
Appeal Decision

Site visit made on 30 July 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/X0415/W/19/3228104

Netherfield, Kiln Road, Prestwood, Buckinghamshire HP16 9DH

- 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 Dr Deryn Graham against the decision of Chiltern District Council.
 - The application Ref PL/18/4762/FA, dated 31 December 2018, was refused by notice dated 25 February 2019.
 - The development proposed is single detached chalet bungalow with single integral garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of surrounding occupiers and future occupiers;
 - highway safety.

Reasons

Character and Appearance

3. The appeal site forms the northern part of the garden to Netherfield, a detached dormer bungalow located within the built-up area of Prestwood. Netherfield is located to the rear of the existing buildings facing onto the southern side of Kiln Road. An existing private access drive provides vehicular access to Netherfield and one other dwelling. Whilst the southern side of Kiln Road is characterised by a relatively strong street facing building line of predominantly bungalow style dwellings, significant development at depth to the rear of the street facing building line has occurred. Such development includes several bungalow style dwellings located off another private access drive on the southern side of Kiln Road. These dwellings are located to the east and south of the appeal site. Directly to the north of the site is a prominent chapel building and Amana, another bungalow style dwelling.
4. The buildings facing onto the southern side of Kiln Road are predominantly sited on broadly rectangular shaped plots. There is significantly more variation in plot shape and size to the rear of these street facing buildings. The proposed

dwelling would be located at the northern edge of a broadly wedge-shaped plot, adjacent to the rear garden boundary of Amana. Netherfield's garden, as a result of the proposal, would significantly reduce in size but would form a more regularly shaped plot, including a rear garden.

5. Although the proposed dormer bungalow has been designed to be in-keeping with the surrounding built form, the appeal site is constrained by its irregular shape and the proximity of surrounding dwellings. Amana has a particularly small rear garden. Consequently, locating the proposed dwelling in close proximity to the common boundary with Amana would result in a cramped and incongruous effect. This would be at odds with the established character of the area where, despite the variation in plot size and shape, the relationship between buildings provides sufficient space and appropriate orientation to avoid them appearing cramped.
6. In view of the above, the development would be harmful to the character and appearance of the area. The proposal would not, as a consequence, accord with policies GC1 and H3 of the Chiltern District Local Plan (1997) (LP) and policy CS20 of the Core Strategy for Chiltern District (2011) (CS), which collectively seek, amongst other things, to ensure that new development respects locally distinctive features and the character of an area. Furthermore, the proposal would not accord with chapter twelve of the Framework, which seeks well designed places and to deliver good design that is sympathetic to the local character.

Living Conditions

7. The Council indicates that the proposed dwelling would have an eaves height of approximately 2.2m, maximum ridge height of approximately 7.1m and a depth of approximately 9.5m. The northern flank elevation of the proposed dwelling would sit near to a significant proportion of the southern boundary to Amana's rear garden. Although there is existing planting on this boundary, the new side elevation would rise far above it, in close proximity to the rear garden and rear windows of Amana. This relationship would have an overbearing effect on the occupiers of Amana.
8. Whilst not cited in the Council's reasons for refusal, I have been provided with policy H12 of the LP which states that new houses should have a private garden area adequate for, and appropriate to, the size, design and amount of living accommodation proposed. The policy refers to a minimum rear garden depth of 15m but lists a number of exceptions, including when garden lengths in the vicinity are significantly less than 15m. There is significant variation in the size and depth of rear gardens in the surrounding area. The garden of the proposed dwelling would be of sufficient size for sitting out, drying washing and children's play and, despite the irregular shape, would therefore provide appropriate living conditions for future occupiers.
9. The first-floor windows in the southern elevation of the proposed dwelling would, however, overlook the rear garden space of Netherfield, resulting in a loss of privacy, thereby adversely affecting the living conditions of that property's occupiers.
10. Consequently, the proposal is contrary to policy GC3 of the LP and policy CS20 of the CS which together seek to make places better for people, achieve good standards of amenity for the future occupiers of development, and to protect

the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. It would also conflict with similar guidance contained within chapter 12 of the Framework that guides development should secure a high standard of amenity for existing and future users.

Highways

11. The proposal includes an integral garage, with a forecourt to the front that leads onto the existing private drive. The forecourt proposed does not meet the required dimensions, as set out in policy TR16 of the LP, for a forecourt to the front of a garage.
12. The appellants do not dispute that the forecourt does not meet the dimensions required for it to be used as a parking space. The appellants' statement indicates that Netherfield has a surplus of private car parking spaces that could be made available. I have no substantive evidence before me to this effect and it is not clear how this arrangement would be secured.
13. It is also suggested that a condition requiring the proposed dwelling is set back a further 1.5m is attached to any permission. Such a repositioning of the dwelling would represent a significant change to the proposal. It would not, therefore, be reasonable to attach such a condition. It would not meet the tests for applying conditions set out in the Framework or the Planning Practice Guidance.
14. Whilst the private drive would only serve three dwellings, there is insufficient information to demonstrate that the proposal would not be detrimental to the proper and safe functioning of the highway. This is due to the potential conflict between parked cars overhanging the private drive and vehicles accessing and exiting Kiln Road. Such conflict would increase the likelihood of vehicles reversing onto Kiln Road.
15. Consequently, I find conflict with policies TR11 and TR16 of the LP and policies CS25 and CS26 of the CS which, amongst other things, states that proposals must not adversely affect traffic flows, accessibility levels and road safety. The proposal would also be contrary to paragraph 108 of the Framework in relation to road safety and access.

Other Matters

16. The settlement of Prestwood, including the appeal site, is set within the Chilterns Area of Outstanding Natural Beauty (AONB). Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. The appeal site is situated within an existing residential area, is surrounded by existing development, and is small scale in proposing a single dwelling. As such, I find that the proposed dwelling would have a neutral impact on the AONB and it would conserve the AONB's natural beauty.

Conclusion

17. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR