffic flow.
 - Officer's note- This has been removed within the amended proposal.
 - The split level not reflected on elevations and may have massive impact in detail design stage.
 - Officer's note- This has been removed within the amended proposal.
 - Footprint is excessive.
 - Officer's note- This has been discussed in the 'Design/character and appearance' section of this report.
 - overshadowing impact on neighbouring property.
 - Officer's note- This has been discussed in the 'Residential amenity' section of this report.
- Overlooking impact on neighbouring properties opposite.

Officer's note- This has been discussed in the 'Residential amenity' section of this report.

- Proposed building work may cause damage to adjoining April House (No. 9) through surface water and flooding of garage.

Officer's note- Given the scale of development proposed it is not considered to consult SUDS for surface water drainage. The neighbour's concern is acknowledged, however, it is not a material planning concern for this application.

- Solar panels are unsightly in the front roof slope.

Officer's note- This has been discussed in the Design/character and appearance section of this report.

- Incorrect response from highway officer lowers confidence.

Officer's note- The highway officer's response has been appropriately amended and the previous response has not been considered within this application.

- Impact on trees.

- The location plan drawing and side elevation is not consistent with the proposed floor plan.

Officer's note- The proposed location and site plan (1026-P02 rB), proposed floor plan (1026-P05 rC) and side elevations (1026-P11 rC) are all consistent. When measured it shows around 9.6m setback from Dibden Hill for the proposed dwelling's front building line and around 7.5m setback for No. 9 Dibden Hill. The side elevation drawing also reflects this distance. In any case the proposal will not change the existing position of the neighbouring properties. What it shows is the set-back for the proposed dwelling which is consistent in all three drawings.

- Eaves and gutter level of proposed in line with No. 7 Dibden Hill and the height difference between No. 7 and 9 is 2.1m. The drawings do not reflect that.

Officer's note- In the event of an approval, planning permission always conditions the approved drawings. Further conditions can be attached to ensure the slab levels and cross-sections in comparison to a fixed datum point and with respect to the surrounding area are provided prior to commencement of works and approved by the Local Planning Authority. The foundation and other details are dealt in the building control stage. Further, the compatibility of the proposed height of the new dwelling has been discussed in the evaluation section of the report.

CONSULTATIONS

Highways Authority:

A response was received on the amended drawings stating the following:

'Following my original comments, it has been brought to my attention that Dibden Hill is a bridleway and not a private road, which joins the highway network at Bowstridge Lane and Narcot Lane. These comments should therefore supersede my original comments made for this application.'

When considering trip generation, the site as it currently operates is likely to generate vehicle trips comparable to that of the proposed dwelling. Therefore, I do not consider the overall development to result in an intensification of the site.

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

Mindful of the above, the Highway Authority has no objection to the proposed development subject to a condition ensuring the parking area is provided.

POLICIES

National Planning Policy Framework (NPPF), February 2019.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS2, CS4, CS8, CS20, CS24, CS25 and CS26.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC2, GC3, GB2, GB4, GB6, H11, H12, TR2, TR11 and TR16.

Emerging Chiltern and South Bucks Districts Local Plan: 2036.

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

Chalfont St Giles Neighbourhood Plan.

EVALUATION

Principle of development

1. The application site is located within an Established Row of Dwellings in the Green Belt, outside of Chalfont St Giles. Within this area, Policy GB6 states that the rebuilding or replacement of an existing habitable dwelling will be acceptable where the siting of the dwelling to be rebuilt or replaced is the same or similar to the siting of the existing habitable dwelling and the curtilage of the development site is the same as the curtilage of the dwelling to be rebuilt or replaced.

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

Design/character & appearance

3. Policy CS20 of the Core Strategy outlines that all new development should have a high standard of design which reflects and respects the character of the surrounding area. Local Plan Policy GC1 refers to the design and appearance of the development and requires all proposals to be assessed with regard to the scale of development, height, siting and relationship with adjoining boundaries and highway, car parking, materials, form, detailing of building work in sensitive locations and design against crime.

4. The proposal seeks to replace the existing dwelling with a new dwelling along with associated works. Dibden Hill is characterised by predominantly detached two storey properties. The roof form, design and style of properties vary along this road. Further, the front and the rear building lines are also at variance along this area. Dibden Hill has an upward slope along the road towards the west as well as the southern side is at higher ground level than the northern side of the road.

5. The proposed dwelling will be placed and sited within close proximity of the existing dwelling and the curtilage of the proposed remains the same as the existing. This in turn adheres to Policy GB6 which guides the replacement of a dwelling in this location.

6. The footprint although larger than the existing will closely match the other properties within this area including Nos. 4 and 5 Dibden Hill; Silvertrees and will also closely match the neighbouring property April House at No. 9 Dibden Hill. There is no defined front and rear building line for the properties along Dibden Hill with No. 7 lined backwards but No. 9 placed further forwards. The replacement dwelling at No. 8 will be placed backwards than the existing property and will be placed behind No. 9 but slightly forwards of the building line of No. 7 Dibden Hill. Given the inconsistency of the building lines along the road, this is considered acceptable. Further, the new dwelling will be placed centrally within the plot leaving a distance of around 4m from each side party boundary which will retain sufficient gap to the sides. Given that the gaps between dwellings along Dibden Hill also greatly varies and the proposed gap will reflect the maximum retained gap between dwellings within the surrounding, this is also considered acceptable.

7. The design of the proposed dwelling reflects a Georgian style of architecture having a roughly cubic geometry and symmetrical front façade with classically proportioned large window openings also reflective of this style of architecture. It is this appearance that has generated several objections from third parties. Indeed,

it is acknowledged that this style is different to those buildings in the immediate area. However, whilst assessing the architectural styles of the surrounding area, it is concluded that the area is extremely varied with no defining style prevalent. In fact, the character of the area derives from the variety in building styles, from rustic agricultural, Victorian/Edwardian, Arts and Crafts early 20th century, more modernist and minimal styles. The usage of materials is also varied including timber, brickwork, render, flat, slate and tiled roofs. Given this variety, the introduction of Georgian style is considered acceptable. It would be extremely difficult to argue that a different style is not in keeping with the large variety which already exists. Further, given that the surrounding is not situated within a Conservation area or within the Chilterns Area of Outstanding Natural Beauty, the proposed design is not considered to have any detrimental impact on the street scene or the surrounding area. In the event of an approval, officers recommend an appropriate condition to provide further details of external materials to control the external appearance.

8. The proposed height of the replacement dwelling will be increased and will be around 0.7m below the ridge height of the neighbouring property No. 7 Dibden Hill thus providing a stepped appearance along the highway as it slopes upwards towards the west. This is generally considered to be a guiding factor for designing along the slope. Given that the current cottage is in fact much lower than both adjoining neighbouring properties also No. 9 Dibden Hill which is lower in ground level, this increase may be considered to be imposing. However, given the further backward positioning of the replacement dwelling within the plot the raising in ridge level to provide a stepped appearance is considered appropriate. In the event of an approval officers would recommend an appropriate condition to provide further sectional and elevational drawings with slab levels and with respect to a fixed datum point to ensure that the character of the surrounding area is maintained. The hipped roof form with a flat crown section providing rooflights with solar panels facing the southern/front elevation is also considered acceptable given the variance of roof form within the surrounding. Further, given appropriate colour and detailing of the solar panels with respect to the roof tiles this will not appear incompatible. Also given that NPPF supports sustainability, solar panels are considered appropriate to generate a sustainable source of power.

9. Overall, by virtue of the similar positioning, size and bulk in comparison to other dwellings in the vicinity, the proposed dwelling is considered to integrate satisfactorily within the street scene and would not have a detrimental impact on the character of the area and would comply with Policies CS20, GC1 and GB6 of the Chiltern Core Strategy and Local Plan.

Residential amenity

10. Local Plan Policy GC3 refers to the protection of amenities. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.

11. There has been concern raised by No. 9 Dibden Hill, the adjoining dwelling, regarding a potential overshadowing impact from the proposed dwelling. In assessing the impact on this neighbouring property, it is noted that the proposed ground floor rear building line of No. 8 the application property will be around 6.4m ahead and the first floor building line is around 4m ahead of the existing rear building line at No.9. Given this as well as a 4m separation distance from the party boundary, it is not considered that the proposal will have any detrimental overbearing impact or loss of light on No. 9 Dibden Hill also taking into consideration the change in the ground level. It will in fact be outside a 45 degree line drawn from No. 9's ground floor habitable window, which also indicates that it will not lead to any harmful impact. Of the two proposed side facing windows, one serves a bathroom and the other serves as a secondary window to the master bedroom, and can be appropriately conditioned to be non-opening/obscure glazed, in the event of an approval, to avoid any harmful overlooking.

12. In terms of the impact on No. 7 Dibden Hill, the proposed will be slightly forward of its existing rear building line and will be further staggered backwards within the proposed plot. This profile, the intervening

4m separation distance as well as the higher ground level of No. 7 will ensure that there will be no harmful overbearing impact or loss of light to this neighbouring property. Similar to above, officers would recommend an appropriate condition for the first floor stair and secondary bedroom4 window to avoid any harmful overlooking.

13. Given the recessed building line, the properties in the immediate opposite side of the road will be separated by around 24m and also being at a higher ground level would ensure that there is no detrimental overbearing, loss of light or overlooking impact on these properties.

14. With regard to other neighbouring properties, these are considered to be located at a sufficient distance away from the application site so that there is a reduced loss of amenity.

15. The depth of the rear garden from the proposed rear building line will be around 24m and will thus comply with Local Plan Policy H12. Further, the proposed internal layout will provide sufficient daylight and sunlight to habitable spaces and the plan form will allow flexible furniture layout and sufficient space for the future occupiers of the dwelling.

Parking/Highway implications

16. The proposed dwelling would have a floor area in excess of 120 square metres. As such, the parking standard for the property is three spaces, in line with the recommendations set out in Development Plan Policy TR16. These spaces can be adequately provided on site within the front area of hardstanding, so no objections are raised in this respect.

17. Further the Highway Authority has reviewed the access arrangement and trip generation within the highway network and is satisfied and therefore this should not lead to any highway safety issues. Given the width of Dibden Hill which is a bridleway and not a private road, which joins the highway network at Bowstridge Lane and Narcot Lane, a condition has been recommended to lay out the parking spaces prior to occupation.

Other issues

18. Trees and landscaping - The proposed development will not remove any trees of amenity value. The proposed landscaping is largely laid to grass to the rear with hardstanding to the front. It is advised that the hardstanding should be permeable. Overall, the landscaping is considered acceptable.

19. Ecology - The property is currently occupied, with loft accommodation utilising the roofspace. Therefore, it is not envisaged that the demolition will lead to any impact on protected species such as bats. Further, the proposed dwelling will be constructed without removal of any significant trees on site given that main part of the rear garden is laid to lawn. Thus the site conditions will not warrant a detailed ecological survey in this case.

Community Infrastructure Levy

20. The Council has recently adopted a Community Infrastructure Levy (CIL) for certain forms of development. The development is a type of development where CIL would be chargeable at a rate of £150 per sqm.

Conclusion

21. The proposed replacement dwelling will be compatible with the surrounding locality and the street scene. It is noted it is of a different style to other buildings in the area, but the character of the area derives from its variety, with no one style prevalent. It will not have any detrimental impact on the amenities of the nearby neighbouring properties and to the future occupiers. The parking provided on site is sufficient. The development would thus comply with the Local planning policies and the aims of the National Planning Policy Framework and is therefore recommended for approval.

Working with the applicant

22. In accordance with section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the Council has considered the amended details submitted which were considered acceptable. The applicant has agreed to the pre-commencement conditions.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.

2 Before any construction work above ground level commences, details of the facing materials and roofing materials to be used for the external construction of the dwelling hereby permitted and any hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these details.

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

3 Prior to the commencement of any works on site, detailed plans, including cross 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. Further accurate street scene drawings should also be produced and approved in writing by the Local Planning Authority. Thereafter, the development shall not be constructed other than as approved in relation to the fixed datum point.

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

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

Reason: In order that the Local Planning Authority can properly consider whether any future proposals would be detrimental to the character of the locality or the amenities of neighbouring properties.

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

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

6 AP01 Approved Plans

INFORMATIVES

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 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.

3 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

PL/19/4163/FA

Case Officer:	Emma Showan		
Date Received:	02.12.2019	Decide by Date:	23.03.2020
Parish:	Great Missenden	Ward:	Prestwood And Heath End
App Type:	Full Application		
Proposal:	Redevelopment of site to provide 2 detached dwellings with vehicular access, associated hardstanding, landscaping and car parking.		
Location:	Chestnut House Broombarn Lane Great Missenden Buckinghamshire HP16 9JD		
Applicant:	Miss D Gabriel		

SITE CONSTRAINTS

Article 4 Direction

Adjacent to Unclassified Road

Area of Special Control of Advertisements

Within Chilterns Area of Outstanding Natural Beauty (AONB)

Within Green Belt other than GB4 GB5

North South Line

Within 500m of Site of Importance for Nature Conservation NC1

Townscape Character

Established Residential Area of Special Character

CALL IN

Councillor Gladwin has requested that this application be referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

This application relates to a site located on the west side of Broombarn Lane in the built-up area of Great Missenden. The site currently comprises a two storey detached residential dwelling which is sited centrally within a large residential curtilage. To the north and west, the plot borders the Green Belt, whilst to the south and east there are other residential dwellings. The adjacent dwellings, including the application site, fall within an Established Residential Area of Special Character, as defined by the Council's Local Plan Policy H4.

Dwellings are predominantly detached, large in their footprint and have long residential curtilages. They are of mixed characters and appearances, and have been erected in a variety of building materials. The site also falls within the Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

This application proposes the redevelopment of the site to provide two detached dwellings with vehicular access, associated hardstanding, landscaping and car parking.

The dwelling on Plot 1 would have a maximum width of 10 metres, depth of 16.5 metres and pitched roof height of 8 metres, with an eaves height of 4.7 metres. It would comprise four bedrooms at first floor level and an integral garage as part of the dwelling. A balcony would be provided within the front elevation to serve the master bedroom. A basement is also proposed, this would accommodate a fifth bedroom/additional living accommodation, gym, wine cellar and cinema room.

The dwelling on Plot 2 would have a maximum width of 9 metres, depth of 18.5 metres and pitched roof height of 8.3 metres, with an eaves height of 5.25 metres. It would comprise four bedrooms at first floor level, and a fifth habitable room, gym, cinema room and wine cellar in the basement. A separate car port providing parking for two vehicles would be provided to the front. This would be open sided with a pitched tiled roof. It would have a height of 4 metres, depth of 5.5 metres and width of 6 metres.

Both dwellings would have a shared driveway onto Broombarn Lane which would utilise the existing access onto the highway (which serves the current dwelling on site).

The Applicant has submitted the following surveys in support of their application:

- Aboricultural and Planning Integration Report (GHA Trees)
- Bat Activity Survey Report (Elite Ecology)
- Protected Species Survey & Assessment (David Archer Associates)
- Transport Technical Note (iceni)

It is noted that during the course of the application, the Applicant has submitted amended plans. These amended plans have omitted the second floor/roof space habitable accommodation, reduced the height and depth of the dwellings and included basement accommodation.

RELEVANT PLANNING HISTORY

PL/19/2508/FA - Redevelopment of site to provide two detached dwellings with vehicular access, associated hardstanding, landscaping and car parking: withdrawn.

PARISH COUNCIL

Comments received on 14th January 2020 (in respect of the originally submitted plans) and to be read as follows: 'A similar application PL/19/2508/FA was considered by the committee at its September meeting, and was subsequently withdrawn. The Parish Council agree that some redevelopment of the existing property would not be inappropriate. And that the revised application is a marginal improvement in that it is no longer a proposed tandem development, which is something that the Draft Local Plan under policy DM DP8 indicates, will specifically not be permitted.

However the Parish Council's planning committee at its meeting on 6 January made the following observations which were subsequently ratified by the full council at its meeting on 13 January and oppose the current application on the following grounds:-

a) Parking. Chiltern's current Parking Standards Policy TR16 residential minimum design dictate that the site would require a total of a minimum 6 parking spaces with the minimum internal dimension of any single garage being 2.7m x 5.0m.

[Officer Note: this is incorrect, as the parking standards are not minimum standards, as this would be contrary to Government advice. A formal resolution was passed by the Council in 2007 to refer to the parking standards as simply standards and not to interpret them as minimum standards. An assessment therefore has to be made regarding the location of a site and whether the full standard should be provided, as this will not be the case for all sites.]

Plot 2 in the proposal has a double garage building with two single garages each having internal dimensions of only 2.4m x 4.75m and as such considered storage areas not garages, for purposes of car park space count. Therefore it appears that the proposed parking arrangements fall materially short of the current requirements in respect of parking provision and the safe manoeuvring to enable egress and access in a forwards manner and would fall even further short of the latest official parking standards set out in the planning authorities draft plan, upon which the public have already been consulted. Bearing in mind the location of the site, on a single track road with passing places and no parking provision on the road other than with a risk of obstruction of the highway and interference with the rights of those in neighbouring properties as to access,

on-site parking must be adequate. In addition a total of approximately 14 refuse/recycling bins/containers would need to be parked on the site somewhere in the hard standing / parking area for which no specific provision is made in the proposal.

b) Access. The position and nature of the parking and access provided on the plans suggests that to leave the premises vehicles might have to reverse. Bearing in mind the highway is a single track road this creates a very significant highway safety issue. A combined access to both proposed properties fails to address these concerns and fails to provide scope for service vehicles to the property.

c) Traffic Generation. The size and scale of the proposed dwellings is such that it will generate a level of traffic movements both of residents and for service vehicles that is inappropriate as the only access is from Broombarn Lane, a single track road.

d) Overlooking and loss of privacy. Because of the design of the proposed new properties one would appear to overlook from its front first floor bedroom full floor to ceiling height window and Juliet balcony, a neighbouring property which as a result will suffer an unacceptable loss of privacy and amenity for occupiers of both properties.

e) Green Belt/AONB. The site lies within an Area of Outstanding Natural Beauty and is bounded on 2 sides by the Green Belt in which any development should only be approved in very special circumstances. [Officer Note: this only applies within the Green Belt]. Permitting additional building risks setting a precedent in favour of further development within or encroaching upon the Green Belt. [Officer Note: this is absolutely not the case, as the site is not within the Green Belt]. The National Planning Policy Framework at S 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues and this is reinforced in the existing local plan at LSQ1 which states that Development should conserve, and where considered appropriate and practicable by the Council, enhance the special landscape character and high scenic quality of the Area of Outstanding Natural Beauty. The proposed development does not enhance the special landscape character nor the high scenic quality of the AONB, and would have a significant detrimental impact on the public visual amenity namely the views along the valley and in the Green Belt.

f) Layout and density. Although the layout is improved by not being a tandem development the overall impact of 2 houses of the size proposed on the plot is out of keeping with other plots along the road and is overbearing with the roof heights being significantly greater than that of neighbouring properties. Furthermore because of the need to preserve privacy between the dwellings there are limited windows in the side walls which in view of the height of the building will restrict the natural light to the properties.

g) Design and appearance. The design and appearance is out of keeping with the street scene. Furthermore by only allowing one means of access to and egress from the site highways safety is likely to be compromised. Furthermore, the parking provision on the plans does not indicate which parking spaces are allocated to which property which risks issues with sufficiency of car parking on the site.

h) Trees and ecology. There is concern that despite the ecological report prepared suggesting that many trees will be retained, and some replaced, one tree supposedly to be retained has already been felled which may well be an indicator of the risk of the loss of further established trees on the site.

i) ERASC. The planned development is within an established area of special character which provides that and development must retain the special character of the area. Damage to the special character or development that significantly increases the density of buildings is not to be permitted. The proposal has an adverse impact on the plot pattern, rhythms and gaps that create the semi-rural distinctiveness of the area. In particular criteria for development in such locations provides amongst other things that each dwelling should have an

existing frontage to an existing road (being a metalled carriageway) and that the frontage width should be similar to other plots widths on the road. The proposed property, Plot 2 is screened from the highway, has no independent access to the highway and arguably therefore has no frontage to the highway and is non-compliant.' [Officer Note: frontage to a highway and access to a highway are two different matters.]

Comments received on 20th March 2020 (in respect of the amended plans) and to be read as follows:
'The Parish Council oppose this application for the reasons set out when it originally opposed the application and in addition:

- a) Not in particular that with this amendment there would be a huge impact on traffic generation to remove the spoil in order to create the basement accommodation with all the associated implications for access and highway safety on Broombarn Lane.
- b) Document 3016.BRMB.205 (REV A) - STREET SECTION 4 indicates the ridge height is in line with the neighbouring property Wreylands. This would appear to be incorrect. Wreylands ridge height is 7.0 metres or thereabouts. Using the applicant's scale the proposed dwellings would appear to have a ridge height of 8.0 metres and 8.4 metres thereabouts, and so the basis of the objection remains.
- c) It is noted that the application now proposes an additional bedroom prior to the submission making a total of ten bedrooms, worsening the concerns over Highway access and car parking raised by many residents and the Parish Council previously.
- d) The Parish Council believes the Highway safety issues presented by this Application remain unsurmountable.

In summary this amendment to the previous application does nothing to ameliorate the objections raised previously, and raises ever more concerns in relation to Highway safety.'

REPRESENTATIONS

Thirteen letters of objections received to the originally submitted plans which have been summarised as follows:

- Site is subject to covenants restricting one dwelling per plot
- Development should be sympathetic to Green Belt and AONB
- Appearance of the development is bulky and out of character with existing dwellings
- Dwelling 2 would not have a frontage onto the highway
- Overdevelopment
- Prominent siting of the dwellings; site is elevated above its neighbours
- Proposed dwellings are significantly higher than neighbouring dwellings
- Ridge heights should be the same as at Wreyland
- Proposed dwellings are not small as described in the planning statement
- No other three storey dwellings or balconies in the road
- Overlooking, overbearing and loss of amenity
- Oppressive environment for future occupiers
- Unsuitable living conditions for future occupiers
- Broombarn Lane has been artificially widened and is not a reflection of the true carriageway
- Access layout is hazardous for other road users
- Insufficient parking
- Parking arrangements are dangerous
- Garages inadequate for vehicular parking
- Inadequate manoeuvring space
- Future occupiers will need to reverse onto the highway
- Likelihood of overspill parking
- Concern regarding blocked driveways
- Increase in congestion and traffic problems
- Impact on emergency service and waste vehicular access
- No pavement along Broombarn Lane

- Danger to pedestrians and cyclists
- No street lighting
- Garage would be too small to be used and would provide little shelter and no security for cars
- Misleading and inaccurate highways report
- The tree report does not include the trees that have been removed
- No provision for waste bins
- Concern for fire engine and waste vehicle access
- Vertical plan (reference L0300) is inaccurate
- Loss of countryside view
- Consent would set a precedent
- Little material difference between this scheme and the previously withdrawn scheme
- Harm would outweigh the benefits
- Scheme is worse than the withdrawn application
- Other schemes in the locality have been refused
- False statements included in Planning Statement
- The locality is not urban or a 'townscape'
- Site is not well served by public transport
- Emerging Local Plan is a material consideration and should be given weight
- Opportunity for neighbour disputes over shared parking area
- Concern regarding management of shared spaces within development
- Ownership of proposed dwellings should be resolved prior to determination
- Conditions have been suggested should permission be granted

Ten letters of objection have been received in response to the amended plans. These have been summarised as follows:

- The proposed parking spaces are substandard and inadequate for modern vehicles
- Insufficient parking
- The Applicant has falsified the data in the ACT speed survey
- The Highway Authority recommendation is based on incomplete consideration of current guidelines
- Proposal would set a dangerous precedent for Highways to base its recommendations
- Overflow parking to impede or block other vehicles using the highway
- Inadequate manoeuvring space within the site for proposed parking
- Proposed dwellings are still overly tall and other applications for dwellings with a height of 8 metres have been refused
- Submitted street scene plan is inaccurate and deceptive
- Visibility splays can only be achieved with loss of hedging
- Views from the Green Belt will be worsened
- Street scene would still appear overbearing and cramped
- Noise whilst excavations take place
- Impact on stability of ground
- Additional traffic resulting from removal of spoil from site
- Detrimental impact of additional vehicular traffic and construction vehicles on Broombarn Lane
- Inconvenience to neighbouring properties
- Applicant has not demonstrated the feasibility of the basements and set out how the work will be undertaken
- Application should be invalid due to inaccuracies on plans and application form
- No ECDS, CTMP, CDMP or sustainability statement have been submitted with the application
- Urban design of dwellings is not in keeping
- No details of where cycle and refuse storage will be
- Loss of privacy and amenity

CONSULTATIONS

Building Control:

'Provided that there is ramped/level access to the main entrance door with a level threshold and the access route from the vehicle parking area is firm (not loose gravel) and in accordance with Approved Document M it will be compliant.'

Highways Authority:

'The Highway Authority has carried out further assessments of the application in light of extensive submissions by neighbours who are concerned about achievable visibility splays and the adequacy of parking proposed.

When assessing the required visibility splays in this location, the submission of an ATC speed survey confirmed the actual vehicle speeds within the vicinity of the site. I note within a number of local objection letters, concerns have been raised that the speed survey carried out could have been purposefully influenced to provide lower speeds. For the avoidance of doubt, the 85th%ile speed demonstrates that 85% of vehicles recorded by a survey are going at or below this speed. Having assessed the speed survey in detail, it was found that deviation between the mean speeds was low and as such I do not have sufficient evidence before me to question the robustness of the speed survey. It is important to note that the 85th%ile is the appropriate benchmark as opposed to the mean, which is subject to greater variability as is reflected in the lower speed produced by the survey company. As this is the case, this would not have a material impact on the results of the speed survey.

From the aforementioned ATC speed survey, it was calculated that visibility splays of 39m to the left and 49m to the right from 2.4m back from the edge of the carriageway from both sides of the existing access were required. These should be kept clear from any obstruction between 0.6m and 2.0m from ground level; which would include the bank as you near the carriageway. These visibility splays fall partly within land owned by the applicant to the left upon exit, with the rest falling within highway land.

As stated in my previous response, the creation and maintenance of these visibility splays may require the trimming of the hedges to a maximum height of 0.6m. It is noted within objection letters that the existing street scene should be maintained, however, this is something to be considered by the Local Planning Authority within the planning balance.

With regard to the proposed parking, as previously stated, the Local Planning Authority will comment on the parking provision in line with current policy. It is my understanding that a development of this size would require six parking spaces to be provided on site. Within my previous response, I had made reference to the 'external garage' for Plot 2, which I am now aware is actually a car port. Nevertheless, I am satisfied this is of adequate dimensions to allow two vehicles to park. I am satisfied that all six vehicles are able to park within the site, so not to impact upon the highway.

Whilst the applicant has not specifically indicated the arrangement in which vehicles are proposed to park, I would assume that Plot 1 would park in a tandem arrangement, and Plot 2 would position two vehicles in the car port, with one in the turning head. Assuming this layout, I am satisfied all vehicles associated with Plot 2 would be able to manoeuvre and egress in a forward gear. Whilst this arrangement may result in vehicles associated with the same dwelling being moved to allow another to egress, the Highway Authority would not be able to sustain a reason for refusal on this, should the application go to appeal.

Similarly, the assumed tandem arrangement for Plot 1 would require vehicles to be moved whilst another egresses. However, as aforementioned, I would not be able to sustain this as a reason for refusal as all vehicles are associated with the same dwelling, and is more of an amenity issue rather than a highway safety issue. I further note than tandem parking arrangements are not unusual with respect to new residential developments.

It is accepted that, whilst there is enough space, a vehicle would be unlikely to park adjacent to a vehicle in front of the garage as this would block the entrance to the dwelling. However, this area would allow space for manoeuvring within the site or for a vehicle to wait whilst vehicles associated with the garage and space fronting the garage to egress. As such, I do not believe the parking arrangements for this proposal would result in a detrimental impact upon highway safety and convenience and the Highway Authority are not able to reasonably recommend this application for refusal.

Six spaces are able to be provided, in line with the requirements made by the Local Planning Authority, with suitable room for vehicles to turn within the site.

Mindful of the above, the Highway Authority stands by the original consultation dated the 18th February 2020.'

Tree and Landscape Officer:

'The application includes what is referenced as the same Arboricultural and Planning Integration Report that was submitted with the previous application, PL/19/2508/FA, but I note that G4 hornbeam has now been omitted from the Schedule in Appendix B. Furthermore, this time there is no Tree Protection Plan or any other plan identifying the positions of the trees. Under the previous application I had commented:

The application includes an Arboricultural and Planning Integration Report, which is stated as having been surveyed on 17th August 2019. Various trees have been removed from the site in recent months, which is particularly obvious from the existing Site and Block Plans dated 23rd May 2019 and the Phase 1 Habitat Plan dated June 2019 in the ecology report. This work appears to have been carried out in several stages and includes at least four large trees towards the rear of the site and one large tree by the access. A number of smaller trees have also been removed including some marked for removal on the tree survey. These removals include a large tree near the path to the house on Plot 2, which is shown for retention on the Site Layout plan dated 26.06.19 and the tree by the access, which was identified as having some potential for bats in the ecology report. Interestingly this latter tree by the entrance was reported as being removed on 22nd August although it was not recorded as being present at the time of the tree survey on 17th August. Furthermore there is still a large birch tree on the northern boundary beside the house on Plot 1 between T11 and T12 in the tree survey, which is shown to be retained on the Site Layout plan but it has also not been recorded on the tree survey.

The application proposes a widening of the access by the road, which would have required the loss of the large tree already removed before the previous application and would also require the loss of some hedging.

The Site Layout Plan shows the retention of a tree at the rear of Plot 1 that has already removed as mentioned under previous application. The large birch between what are now T10 and T11 (previously T11 and T12), which was omitted from the tree survey, is not shown on the Site Layout plan and appears to be proposed for removal although it is not directly affected by the proposal. The nearby small weeping birch, T10, and a young Liquidambar, T9, are shown for retention but unfortunately a good young Himalayan birch about 10m in height near T9 and T10 would be lost for the garage. The largest trees in the front boundary belt, a Norway spruce, a cherry, a hornbeam and a horse chestnut, are shown for retention.

In conclusion, I regret the extensive tree removal prior to the submission of the previous application and I would like to see the retention of the birch by T10 and T11, and ideally the young Himalayan birch. However, in general I would not object to the application provided there is adequate protection for the retained trees including a Tree Protection Plan as mentioned in the Arboricultural and Planning Integration Report.'

POLICIES

National Planning Policy Framework, amended 2019.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, GC4, LSQ1, H3, H4, H11, H12, TR2, TR3, TR11, TR15, TR16.

Draft Chiltern and South Bucks Local Plan: 2036. Policies DP8, DP13, DP16, DP17, DP18, DP19 and CP3.

EVALUATION

Principle of development

1. The application site is located within the built-up area of Great Missenden 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.
2. The site is also located within an Established Residential Area of Special Character, as defined by Local Plan Policy H4, which contains a list of criteria with which a proposal should comply:
 - The plot size of any proposed dwelling in terms of shape and magnitude should not be significantly at variance with other existing plots in the vicinity
 - Each proposed dwelling plot should have an existing frontage to an existing road
 - The width across each plot frontage should be closely similar to other plot widths in the vicinity
 - The position of each proposed dwelling within its plot and the spacing between dwellings should be in accordance with the prevailing character in the vicinity
 - The frontage building line to the existing road should be generally maintained and the general height of buildings in the vicinity should not be exceeded
 - The form of existing residential development should be maintained in terms of dwellings being detached, semi-detached, terraced
 - The size, design and external appearance of each new dwelling should be compatible with the character of existing dwellings in the vicinity
 - Important features which are characteristic of the street scene in the vicinity should be retained. Such features include trees, shrubs, hedges, footways etc.
3. All other relevant Development Plan policies should also be complied with.
4. In terms of the Draft Chiltern and South Bucks Local Plan 2036, this document has been referred to in a number of third party representations. To confirm, the Draft Local Plan is still under examination and has not yet been adopted. As such, it carries limited weight and the proposed development will be assessed against the provisions of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011; the Core Strategy for Chiltern District - Adopted November 2011; and the National Planning Policy Framework.
5. In addition, by way of background and to prevent confusion, the application site relates to a property registered with the Council as 'Chestnut House'. Chestnut House is the name currently used by the exiting dwelling on site and it is this name that appears on the property's front gate. Historically, the dwelling was named 'Ikoyi' and it is this name that appears on a number of documents associated with this application, including the original application form submitted as part of the planning application. It is not known when the property was re-registered as Chestnut House but during the course of this application, a correct application form has been submitted by the Applicant and the property has been re-advertised under the current name of Chestnut House. Nonetheless, documents referring to both Chestnut House and Ikoyi will be given consideration as part of this application.

Design/character and appearance

6. The application site is located off Broombarn Lane and currently consists of a single, two storey detached dwelling, Chestnut House. The dwelling is the final dwelling in a row of seven properties which extend along the western side of Broombarn Lane, and occupies a larger plot than its neighbours along this side of the highway. To the rear (west) and side (north), the site borders open countryside and land designated as Green Belt. Across from the application site, is located a row of detached dwellings which have a relatively uniform build line. These properties extend about half way down the highway, before the road narrows and dwellings give way to open countryside and woodland. Properties along both sides of the highway vary in character and appearance, but are all set back from the highway with hedged boundaries and areas of off road parking. Whilst dwellings along the west side are predominantly two storey, the east side is characterised by two storey dwellings in addition to bungalows and chalet bungalows. The entirety of the application site, four of its neighbours to the south and all of the properties along the east side of the highway are located within an Established Residential Area of Special Character, as defined by Local Plan Policy H4.

7. Local Plan Policy H4 relates to the provision of new dwellings in Established Residential Areas of Special Character and 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, and a list of criteria is provided to which new development must conform. I will assess the proposal against each of these criteria in turn.

A) *The plot size of any proposed dwelling in terms of shape and magnitude should not be significantly at variance with other existing plots in the vicinity.*

It is proposed to subdivide the existing plot to enable the erection of the two dwellings in a side-by-side arrangement. The proposed plots would therefore be of the same depth as the existing dwelling on site, and in fact would remain deeper than that of the neighbouring properties along this side of the road. In terms of width, Plot 1 would have an average width of 13 metres and Plot 2 would have an average width of 18.8 metres. Other dwellings in the locality along this section of Broombarn Lane vary in terms of their plot widths, with the dwellings located on the same (west) side of the highway as the application site having narrower plot widths than their neighbours on the east side of the highway. Along the west side of Broombarn Lane, the average plot width is approximately 15.2 metres (ranging from 11.5 metres at Ambleside to 18.8 metres at Wreyland) and so the proposed dwellings would comfortably fall within this range, and would be in keeping with the existing plot widths along this part of Broombarn Lane. Therefore, it is considered that the proposed plots would be in keeping with the shape and magnitude of existing plots in the locality.

B) *Each proposed dwelling plot should have an existing frontage to an existing road.*

The two proposed dwellings would have a front elevation onto Broombarn Lane and would be sited so that they maintain the build line along this section of the highway. A number of third party representations have stated that as the two properties would share a driveway off Broombarn Lane, they consider that the dwelling on Plot 2 would not have a frontage onto an existing road. However, fronting a road essentially means facing a road, therefore as the dwelling on Plot 2 would have a front elevation facing onto the highway and would be sited so as to maintain the build line, this property would indeed have a frontage onto the highway, irrespective of the fact that the dwelling would rely on a shared access - indeed this would not necessarily be unique to this site or Established Residential Areas of Special Character in the District. The criteria's intention is to prevent 'back land' development whereby dwellings are located to the rear of other dwellings and this would not be the case at the application site.

C) *The width across each plot frontage should be closely similar to other plot widths in the vicinity.*
It has already been set out under the consideration of 'Criterion A' that the proposed plot widths would be in keeping with those of existing dwellings along this part of Broombarn Lane.

D) *The position of each proposed dwelling within its plot and the spacing between dwellings should be in accordance with the prevailing character in the vicinity.*

The two dwellings would be sited on roughly the same footprint as the dwelling to be demolished. Despite being set slightly to the rear of the immediate neighbour to the south at Wreyland, they would be broadly in line with the other neighbours along this side of the road at Mayrhofen, Ambleside and Broombarn Cottage. The dwellings would be sited off their boundaries to retain adequate spacing, and indeed would have more spacing around them than the neighbours along this side of the road and in parts along the east side of Broombarn Lane where dwellings extend right up until their flank boundaries. It is therefore considered that the dwellings would be sited and spaced in accordance with the prevailing character in the vicinity.

E) *The frontage building line to the existing road should be generally maintained and the general height of buildings in the vicinity should not be exceeded.*

It has already been set out that the frontage build line to the existing road would be maintained. In respect of the height, Dwelling 1 would have a height of 8 metres which is comparable to the height of the adjacent neighbour at Wreyland*. The eaves height of this dwelling (2.5 and 4.8 metres) would also be comparable to that at Wreyland (4.7 metres), as is shown on the submitted street scene plan. Meanwhile, Dwelling 2 would have a height of 8.3 metres, meaning that this dwelling is marginally taller than Dwelling 1 and Wreyland. However, the increase in height is modest, and it is not considered to be large enough so as to dominate the adjacent neighbouring properties or appear unduly prominent in the street scene. As such, given that the height of the two proposed properties would be comparable to that at the existing directly adjacent dwelling at Wreyland, it is considered that the general height of buildings in the locality would be maintained and the proposal would not appear unduly prominent or intrusive in the street scene.

* Officer note: A number of objection letters, including that from the Parish Council have referred to the fact that the Applicant's submitted comparative street scene plan (reference: 3016.BRMB.205 A) is inaccurate as it shows the two proposed dwellings as being of a comparable height to the existing dwelling at Wreyland. A previous planning permission (CH/2014/1375/FA) for the dwelling at Wreyland set out that this dwelling would have a maximum ridge height of 7.3 metres. This compares to the 8 and 8.3 metre heights proposed under this application. This has been raised with the Planning Agent who has confirmed that the topographical surveys undertaken on site indicate the ridge height of Wreyland to be approximately 7.8 metres. This difference may be accounted for in the varying land levels on site, and it is noted that no levels plan was submitted/approved as part of the planning application previously approved at Wreyland. In order to account for any inconsistencies with the heights, and taking account of the varying land levels on site, it is considered essential that, should planning permission be granted, that a levels condition is included. This will allow the Local Planning Authority to control the height of the proposed dwellings in relation to Wreyland and will ensure that the proposed dwellings are erected to be of a comparable height to the adjacent neighbour, when viewed from the street scene. In any event, whether the new dwellings are slightly higher than Wreylands or not, would not be considered harmful to the character of the area, particularly given the set back of the proposed dwellings which would reduce their prominence in the street scene.

F) *The form of existing residential development should be maintained in terms of dwellings being detached, semi-detached, terraced.*

The proposed dwellings would be detached, in keeping with the other residential properties along Broombarn Lane.

G) *The size, design and external appearance of each new dwelling should be compatible with the character of existing dwellings in the vicinity.*

Broombarn Lane is characterised by dwellings of mixed appearances and utilising a range of materials. The two proposed properties would be similar in terms of their forwards projecting gable ends and roof shapes but would encompass different character features (Plot 1 would have a mock Tudor façade incorporated as part of the gable end and Plot 2 would utilise tile hanging as part of its gable end). Both dwellings would be deeper than they are wide in terms of their plan form, but this is not dissimilar to the layout of Mayrhofen, Ambleside and Broombarn Cottage which are also located along this side of Broombarn Lane and within close proximity of the application site. From the street scene, the traditional appearance of the dwellings and their comparable height to the adjacent neighbour is considered to result in the proposal appearing in keeping with the local character and appearance of dwellings. Meanwhile, a condition requiring the submission of details of proposed materials will ensure that the facing materials are appropriate to the character of the area.

It is noted that the two dwellings would be larger than their adjacent neighbours and this would be for the most part facilitated by the creation of basement living accommodation. However, the basements would not be visible from the street scene and light wells will only be present in the rear. For this reason, it is not considered that the proposed basements would detract from the character of the area, given that the basements would not be visible from public areas.

H) Important features which are characteristic of the street scene in the vicinity should be retained. Such features include trees, shrubs, hedges, footways etc.

The proposal would retain the hedge at the front boundary, maintaining the semi-rural character of the area. It is noted that some trees have been removed from site prior to the submission of the planning application, however trees do remain on site and should the scheme be granted planning permission, then conditions can be included to ensure that these are retained as part of the development.

8. Overall, based on an assessment of the proposal against the criteria set out under Policy H4 of the Local Plan, it is considered that the development would comply with criteria set out within this policy, and the proposed dwellings would be of a height, depth, bulk and appearance that would be in keeping with that of the neighbouring properties. The proposal is therefore considered to be acceptable and in keeping with the character of the Established Residential Area of Special Character.

Impact on Green Belt and AONB

9. The application site is located in the Chilterns AONB and borders the Green Belt to the north and west. A number of third party representations have referred to the proposal's detrimental impact on the Green Belt, however as the site is not located within the Green Belt, it is not subject to the same stringent Green Belt development restrictions and the principal of the development remains acceptable.

10. With regard to the impact of the development on the Chilterns AONB, Development Plan Policies LSQ1 and CS22 state that development should conserve and, where considered appropriate and practicable, enhance the special landscape character and high scenic quality of the AONB. In this respect, whilst the redevelopment of the site is not in itself detrimental to the character of the AONB, should planning permission be granted, it would be subject to conditions requiring the submission of proposed facing materials to ensure that they are in keeping with the rural character of the area, as well the submission of a landscaping scheme to ensure that important remaining trees and hedging are retained on site and the semi-rural character of the area is not undermined. It is also noted that the amended plans have 'handed' Dwelling 2 so that the bulkier flank elevation is now adjacent to Dwelling 1, and the 'simpler' flank elevation will face towards the boundary with the open countryside. This has helped to reduce the visual massing of the proposal, particularly in views from this open countryside.

Neighbouring amenity

11. Plot 1 would have an adjacent neighbour to the south, 'Wreyland'. As the proposed dwelling would be sited on a comparable footprint to the dwelling to be demolished, it would have a rear elevation that extends by about 11 metres beyond the rear elevation of Wreyland, of which 6 metres would be at first floor level. The Applicant has submitted plan reference 3016.BRMB.202 REV B showing that adequate separation would be retained between the properties so that the 45-degree line set out in BRE guidance is maintained at first floor level, and there would be no loss of light to Wreyland as a result of the development. Importantly, the new dwelling would be to the north of Wreyland, so would not result in overshadowing, due to the path of the sun. In terms of intrusion, only one window is proposed in the flank elevation facing towards Wreyland and this would serve a bathroom so provided it is non-opening and fitted with opaque glazing, it is considered that there would be no direct intrusion to Wreyland resulting from the proposal.

12. There are no neighbouring dwellings to the rear (west) of the application site, and nor to the north (side). As such, there would be no loss of amenity in either of these directions.

13. There are neighbouring dwellings opposite the application site, along the eastern side of Broombarn Lane and concern has been raised as to the impact the development would have on these properties. Whilst the dwellings would be taller than these neighbours and would have front facing windows, in excess of 40 metres would separate the front elevations of the proposed dwellings and the opposite neighbours. This is considered to be sufficient to prevent intrusion and loss of amenity. It is noted that a balcony is proposed on Plot 1, however given the separation between the proposed balcony and the nearest neighbouring properties, and as views from the balcony would be onto the highway and front gardens/garages of these properties, and not their rear gardens, it is not considered that the inclusion of a balcony on Plot 1 would result in an unacceptable loss of neighbouring amenity. It is also noted that the front boundary of the site is currently hedged and this offers an additional level of screening. Given that this hedging and planting is important in views from the street scene, it will be subject to a condition requiring that it is maintained, should the application be granted conditional approval. This will further reduce the perception of intrusion into neighbouring properties.

14. In terms of amenities for future occupiers, Policy H12 of the Local Plan sets out that each new dwelling should have a 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. In the case of this development, the proposed gardens would be in excess of 35 metres, exceeding the standard set out in Local Plan Policy H12 and in excess of the garden depths at adjacent neighbouring properties. This is considered to be sufficient for future occupiers of the development.

15. Adequate space will be retained on site for the provision of waste receptacles and collections will take place in accordance with the Council's waste policies.

16. Third parties have raised other concerns including loss of views; physical impact on neighbouring land; opportunities for neighbour disputes over parking arrangements; concerns regarding the ownership and maintenance of communal areas within the development; and questions regarding the use of a management company. Whilst these are noted, these considerations are not planning matters and so cannot factor into the final assessment of whether or not planning permission should be granted. Concerns regarding groundworks and the construction of the basements are noted, and these matters will be dealt with at the Building Control stage, should planning permission be granted.

Highways/parking implications

17. The two proposed dwellings would share a driveway onto Broombarn Lane. The egress onto the public highway would be the same as that used currently by the existing dwelling on site. The Highways Authority has reviewed the access arrangements, including the supporting highway information submitted by the Applicant, and confirmed that adequate visibility splays onto Broombarn Lane can be achieved in either

direction within land owned by the Applicant, provided that the front boundary hedging is suitably maintained.

18. It is noted that a number of third party representations consider the Applicant's submitted transport information to be inaccurate. These concerns have been put to the Highways Authority who have provided revised comments and responded to these concerns. The latest Highways comments have been copied into the earlier section of this report and are also available on the Council's website. In response to the concerns raised by neighbours in respect of the amended plans and transport surveys undertaken by the Applicant, the Highways Authority maintains that the development would have an acceptable impact on the highway and that adequate space will be retained within the site to allow for the parking and manoeuvring of all vehicles, including the six spaces required in order to meet the Council's parking standards (set out in paragraph 19). The Highways Officer has confirmed that, having assessed the speed survey in detail, it was found that deviation between the mean speeds was low and therefore there is insufficient evidence to question the robustness of the speed survey. In addition, as is shown on a diagram included within the Highways comments available on the Council's website, adequate and suitable visibility splays can be entirely provided within land owned by the Applicant. With respect of the parking arrangements, the Highways Authority has confirmed that there is space within the site for six vehicles to park and manoeuvre adequately. Whilst it is accepted that the site layout may result in vehicles associated with the same dwelling being moved to allow for another to egress, this is not uncommon with respect to new residential developments and the Highway Authority state that they would not be able to sustain a reason for refusal on this, should the application go to appeal. Accordingly, having taking into account the latest third party letters and concerns raised by neighbours, the Highways Authority maintain that the proposed development would have an acceptable impact on the highway, and no objections are raised, subject to the inclusion of conditions relating to the provision of parking space within the site; the securing of adequate visibility splays; and the submission of a Construction Traffic Management Plan. These conditions are considered essential to minimise danger, obstruction and inconvenience to users of the adjoining highway and to protect the amenities of residents.

19. With regards to parking, Broombarn Lane is a narrow road with no footpaths and given its substandard width, there is no capacity to accommodate on-street parking. As such, parking is an issue for residents and a key concern for neighbours of the development site. Local Plan Policy TR16 sets out the Council's parking standards and states that for developments exceeding 120 square metres in floor space, the parking standard is three parking spaces per dwelling. This is not a minimum standard and an assessment needs to be made regarding the location of the site and whether this number of spaces should be provided. In this case, the site is not in the most sustainable location and it is considered the parking standard should be adhered to. This development proposes a single garage for Plot 1 and a double car port for Plot 2, in addition to forecourt parking for the remainder of the vehicles on site. Space for six vehicles can be accommodated on site, within the garages/car port and on the hardstanding, and this is in accordance with the recommendations set out in the Local Plan. The Highways Authority has also confirmed that the parking spaces are to standard and are accessible, allowing vehicles to park, manoeuvre and egress in a forward gear, which have been demonstrated by tracked vehicle diagrams. The Highways Authority also state they would not support a refusal at appeal on these grounds.

20. It is noted that third party representations consider that the parking to be provided as part of the development is insufficient. These concerns are noted, however Local Plan Policy TR16 sets a standard of three spaces to be provided for dwellings of this size and so there is no policy basis for more spaces to be provided as part of the development. The Local Planning Authority could not refuse the application on the basis that future occupiers may have additional vehicles and it would be highly unreasonable for the Local Planning Authority to require additional parking over and above that set out under Policy TR16 which are, as a matter of fact, not minimum parking standards themselves.

21. A number of the representation letters have referred to the revised parking standards set out in the Draft Chiltern and South Bucks Local Plan 2036. These standards are based on bedrooms per dwelling, as

opposed to floor area. As the Draft Chiltern and South Bucks Local Plan 2036 is still under examination and has yet to be adopted, it carries limited weight and a refusal of the application on the basis that the development does not comply with un-adopted parking standards could not be substantiated at appeal. For this reason, the application is assessed against the adopted parking standards, as set out in Local Plan Policy TR16.

22. Representation letters have also raised concern in regards to overspill parking and blocked driveways as a result of visitor and contractor parking. These are civil matters that are beyond the remit of planning legislation and policy, although should planning permission be granted, a condition requiring that space for contractor parking be provided within the application site prior to commencement of works can be included to ensure that contractor vehicles can be accommodated within the site, and not overspill onto Broombarn Lane, to the inconvenience of other road users. The submission of a Construction Traffic Management Plan, prior to commencement of work, will also ensure that the development, if granted, is erected in the interests of highway safety and convenience of other users.

Ecology

23. The Applicant has submitted a Bat Activity Survey Report (Elite Ecology) and a Protected Species Survey & Assessment (David Archer Associates) which consider the impact of the development on protected species. It is stated that the proposal would not have a detrimental impact on any bats and it is recommended that the submission of a scheme of biodiversity enhancements be secured by way of condition, should planning permission be granted. This will ensure that any loss of biodiversity is balanced against ecological improvements which can be secured as part of the development.

Trees and landscaping

24. Some removal of trees has already taken place on site but as these trees are not protected by Tree Preservation Orders, no consent is required for their removal. The Applicant has submitted an Arboricultural Report in respect of the other trees on site which has been reviewed by the Council's Tree and Landscaping Officer. Although there is regret for the tree loss undertaken to date and proposed as part of the development, no objection is raised to the application, provided there is adequate protection for the retained trees. This too can be secured by way of condition.

Affordable housing

25. 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 now 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 development, including developments of 10 units or less, which have a gross floor space of less than 1,000 square metres. As such, an affordable housing contribution is not required as part of this development.

Community Infrastructure Levy

26. The Council has recently adopted a Community Infrastructure Levy (CIL) for certain forms of development. The development is a type of development where CIL would be chargeable at a rate of £150 per sqm.

Conclusion

27. In conclusion, and on balance, it is considered that the proposal would accord with the policy requirements set out in the NPPF and the Local Plan. It is therefore recommended for permission, subject to conditions.

Working with the applicant

In accordance with Chapter 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the Council has considered the details as submitted which were considered acceptable.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.

2 Before any construction work above ground level commences, details of the facing materials and roofing materials to be used for the external construction of the dwellings hereby permitted and any hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with these details.

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

3 Prior to the commencement of any works on site, detailed plans, including cross section as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

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

4 Prior to occupation of the dwellings, the access, driveways and garaging to serve each dwelling shall be laid out in accordance with the approved plans. These areas shall be permanently maintained for this purpose and the garages shall at no time be converted into habitable accommodation.

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.

5 The development shall not begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period in accordance with details to be submitted and agreed in writing by the Local Planning Authority.

Reason: To minimise danger and inconvenience to highway users.

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

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

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the flank elevations of the dwellings hereby approved.

Reason: To safeguard the amenities of the adjoining properties and the approved dwellings.

8 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A 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: In order to protect the amenities of the adjoining properties, in accordance with policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

9 The proposed first floor level window in the south flank elevation of Plot 1 shall remain obscurely glazed and non-opening.

Reason: To safeguard the amenities of the adjoining property.

10 No development shall take place until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall clearly show the trees and hedges to be retained and those to be removed, along with the positions of tree protection fencing and any other appropriate tree protection measures, such as no-dig construction. Before any other site works commence on the development hereby permitted this tree protection fencing shall be erected around all the trees and hedges to be retained in accordance with both this plan and British Standard 5837:2012. The fencing shall then be retained in these positions until the development is completed. Within these enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels. These protection measures shall then be implemented in accordance with the details in the approved plan.

Reason: To ensure that the existing established trees and hedgerows within and around the site that are proposed to be retained are safeguarded during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

11 No Category A or B tree or any hedge shown to be retained on the Tree Protection Plan approved under condition 10 shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

Reason: To ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

12 Prior to occupation of the development minimum vehicular visibility splays of 39m to the left and 49m to the right from 2.4m back from the edge of the carriageway from both sides of the existing access onto Broombarn Lane shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

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

13 Prior to the commencement of development full details of the method of disposal of the excavated soil, including any distribution of soil within the site or its removal from the site, resulting from the creation of the basement level hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall also include details of the likely number of traffic movements associated with the removal of any soil from the site. The development shall then only be implemented in accordance with the approved details.

Reason: To ensure that development is not detrimental to the character of the locality.

14 The development shall be undertaken in accordance with the measures recommended within Section 5 of the Protected Species Survey & Assessment produced by David Archer Associates (June 2019).

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

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

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

16 No development shall take place, including works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority, in conjunction with the Highway Authority. The CTMP shall include details of:

- i) The routing of construction vehicles
- ii) The parking of vehicles of site operatives and visitors
- iii) Loading and unloading of plant and materials
- iv) Storage of plant and materials used in constructing the development
- v) Wheel washing facilities

The approved plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents.

17 AP01 Approved Plans

INFORMATIVES

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.

The End