

Appeal Decision

Site visit made on 11 April 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/X0415/W/16/3166230

Former Public Convenience, Berkhamstead Road, Chesham HP5 3HF

- 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 Ms Raquel Aranda De Nadai against the decision of Chiltern District Council.
 - The application Ref CH/2016/0955/FA, dated 18 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is the creation of a banked Victorian garden, the burying of a 1 1/2 storey home underneath the banks and garden, two concealed hard landscaped external spaces or terraces and a cascading water feature fed from a raised brick water store.
-

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 whether the development would provide acceptable living conditions for its future occupiers with respect to their outlook and amenity space.

Reasons

Character and appearance

3. The appeal site is located close to a terrace of tall, narrow Victorian houses only being separated from them by a small building used by EDF energy. The adjacent land to the south and rear are car parks serving commercial properties. These car parks are on land which is around 1.5 to 2 metres higher than that at the site and the boundaries to these sides comprise retaining walls topped with wire mesh fencing reaching, in total, to heights of around 3 or 4 metres above the ground level of the appeal site. Indeed, due to this and the tall flank elevation of the terrace, this small site has a very enclosed character.
 4. The proposed house would be partially sunk below the level of the pavement along Berkhamstead Road. The ground floor of the building and a courtyard would be substantially hidden behind a raised landscaped bank at the very front of the site. Another landscaped bank, above the ground floor, would screen the first floor and a roof terrace. As such, from directly in front of the site little of the dwelling would be visible, though from positions further south
-

along Berkhamstead Road, the upper parts of the building including its distinctive triangular shaped side elevation would be visible in the street scene.

5. Clearly some considerable effort has gone into the design of the proposal, and the result is a unique development which does not attempt to imitate the neighbouring terrace. Whilst this disparity with its context would be mitigated by the proposed landscaping to an extent, the volume of planting and its unnaturally elevated position would appear contrived and would result in the proposal appearing conspicuous and incongruous in its setting. Notwithstanding this, where views of the building would be possible, such as from the south, the individual design of the house would contrast strongly with the uniformity of the adjacent terrace.
6. Additionally its sunken nature would mean it would be visually overdominated by the terrace and the boundary structures, particularly as the dwelling would be built right up to the retaining walls, which would result in the development appearing cramped and contrived.
7. I accept the vacant nature of the existing site detracts from the appearance of the street scene, and that were permission to be granted a condition could be imposed to ensure the materials to be used were complimentary to its surroundings. Nonetheless, I consider the proposal would also detract from the street scene and complimentary materials would not mitigate this.
8. In summary, the development would appear cramped and incongruous in the street scene and so would harm the character and appearance of the area. Accordingly it would be contrary to Policies GC1 and H3 of the Chiltern Local Plan (CLP) and Policy CS20 of the Core Strategy for Chiltern District which all aim to ensure development is compatible with the character of the surrounding area. It would also conflict with the National Planning Policy Framework (the 'Framework') which, as one of its principles, advises that development should take account of the character of the area.

Living conditions

9. The ground floor of the dwelling would generally be open plan with large glazed doors across the front of the building providing the only light to the ground floor. From these doors the retaining structure holding the raised bank at the front of the site would appear prominently, as would the retaining wall and fence on the south boundary. These, in combination with the EDF building would substantially enclose the view from the doors, leading to a poor outlook and limiting the amount of light that would reach the living room. In addition, the kitchen at the back of the ground floor would be unlikely to benefit from any natural light.
10. The windows at first floor level, whilst above the height of the retaining boundary walls, would most likely directly face the wire mesh fencing and would be close to the ground level of the adjacent car parks. As such the outlook from these windows would also be poor.
11. The proposed amenity areas at ground floor level and rooftop level would be very small. Even in total, they would not be comparable with the long rear gardens at the houses to the north, which is an additional indication of the cramped nature of the scheme.

12. Furthermore, the combination of the high landscaped bank along the frontage, the retaining wall and fence along the south boundary and the EDF building would result in the ground floor courtyard having an enclosed character. Though the outlook from this area would not be straight out to the road, as was the case in the scheme subject of the previous appeal¹, the small size of the courtyard and the sense of enclosure that would prevail when in it, would result in a poor quality amenity space.
13. Consequently, the poor outlook from the building at ground and first floor levels, the enclosed nature of the courtyard and the insufficient amount of amenity space in total means the proposal would fail to provide acceptable living conditions for its future residents. Therefore, the proposal would conflict with Policy GC3 of the CLP which requires development to achieve good standards of amenity for future occupiers and Policy H12 of the CLP which expects gardens to be appropriate for the type of dwelling proposed. It would also fail to accord with the advice in the Framework which advocates a good standard of amenity for all future occupants of buildings.

Other matters

14. It is not disputed that the site comprises previously developed land or that it is well located. Nevertheless, these factors do not outweigh the harm that the dwelling would cause to the character and appearance of the area or the need for the development to provide satisfactory living conditions for its occupiers.

Conclusion

15. For the reasons given above and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

¹ APP/X0415/W/15/3002974