
Appeal Decision

Site visit made on 19 June 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 14th July 2017

Appeal Ref: APP/X0415/W/17/3172925

Mathurst, 26 Rickmansworth Lane, Chalfont St Peter SL9 0HS

- 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 and Mrs Keating against the decision of Chiltern District Council.
 - The application Ref CH/2016/1595/FA, dated 26 August 2016, was refused by notice dated 18 November 2016.
 - The development proposed is described as "Conversion of existing garage to create a 2 bedroom dwelling, with ground floor open plan kitchen/living area, first floor bathroom and ground floor WC. The development will include the adaptation of the existing building to raise the roof level no higher than the adjacent properties, inclusion of upvc windows, 1st floor dormer windows and solid timber entrance door. Vehicle access will be provided to the front driveway within the site boundary".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the impact of the proposal on the character and appearance of the area
 - b) whether the proposal would make adequate provision for off-street parking
 - c) whether the proposal would provide acceptable living conditions for future occupiers, with regard to outdoor amenity space.

Reasons

Character and appearance

3. The southwestern side of The Phygtle, on which the appeal building is situated, is typically characterised by large detached dwellings on generous plots. They are set back from the lane, and separated from each other in most cases by at least the width of a single garage.
4. Whilst the design of the proposal in terms of height and architectural features would be compatible with the neighbouring property, Jehovah Jireh, the proposed dwelling would sit on an uncharacteristically narrow plot. The gap between the appeal building and Jehovah Jireh is also small, with the appeal building being situated very close to the shared boundary. Adding an extra

storey would create a terracing effect on this part of the lane, at odds with the spacious separation of the extant dwellings. Overall, the proposal would result in a dwelling with a very cramped appearance, which would be a discordant feature in the street scene on this side of The Phygtle. This would be exacerbated by the limited opportunity for any landscaping at the front of the proposed dwelling, given the need to accommodate off-street parking.

5. The appellant asserts that the spacing between the appeal building and Jehovah Jireh is no less than that between 26 and 24 Rickmansworth Lane. That may be so, but the appeal site is not on Rickmansworth Lane, where dwellings are indeed closer together (albeit of a consistent scale).
6. The proposal would, therefore, fail to comply with policies GC1, H11 and TR11 of the Chiltern District Local Plan (the Local Plan), which require development to be in scale with its surroundings, and that there is a minimum distance of one metre between flank elevations of a proposed dwelling and the boundary of the dwelling's curtilage at first floor level. There would also be conflict with policy CS20 of the *Core Strategy for Chiltern District 2011*, which requires development to reflect and respect the character of the surrounding area.

Parking provision

7. The submitted plans clearly indicate space for one vehicle, which would have to be angle parked across the site frontage. Indeed, on the basis of observations from my site visit, I consider that the limited width and depth of the site frontage would make it difficult to park and manoeuvre 2 vehicles. Notwithstanding the planning history of the appeal site, the Council's parking standards, set out in policy TR16 of the Local Plan require 2 spaces for a dwelling of the size proposed. The appeal proposal would clearly conflict with these requirements and, given the limited width of The Phygtle, there would, in my judgment, be a significant likelihood that the highway could be obstructed by an additional vehicle unable to access the appeal site.
8. I conclude, therefore, that the appeal proposal would fail to make adequate provision for off-street parking. It would conflict with Local Plan policy TR16, the requirements of which are noted above.

Living conditions

9. The rear amenity space of the proposal would be formed from part of the garden, which is currently within the curtilage of Mathurst. Reflecting the overall size of the appeal plot, the level of amenity space would be small.
10. The depth of the garden would not comply with the minimum of 15 metres set out in policy H12 of the Local Plan. Nonetheless, this is a general expectation rather than a firm requirement and the policy does have some flexibility depending upon local circumstances. The proposed garden would be of a similar depth to that of the neighbouring property, Jehovah Jireh. It would, however, be much narrower because of the plot size. In my view the level of amenity space would not therefore be of a size appropriate for the use by future occupiers, which could, given the number of bedrooms proposed, be up to four individuals. The proposal would therefore conflict with policy GC3 of the Local Plan, which requires new development to achieve good standards of amenity for its future occupiers.

Other Matters

11. It is suggested that the development plan policies cited by the Council are time expired purely by virtue of age and, thus, that the tilted balance in paragraph 14 of National Planning Policy Framework (the Framework) applies. The relevant test in the Framework in relation to saved policies, however, with regard to whether a plan is out-of-date, is not one of chronology but of consistency with the Framework.
12. In this regard, the cited policies clearly reflect the Framework's aim of taking account of the different roles and character of different areas, the necessity for good design and good standards of amenity, and allowing for the provision of local parking standards. Pragmatism in relation to the latter is also clearly demonstrated, with Local Plan policy TR12 allowing for flexibility in the application of policy TR16 in circumstances where the parking standards cannot be met.
13. Thus, the cited development plan policies attract full weight. The appellant may disagree with the judgments reached by the Council in relation to their application, but that is not grounds to consider them to be out-of-date.
14. Albeit that there is no dispute that the Council is able to demonstrate a 5 year supply of deliverable housing sites, I note the references made to the national need for more housing and the fact that housing requirement figures are not maxima. Nonetheless, this does not mean that anything goes. The limited contribution that a single dwelling would make towards the District's supply of housing, and the limited employment opportunity that its construction might create, would be insufficient to outweigh the range of harms that I have found.

Conclusion

15. I conclude therefore, that for the reasons outlined above, and having regard to all other matters raised, the appeal should be dismissed.

K Ford

INSPECTOR