
Appeal Decisions

Site visit made on 9 January 2018

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 26th January 2018

Appeal A Ref: APP/X0415/W/17/3180787

Victoria House, Victoria Road, Chesham HP5 3AJ

- 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 A McLaughlin, Andrews Construction against the decision of Chiltern District Council.
- The application Ref CH/2016/2334/FA, dated 15 December 2016, was refused by notice dated 7 March 2017.
- The development proposed is the installation of two dormer windows and fenestration alterations at the rear.

Appeal B Ref: APP/X0415/W/17/3180845

Victoria House, Victoria Road, Chesham HP5 3AJ

- 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 A McLaughlin against the decision of Chiltern District Council.
- The application Ref CH/2016/2332/FA, dated 15 December 2016, was refused by notice dated 6 March 2017.
- The development proposed is installation of four dormer windows and single roof light at front.

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matter

3. The appellant has made reference within evidence to the building being used for residential purposes. I acknowledge that a prior notification application was allowed¹ for 7 residential units in the building. I also observed that on my site visit that works were being undertaken to the building, although I have not been provided with details as to what these works relate.
4. The planning application forms however describe the building as vacant, with its last use being storage and distribution. The annotation on the application drawings indicates that the roof area is storage. It is on this basis that I have considered both appeal proposals.

Main Issues

5. The main issues in respect of both appeals are the effect of the proposals on the significance of this non-designated heritage asset, and in respect of Appeal

¹ Ref: APP/X0415/W/15/3137742

A, the impact of the scheme on the living conditions of nearby occupiers, in terms of privacy and outlook.

Reasons

Appeal A and Appeal B - Effect on Non-Designated Heritage Asset

6. The Council have indicated that the host property is a detached, late 19th century former factory/workshop for the boot, shoe or wooden ware industries which were common in Chesham at that date. It is an attractive brick building under a slate roof with a roof light on the front elevation, and a number of roof lights on the rear elevation. It comprises two storeys with additional space in the roof. The building has industrial windows with metal frames and small panes under brick arches. The Council consider that the building has historical connections to nearby dwellings, including No 78 Victoria Road and terraced properties in Gladstone Road. The Council indicate that Victoria House is a non-designated heritage asset. This is not disputed.
7. Policy GC1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 (LP) requires development to be of a high standard of design. The policy sets out a number of criteria which are considered important including the scale of development, detailing and the character of the site and its surroundings. Policy CS20 of the Core Strategy for Chiltern District (CS) has similar aims.
8. Paragraph 135 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
9. Paragraph 131 of the Framework states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
10. Appeal A seeks the installation of 2 flat roofed dormers on the rear elevation and the blocking up of a number of windows at ground and first floor level on the rear elevation. Appeal B seeks the installation of 4 flat roof dormers on the front elevation and a single roof light. The submitted drawings also indicate that the same number and position of windows on the rear elevation would be blocked up. The dormer windows would have a flat roof with lead cheeks and an apron. They would be sited below the ridgeline of the host property and would be set in from the side of the roof slope.
11. The Council has raised no objection to the closing up of the windows on the rear elevation of the building, or the roof light on the front elevation. I consider that such proposals would sustain the significance of the heritage asset and I have no reason to find differently to the Council in this regard.

12. However, I find that the dormer windows on the front elevation in respect of Appeal B and on the rear elevation in respect of Appeal A would have an overly domestic appearance. They would result in bulky additions within the roof which would detract significantly from the uniformity and industrial appearance of this attractive building. This would be harmful to the building's character and appearance. In both appeals, the new dormer windows would result in a reduction in the appreciation of the building's significance as a heritage asset.
13. I note the appellant's submissions that the dormer windows in both appeals would allow the roof space of the building to be converted into residential use which would protect its future existence. However, as stated earlier in my Decision, the residential use of the building is not before me. I am therefore unable to make an assessment in this regard. In any event, I am not convinced that the absence of dormer windows would prejudice any future use of the building. I note that the Council reached a similar view in its consideration of the planning applications.
14. The appellant is concerned about the level of importance that the Council attached to the building. Whilst the building is not a designated heritage asset, like a listed building for example, the Framework is clear that it is desirable to sustain and enhance the significance of all heritage assets, including non-designated heritage assets. The approach taken by the Council in its assessment of each of the proposal's impact on the significance of Victoria House as a non-designated heritage asset seems entirely reasonable to me.
15. In light of my findings, I conclude that the proposed dormer windows in Appeal A and Appeal B would significantly detract from the building's historic character and its significance as a non-designated heritage asset. Neither scheme would sustain or enhance the significance of this heritage asset. The matters advanced by the appellant in support of the proposals do not outweigh the harm identified. Accordingly the dormer windows in respect of both Appeal A and Appeal B would conflict with the design and character aims of LP Policy GC1, Policy CS20 of the CS and paragraph 131 of the Framework.

Appeal A – Living Conditions

16. The host property is elevated above the dwellings fronting Gladstone Road whose rear gardens adjoin the appeal site. I observed on my site visit that windows in the rear elevation of the appeal property overlook the rear elevations and rear gardens of Nos 68-72 Gladstone Road. The provision of 2 dormer windows on the rear elevation would exacerbate this matter. Harm to the living conditions of nearby occupiers in Gladstone Road would occur as a result.
17. However, the proposal includes the blocking up of 2 windows at ground floor level and 3 at first floor level on the rear elevation. The proposal would therefore result in a reduction in the number of windows on the rear elevation from where views toward the rear of properties in Gladstone Road could be taken. This would be an improvement to the existing situation. In this regard and subject to a suitably worded planning condition to control the blocking up of existing windows, I find that the proposal would not result in additional harm to the living conditions of nearby occupiers, in terms of privacy.
18. The new dormer windows on the rear elevation would visually increase the scale and bulk of the host property when viewed from the rear of neighbouring

properties in Gladstone Road. However, I find that the relationship and separation distance between Victoria House and these dwellings is sufficient to ensure that the changes to the building would not be overpowering or overbearing on the outlook from the rear of neighbouring properties or their gardens. Harm to living conditions as a result of loss of outlook would not therefore result.

19. In light of the foregoing, I conclude that the proposal would not result in a reduction in privacy to nearby occupiers, or result in harm to outlook. The living conditions of nearby occupiers would not be adversely affected by the proposal. There would be no conflict with the aims of LP Policies GC1, GC3 or CS Policy CS20.

Conclusion

20. For the above reasons and having regard to all other matters raised, I conclude that both appeal proposals must fail because of their harmful effect upon the significance of Victoria House as a non-designated heritage asset. Both Appeal A and Appeal B are dismissed.

R C Kirby

INSPECTOR