
Appeal Decision

Site visit made on 8 August 2016

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 28 October 2016

Appeal Ref: APP/X0415/W/16/3150402

28-32 Oval Way, Chalfont St Peter, Buckinghamshire SL9 8QB

- 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 Mr Gavin Cooper against the decision of Chiltern District Council.
 - The application Ref CH/2015/2224/FA, dated 27 November 2015, was refused by notice dated 18 March 2015.
 - The development proposed is the erection of two detached buildings comprising 10 age exclusive apartments including parking, revised accesses and landscaped grounds.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have deleted reference to basement parking in the planning application description as the parties agree that this is an error.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area, with particular reference to the North Park Established Residential Area of Special Character (ERASC);
 - whether the proposal would preserve or enhance the setting of the Gerrards Cross Centenary Conservation Area; and
 - the effect of the proposal on the living conditions of No 24 Oval Way, with regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises two detached buildings. Stowe Lodge is a two storey former care home, located close to the northern boundary and with space maintained to the southern side boundary. Bancroft is a chalet bungalow, which extends most of the way across the width of the plot, and is close to the boundary with No 34 Oval Way.
 5. The appeal site lies within an area designated as an 'Established Residential Area of Special Character' (ERASC). This designation reflects the special
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- architectural character of properties, the low density of housing within an attractive leafy setting, with grass verges, and mature street trees.
6. The built form in North Park is generally subordinate to the landscape and setting, with houses set back behind landscaped frontages and only partially visible from the street. In addition, many properties are wider than they are deep. This would not be the case with the appeal proposal. The two buildings would be significantly greater in depth than either of the two existing buildings. Their greater depth and massing would result in an unacceptably bulky appearance when viewed both from the street and from within the rear garden environment.
 7. When combined with the relative closeness of the two buildings, the development would appear much larger overall than neighbouring properties, and as a single building in some oblique viewpoints from the street. This would be at odds with the spacious character of the ERASC. The appellant has provided photomontages of the streetscene but these are only a fixed snapshot and cannot fully convey the experience of residents and visitors as they pass through the area. I also accept that there are other apartment blocks along the northern part of Oval Way but these do not represent the predominant building form within North Park and the appeal site has more in common with the dwellings immediately to each side and opposite which form the site context.
 8. The plot density of the proposed development would only be slightly greater than the two existing buildings, and the architectural details and materials would be sympathetic to properties within the surrounding area. Nevertheless, the overall size and scale of the proposed development would materially alter the garden village character of the ERASC. The presence of mature trees and hedges along the site frontage and side boundaries would not be sufficient to overcome the harm that would be caused as the buildings would still be visible from the public realm and within the rear garden environment.
 9. I therefore conclude that the proposal would cause harm to the character and appearance of the area and would not maintain the special character of the ERASC. Thus it would conflict with policies GC1 and H4 of the Adopted Chiltern District Local Plan 1997 (LP) and policy CS20 of the Core Strategy (CS) (2011).

Gerrards Cross Centenary Conservation Area

10. The appeal site lies just to the north of the Gerrards Cross Centenary Conservation Area, within the adjoining South Bucks District Council area. The site is separated from the conservation area by a single dwelling, No 24 Oval Way. From the evidence before me, and my observations at the site visit, I agree that the significance of the conservation area lies in its garden village character, typified by large detached properties of predominantly two storeys in height, with an occasional third storey, and that there is no discernable difference between the character and appearance of the conservation area and nearby properties within the ERASC, in terms of the size and scale of property, architectural design or streetscape. As such the appeal site can be considered to form part of the setting of the conservation area, due to its proximity, and common features.

11. The significance of a heritage asset can be harmed by development within its setting. The two proposed buildings, which would be seen from within the conservation area along Oval Way and from rear gardens within the conservation area, would have a depth approximately twice that of nearby properties. The scale of the buildings would be excessive in comparison with neighbouring properties and would appear incongruous with the pattern of development in the locality. Furthermore, the significant reduction in the size of the rear gardens would be at odds with the spacious character of the conservation area.
12. For these reasons the proposal would cause material harm to the setting of the Gerrards Cross Centenary Conservation Area, contrary to LP policies GC1 and H4, and CS policy CS20. These policies, amongst other things, require development to be of a high standard of design which reflects the character of the surrounding area and those features which contribute to local distinctiveness. Due to the size and scale of the proposed development I consider it would cause less than substantial harm and I have therefore weighed any public benefits associated with the proposal against the harm that would be caused in accordance with paragraph 134 of the Framework.
13. The provision of housing for older people within an area of need would be a benefit,¹ and would accord with CS Policy CS12, which seeks to locate such housing in accessible locations close to shops and public transport. In addition, I acknowledge that the existing buildings, particularly Stowe Lodge, are in a poor state of repair. However, there is nothing to suggest that the appeal proposal is the only way in which the site could be developed or such housing provided. I also note the assertion that the proposal would reduce the maintenance requirements of the large rear gardens. However, for the reasons I have described, these factors would provide insufficient public benefit to overcome the harm that would be caused. Accordingly the development would fail to accord with national policy.

Living Conditions

14. The proposed development would be closer to No 24 Oval Way than Stowe Lodge and would be substantially greater in depth. The upper roof ridge height would also be greater. I saw that No 24 has a covered swimming pool near to the common boundary with the appeal site, but this is single storey and the proposed development would extend a considerable distance beyond the rear of this building. I also note there is good tree coverage along part of the common boundary, but this is not continuous and includes deciduous trees. Accordingly the building would be visible from a substantial section of the rear garden of No 24, particularly during the winter months. Thus it would appear as an unacceptably overbearing and dominant feature when viewed from the rear garden of that property, to the detriment of the living conditions of the occupiers.
15. There were also concerns relating to overlooking from windows in the southern elevation of building B. However, there would be only one window serving a habitable room in that elevation and due to the intervening distance and scope for obscure glazing for windows serving non-habitable rooms I do not consider there would be any undue overlooking from the proposed development.

¹ Need for extra care housing –December 2014 (Contract Consulting)

16. Nonetheless I conclude that the development would cause material harm to the living conditions of the occupiers of No 24 by reason of outlook. It would be contrary to LP Policy GC3, which seeks to protect the amenities of adjoining and neighbouring occupiers and refuse planning permission where amenities are impaired to a significant degree.

Other Matters

17. Concerns have been expressed that the proposed parking would be inadequate. The number of car parking spaces was increased from 16 to 20 during the Council's consideration of the scheme, providing 2 off-street spaces for each 2 bedroom flat. As such I consider there would be no adverse effects arising from the level of parking proposed.
18. I have also had regard to the effect of the proposal on the living conditions of occupiers of No 34 Oval Way. That property has habitable rooms to the front and rear which have dual aspect windows. The principal outlook of these rooms is to the side, and so views across the appeal site would be altered by the development, but building A would be further away than Bancroft and the nearest element of the building would be single storey, and thus I consider that the outlook from No 34 would not be significantly altered to the degree that it would justify dismissal of the proposal on this basis alone.

Planning Balance and Conclusion

19. It is not disputed that the Council is unable to demonstrate a five year supply of deliverable housing sites. In these circumstances, paragraph 14 of the Framework provides that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposal would make a contribution to the local housing supply, in particular for older people, a factor to which I have attached significant weight. It would also make an efficient use of previously developed land.
20. However I have found that the proposal would cause harm to the character and appearance of the North Park ERASC and would not preserve the setting of the Gerrards Cross Centenary Conservation Area, and that the public benefits of the scheme would not outweigh the harm that would be caused. Added to this is the harm to the living conditions of the occupiers of No 24, in terms of outlook. The appellant has also pointed out that the proposal would increase the New Homes Bonus income the Council receives, but this would not make the development acceptable in planning terms and it would not be appropriate to make a decision based on the potential for the development to raise money for the local authority.
21. Accordingly the appeal scheme would not comprise a sustainable form of development when assessed against the Framework as a whole. The harm to designated heritage assets, and in respect of residential amenity would significantly and demonstrably outweigh the benefits of the proposal.
22. For the reasons set out above I therefore conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR