
Appeal Decision

Site visit made on 14 July 2017

by **R J Maile BSc FRICS**

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

Decision date: 28 July 2017

Appeal Ref: APP/X0415/D/17/3172832

140 Chartridge Lane, Chesham, Buckinghamshire, HP5 2RH.

- 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 Alex and Mrs Rachel Horne against the decision of Chiltern District Council.
 - The application ref: CH/2017/0126/FA, dated 23 January 2017, was refused by notice dated 20 March 2017.
 - The development proposed is front porch extension and hip to gable roof extension and rear dormer windows to facilitate a loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for front porch extension and hip to gable roof extension and rear dormer windows to facilitate loft conversion at 140 Chartridge Lane, Chesham, Buckinghamshire, HP5 2RH, in accordance with the terms of the application ref: CH/2017/0126/FA, dated 23 January 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) 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/dormer windows other than those expressly authorised by this permission shall be inserted or constructed at first floor level or above within the northwest or southeast flank elevations of the extension hereby permitted without the prior approval in writing of the Local Planning Authority.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. CL PA 01 Rev B: Existing Floor Plan and Elevations – scales 1:100 and 1:50.
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Drawing no. CL PA 02 Rev D:	Proposed Floor Plans (Ground Floor & First Floor) – scale 1:50.
Drawing no. CL PA 03 Rev F:	Proposed Floor Plans & Elevations (First Floor & Loft Floor) – scales 1:100 and 1:50.
Drawing no. CL PA 04 Rev C:	Location Plan – scale 1:1250; Site Plan – scale 1:500.

Main Issue

2. The main issue in this case is the effect of the proposed roof configuration and central rear-facing dormer window upon the character and appearance of the host building and that of the surrounding area.

Reasons

3. No. 140 Chartridge Lane comprises a detached, inter-war house located within a ribbon of development on the outskirts of Chesham. The surrounding area includes a wide mix of dwellings, which for the most part are set back from the highway.
4. Relevant to my decision is the recent grant of planning permission for a very similar scheme (ref: CH/2016/2038/FA dated 17 January 2017). I have been provided with a copy of that permission and of the approved plans. The only difference between the permitted scheme and the proposal before me is the inclusion of a large central dormer with internal balcony and flank-facing gables in place of the previously approved Dutch hips.
5. The enlarged dormer would be centrally located within the rear roof slope, with two smaller pitched and tiled dormers on either side. The submitted drawings and illustrative computer-generated image visual indicate that there would be adequate separation between the three dormers. A gap would be maintained between the eaves of the rear roof slope and the floor of the internal balcony.
6. Amongst other matters, national policy at Chapter 7 (Requiring good design) of the Framework¹ states at paragraph 60 that:
"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."
7. The central dormer would not be excessively large in either width or height. It would sit comfortably within the rear roof slope, creating a noteworthy feature within the rear elevation while enabling views from the internal balcony across the rear garden of the property. Its design incorporates a set-back of the internal balcony beyond two tile hung cheeks that will prevent overlooking of the gardens of neighbouring houses.

¹ The National Planning Policy Framework.

8. The inclusion of gable ends to the roof design would create enhanced ceiling height within the loft space together with high level windows to the northwest elevation in order to provide additional lighting to the staircase and landing.
9. The small Dutch hips of the approved scheme would do little to maintain any meaningful gap between the flank elevation of the subject property and no. 142 next door. Furthermore, their removal and replacement with a gable end configuration would be at a point where the slope of the hipped roof to no. 142 is furthest from the common boundary, such that there would be a minimal impact only upon the visual gap between the two properties arising from the amended scheme before me.
10. For all of these reasons I have found upon the main issue that development as proposed would relate in a satisfactory manner and not be harmful to the form and design of the host building or the established character and appearance of the surrounding area. As such, the scheme would accord with national policy in the Framework as referred to above, "saved" Policies GC1, H11, H13 and H16 of the Local Plan² and the requirements of the Council's adopted SPD³.

Conditions

11. The Council has requested that a total of four conditions should be imposed in the event that I am minded to allow the appeal. I have considered these against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014 and find all to be reasonable and necessary in the circumstances of this case.
12. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area, while Condition 3 will protect the amenities and privacy of neighbouring occupiers.
13. Condition 4, which requires the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

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

R. J. Maile

INSPECTOR

² Chiltern District Local Plan Written Statement adopted 1 September 1997 (including alterations adopted 29 May 2001) – Consolidated September 2007 & November 2011.

³ Chiltern District Council Residential Extensions and Householder Development Supplementary Planning Document – adopted September 2013.