
Appeal Decision

Site visit made on 6 June 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/X0415/W/19/3225126
21 Howe Drive, Knotty Green HP9 2BD

- 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 Sani Aweida against the decision of Chiltern District Council.
 - The application Ref PL/18/3811/FA, dated 12 October 2018, was refused by notice dated 7 February 2019.
 - The development proposed is described as the demolition of existing dwelling and erection of two detached dwellings served by an altered access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - protected species, with regards the absence of a nocturnal ecological survey.

Reasons

Character and Appearance

3. The appeal property occupies a corner plot at the junction of Netherwood Road and Howe Drive. I observed at my site visit that while there is some variation in the width and depth of the residential plots, the area is generally characterised by large wide properties situated on large wide plots with established planting and open front gardens, creating an open and spacious appearance.
4. The proposed development would replace the existing dwelling and attached garage with two dwellings, subdividing the existing plot. The submitted plans show that the proposed dwellings would be set towards the western boundary of the site and closer to Howe Drive than the existing dwelling.
5. While I note that the submitted plans show a separation of approximately 4 metres between the two proposed dwellings, I nonetheless find that the resulting development would appear cramped and would fail to create the open and spacious appearance found elsewhere in the area. As such, the proposed development would be harmful to the character and appearance of the surrounding area.

6. In support of the appeal, the appellant has directed me to the redevelopment¹ of 11 Netherwood Road, situated opposite the appeal site on the junction of Netherwood Road and Howe Drive, for two dwellings.
7. While I agree that there are some similarities between the two sites, I note that the former site of No.11 is of a more regular shape and depth allowing the new dwellings to be more evenly spaced on the site and that the two new dwellings face onto Netherwood Road and as such are less prominent than those under consideration here.
8. I had the opportunity to view the new dwellings at No.11 at my site visit and they do not persuade me as to the acceptability of the development proposed here. Furthermore, I have not been provided with full details of the policies and circumstances that applied at the time that planning permission was granted for the redevelopment of No.11. In any event I have determined the appeal proposal on its own merits.
9. Consequently, I find that the proposed development would harm the character and appearance of the area contrary to saved policies GC1, H3 and H12 of the Chiltern District Local Plan and policy CS20 of the Core Strategy for Chiltern District (2011) (CS) that seek to protect the character and appearance of the area.

Protected species

10. A 'Bat Preliminary Roost Assessment' produced by Ecology by Design was submitted in support of the application. The assessment found no direct evidence of bats and that the appeal property has a low potential for roosting bats. However, the survey identified that there were also a number of potential roost features on the building and a single emergence survey was recommended to determine the presence, or otherwise, of bats.
11. No such survey has been submitted and the Council's Ecological Consultant therefore objected to the application, identifying that bats are a protected species and further survey work is required. The appellant asserts that no additional survey work is required and has referred to two extracts from the Bat Conservation Trust that include a flowchart and trigger list. I note that the guidance is only an *overview* and that a surveyor may deviate from the guidelines as a result of assessments made on site.
12. On the basis of the evidence before me, I find that on balance, there is insufficient information to adequately assess the impacts of the development on protected species. The proposed development is therefore contrary to Policy CS24 of the CS that seeks to protect biodiversity, wildlife and protected species and the guidance set out in paragraph 175 of the National Planning Policy Framework.

Conclusion

13. For the reasons detailed above, the appeal is dismissed.

Mark Brooker

¹ APP/X0415/W/15/3130992 - 11 November 2015

INSPECTOR