
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: 12 May 2017

Appeal Ref: APP/X0415/W/16/3156985

Yard adjacent to Ivydene, Village Road, Whelpley Hill HP5 3RN

- 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 Paul Taylor against the decision of Chiltern District Council.
 - The application Ref CH/2016/0980/FA, dated 21 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is change of use from employment land and redevelop with 2 x 4 bedroom houses.
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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 whether the development would provide acceptable living conditions for its future occupiers in respect of noise and disturbance.

Reasons

Character and appearance

3. The immediate area contains a mix of detached, semi-detached and terraced properties. As such not every house benefits from gaps to its boundaries. However the gaps between the blocks, for example between Ivydene and No 2 Beech Cottages or between Aviemore and No 1 Beech Cottages, are notable, proportionate to the size of the houses and contribute positively to the street scene. Furthermore all the detached dwellings are generally set in spacious plots.
4. Ivydene is a large two-storey detached dwelling which appears prominently in the street scene due to its large scale and its position further forward than the neighbouring houses. At first floor level it is set off the boundary with the appeal site by around one metre, but at ground floor level it abuts the boundary. The position of the boundary shown on plan no. WH/03 Rev B differs from that shown on the drawings which accompanied the previous application¹ and subsequent appeal². However the gap between the proposed building at plot 1 and the flank elevation of Ivydene is generally the same in both schemes.

¹ Ref CH/2015/0769/FA

² APP/X0415/W/15/3133653

5. The distance between Ivydene and the detached dwelling at plot 1 would be significantly narrower than between any other detached dwellings in the vicinity and would be dwarfed by the large scale and forward projection of Ivydene. Although the gap would measure similar to some of the other gaps along this stretch of Village Road, the large scale and prominence of Ivydene, and the detached nature of the two buildings, leads me to consider that the proposed gap would not be sufficient to avoid a massing effect which would contrast with the appearance of the street scene. The appellant advises that when Ivydene was built it was set back from the boundary specifically in order to avoid a terracing effect. However, in this case, this alone does not prevent an unacceptable visual impact on the street scene.
6. The Inspector into the previous appeal also considered the close proximity of the proposed dwelling to Ivydene was uncharacteristic of the area and this would result in the proposal having a harmful effect on the character and appearance of the surroundings. Due to the similarity between the development before me and the previous scheme in this regard, this supports my conclusion.
7. I note the small gap between the two short terraces at Old School Cottages. However this is a distinct development with its own cohesive character which would not be the case when the house at plot 1 is viewed with Ivydene.
8. In summary, the narrow gap between the development and Ivydene would mean the proposal would harm the character and appearance of the street scene and the area. Consequently the development would not accord with Policy GC1 of the Chiltern District Local Plan (the 'Local Plan') and Policy CS20 of the Core Strategy for Chiltern District which both require a high standard of design.

Living conditions

9. To the rear of the site there is a large building which has planning permission³ for use as a car repair workshop. There is a tall solid fence along the rear boundary of the site and substantial bushes along the side boundary of the site which separates the site from the vehicular access to the car repair workshop. The workshop did not appear to be operational at the time of my site visit.
10. A condition on the planning permission for the workshop limits its operating hours to 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and at no time on Sundays or bank holidays. The reason given for this condition was to protect the quiet enjoyment of neighbouring properties. Another condition restricts its operation by persons residing at Hollycroft only.
11. The Inspector into the previous appeal concluded that the operation of the workshop would lead to noise and disturbance being caused to future occupiers of the development. However from the evidence before me, including the conditions attached to its planning permission which the previous Inspector may not have seen, I consider that were the workshop to be used as such it would be unlikely to be of an intensity that would disturb future residents of the development.

³ Ref 2003/856/CH

12. Accordingly the living conditions of the future residents of the proposal would be acceptable and in this regard it would comply with Policy GC3 of the Local Plan which seeks to ensure good standards of amenity are achieved.

Other matters

13. The site is within the Green Belt. The parties do not dispute that the proposal would not be inappropriate development in the Green Belt, and this was the conclusion reached by the Inspector into the previous appeal. I have no reason to come to a different view.
14. The existing scrapyard makes little positive contribution to the street scene. Nonetheless, this does not justify the proposal which would harm the character and appearance of the street scene.

Conclusion

15. Although the development would not represent inappropriate development in the Green Belt, and I consider that future residents would be afforded acceptable living conditions, these matters do not outweigh the harm that I have found in respect of the effect of the proposal on the character and appearance of the area. As such, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR