

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/16/3150476

**Land adjacent to Larbert, Grove Lane, Chalfont St Peter, Buckinghamshire
SL9 8TL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Laxton Properties Ltd against the decision of Chiltern District Council.
 - The application Ref CH/2016/0242/FA, dated 9 February 2016, was refused by notice dated 29 April 2016.
 - The development proposed is for the erection of a single dwelling with associated vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and on the the living conditions of the occupiers of Tunmers Court with particular regard to privacy and the future occupiers of the proposed dwelling in respect of the amount of private garden area.

Reasons

Character and appearance

3. The appeal site is located on the east side of Grove Lane close to its junction with Narcot Lane. To the north of the site is a residential development comprising of essentially two blocks of flats (Tunmers Court and Tunmers House) which are two-storey in scale, whilst along Grove Lane there are generally two storey dwellings set back from the highway in larger than average sized plots.
 4. The appeal property would be sited closer to the highway than all of the other properties in the vicinity of the site along Grove Lane when the front forward projection of the proposed dwelling is taken into account. This forward projection would form a significant feature of the proposed dwelling and is substantial in its scale. As a result of the dwellings siting forward of the established building line, it would have a detrimental impact of the overall character and appearance of the area. Whilst the existence of vegetation to the site frontage would have some mitigating effects, this would not be sufficient to overcome the overall harm to the character of the area.
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5. The Council have raised concerns that the development would lead to a cramped form of development owing to the size of the garden area. I have also taken this to include the relative distances to the side boundaries.
6. Policy H12 of the Chiltern District Local Plan 1997 (LP) sets out that each dwelling should have a garden size adequate and appropriate to the size of the dwelling and that the minimum rear garden depth of "about 15 metres". Exceptions to this include where existing (average) garden length are significantly less than 15 metres, or that adequate private amenity space exists within the application site.
7. The rear garden area for the proposed dwelling would extend to approximately 156 square metres. In the absence of any guidance from the Council over the required amount of private garden space for a three bedroom dwelling, from the evidence before me, I consider that the size of the garden proposed would be sufficient to meet the reasonable expectations of the occupiers of the dwelling. That is to say the space would be of a size to allow occupiers to carry out all the domestic activities one would normally expect for the size of the dwelling. Given the amount of private garden space available, I consider that that the proposal would accord with the exception at (i)(c) of Policy H12.
8. The dwelling would be approximately 1.2 metres from the northern boundary of the site and approximately 0.7 metres from the southern boundary where the chimney is located. The main wall of the dwelling would therefore be approximately 1 metre from the southern boundary. Policy H11 of the LP requires a minimum distance of 1 metre between the flank elevation and the boundary of the curtilage of the dwelling, although this should be significantly increased in areas characterised by spacious layouts where relatively large distances between dwellings are important elements in the streetscene.
9. The main elements of the proposed dwelling would comply with the first part of Policy H11. In this case, I consider that the distances between the existing first floor level development is not a defining element of the character of this part of Grove Lane. This, taken with the relative siting of the dwelling to Tunmers Court and Larbert, means that the distance of the dwelling to the side boundaries would not have a significant impact on the character of the area. Therefore, I consider that the proposal would not result in a cramped form of development.
10. For the above reasons, I conclude that the dwelling would have a detrimental impact on the character of the area as a result of its siting forward of the established building line. Therefore the development would be contrary to Policies H3 and GC1 of the LP which amongst other things seek to protect the character and appearance of the area.

Living conditions

11. The key concern identified by the Council relates to potential overlooking from the first floor windows of the dwelling to the habitable rooms and garden areas of Tunmers Court. The proposed dwelling has four windows on the first floor rear elevation, of which the two nearest Tunmers Court serve an en-suite and a bathroom. The appellant has stated that these would be glazed with obscure glass and could be fixed shut other than an openable fan light. To my mind, any overlooking potential from these windows could be address through these

measures and could be controlled through a suitably worded planning condition should I be minded to allow the appeal.

12. In relation to the other two windows these serve two of the three bedrooms. The dwelling is also sited at a slight angle away from the Tunmers Court properties. Given the window positions on the property, and the acute angle between the facing elevations, I consider that the development would not give rise to any significant overlooking to the habitable rooms of Tunmers Court.
13. I have also had regard to the effect on the occupants of Tunmers House. Whilst I have not been provided with any design standard in relation to distances between habitable room windows, it would appear that the distance between the end windows in the property at Tunmers House and the proposed dwelling would be in the region of 23 metres. To my mind, the distance between habitable room windows is sufficient to ensure that there is not unacceptable overlooking between the properties.
14. Turning to the garden area for Tunmers Court and House to the rear of the appeal site, this appears to be a shared communal area. I also noted on site that there is a substantial conifer hedge along the boundary. Given the distance of a minimum of 10.3 metres (according to the Council's figures), rising to approximately 11 metres, between the rear of the proposed dwelling and the boundary I consider that it would not give rise to significant overlooking to this garden area.
15. I have also had regard to the potential loss of light to the occupiers of Larbert. The proposed dwelling is sited to the north of Larbert and as such there would be no loss of sunlight. In respect of daylight, given the relative relationship between the proposed dwelling and Larbert, I consider that it would not result in a significant loss of daylight.
16. In considering the effect of the development on the character and appearance of the area I have already concluded that the development would have sufficient private garden area for the future occupants of the dwelling.
17. For the above reasons, the development would provide suitable living conditions for the future occupants of the dwelling and would not have any significant impact on the living conditions of the occupiers of Tunmers House, Tunmers Court or Larbert. Therefore the proposal would accord with Policies GC3, H11 and H12 of the LP.

Other matters

18. Concern has also been raised over highway safety as a result of the new access driveway close to the junction of Grove Lane with Narcot Lane and Welders Lane. I note the Highway Authority raised no objections to the development subject to conditions and I have no reason to disagree with this view.

Conclusion

19. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR