
Appeal Decision

Site visit made on 19 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/16/3166176

10 and 12 Kingsway, Chalfont St Peter SL9 8NR

- 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 Darren Thomas of Refined Homes against the decision of Chiltern District Council.
 - The application Ref CH/2016/1511/FA, dated 12 August 2016, was refused by notice dated 16 November 2016.
 - The development proposed is the demolition of the existing dwellings and outbuildings and the erection of seven dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Darren Thomas of Refined Homes against Chiltern District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The site's address given on the application form was 10 Kingsway, however it is clear the site also includes No 12 and indeed this was the address given on the appeal form and used on the Council's decision. As such I have used this correct address in the title banner above.
4. Outline planning permission¹ already exists for the provision of six dwellings at the site. Matters of access were considered in that outline application, but all other matters were reserved.

Main Issues

5. 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 the amenity space.

Reasons

Character and appearance

6. The appeal site accommodates two modestly sized houses in generous plots on land which slopes downhill markedly from, generally, south west to north east.

¹ Ref CH/2016/0314/OA

The vicinity mostly comprises detached dwellings, of a variety of designs and ages in generous plots though there are some short terraces along Lower Road.

7. The proposal includes two short terraces along its frontage and a single detached house in the rear of the site. The house to the rear would be close to the rear boundaries of the six terraced units and the rear boundary of the appeal site. It would have a negligible front garden, instead being used as parking.
8. Though not of an exceptional height, its slightly elevated position above the level of the driveway would most likely render it visible from Kingsway between the two front facing terraces and, more significantly, along the vehicular access. It would also appear prominent from the rear of many adjoining dwellings, most notably 6 Kingsway. From all these positions the dwelling would appear hemmed in by the closeness of both its side boundaries, the parking to its front and its position behind the other six units. This, combined with its raised position and scale, which is greater than the other six houses, would mean it would appear cramped and overbearing on its plot.
9. Indeed, the density of the whole development is higher than that elsewhere along Kingsway and consequently it would contrast with its surroundings. The density is more comparable with the houses in Lambscroft Way and some parts of Lower Road, but as the proposal would front Kingsway it would not readily be seen in the context of these other roads.
10. Accordingly the development would appear cramped and incongruous in its context and therefore would harm the character and appearance of the area. Consequently it would be contrary to Policy GC1 of the Chiltern District Local Plan (the 'Local Plan') and Policy CS20 of the Core Strategy for Chiltern District which both aim to ensure development is appropriate to its surroundings.
11. It is not disputed that the design of the houses would be high quality and the use of appropriate traditional materials could be secured by planning condition. Nonetheless, this does not mitigate the harm that I have identified.
12. I understand that the outline application showed a dwelling in approximately the same position as the dwelling now shown as plot 7. However as layout was a reserved matter I give limited weight to this consideration.

Living conditions

13. The gardens serving plots 3- 6 would generally be smaller than those at the neighbouring houses on Kingsway, and would be shallower than the 15 metres advised in Policy H12 of the CLP. I accept that, as the terraced houses would be smaller than other nearby houses, smaller gardens would be commensurate. Nonetheless even small houses should be afforded sufficient amenity space which, I consider, would not be the case here. Some other gardens in the wider area are smaller, however that should not justify granting planning permission for a development which fails to provide satisfactory living conditions.
14. As such the development would fail to accord with Policies GC3 and H12 of the CLP which both require development to provide an adequate standard of amenity 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