
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: 2nd March 2020

Appeal Ref: APP/X0415/W/19/3233573

Rear of 13 and 15 Springfield Road, Chesham HP5 1PW

- 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 Brinklow against the decision of Chiltern District Council.
 - The application Ref PL/19/0849/FA, dated 11 March 2019, was refused by notice dated 7 May 2019.
 - The development proposed is alteration and change of use of building to dwellinghouse (use class C3).
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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 surrounding area;
 - the living conditions of future occupiers.

Reasons

Character and Appearance

3. The appeal relates to an existing single-storey workshop building located adjacent to the rear gardens of the dwellings at 11, 13 and 15 Springfield Road. The workshop fronts onto an access drive off Gordon Road that provides access to a run of flat roof garages to the rear of a flatted development. Other flatted development, its parking and associated shared open space is located off Gordon Road to the north of the site. There is substantial variation in the age, design, scale and layout of the surrounding development and the workshop predates much of it. The workshop is brick built and has a tiled pitched roof. It has a garage door to its front and large windows on its side (northern) and rear (eastern) elevations. The workshop sits immediately adjacent to the site's southern boundary and in close proximity to its other boundaries, with a wedge-shaped parking area to the front of the building.
4. Whilst the existing building sits within a constrained plot, its small scale, simple utilitarian design and workshop use ensures that it sits comfortably within its plot and relates well to its immediate context, including single-storey garages, rear gardens and shared open space. The enlargement of the building by raising its roof, and its domestication through the addition of a balcony,

dormer windows and additional fenestration in the front gable, would not respect the original simple utilitarian character of the building and would disrupt the existing attractive proportions of the building. The composition of these alterations would result in a residential building that appears awkward, contrived and cramped within its plot, drawing the eye and appearing discordant within its immediate setting. The limited private space surrounding the proposed dwelling and its resultant prominence from public vantage points, in combination with the incongruous appearance of the development, would lead to significant visual harm. Whilst there is variation in the layout of nearby residential properties, this would not mitigate the identified harm given the visual prominence the proposed dwelling would have within its immediate setting.

5. 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 features 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.

Living Conditions

6. The proposed dwelling would provide only very limited outdoor space for future residents. Other than the balcony, this space would primarily be for functional purposes such as vehicle parking, bike storage and refuse. There would be clear public views of the balcony significantly limiting levels of privacy. Furthermore, the proximity of the adjacent garage court and public open space would lead to regular disturbance. The appropriate type and level of provision of outdoor space will vary, however, according to the characteristics of the development. Given the dwelling is a 1-bed unit, I find the limited outdoor space would provide acceptable living conditions for future occupiers.
7. The outlook from main habitable windows on the northern and eastern elevations of the proposed dwelling would be limited due to the proximity of the boundaries of the site. I acknowledge that planting could soften the impact of any boundary treatments and that the height of the windows would allow in some light and some outlook above any boundary treatments. I also acknowledge that the living room would be served by windows on several aspects and that there are examples in the area where habitable rooms are served by windows only on a single aspect. Nevertheless, the proximity of the necessary boundary treatments would have an overbearing impact on the northern and eastern elevation windows. The effect on outlook would have an unacceptable impact on the living conditions of future occupiers.

The development, in this regard, would fail to comply with the requirements of Policy GC3 of the Local Plan. This policy, amongst other matters, seeks to ensure that new developments achieve good standards of amenity for future occupiers. It would also conflict with similar guidance contained within chapter 12 of the Framework, including paragraph 127, that requires development should create places with a high standard of amenity for future users.

Other Matters

8. I understand that the Emerging Local Plan (ELP), the Chiltern and South Bucks District Local Plan 2036 has not yet been found sound. I have only been provided with limited details regarding to what extent there are unresolved objections to any policies. Consequently, I am not able to attach more than very limited weight to the policies within the ELP.
9. I have had regard to the concerns of interested parties regarding the effect of the development on the living conditions of neighbouring properties and its effect on the proper functioning of the highway, but these do not add to my reasons for dismissing the appeal.
10. The appellant has drawn my attention to a number of other developments in the surrounding area, including 131 Broad Street¹ and flats on Waterside. I have found the limited outdoor amenity area acceptable with regards to the current appeal. From the information before me, these other examples differ in design and context from the current proposal. They are not wholly comparable in terms of their effect on living conditions or on the character and appearance of the surrounding area. As such, I attach only very limited weight to these cited developments insofar as they provide examples of the variation in residential layout and living conditions in the area. Notwithstanding this, I have considered the appeal on its own merits.
11. 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.
12. I can understand the appellant's desire to provide a home for his grandson, but only very limited weight can be given to such personal circumstances. I do give, however, great weight to the delivery of a dwelling on a windfall site that would re-use an existing building in a location with good access to services and facilities in accordance with paragraphs 68 and 118 of the Framework. 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. Whilst significant weight is given to such considerations, as the proposal is for 1 dwelling, the social and economic benefits identified would be limited.
13. The site and surrounding area are already well overlooked from public and private vantage points. As such, I attach only very limited weight to the benefits that additional surveillance from the dwelling would provide. I acknowledge that a dwelling would likely result in a reduction in noise disturbance in comparison to the existing employment use. However, I attach only very limited weight to this consideration given the proximity of the existing adjacent garages and the disturbance that would continue to result from their use.

¹ (PL/19/0368/FA)

I have found that the proposal would harm the character and appearance of the area and would not provide appropriate living conditions for future occupiers 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, maintain a strong sense of place and create places with a high standard of amenity for future users.

14. The identified conflict with these policy requirements carries significant weight. I find the identified harm would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
15. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise. As such, substantial weight is given to the identified conflict with adopted development plan policies.
16. 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

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

S D Castle

INSPECTOR