



Appeal Decision

Site visit made on 1 August 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 11th September 2017

Appeal Ref: APP/X0415/W/17/3174799

5 Swan Close, Chesham, Buckinghamshire HP5 2LW

- 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 K Hanchant against the decision of Chiltern District Council.
 - The application Ref CH/2016/2075/FA, dated 9 November 2016, was refused by notice dated 30 December 2016.
 - The development proposed is a dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of 3 Swan Close and 221 Great Hivings Hill with particular regard to outlook.

Reasons

Character and appearance

3. Swan Close consists of predominantly semi-detached dwellings in a small cul-de-sac all of which are of a similar design and appearance. The exception to this is the detached dwelling at the head of the cul-de-sac. However this also has the same design characteristics of the other properties. To the side of most properties are single storey garages with a further space between the built form and the side boundaries which varies from around a pedestrian gate width to much wider spaces. I acknowledge that some of the properties in the Close have been extended/altered which includes some first floor development. The undeveloped gaps between the buildings form an important characteristic of the cul-de-sac.
4. The existing property, 5 Swan Close, has the widest plot in the cul-de-sac and the appeal site forms part of the garden area to the side of the existing dwelling. The appeal development plot itself is significantly narrower than any other plot on Swan Close when taken as a whole. Whilst other plots, particularly around the head of the cul-de-sac, are narrow at the pavement boundary they widen out to form much wider plots to the rear.
5. The proposed dwelling would be sited on the new boundary to No 5 with a gap of around 1 metre to the boundary with No 3. The infilling of this gap between the existing buildings, in the manner proposed as a link detached property,

would lead to a form of development which would give a cramped appearance in the streetscene owing to the lack of space around the proposed dwelling in relation to the existing built form.

6. I have also had regard to the style of housing proposed, being a link-detached dwelling. From my site visit I saw that in the wider area there are terraced properties which have comparatively narrow plots when compared to the appeal proposal. Whilst I do not find that the principle of a link detached property is unacceptable, the resultant form of development would materially harm the character and appearance of the cul-de-sac.
7. In coming to that view, I acknowledge that the distance from the front to the rear of the site is greater than other plots on Swan Close. However, as I have already noted, it would also be narrower and to my mind it is the narrow nature of the plot, with the style of development proposed, which would lead to the development having a cramped appearance in the streetscene.
8. The Development Plan policies referred to by the Council pre-date the National Planning Policy Framework (the Framework). However, in respect of the issue at hand, they accord with the overarching design aims of the Framework.
9. For the above reasons, the proposed dwelling would unacceptable harm the character and appearance of Swan Close contrary to Policies GC1 and H11 of the of the Chiltern District Local Plan (1997) (LP), Policy CS20 of the Core Strategy for Chiltern District (2011) (CS), which amongst other things seek to protect the character and appearance of the area. It would also be at odds with the design aims of the Framework.

Living conditions

10. At its closest point the proposed development would be sited around 1 metre away from the boundary with No 3 and according to the Council's figures be around 1.4 metres from the boundary towards the rear of the proposed building. Given that the two storey nature of the proposed dwelling it would result in a significant massing of building in close proximity to the boundary.
11. To my mind, the proximity of the proposed dwelling to the boundary, and consequently the garden area to No 3, would undoubtedly have a significant impact on the amenity of the occupiers of No 3 when they utilise their rear garden, appearing as an over dominant structure. This is particularly the case as it would extend the entire depth of the rear garden (and beyond).
12. Turning to the effect on the occupiers of 221 Great Hivings Hill, this bungalow has its rear elevation facing the side boundary of the proposed dwelling. Whilst the proposal would not be sited immediately to the rear of the bungalow it would nevertheless be in proximity and at a height and scale which would have an adverse effect on outlook from No 221. However, the adverse impact would be moderate owing to the juxtaposition between buildings.
13. For the above reasons, I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of 5 Swan Close and to a lesser extent 221 Great Hivings Hill contrary to Policy GC3 of the LP which amongst other matters seeks to protect the amenity of the occupiers of adjoining residential properties.

Planning balance

14. The Appellant has stated that the Council have a shortfall in housing delivery and that the Development Plan policies are old and out of date as they pre-date the Framework. Whilst it is clear that the Development Plan policies pre-date the Framework, I have not been provided with any evidence to demonstrate that the Council does not have a five year supply of housing.
15. Notwithstanding that, even if this was the case, the Framework indicates that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
16. I have found that the proposed development would harm the character and appearance of the area and the living conditions of the occupiers of neighbouring residential properties in conflict with the LP and CS. These factors weigh heavily against allowing the proposed development.
17. In considering the economic and social aspects of sustainable development I acknowledge that the development would bring some minor benefits to the area. These matters are in favour of the proposed development.
18. In addition to the above, the provision of one dwelling would be unlikely to have any significant effect in reducing any deficit should there be one. Against this background, to my mind, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework when taken as a whole.

Conclusions

19. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR