
Appeal Decision

Site visit made on 13 December 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/X0415/W/16/3158153

Broomstick Cottage, 181 Botley Road, Botley, Chesham HP5 1XR

- 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 VISAO Limited against the decision of Chiltern District Council.
 - The application Ref CH/2016/1111/FA, dated 13 June 2016, was refused by notice dated 22 August 2016.
 - The development proposed is the retention of main house, construction of 2-storey extension to rear and side, and erection of 2-storey, detached house.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of main house, construction of 2-storey extension to rear and side, and erection of 2-storey, detached house at Broomstick Cottage, 181 Botley Road, Botley, Chesham HP5 1XR, in accordance with the terms of the application, Ref CH/2016/1111/FA, dated 13 June 2016, and the plans submitted with it, subject to the conditions on the attached schedule.

Main Issues

2. The site is located within the village of Botley, in the Green Belt. It is proposed to extend the existing house, and alongside it, build another. While the Council does not refer explicitly to limited infilling in its reason for refusal, it considers that the proposal does not comply with saved Policies GB4 and GB5 in its Local Plan 1997 (including alterations adopted 2001) consolidated 2007 and 2011 (LP), which concern residential development in the Green Belt. The main issues are therefore:
 - whether the proposal would be inappropriate development in the Green Belt;
 - its effect on the openness of the Green Belt;
 - its effect on the character and appearance of the area; and,
 - if it is inappropriate development, 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.
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Reasons

Inappropriate development in the Green Belt

3. LP Policy GB5 says the Council will accept limited infilling within Botley as set out in LP Policy GB4, or, where the site consists of a small parcel of land in existing residential use which is totally or substantially enclosed by existing residential development, including dwellings and not just their curtilages. It goes on to define a small parcel, and the number of dwellings. Policy GB4 defines infilling, referring in detail to the characteristics of the site, the proposed development, and the character of the area.
4. The National Planning Policy Framework (the Framework), in paragraph 89, sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, it lists a number of exceptions to this, the most relevant to this case being bullet point five, which includes limited infilling in villages. LP Policies GB4 and GB5 are more prescriptive than the Framework and therefore not entirely consistent with it. Annex 1 of the Framework says that weight accorded to policies in plans should accord with their degree of consistency with the Framework. This therefore limits the weight I can attach to these policies.
5. The Council concludes that the proposal is not limited infilling, referring to the plot width of the new house versus the immediately neighbouring plots, compared to which it would be narrower. However, the site is part of a long row of houses, the plot widths of which vary considerably, as do their depths. In this context, the plot width of the proposed house, and the resulting plot width of the existing house would be comparable to others within the row, and to others in the village.
6. While the curtilages of the proposed and retained houses would be smaller than those of the houses immediately to the east, they would be greater than those to the west. Furthermore, the plot of the proposed house is already occupied by a garage and office which span its width. I acknowledge that these are attached to the house to be retained, and not in separate occupation, however, this suggests, together with the scheme to extend the existing house already permitted, that built form on this area of the plot and in this part of the village is acceptable.
7. Taking these factors into account, as well as the varying plot sizes of the other dwellings in the village and its overall grain and character of building, I conclude on this issue that the proposed development would be limited infilling in a village. This is given as an exception under paragraph 89 of the Framework, so the proposed development would not be inappropriate development in the Green Belt. Given this conclusion, I do not need to consider the effect of the proposal on the openness of the Green Belt.

Character and appearance of the area

8. The Council finds that because of the additional built form on the east side of the proposed house and the lack of space between the flank walls of the existing house and the proposed, that the proposal would appear cramped and intrusive in the street scene.
9. Having regard to the consented scheme for extensions to the existing house, the first floor and roof of the proposed house would project further towards the

east boundary. However, the flank of the first floor would maintain a greater gap to the boundary than the neighbouring house to the east, No 183, in which context it would not appear cramped. It would be set sufficiently off the boundary to No 183 to avoid the effect of coalescence.

10. Though the gap between the flank walls of the existing house and the proposed would be around only 1m, the gap would be full height and it would provide a significant break in the breadth of built form compared with the consented scheme, which is indicated with a fully developed breadth. This would lighten the effect of flank proximity, as well as the additional build-out to the east, by a significant degree. Furthermore, both houses would also be set further back from the street than the neighbouring plots. Taking these factors into account, the proposal would not be intrusive in the street scene, or harmful to the spacious and sylvan character of the village.
11. I have had regard to the conclusions of my colleague in the appeal¹ allowed on this site in 2016; however, I see no inconsistency between her findings and the proposal in this case. In the context of the overall character of the village, I am satisfied that the proposal would not result in harm to its character and appearance. It would be in accordance with Policy CS20 of the Core Strategy 2011 and saved LP Policies GC1 and H11 which seek development of a high standard of design, which is in accordance with the siting of adjoining buildings, and which provides gaps between a new house and its boundaries.

Other Matters

12. I have had regard to the concerns raised by local residents and Chesham Town Council, many of which I have considered within the main issues. Other concerns include the impact on the living conditions of surrounding occupiers, congestion, the impact on parking, and highway safety.
13. I appreciate that the outlook from the back gardens of the adjoining plots would change; however given the siting of the proposed house within a row of dwellings, together with its footprint and scale, there would be no materially harmful loss of outlook or light. The proposed house would introduce additional overlooking into neighbouring back gardens; however, a degree of mutual overlooking of back gardens is not uncommon in this row of houses or between other houses in the village. Given the size of the gardens, the planting along much of their boundaries, the degree would not be harmful. There is no indication that the proposal would introduce any more noise or disturbance than is commonly accepted in a row of houses.
14. The proposal would provide sufficient parking for the occupants and space to turn and leave in forward gear. Though the development would introduce more trips, the traffic on the surrounding roads appeared to me not to be congested. I note that the highway authority raised no objection, and there is no evidence that the residual cumulative impacts of the proposal would be severe.

Conditions

15. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the Planning Practice Guidance (PPG); for clarity and to ensure

¹ Appeal Ref: APP/X0415/D/15/3141412

compliance with the PPG, I have amended some of the Council's suggested wording.

16. In addition to the statutory time condition, it is necessary in order to provide certainty, to impose a condition requiring the development be carried out in accordance with the approved plans. In such proximity to the surrounding dwellings and their back gardens, conditions to secure levels, finishing materials and boundary treatments, would be necessary to safeguard the character and appearance of the area and to make the development acceptable. Details of levels and external facing materials, because of their position in the construction programme and the lead-in times for materials, would need to be submitted and approved before commencement of development. However, it would be unreasonable and unnecessary to make the development acceptable to require the boundary treatments to be retained.
17. To ensure highway safety, a pre-occupation condition applying to the new house relating to the provision and retention of on-plot parking with the requisite visibility splays to the new entrance would also be necessary.

Conclusion

18. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should succeed.

Patrick Whelan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 915:1043/201 Site Layout as existing; 915:1043/202 House as existing; 915:1043/211 Location Plan; 915:1048/PL 102 Site Layout as proposed; 915:1048/PL 103 Ground fl as proposed; 915:1048/PL 104 First fl as proposed; 915:1048/PL 105 Elevations 1 as proposed; 915:1048/PL 106 Elevations 2 as proposed.
- 3) No development shall take place until full details of the finished level, above ordnance datum, of the ground floor of the proposed house, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved samples.
- 5) The new dwelling shall not be occupied until the new access onto Botley Road has been provided in accordance with the approved plans. It shall include visibility splays to both sides between a point 2.4m along the centre line of the access measured from the back line of the footway and a point 43m along the back line of footway measured from the intersection of the centre line of the access.
- 6) The new dwelling shall not be occupied until the parking and turning areas on the site as shown on the approved plans have been provided. The parking and turning areas shall thereafter be kept available at all times for the purposes of parking and turning.
- 7) The dwelling shall not be occupied until the boundary treatments shown on the approved plans have been erected.

End of Schedule of Conditions