
Appeal Decision

Site visit made on 2 May 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 07 June 2017

Appeal Ref: APP/X0415/W/16/3165445

Land adjacent to Larbert, Grove Lane, Chalfont St Peter SL9 8TL

- 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 Laxton Properties Ltd against the decision of Chiltern District Council.
 - The application Ref CH/2016/1964/FA, dated 20 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed is the erection of a single dwelling with associated vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling with associated vehicular access, at Land adjacent to Larbert, Grove Lane, Chalfont St Peter SL9 8TL in accordance with the terms of the application, Ref CH/2016/1964/FA, dated 15 December 2016, subject to the conditions in the attached schedule.

Main Issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. A previous proposal for a dwelling on the site was dismissed at appeal¹ due to the harm to the character and appearance of the area. The current proposal is for a two storey dwelling of traditional design. It differs from the previous scheme in that the front projection has been reduced in depth at the ground floor and omitted from the first floor. In addition, the parking spaces have been relocated and would be screened by the existing vegetation. Whilst the previous decision is a material consideration, I have determined the appeal proposal on its merits having regard to the differences from the earlier proposal.
4. The appeal site is located on the east side of Grove Lane close to where it merges with Narcot Lane. The area is characterised by predominantly two storey detached dwellings set back from the highway. The opposite side of the road includes extensive playing fields, which are substantially screened by dense tree cover. The area has a sylvan character derived from the trees and hedges on both sides of the road.

¹ APP/X0415/W/16/3150476

5. The alignment of the dwellings on this part of Grove Lane broadly reflects the curvature of the road, but within this broad alignment, the dwellings vary in terms of their distance from the road. Larbert, the neighbouring dwelling is set back from the road to a much greater extent than the other properties. The site is adjoined by the two-storey flats at Tunmers Court and Tunmers House to the north. Whilst Tunmers Court fronts Narcot Lane, the return elevation to Tunmers Court faces towards Grove Lane is unrelated to the siting of the existing dwellings in Grove Lane. Moreover, these buildings are substantially screened in public views due to the boundary trees and hedges. I consider that the character of the locality is not derived from the buildings themselves, but the verdant landscape framework and the discrete appearance of buildings.
6. The part of Grove Lane where the appeal site is located is relatively narrow and there is a sharp bend just to the north of the appeal site where it adjoins Narcot Lane. Due to bend, and the screening provided by the trees and other vegetation on both sides of the road, the houses in this part of Grove Lane are merely glimpsed by motorists driving towards Narcot Lane, and are barely discernible to motorists driving in the opposite direction. Due to the absence of a footpath on the opposite side of the road, pedestrian views would generally be confined to the footpath adjoining the frontage of the appeal site and its neighbours. Consequently, the position of the buildings relative to the front boundary is not generally noticeable from any public vantage points. Accordingly, due to the limited views of the dwellings in this stretch of Grove Lane, the proposal would not have a significant effect on the character or appearance of the locality.
7. Some local residents are concerned about the impact of the proposal on a neighbouring oak tree. The Council is of the opinion that this tree has limited amenity value in views from the road, and whilst the foundations of the proposed dwelling may give rise to damage to its roots, it does not object to its loss. On the basis of the submitted information, and my observations at the time of my site visit, I share the Council's view.
8. I therefore conclude that the proposal would not significantly harm the character and appearance of the surrounding area and would comply with policy H3 of the Chiltern District Local Plan 1997 (Consolidated September 2007 and November 2011) which confirms that proposals for dwellings in built-up areas are acceptable in principle provided they are compatible with the character of the area and policy GC1 which seeks a high standard of design and requires proposal to relate satisfactorily to the surrounding area.

Other Matters

9. The proposal includes two first floor windows at the rear. One would serve a bedroom and the other a bathroom. Having regard of the distance of these windows from Tunmers Court and the position of the proposed dwellings on the site, I do not consider that the proposal would give rise to a significant loss of privacy to the occupants of Tunmers Court.

Conditions

10. I have considered the conditions suggested by the Council in the light of the advice at paragraphs 203 and 206 of the NPPF and the PPG. In order to ensure that the proposal has a satisfactory appearance, samples of materials should be submitted, and details of the proposed levels should be submitted for the

same reason. A landscape scheme is necessary in order to ensure that the proposal integrates with its surroundings, and any planting which for any reason does not survive should be replaced. Details of boundary treatment are also necessary in the interests of the appearance of the development and neighbour amenity, but I consider that a separate condition would be more precise. In addition, in order to safeguard the trees around the boundary of the site, an arboricultural method statement should be submitted.

11. The car parking and turning space shown on the submitted plans should be provided in the interests of highway safety. Visibility splays and proposed access should be provided prior to the commencement of other works for the same reason.
12. The Council suggested a condition restricting the provision of additional windows in order to safeguard the amenities of the occupants of the adjacent dwellings. I agree that additional first floor windows at the rear could affect the privacy of the occupants of Tunmers Court and therefore should be restricted. However, additional ground floor windows would not affect the privacy of neighbours. Windows to the flank elevations would require planning permission, and those to the front elevation would not overlook the neighbour properties. Therefore these other windows do not need to be similarly restricted and I have modified the Council's suggested condition accordingly.
13. The Council had suggested that permitted development rights in relation to the enlargement or alteration to the dwelling or the erection of a garage. Paragraph 200 of the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights "*will rarely pass the test of necessity and should only be used in exceptional circumstances*". The suggested condition does not specify which classes of permitted development this condition seeks to restrict. I have therefore assumed that it includes classes A-D and possibility E in respect of the garage.
14. Having regard to the position of the proposed dwelling relative to neighbouring properties and the length of the rear garden, I consider that permitted development rights in relation to extensions, including roof alterations (Class A and Class B) should be restricted in the interests of neighbour amenity. However, on the basis of the available evidence, I am not persuaded that that permitted development rights in relation to Class C, Class D and Class E need to be similarly restricted. I have therefore modified the condition in the interests of precision and clarity. I have also imposed a condition specifying the relevant drawings as this provides certainty.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

Schedule of Conditions

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Land adjacent to Larbert, Grove Lane, Chalfont St Peter SL9 8TL

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Samples of all external facing materials shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 3) Prior to the commencement of any works on site, detailed plans, showing the existing ground levels and the proposed slab and finished floor levels of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall be implemented in accordance with the approved levels.
- 4) Details of soft landscape works shall submitted to and approved in writing by the local planning authority. The submitted details shall include the trees to be retained; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities. These works shall be implemented in accordance with the approved details in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.
- 5) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No site clearance, preparatory work or development shall take place until a plan has been submitted to show the position of every tree on the site and on land adjacent to the site (including street trees), indicating those trees which are to be retained, and those which are to be removed, together with a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 7) Details of the proposed boundary treatment, including the position, design and materials shall be submitted and approved in writing by the local planning authority. The boundary treatment shall be implemented in accordance with the approved details.
- 8) The dwelling shall not be occupied until the parking and turning area shown on drawing no. CSP-FA-5.01 has been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.

- 9) No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing, and visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the first floor rear elevation.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, and B, D, of Part 1 to Schedule 2 of that Order shall be carried out within the development hereby approved without the prior written permission of the Local Planning Authority.
- 12) The development hereby permitted shall be carried out in accordance with the following approved plans: CSP-FA-5.01and CSP-FA-5.02.