



Appeal Decision

Site visit made on 22 February 2019

by Rebecca McAndrew BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2019

Appeal Ref: APP/B0230/W/18/3217008

Old Beams, Three Households, Chalfont St Giles, HP8 4LJ

- 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 Spencer against the decision of Chiltern District Council.
 - The application Ref CH/2017/2320/FA, dated 20 December 2017 was refused by notice dated 25 May 2018.
 - The development proposed is the demolition of existing single storey garage and provision of a new single storey dwelling with basement accommodation, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area and the effect on the setting of the adjacent listed buildings;
 - The effect of the proposed development on the living conditions of the occupiers of the neighbouring residential property known as Ferndown, with particular regard to outlook; and
 - Whether the proposed development would provide suitable living conditions for the future occupiers of the new dwelling and the occupiers of the existing dwelling at Old Beams, with particular regard to the levels of proposed private garden space.

Reasons

Character and appearance and the setting of the listed buildings

3. The appeal site is located in an area which is semi-rural in character and includes two existing Grade II listed residential properties which are set in their own landscaped grounds.
4. The scheme would introduce a new dwelling into the rear part of the garden space beyond the rear elevation of listed Old Beams and also the adjacent property, Ferndown. This would be very close to the listed property, in-filling the existing landscaped buffer between these neighbouring dwellings, leaving

minimal space between the existing and proposed houses. Whilst the proposed dwelling would be set back within the plot and would be lower in height than adjacent properties, it would be wider and therefore visually dominant. I note the appellant's comments that, as the proposed dwelling would be set back, the space between Old Beams and Ferndown would be retained and discernible from the public realm. I also acknowledge this grouping of buildings could represent a rural courtyard arrangement. However, as described, the proposal would erode the green openness and space between the buildings, which are integral to the character of the site. Overall, the proposal would have a cramped appearance which would be detrimental to the visual appearance and character of both the appeal site and the area. This would also fail to preserve the setting of the listed building.

5. The proposal would erode the green openness of the existing site. A good proportion of the landscaped garden would be lost to the proposed dwelling. Additionally, the proposed building would obscure current views from within the appeal site and the public realm to the front of the site into the countryside to the rear. The proposed car parking spaces and vehicle manoeuvring area to the front of the properties would also result in the removal of areas of landscaping and would be a visual intrusion to the rural open setting of the listed building. Cumulatively, this would unacceptably harm the setting of the listed building and the semi-rural green character of the appeal site.
6. The proposed property would be set back behind the general building line of properties in this eastern part of Three Households. Whilst it is acknowledged that the building line is more varied to the west, the appeal site relates more to the properties to the east. As a consequence, the proposal would be at odds with the existing development pattern in the vicinity and would therefore exacerbate the detrimental impact the proposal would have upon the character of the area.
7. The appellant advises that the views into the green belt were recently formed when a line of trees was felled and I accept that this tree line could be replanted. However, given that the appellant considered it necessary to fell the trees, there is limited probability of them being replanted. In any event, whilst new trees could eventually obscure direct views into the Green Belt, they would represent a landscape feature which would compliment the semi-rural character of the area. Therefore, I attach limited weight to these matters in my consideration of the proposed scheme.
8. The appellant highlights that the dwelling would be set well back from the front boundary of the property and that an existing boundary fence and hedge boundary treatment would screen views into the site from the highway. He also notes the dwelling has been designed to reduce any visual impact in the street scene by including the lowest parts of the proposed dwelling at the front of the property. However, these features would offer limited mitigation and inevitably the expanse of built structure and cramped nature of the development would be perceived when viewed from the highway. Therefore, these factors do not alter my concerns regarding the overall visual impact of the proposal.
9. For the above reasons, I conclude that the development would fail to preserve the character and appearance of the green open setting of the listed buildings. This harm would be 'less than substantial' in the context of paragraphs 133 -

134 of the National Planning Policy Framework ('the Framework'). However, the limited benefits associated with the provision of a new dwelling do not outweigh the harm in this case.

10. The development would therefore be contrary to Saved Local Plan Policies LB1, LB2 GC1 and H3, Core Strategy Policy CS20, paragraphs 50, 134, 193 and 196 of the NPPF and the 1990 Act and guidance in the Framework relating to designated heritage assets.

Living Conditions of neighbouring occupiers

11. The proposed dwelling would be located adjacent to the boundary with the neighbouring property. The proposed dwelling would extend a significant distance beyond the rear elevation of the neighbours' property. Whilst the height of the property is limited to single storey height in this location, having regard to its scale, proximity to the boundary and relationship with the property, it would create a sense of enclosure and have an overbearing impact upon the outlook of the neighbouring property. Consequently, the proposed development would cause harm to the living conditions of the neighbouring property and would be contrary to Local Plan Saved Policy GC3 which seeks to protect the living conditions of existing residents.

Living conditions of the future occupiers and the occupiers of Old Beams

12. A small courtyard within the central area of the proposed U shaped dwelling would provide the sole private garden space for the proposed dwelling. The level of space proposed is inadequate for a property of this size, particularly given its limited value as it is enclosed on three sides and is therefore unlikely to experience significant levels of sunlight. The appellant considers an internal area of the proposed dwelling with large windows would provide 'a winter garden because it is south facing onto the open countryside'. Whilst this might form an attractive design feature, it cannot be considered to be private garden space and therefore I attach limited weight to it in my considerations. The proposal is therefore contrary to Local Plan Saved Policies H12 which requires dwellings to have an appropriate level of private garden space and GC3 which seeks to protect the living conditions of future residents.
13. The proposed garden for the existing dwelling, Old Beams, is smaller than would normally be expected for a property of this scale, particularly having regard to the size of other rear gardens in the area. Saved Policy H12 requires rear gardens to be a minimum of 15 metres deep, except in a number of defined circumstances, including where the rear boundary backs onto countryside. Given that this area looks out onto countryside it would not feel cramped and it is therefore considered to be an acceptable arrangement.
14. Whilst I have found the level of private garden space which would be provided for Old Beams to be acceptable this does not alter the harm to the living conditions which I have found in respect of the inadequate level of private garden which would be provided for the proposed dwelling. Consequently, taken as a whole, the proposal would conflict with the requirements of Saved Policies H12 and GC3.

Other Matters

15. Whilst it is recognised that the proposed dwelling would assist with the local housing supply, the provision of one dwelling would not make a significant

contribution to this target. Therefore, this matter does not outweigh my concerns regarding the adverse impact of the proposal in considering this appeal.

16. The proposed sustainable design and construction of the dwelling is noted but I afford this little weight in the face of my overall concerns regarding the proposal.

Conclusion

17. For the reasons given, I conclude that the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR