
Appeal Decision

Site visit made on 9 May 2017

by **C Thorby MRTPI IHBC**

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

Decision date: 5th June 2017

Appeal Ref: APP/X0415/W/17/3167021

Citygate Chalfont Workshop, Chalfont Station Road, Little Chalfont, HP7 9PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Landmaze Ltd against the decision of Chiltern District Council.
 - The application Ref CH/2015/2345/FA is dated 17 December 2015.
 - The development proposed is demolition of existing buildings and redevelopment of site to provide a part four storey, part two storey building comprising two office units with 11 residential apartments above, and a three storey building comprising four live-work units, including associated parking, landscaping and alterations to existing vehicular access.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issues are a) the effect of the proposal on the character and appearance of the area, b) the effect on the living conditions of the future occupiers, c) the effect of the parking provision on the local environment, and d) the effect on employment floor space provision.
3. *Character and appearance.* The area is characterised by a variety of architectural styles and designs of buildings with building heights of mainly two, two and a half and three storeys. However, overall, there is a consistency of character which is one of a modest, fairly low scale, local shopping centre. The appeal proposal would replace the existing long, plain, two storey building with a part four storey block which would, for the most part, be higher than its neighbours and most of the surrounding buildings. Because of its long elevation, it would overwhelm and dominate the character of this part of the shopping centre, undermining the modest local character. The forward projection from the Telephone Exchange and considerable detail on the frontage would draw attention to the untypical size and bulk of the four storey element and it would detract from the appearance of Chalfont Station Road and the shopping centre as a whole.
4. Planning permission has been granted for redevelopment of the associated showroom on the other side of the road. However, this is mainly three storeys in height and would not justify the proposal. While other elements of the scheme may be acceptable, for the aforementioned reasons, the proposal would be harmful to the character and appearance of the area. It would

conflict with policy CS20 of the Core Strategy for Chiltern District - Adopted November 2011 (CS) and policies GC1 and H3 of the Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 (LP) which seek to protect local character.

5. *Living conditions.* There would be considerable inter-visibility between habitable rooms of two of the units and the large office block at the rear of the site. The windows would line up and there would be direct views into what should be relatively private spaces. There is no guarantee that offices would be empty outside normal working hours when residents would probably be at home. This is a very uncomfortable relationship, even though the site is in a fairly dense, urban location where some inter-visibility may be expected. A range of window dressings may assist, but occupiers of the office block are not likely to be mindful of the neighbours' privacy and some overlooking would occur. The loss of privacy would be harmful to the future occupiers' living conditions.
6. The relationship between adjoining residential properties and the proposed residential units would be acceptable, subject to a range of measures (which could be secured by condition) to prevent overlooking. Amenity space would be sufficient given its local shopping centre location. The amenity deck would be sited away from the public realm and although there may be some overlooking it would provide a reasonable level of amenity for the future occupiers. Nevertheless, for the aforementioned reasons it would be harmful to the future occupiers' living conditions, contrary to LP policies GC3 and H12 which seek to protect residents' amenity.
7. *Parking provision.* Although the level of parking provision is below the Council's standards this is an accessible location where promotion of other sustainable means of transport such as walking, cycling and public transport should be encouraged. There may be a knock-on effect in the area in terms of pressure on parking spaces, but there is no evidence of lack of capacity of the network to cope, resulting in congestion, or any risk to highway safety. There may be some inconvenience in looking for a parking space, but this would not be harmful and may encourage future residents to use other means of transport. The appeal scheme would not comply with LP policy TR16 which sets parking standards. However, as the standards fail to take into account the accessibility of development they are not consistent with National Planning Policy Framework (NPPF). The scheme would promote sustainable means of transport and is a material consideration that would outweigh the conflict with policy TR16.
8. *Loss of employment land.* The proposed scheme would be mixed use, with commercial office space on the ground floor and residential above. This type of mixed use would be suitable for the location and by bringing residents into a town centre would make a positive contribution to its vitality and viability. Moreover, the submitted evidence indicates that the overall job numbers are unlikely to be materially different to current employment levels at the site and overall the appeal scheme would improve the number of people using and supporting the town centre. There would also be some benefit in providing modern business space.

9. However, there would be a loss of employment floor space in conflict with CS policy CS16 which seeks to maintain a range of employment land. While there is some submitted evidence relating to the type and range of employment land in the District this has yet to be examined and can only carry limited weight. In this case, because the scheme fails on other grounds, the benefits would not outweigh the conflict with policy CS16. I address the wider issues in my planning balance. The reason why this was not an issue for the showroom redevelopment is not a matter that would alter my conclusion.
10. *Other matters.* A flood report demonstrates that subject to certain measures there would be no risk to life or property in this respect. A contribution towards affordable housing would be secured through a legal agreement as part of the scheme, in line with the local plan policy.
11. *Planning balance.* There would be benefits arising from the scheme from new homes which include affordable housing, boosting the supply of housing, contributing socially and economically to the local shopping centre and local community, and providing modern business space. However, there would be substantial harm to the environment as set out above and the proposal would not, therefore, be sustainable development. The scheme would conflict with the development plan policies and there are no material considerations that would outweigh the conflict.
12. *Conclusion.* For the reasons given, the appeal is dismissed.

Christine Thorby

INSPECTOR