

Appeal Decision

Site visit made on 5 July 2016

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 July 2016

Appeal Ref: APP/X0415/W/16/3147422

178 White Lion Road, Little Chalfont, Buckinghamshire HP7 9NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Crossan Homes Ltd against Chiltern District Council.
 - The application Ref CH/2016/0001/FA is dated 24 December 2015.
 - The development proposed is formation of flat within existing roofspace of building with eight flats.
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Decision

1. The appeal is allowed and planning permission is granted for formation of flat within existing roofspace of building with eight flats at 178 White Lion Road, Little Chalfont, Buckinghamshire HP7 9NL in accordance with the terms of the application, Ref CH/2016/0001/FA, dated 24 December 2015, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: MV 30.15.30; MV 30.15.31; 25.P.01 location plan.

Procedural Matters

2. On 16 June 2016, the Council's Planning Committee resolved that had it been in a position to determine the application, it would have refused planning permission for reasons relating to the effect of the proposal on the character and appearance of the building and the surrounding area and its effect on the living conditions of the occupiers of the adjoining residential properties.

Main Issues

3. Following the Council's resolution these are firstly, the effect of the proposal on the character and appearance of the building and that of the surrounding area and secondly its effect on the living conditions of occupiers of adjoining residential properties, having regard to privacy.

Reasons

4. The substantial two storey building occupying the appeal site incorporates a basement level car park and is being constructed following planning permission being granted by the Council in 2011¹. The building occupies a large plot on

¹ Council reference CH/2011/0829/FAE

the corner of the A404 White Lion Road and St Nicholas Close. When I visited the site the external shell of the building was largely complete and internal works were being undertaken. Part of the external works included in the appeal scheme including the raised top of the lift shaft, part of the roof terrace and glazed doors had already been carried out, whilst other elements including the roof lights and terrace safety glazing had not been constructed.

Character and appearance

5. The top of the lift shaft has been raised above the main ridge line of the building in order to provide lift access to the proposed flat. However, it only projects above the ridge by about 0.5 metres and it has a minimal overall size and bulk, which is further offset by the use of a neutral, metal finish to the sides. The lift shaft top is lower than the building's prominent front gable. This all has the effect that the lift shaft top is seen from White Lion Road and St Nicholas Close as a small scale feature which is subservient in scale to the substantial bulk of the roof and main elevations of the building. Consequently, the extended lift shaft does not appear as a visually intrusive or incongruous addition to the building.
6. The patio doors in the front gable, the roof terrace and associated glazing and proposed roof lights would be small scale alterations to the building, both individually and cumulatively. Given their design and proportions, the alterations would be successfully integrated into the design of the building without adversely affecting its appearance.
7. As a result, the proposed flat would be accommodated in the building without significantly altering its roof form, scale or appearance. I have taken account of the concerns of the Parish Council and interested parties regarding creating an undesirable precedent for three storey development. However, I have not seen any evidence to suggest that the form of development proposed in the appeal scheme could be repeated in the locality resulting in harmful effects. I have also considered interested parties' comments regarding the refusal of a previous scheme to accommodate a dwelling in the roof space, because it was not in keeping with the surrounding houses. However in the absence of any details, I have no means of comparison with the appeal scheme.
8. Therefore, I find that the proposal would not harm the character and appearance of the building or the surrounding area. Consequently, the proposal would accord with saved Policy GC1 of the adopted Chiltern District Local Plan (LP), as it would respect the scale and proportions of the building and would not exceed its overall height. The proposal would also accord with saved Policy H15 of the LP, as it reflects the form and design details of the existing structure and uses harmonious materials, it is subordinate to the main roof and is not obtrusive in the street scene.
9. The proposal would also accord with Policy CS20 of the adopted Core Strategy for Chiltern District (CS), as it would achieve a high standard of design, reflecting the character of the surroundings. Moreover, the proposal would be consistent with the National Planning Policy Framework (the Framework) core principles which among other matters, seek to secure high quality design. It would also be consistent with the Framework at section 7, which places strong emphasis on requiring good design by ensuring that amongst other matters developments function well by adding to the overall quality of the area, optimising the potential of the site to accommodate development, responding

to local character, reflecting the identity of their local surroundings, being visually attractive as a result of good architecture and not amounting to a poor design by failing to take the opportunities available for improving the character and quality of an area.

Living conditions

10. The roof terrace is inset within the roof slope on the west facing elevation. It is at a higher level than the neighbouring dwellings, due to the relative height of the building. Standing on the terrace, I could not see the ground floor windows or the private garden areas at the rear of 25, 27 and 29 St Nicholas Close. This is largely because of the substantial screening effect provided by the line of trees forming part of the northern boundary of the appeal site and the rear boundary of 176 White Lion Road.
11. Whilst it was possible to look from the roof terrace towards a first floor window in the side elevation of No 29 and the first floor windows at the rear of Nos 25, 27 and 29, I could only do so at an oblique angle. I could not obtain any direct views towards the windows in the neighbouring properties from the terrace. The affected windows are a substantial distance away from the terrace, thus further offsetting any opportunities for harmful overlooking.
12. The Council accept that the rooflights proposed in the north and east elevations would not cause any unacceptable overlooking, due to the distance to neighbouring residential properties. I have not found any reason to come to a different conclusion in that respect.
13. As a result of the above, I find that the proposal would not cause an unacceptable loss of privacy to the occupiers of the neighbouring properties. Therefore, the proposal would accord with saved Policy GC3 of the LP, as it would protect the amenities of adjoining and neighbouring properties. It would also accord with saved Policy H13 of the LP as there would be no significant detriment to the amenities of neighbours as well as saved Policy H14, because the proposal would not involve a significant reduction in their privacy.

Other matters

14. The proposal provides two parking spaces for the additional flat in accordance with the Council's standard. During my visit I viewed the basement parking area and observed the width of the parking spaces, including those with structural columns on either side. All of the spaces appeared to be able to accommodate an average sized car, whilst still allowing persons to enter and exit the vehicle, if vehicles were parked in the adjacent spaces. Given the available manoeuvring space, I did not gain the impression that it would be especially difficult to manoeuvre cars in and out of any of the parking spaces.
15. As a result of the above, there is no firm evidence to suggest that some of the parking spaces would be so constrained as to effectively be unusable as a result of the proposal. In the event that residents of the flats chose not to use their allocated parking spaces and they or their visitors parked on the St Nicholas Close, I have not seen any firm evidence to suggest that this would cause unacceptable harm to highway safety. For reasons which are readily apparent, residents or visitors would be very unlikely to park on the A404. I have also taken account of the concerns regarding an increase in traffic as a result of the proposal. Ultimately, the Council did not object to the proposal on

grounds of inadequacies in the parking provision or highway safety and I have found no reason to disagree with their conclusions in this respect.

16. I have taken account of the concerns of interested parties regarding construction of the building in a manner which anticipated an additional flat in the roofspace and alleged discrepancies with the permitted scheme. Nevertheless, these matters can have no bearing on my decision as I have to consider the proposal on the basis of its individual planning merits. Any future external alterations associated with possible future use of the remaining loft space as additional residential accommodation would be likely to require further planning permission from the Council.

Conditions

17. As the development has already started, I have not imposed the standard commencement condition. I have imposed a condition specifying the approved plans in the interests of certainty.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed and planning permission should be granted.

Stephen Hawkins

INSPECTOR