The Planning Inspectorate

Appeal Decision

Site visit made on 2 July 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/X0415/W/18/3216260
Land to rear of 59/61 Rickmansworth Road, Amersham, HP6 5JW

- 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 Leywood Estates Ltd. against the decision of Chiltern District Council.
- The application Ref: CH/2017/1637/FA dated 25 August 2017, was refused by notice dated 28 June 2018.
- The development proposed is residential development to create two 1-bed flats and 2 duplex flats with five resident's parking bays, bin and cycle store.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - The effect of the proposed development upon the character and appearance of the area; and,
   - The effect of the proposed development upon the living conditions of the occupants of Nos. 79 – 87 Sycamore Road, with reference to outlook and overbearing.

Procedural Matters

3. When the planning application was first submitted the development proposed was '*new residential development to create four 1-bed flats and one 2-bed flat with six residents parking bays, bin store and cycle store'*. During the consideration of the planning application, the appellant submitted an amended scheme and associated plans, which resulted in an amendment to the description of the development. As this amended description was agreed between the parties, I have used this description in the banner heading above and considered this appeal on the basis of the revised scheme.

4. In the Council's decision notice reason No. 2 makes reference to residential units at Nos. 81 – 87 and a roof terrace at No. 79, without referencing the street name. I have taken this to be (and as later clarified by the Council's Statement of Case) with reference to Nos. 79 – 87 Sycamore Road.

Reasons

Character and appearance

5. The majority of the site is a former car parking area, closed off for use at the time of the visit. The eastern portion is a private parking area accessed by a service road serving the rear of retail and business premises on Sycamore Road, and the residential premises above. The new building would be bound by a service area, rear gardens of dwellings on Rickmansworth Road, a spur road and the Sycamore Road Car Park. The proposed building would front, but be set back from, the south side of the spur road and pedestrian access leading to the car park and a recently completed mixed use development.

6. Existing buildings along Rickmansworth Road, Sycamore Road and the new mixed-use development opposite the appeal site, all have strong linear building lines, and are generally either in a terraced arrangement, or have narrow gaps separating the properties. The established character of existing buildings is one of having a strong sense of coherency and rhythm along the frontages in this busy commercial area.

7. The location of the appeal site and the siting of the proposed apartment building means that it would appear as an isolated building. Being set back approximately six metres from the flank elevation of No. 77 Sycamore Road and the spur road, the apartment building would not form part of any existing building line. When viewed from its surroundings, it would give the impression of the building being awkwardly and ill-positioned, and poorly related to nearby development. This is contrary to the established building patterns that contribute strongly to the character and appearance of the area, particularly the buildings on Sycamore Road.

8. I note the appellant's suggestion that the Council has not fully considered the impact of the new mixed-use development upon the character of the spur road. In my view the new development does not result in the spur road becoming a main thoroughfare from the presence of the short secondary frontage of that development. It does however, reinforce the linear building lines and close and coherent relationships between buildings, that are characteristic of the area, and thereby exacerbates the isolated appearance of the proposed development.

9. I also note the appellant's view that the development could provide an enhancement to the area compared to the existing site. However, for the reasons set out above, the proposed development would also result in considerable harm such that the adverse effects are not outweighed.

10. For the reasons set out above I conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policies GC1 and H3 of the Chiltern District Local Plan (1997) (including alterations adopted 29 May 2001, Consolidated September 2007 and November 2011) (the CDLP) and Policy CS20 of the Core Strategy for Chiltern District (2011) (the CSCD). These policies require (amongst other things) that new buildings must maintain and enhance local character by being well sited and laid out so as to integrate with, and complement neighbouring and adjoining buildings, and the local area. The development would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework),

which expects new development to be sympathetic to local character in the surrounding built environment.

Living conditions – Outlook and Overbearing

11. The first and second floor dwellings above Nos. 79 – 87 Sycamore Road and the proposed flank elevation would be separated by a narrow service road. The rear facades of the dwellings are not uniform and so would result in the flank elevation being between around six metres from a first-floor roof terrace, and between approximately seven to eleven metres from the facades and various windows of other dwellings. If taken only from the floor level of the existing first floor dwellings, they would still be looking up at around five to six metres of the flank wall up to the proposed ridge. It is therefore considered that by virtue of its height, siting and proximity, the development would appear dominant and overbearing when viewed from the first-floor residential premises and also result in a considerable loss of outlook.

12. The appellant has stated the opinion that the proposed situation would be tantamount to looking onto a single storey dwelling, which they feel would be neither harmful or unusual, especially with available permitted development rights. I disagree with their view as to the harm of the proposed development, and the permitted development rights referred to are not analogous to the current development.

13. For the reasons set out above, I conclude that the proposed apartment building would cause harm to the living conditions of the occupants of Nos. 79 – 87 Sycamore Road with reference to outlook and overbearing. Therefore, the proposed development would be contrary to Policy GC3 of the CDLP which requires development protects the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. The development would also be contrary to paragraph 127 of the Framework which requires development should result in a high standard of amenity.

Other Matters

14. The appellant has pointed out their efforts to address previous concerns expressed by the Council, and compliance with various aspects of development plan policies, particularly in relation to design. Whilst I note the appellant's efforts in revising the scheme to that being considered in this appeal, this does not counterbalance or negate the harm that would result from the development as set out above.

15. I have noted that a number of third-party representations have been submitted to the planning application and to this appeal raising a variety of matters. Whilst I have given consideration to various matters raised, such as the living conditions of residents of Rickmansworth Road, parking provision, and highway safety, due to the clear harm found in respect of the main issues above, I have not considered these matters further.

Planning Balance

16. The proposed development would result in the provision of four dwellings in what can be considered a sustainable location and therefore would have some environmental benefits. There would be a small temporary economic benefit from construction and once built a small sustained benefit to the local economy. There would be some benefits from supporting strong, vibrant and

healthy communities through supplying a small number of dwellings. However, in this instance the adverse impacts to the character and appearance of the area, and to the living conditions of neighbouring dwellings, would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework as a whole.

Conclusions

17. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR