
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: 4 July 2017

Appeal Ref: APP/X0415/W/16/3164525

Broadway Bowls Club, 12 - 14 Lowndes Avenue, Chesham, HP5 2HL

- 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 Broadway Bowls Club against Chiltern District Council.
 - The application Ref C/2015/0826/FA, is dated 5 May 2015.
 - The development proposed is the erection of two semi-detached houses, car parking and amenity space.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 2 June 2017.

Decision

1. The appeal is allowed and planning permission is granted for the erection of two semi-detached houses, car parking and amenity space at Broadway Bowls Club, Lowndes Avenue, Chesham, HP5 2HL in accordance with the terms of the application, Ref C/2015/0826/FA, is dated 5 May 2015 and the plans submitted with it, subject to the conditions set out in Appendix A.

Reasons

2. The main issues are the effect on the character and appearance of the area, the living conditions of neighbours, and highway safety.
3. *Character and appearance.* Although the new dwellings would be located at the end of the bowling club grounds, it would be a continuation of a recently built housing area (Lindo Close) that sits behind houses on Lowndes Avenue and Bellingdon Road. It would be similar in size, design and appearance to the new dwellings on Lindo Close, including garden and parking areas. The appeal proposal would, therefore, fit in with the local pattern of development and there would be no harm to the character and appearance of the area. It would comply 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.
4. *Living conditions.* The proposed dwellings would be some distance away from properties on Lowndes Avenue and although there may be some inter-visibility there would be no intrusive overlooking. Due to the angle of the proposed houses, views would be oblique and there would be no intrusive overlooking to

the properties on Lindo Close. Noise and disturbance would be of a domestic nature, not unexpected in the area, and there would be no harm to neighbours' living conditions. The scheme would comply with LP policies GC3 and H12 which seek to protect residents' amenity.

5. *Highway safety.* At the point of the appeal site, Lindo Close is quiet and serves few houses. Although the surface could be shared it would allow safe vehicular and pedestrian access to the houses. The refuse vehicle is likely to reverse a small distance to collect refuse. This would not be significantly different from the reverse manoeuvre already taking place to serve existing houses and there would be no risk to people or vehicles. Parking would be adequate with spaces provided at the front of the new houses. There would be no risk to highway safety and the scheme would comply with LP policy TR2, the general aim of which, is to protect highway safety.
6. *Conditions.* Conditions and their reasons are set out in appendix A. The suggested construction management plan seeks access from Lowndes Avenue only. However, there seems to be no reason why small vehicles could not gain access from Lindo Close. This is a matter for the construction management plan and I have therefore adjusted the wording to make it more flexible.
7. *Conclusion.* A Section 106 deed relates to the provision of a Bowls Club at an alternative location in compliance with LP policy R2 which seeks to protect existing sports facilities. All other matters comply with the development plan policies and the appeal is allowed.

Christine Thorby

INSPECTOR

Appendix A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision. Reason: To comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.
- 2) Before any construction work commences, named types and samples of the facing bricks and roofing tiles to be used in the external construction of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.
- 3) Before any construction work commences, named types and samples of the surfacing materials to be used in the construction of the access road, parking areas and pathways shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and no alterations shall take place thereafter. Reason: To ensure that the external appearance of the development is not detrimental to the character of the

- locality and to ensure that the additional hard surfacing does not impact on flooding or pollution of watercourses.
- 4) Prior to the commencement of any works on site, detailed plans, including cross sections as appropriate, showing the existing and proposed ground levels across the site and the proposed slab and finished floor levels of the buildings 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 not be constructed other than as approved in relation to the fixed datum point. Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.
 - 5) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which shall include details of species and size of all new trees and hedgerows to be planted, existing trees and hedgerows on the land, with details of those to be retained, and those to be felled being clearly specified. Reason: In order to maintain, as far as possible, the character of the locality.
 - 6) Before any construction work commences, full details of the means of enclosure to be retained or erected along all external boundaries of the site and to be erected between the individual gardens of the approved dwellings, and any retaining walls within the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure along the external boundaries of the site shall be constructed or erected prior to the commencement of any construction work on the site or in accordance with an agreed timetable agreed in writing by the Local Planning Authority and the approved means of enclosure between the individual gardens shall be erected prior to the occupation of the dwellings and shall remain in place thereafter. Reason: To safeguard the visual amenities of the locality and the amenities of the adjoining properties and approved dwellings.
 - 7) The scheme for parking, manoeuvring and access from the site to the south, as shown on the approved plans shall be laid out prior to the initial occupation of any of the proposed units hereby approved, or in accordance with an agreed timetable previously agreed in writing by the Local Planning Authority, and those areas shall remain available for parking thereafter and not be used for any other purpose. Reason: To minimise danger, obstruction and inconvenience to users of the adjoining highway.
 - 8) No external lighting shall be placed or installed within the site without the prior approval of details by the Local Planning Authority. Details of such lighting shall include full elevational drawings and details of the luminance and light spillage. Any such lighting shall then only be installed in accordance with the approved details and no alterations shall take place thereafter. Reason: To protect the amenities of the neighbouring properties, the character of the area and to avoid disturbance to foraging and commuting bats.
 - 9) Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as

amended (or any Order revoking or re-enacting that Order) no development falling within Class A, B and E of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the site unless otherwise approved by the Local Planning Authority. Reason: In order that the Local Planning Authority can properly consider future proposals having regard to the impact on the character of the locality, neighbouring amenities and parking provision.

- 10) Prior to the commencement of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority which identifies how all deliveries of building materials will be achieved and the provision to be made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period. The construction of the site should thereafter proceed in accordance with the management plan. Reason: To minimise danger and inconvenience to highway users.
- 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 windows shall be inserted or constructed at any time at first floor level or above in the south west facing flank elevation of the dwelling on Plot 1 hereby permitted. Reason: To protect the amenities and privacy of the adjoining property.
- 12) Prior to the first occupation of the dwellings hereby approved the weekly collection point for refuse and recycling bins from the two dwellings shall be demarcated, identified by signage and laid out in accordance with the i-Transport drawing number ITB11150-GA-004 Revision B. The collection point shall be retained in-situ thereafter. Reason: In the interests of the character and amenity of Lindo Close and the safety of the residents.
- 13) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule. P54 05.05.2015, P53 05.05.2015, P56 27.10.2016, P50A 27.10.2016, P51A 27.10.2016, P52A 27.10.2016. Reason: In the interests of proper planning.