
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/17/3167071

177 Hivings Hill, Chesham, Buckinghamshire HP5 2PN

- 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 Newhomes Estates Limited against the decision of Chiltern District Council.
 - The application Ref CH/2016/1679/FA, dated 13 September 2016, was refused by notice dated 2 December 2016.
 - The development proposed is the demolition of the existing bungalow and construction of a block of 8No flats with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing bungalow and construction of a block of 8No flats with associated parking and landscaping at 177 Hivings Hill, Chesham, Buckinghamshire HP5 2PN in accordance with the terms of the application, Ref CH/2016/1679/FA, dated 13 September 2016, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. The second reason for refusal on the Council's decision notice related to the lack of an ecological appraisal to establish the ecological value of the site and the site's potential to support European or nationally protected species. The Officers' report made it clear that such concern related to the ability of the site to support bats.
3. As part of the appeal submissions, the Appellant has provided an ecological appraisal and bat surveys. The Council has subsequently determined that there is a low to moderate risk of the presence of bats and mitigation measures could be secured by condition. Consequently, the Council has withdrawn this reason for refusal. Given the above, I have no reason to disagree.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is located on the corner of Hivings Hill and Ridgeway Road which is in the built up area of Chesham. The area consists of a wide variety of different styles of residential properties including detached, semi-detached and

terraced two storey properties, bungalows and dormer bungalows. There is also a substantial three storey block of flats on the corner of Great Hivings and Mount Nugent which is very close to the appeal site.

6. Both main parties have referenced appeal decisions¹ from 2006 which included the redevelopment of the current appeal site. However, I have only been provided with very limited details of these cases and as such I give them limited weight. Moreover, each proposal must be considered on its individual merits.
7. The proposed building would be set back from Hivings Hill with its frontage being in a similar position to the existing bungalow. Given the mixture of building heights in the area, the proposed development would not appear overly excessive in height, particular given the half-hipped crown roof design.
8. The development would result in an increase in the built form on the site when compared to the existing situation. However, it would still result in a degree of separation to No 175 and on the opposite side fronting onto Ridgeway Road. In coming to that view, I acknowledge that the development would be closer to Ridgeway Road than other buildings.
9. In respect of the depth of the proposed building, and its design when viewed from Ridgeway Road, it is significant to note that the proposed building has the appearance and scale of two domestic dwellings, albeit with a lower linked element between the two. To my mind, this relationship between the two main elements of the building does not present a significantly different relationship to several of the other properties along this side of Ridgeway Road which includes a number of two storey dwellings which are built up close to the side boundaries. Furthermore, it would also maintain an element of spaciousness between the proposed building and 79 Ridgeway Road.
10. Given that the amenity area maintains an undeveloped part of the site, together with the retention of the hedgerow fronting onto Ridgeway Road, the proposed development would not be an overdevelopment of the site nor would it be overly prominent in the streetscene.
11. The proposed development also includes a new access onto Hivings Hill and a parking area to the front of the site. Whilst this would result in an expanse of hardstanding, it would be screened to a certain extent by the existing hedgerows and trees. I am also conscious that close to the site are other developments which have parking areas to the front of properties such as those in Farriers Way, the recently constructed dwellings on Upper Belmont Road to the east of the Hivings Park Free Church and the Church itself. Given these other parking areas to the front of the site I consider that the proposed parking arrangements would not have a significant impact on the overall character and appearance of the area.
12. For the above reasons the development would not harm the open and spacious character of the area and would accord with Policies GC1 and H3 of the Chiltern District Local Plan (1997) and 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 accord with the design aims and objectives of the National Planning Policy Framework.

¹ APP/X0415/A/06/2009808 & APP/X0415/A/06/2009810

Other matters

13. I have also had regard to the concerns raised in the representations from the Council's consultation period on the application and through the appeal consultation period. Issues raised include traffic and parking issues, local infrastructure, drainage, the size of the flats, loss of privacy and increased noise levels.
14. The proposed development would result in an increase in traffic as a result of the increase in the number of residential units. However, it would also provide a suitable level of off street parking which would ensure that there would not be an increase in on street parking. Given the highway characteristics of Hivings Hill, and the new access driveway, I consider that the proposed development would not give rise to any highway safety issues.
15. In respect of local infrastructure, concern has been raised over the impact of the development on local doctors, dentists, schools and drainage. However, I have not been provided with any evidence to substantiate these concerns. Consequently, I give these matters limited weight.
16. Concern has also been raised over the size of the proposed flats. The one bedroom flats would be in the region of 50 square metres in size whilst the two bedroom flats would be in the region of 72 square metres. To my mind, the size of these units of accommodation would not be excessively small and would accord with the Technical Housing Standards – nationally described space standards.
17. Turning to the effect of the development on the living conditions of the occupiers of nearby properties, the proposed development would have habitable room windows at first floor level facing Ridgeway Road (and the properties on the opposite side) and No 79. However, given the distance between the proposed building and the properties opposite I consider that there would not be any significant level of overlooking or loss of privacy. Similarly, given there is an adequate distance between the proposed building and the side elevation of No 79 to prevent any significant loss of privacy.
18. The proposed development would result in an intensification of the residential use of the site, which would invariably lead to some increase in noise from normal domestic activities. However, given the scale and nature of the development I consider that no material harm would occur as a result of additional noise.

Conditions

19. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
20. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
21. Conditions relating to the submission of details of the materials, details of the finished floor level of the development, details of tree/hedgerow protection

measures, and the subsequent retention of the retained trees are necessary in the interests of the character and appearance of the area.

22. In the interests of highway safety, conditions are required to ensure that a suitable access is provided together with the internal access road and parking spaces and that the redundant access is closed off.
23. A condition relating to the provision of cycle and refuse storage facilities is also necessary to ensure that adequate living conditions are provided for the future occupiers of the site. For environmental reasons, a condition relating to the implementation of the recommendations of the ecological report is also necessary.
24. With the exception of the land levels, and details of the protection of the hedgerows/trees it is not necessary for any of these to be pre-commencement conditions. It is necessary for these matters to be agreed prior to any works commencing as they involve matters which are required to be agreed prior to ground works, or relate to the period of construction works.
25. The Council have suggested a condition relating to the restriction on further windows, dormer windows or rooflights. However, as the development is for flats, no such permitted development rights exist. Consequently, such a condition is unnecessary.

Conclusion

26. Taking all matters into consideration I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans – Location Plan, 16/3428/1B, 16/3428/2, 16/3428/3, 16/3428/4 and 16/3428/5.
- 3) No development above ground floor slab level of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development (including the surfacing of the access, parking and turning areas) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of the finished level, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

- 5) Prior to the first occupation of any of the flats, the proposed access, parking and turning areas shall be provided in accordance with the approved details and shall be maintained as such for the life of the development.
- 6) Within one month of the new access being brought into use, the existing access onto Hivings Hill shall be permanently closed and stopped up and the pedestrian access into the site constructed in accordance with the approved details.
- 7) No development shall take place until a Tree Protection Plan has been submitted to and approved in writing by the local planning authority. This plan shall clearly show the trees and hedges to be retained and those to be removed, along with the positions of tree protection fencing and any other tree protection measures. The approved protection measures shall be fully installed prior to the commencement of any site works and shall remain in situ for the entire demolition and construction period. During this period no construction work shall take place, no materials whatsoever shall be stored, no fires shall be started, no excavation shall take place and there shall be no change in ground levels within these enclosed areas. The Tree Protection Plan shall also show no-dig construction for the proposed hardstanding areas and pathways within the root protection areas of the retained trees. These protection measures shall then be implemented in accordance with the details in the approved plan.
- 8) No tree or hedge shown to be retained on the Tree Protection Plan (approved under condition 7) shall be removed, uprooted, destroyed or pruned for a period of five years from the first occupation of any of the flats without the prior written approval of the local planning authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree shall be planted of such size and species as shall be agreed in writing by the local planning authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.
- 9) The demolition of the existing dwelling shall only be carried out in accordance with the recommendations of the Bat Surveys (David Archer Associates) dated June 2017.
- 10) Prior to the first occupation of any of the flats the cycle and bin stores shall be provided in accordance with the approved and shall be retained as such for the life of the development.

---END OF CONDITIONS---