
Appeal Decision

Site visit made on 6 December 2016

by Rory Cridland LLB (Hons)

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

Decision date: 18 January 2017

Appeal Ref: APP/X0415/W/16/3156337

41 & 43 Gurnells Road, Seer Green, Bucks, HP9 2XJ

- 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 R Davies against the decision of Chiltern District Council.
 - The application Ref CH/2015/2150/FA, dated 18 November 2015, was refused by notice dated 29 January 2016.
 - The development proposed is redevelopment of the site to include demolition of existing dwelling and the erection of three detached dwellings, three detached garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has indicated in Part E of the appeal form that the description of development set out in the original application form has changed. The amended description accords with the one set out in the Council's decision notice. As both parties have indicated that this description is acceptable, I have used the amended description as set out in the appeal form.
3. The Council's second reason for refusal relates to the absence of a legal agreement in respect of contributions towards affordable housing. However, within its written evidence the Council has confirmed that it wishes to withdraw this refusal reason following a decision of the Court of Appeal in the *West Berkshire* case¹. On the basis of the submitted evidence, I have no reason to disagree with the Council's approach in respect of this matter and accordingly have not considered this in my reasoning below.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located in a residential cul-de-sac characterised by detached and semi-detached dwellings of a mixture of sizes and styles which generally front the road. Although there is some variation between individual plots, most of the properties are set back by similar amounts creating a general sense of uniformity in terms of their siting.

¹ Secretary of State for Communities and Local Government v. West Berkshire District Council and others [2016] EWCA Civ 441

6. Policy CS20 of the Core Strategy² requires new development to be of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness. Similarly, Policy H3 of the Local Plan³ permits new development which is compatible with the character of the surrounding area. In addition, Policy GC1 requires the siting of new buildings to be in accordance with the siting of any existing adjoining buildings.
7. The proposal would result in the demolition of the existing dwelling and the erection of three detached dwellings each with its own detached garage. While I note that the appellant has sought to integrate the scheme with that of the neighbouring development to the west, all three of the proposed dwellings would be set back further from the road than its neighbours with plots 2 and 3 being sited in what is essentially the rear garden of No 41. This would be significantly at odds with the existing pattern of development and would fail to integrate well into the surroundings.
8. Furthermore, the Council has raised concerns regarding the siting of the garage serving plot 1. While that dwelling would be set further back from the existing building line, the garage itself would be positioned in front of the property and set forward of the neighbouring properties to the west. It would appear as a discordant addition to the street scene which would be exacerbated by the increased area of hard landscaping to the front. This would appear at odds with much of the surrounding development and would fail to contribute to local distinctiveness.
9. While I note that the appellant has suggested that the garage serving plot 1 could be removed from the scheme by means of a condition, Planning Practice Guidance advises that a condition that modifies the development should only be used where the modification is minor⁴. In this case, I do not consider the removal of the garage to be minor. It therefore follows that its removal by means of a condition would not be appropriate. In any event, I do not consider such an alteration would, in itself, be sufficient to overcome the harm identified above.
10. Consequently, I find that the proposal would fail to contribute to local distinctiveness and would not respect the character of the surrounding area. As such, it would be contrary to Policy CS20 of the Core Strategy and Policies H3 & GC1 of the Local Plan.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

² Local Development Framework Core Strategy for Chiltern District (2011)

³ Chiltern District Local Plan Written Statement (adopted 1 September 1997 (including alterations adopted 29 May 2001); Consolidated September 2007 & November 2011

⁴ Reference ID: 21a-012-20140306