



Appeal Decision

Site visit made on 22 October 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/X0415/W/19/3233661

6 Warrender Road, Chesham, Buckinghamshire HP5 3NE

- 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 Innes Gray (Consensus Planning Ltd) against the decision of Chiltern District Council.
 - The application Ref PL/19/1064/FA, dated 23 March 2019, was refused by notice dated 5 July 2019.
 - The development proposed is retention of existing house and new vehicular access and erection of two 4 bedroom detached houses and two 2 bedroom detached bungalows including detached single storey pitched car ports.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site includes 6 Warrender Road; land within the rear gardens of 15 and 11a Codmore Crescent; and land associated with 75 Lye Green Road. The appeal site and surrounding area is residential in character, with dwellings predominantly located adjacent to highways and with back-to-back gardens. The dwellings on Warrender Road form a cohesive grouping around the cul-de-sac by virtue of their high degree of uniformity in design, scale, building line, orientation and spacing. There is a distinct rhythm to the dwellings and their surrounding areas of landscaping, giving the road a spacious and verdant character. No 6 is located on the south-western side of Warrender Road. Dwellings on this side of the road predominantly have private rear gardens adjoining other rear gardens. The proposal includes the creation of an access road between No 6 and No 8 Warrender Road, providing access to an area of existing private rear gardens.
4. A material consideration in this appeal is the previous appeal decision¹, dismissed in 2018, in relation to a proposal to construct 2 dwellings in the same location as plots 1 and 2 of the current proposal. The Inspector found, in that case, that the lack of direct road frontage would not be characteristic of

¹ APP/X0415/W/18/3194966

the existing dwellings on Warrender Road and that the dwellings would appear isolated in the streetscene. The appellant contends that the current proposals address the harm identified by the inspector due to several factors, including, amongst others: the wider access road; the addition of Plot 3's frontage being clearly visible from Warrender Road; the fall-back position of an extant planning permission² for 2 dwellings on plots 1 and 2; and the enlargement of the proposal to 4 plots forming a formal cul-de-sac.

5. The proposed dwellings would, however, continue to be located a substantial distance back from Warrender Road and would not reflect the established design, spacing or building line of dwellings on Warrender Road. The development would harmfully disrupt the established rhythm of dwellings and their garden spaces along Warrender Road. The proposed dwellings, with large areas of hard-surfacing adjacent to their frontages and limited garden space between dwellings, would poorly integrate with the spacious and verdant character of Warrender Road. Whilst the frontage of the dwelling on plot 3 would be visible from Warrender Road, its bungalow hip-roofed design and set-back would poorly relate to the streetscene of Warrender Road. The previous Inspector's concern that the development before him would appear isolated from the streetscene has not, therefore, been overcome. The proposal would appear as a discordant pocket of development, harmful to the overall character and appearance of the area.
6. I have had regard to the information within the Townscape and Visual Matters document and note that there are existing views of dwellings between existing street frontage dwellings. I also note that there is variation in design, layout, scale, landscaping and appearance of dwellings in the surrounding area, with bungalows on Codmore Crescent and a variety of detached dwellings on Lye Green Road. Given the location of the proposed access, however, the development would primarily affect the character and appearance of Warrender Road. Whilst Warrender Road is not a designated area of special character, this doesn't preclude Warrender Road having a distinct character and the need for new development to be compatible with this existing character.
7. I accept that the extant permission for 2 dwellings on plots 1 and 2 weighs in favour of the appeal proposal, as does the other permission³ for the development of dwellings on land associated with 75 Lye Green Road. These previous permissions will increase the visibility of built form between dwellings on Warrender Road, Lye Green Road and Codmore Crescent. They do, however, utilise the established access to 75 Lye Green Road rather than creating a new access from Warrender Road. As such, the relationship of back-to-back gardens with dwellings on Warrender Road is maintained. The lack of an access from Warrender Road, and the omission of dwellings on plots 3 and 4, substantially reduces the visibility and impact of these previous permissions on the established character of the area. The existence of nearby backland development and the potential for development on plots 1 and 2 does not, therefore, justify or mitigate the harm to the character of the area represented by the current proposal.

² PL/18/3887/FA

³ CH/2016/2230/75

8. I have been referred to several other appeal decisions and existing developments, including in relation to 2A Warrender Road⁴. The No 2A decision related to a single dwelling with a street frontage and is significantly different in character to the current scheme. In that appeal, the Inspector states Warrender Road, "is a cul-de-sac development of detached 2-storey houses whose character derives from being constructed to a clearly visible plan where each house is evenly spaced with generous gardens on 3 sides of each dwelling. However, No.2 varies from the other houses in Warrender Road by having a much more generous garden area and on 4 sides." Given the larger original scale of the plot at No 2, the dwelling at No 2A does not change the overall key characteristics of Warrender Road defined by its building line, evenly spaced dwellings and generous gardens.
9. From the information before me, the Grappenhall Road, Chessmount Rise, Denham Lane, Berkeley Avenue, Faithorn Close, Dorney End, Chartridge Lane and Addison Road developments⁵ are within significantly different contexts to the current proposal. The identified distinct uniformity of character of Warrender Road, in terms of house design, even spacing and building line, is not apparent on the frontage roads of these other developments to the same degree. As such, the impact on the established character of the surrounding area in each of these cases is different and provides only limited justification for the current proposals. Furthermore, each application must be considered on its individual merits.
10. For the above reasons, the development would harm the character and appearance of the area and would be contrary to policies GC1 and H3 of the Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001) and Policy CS20 of the Core Strategy for Chiltern District 2011 which when taken together, seek, amongst other matters, to ensure that new development is compatible with the character of the area and those feature which contribute to local distinctiveness. Nor would the proposal accord with the National Planning Policy Framework (the Framework), including paragraph 127 which has similar aims.

Other matters

11. I have had regard to the concerns of interested parties regarding drainage, living conditions including overlooking and disturbance, increased traffic and the proper and safe functioning of the highway, but none of these adds to my reasons for dismissing the appeal.

Planning balance and overall conclusion

12. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise.
13. Paragraph 11(d) of the Framework is engaged because the Council is unable to demonstrate a five year supply of deliverable housing sites. In such circumstances, the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.

⁴ CH/2005/0733/FA

⁵ Appendices 07a to 11d of the Appellant's Statement

14. I acknowledge that the proposal would result in some economic and social benefits, including through its construction and as a result of an increase in spending, and patronage of facilities, in the local area. The proposal would contribute to the supply of housing in a location where there is an identified shortfall in supply of deliverable sites, and where the distances to services and facilities would limit the need to travel. Whilst significant weight is given to such considerations, as the proposal is for 4 dwellings, the social and economic benefits identified would be limited.
15. The appellant refers to the site as previously developed land (PDL). The Framework definition of PDL, however, excludes land in built up areas such as residential gardens. Given the development includes substantial areas of residential gardens within a built up area, para 118(c) of the Framework gives only limited weight in support of the proposal.
16. I have found that the proposal would harm the character and appearance of the area contrary to the provisions of the Framework, including paragraph 127 which requires that developments add to the overall quality of an area, are sympathetic to local character and maintain a strong sense of place. The identified conflict with these policy requirements carries significant weight. I find this identified harm would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
17. Substantial weight is also given to the identified conflict with adopted development plan policies by virtue of the development's unacceptable detrimental impact on the character and appearance of the area.
18. Overall, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan, nor do they indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

19. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR