

Appeal Decision

Site visit made on 30 August 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 28th September 2016

Appeal Ref: APP/X0415/W/16/3152531

Charlecote, Long Walk, Little Chalfont, Buckinghamshire HP8 4AN

- 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 [outline] planning permission.
 - The appeal is made by Mr Viresh Thakerar against Chiltern District Council.
 - The application Ref CH/2016/0557/FA, is dated 23 March 2016.
 - The development proposed is for the demolition of existing property and Construction of replacement dwelling.
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Decision

1. The appeal is dismissed and planning permission for the demolition of existing property and Construction of replacement dwelling is refused.

Application for costs

2. An application for costs was made by Mr Viresh Thakerar against Chiltern District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) the effect on the character and appearance of the area;
 - (iv) the effect on the living conditions of occupiers of adjoining residential properties, having regard to outlook and privacy; and
 - (v) if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The National Planning Policy Framework (the Framework) at paragraph 89 sets out the categories of development which may be regarded as not inappropriate in the Green Belt. Replacement of a building can be considered as not
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amounting to inappropriate development provided it is not ‘... materially larger than the one it replaces’¹.

5. The appellant has also referred to development as being ‘limited infilling’. However, given that there was previously a dwelling on the site, the site is located away from the main part of Little Chalfont, and that it is not for affordable housing for local community needs, I consider that in assessing whether the development is inappropriate development (or not) I consider that the fourth bullet point of paragraph 89 is more relevant.
6. The original dwelling on the site has been demolished. There has been some ground works undertaken together with the construction of foundations and low level blockwork.
7. From the appellants’ statement, the original floor area of the bungalow was 197 square metres with its volume being approximately 867 cubic metres. The proposed dwelling would have a floor area of 647 square metres and a volume of approximately 2089 cubic metres.
8. Given the significant increase in floor area and volume when compared to the original dwelling, I conclude that the replacement dwelling would be materially larger than the one it would replace, and accordingly the proposal would be inappropriate development in the Green Belt. The proposal in this respect would be contrary to the Framework.

Effect on the openness of the Green Belt

9. Paragraph 79 of the Framework outlines a fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
10. The proposed dwelling would have a larger footprint than the original bungalow and would be greater in height, bulk and massing. This increase in the size of the building, when compared to the original bungalow, would give rise to a significant degree harm to Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework and Policy GB2 of the Chiltern District Local Plan 1997 (LP).

Character and appearance

11. Long Walk consists of largely ribbon development along its southern side. The dwellings along the street are generally two-storey in scale. However there are some bungalows interspersed including the adjoining property, The Lodge. The dwellings in the area are generally set in large plots which combined with the scale of buildings in the street and the mix of landscape planting gives a sense of spaciousness. This is further enhanced by the open fields opposite, all of which help define the semi-rural nature of the area. There is a variety of differing designs of property along Long Walk but all of them have a traditional feel to them, including their roof forms.
12. The appeal proposal is for a contemporary dwelling with a staggered gable to the frontage and a shallow pitched roof. The fenestration on the front elevation gives the building a vertical emphasis. The use of a variety of

¹ Fourth bullet point of paragraph 89 of the Framework

differing materials would also add interest to the building. The current proposal would see the dwelling set further forward in the site than the previous planning permission for the site (CH/2014/1662/FA). The rear of the building would also be set further forward with the exception of part of the basement area.

13. Whilst the design of the dwelling is not objectionable in isolation, the key consideration is how it would integrate with the surrounding development. In this respect, the modern design would contrast with the traditional form of the existing properties in the area. In particular the roof form, with its shallow pitch, would stand out as an incongruous feature and would draw the eye.
14. The submitted plans show an outline of the previous permission which appears to be a property with a hipped roof design with dormer windows to the side. The current proposal would be of a similar overall width to the previous planning permission as a result of the projecting first floor windows to an ensuite and the 'his' dressing area. However, the main side wall of the property would be set further away from the boundary with Eastfields making the main part of the current appeal property narrower.
15. The eaves height of the dwelling would be much higher than the previous permission and would be higher than the eaves at both adjoining properties. Whilst I acknowledge that these would be further away from the boundary the benefit of the increased separation distance is more than offset by the increase in height. From the street frontage the current scheme does present some overall benefit to the massing of the building, when taken as a whole, over the previous permission. However, to my mind, this benefit does not outweigh the harm I have found.
16. The Council have also raised concern over the extent of glazing at the property, although it is not clear what their concerns are. From my site visit I noticed that there were a variety of differing window styles and amount of glazing on the front elevations of the properties along Long Walk, including a large window opening at Paddock View. To my mind, the extent of glazing on the front elevation is not excessive and would not give rise to any harm to the character of the area.
17. Turning to the rear elevation, the central projecting element is almost entirely formed of glazing. Whilst this would be a large area, and that the dwelling would be visible at a distance from the footpath to the south of the site, I do not consider that it would give rise to any harm to the character or appearance of the area.
18. I have also had regard to the proximity of the site to the Chilterns Area of Outstanding Natural Beauty (AONB). Whilst there would be views of the development from within it, I consider that it would not have an adverse impact on the AONB or the views in/out of it.
19. For the above reasons, I conclude that the dwelling would give rise to significant harm to the character and appearance of the area as a result of its contemporary design, eaves height and roof form. Consequently the proposal would conflict with Policy CS20 of the Core Strategy for Chiltern District 2011(CS) and Policies GC1, GB6 and H11 of the LP all of which seek a high standard of design which reflects the character of the surrounding area.

Living conditions

20. The rear aspect of the dwelling includes a large central projecting element which is almost entirely glazed. As I understand it, the current proposal would not project as far back into the rear garden area as the previous permission.
21. Concerns have been raised by the occupiers of the neighbouring properties over the dominating effect of the vertical element of the central rearward projection and comparisons have been made to the previous permission having a sloping roof away from the neighbouring properties. Whilst I have not been provided with the full details of the approved scheme, I share these concerns over the extent of the vertical element, particularly in respect of the south-west elevation facing Eastfields. I consider that the overall height of this element of the proposal would be a dominant feature when viewed from the adjoining garden and would have a negative effect on outlook.
22. In relation to the effect on potential overlooking to the garden areas, I am not convinced that the development would give rise to any significant impact over and above the extant permission. However, when viewed from the garden areas of the neighbouring properties, given the overall height and the extent of glazing on the rear of this projection, it would give rise to an increased perception of overlooking despite the existing landscaping.
23. Turning to the effect of the development on the side facing windows of Eastfields, these are high level windows and act as secondary windows to the master bedroom. Given the secondary nature of these windows, the proposed dwelling would not have a significant impact on outlook from the bedroom or on the availability of daylight.
24. In respect of the nearest rear facing dormer window at The Lodge, given the position of the proposed dwelling in relation to that window, it would only be visible at an acute angle. To my mind, this would not result in an unacceptable impact on outlook from that window.
25. My attention has also been drawn to concerns over the stability of the land and neighbouring properties as a result of the excavation required to construct the basement area. In this case, I consider that the development would not give rise to a significant issue which would not be addressed through other legislative requirements.
26. For the above reasons, I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of Eastfields through loss of outlook and to the occupiers of Eastfields and The Lodge through the perceived loss of privacy. Consequently the proposal would be contrary to Policy GC3 of the LP which amongst other matters seeks to protect the amenity of the occupiers of adjoining residential properties.

Other considerations

27. I have also had regard to the fallback position of the implementation of permission CH/2014/1662/FA in the event that the appeal is dismissed. Whilst I have no doubt that this represents a realistic prospect, the differences between the two schemes are significant, as are the impacts particularly in relation to the size of the dwelling, its design, and impact on the occupiers of neighbouring properties. Consequently, I consider that this does not outweigh the harm I have identified above.

Green Belt balance

28. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
29. I have concluded that the proposal would be inappropriate development and would therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would harm the openness of the Green Belt, would give rise to significant harm to the character and appearance of the area, and would have an adverse impact on the living conditions of the occupiers of the adjoining residential properties. All of these factors weigh heavily against the development.
30. Whilst the existence of a fallback position gives rise to some mitigation in respect of the size of the replacement dwelling, given that the current proposal has a significantly larger floor area and volume than the fallback position, I give this limited weight.
31. I consider that the substantial weight given to Green Belt harm is not clearly outweighed by these considerations. It follows that they cannot amount to the very special circumstances necessary to justify the proposal and therefore the development would conflict with Policies GB2 of the LP and the Framework.

Conclusion

32. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR