



Appeal Decision

Site visit made on 19 May 2020

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 26th May 2020

Appeal Ref: APP/X0415/W/19/3240205

**1 The Warren, Chalfont St Peter, Gerrards Cross, Buckinghamshire
SL9 0QZ**

- 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 John Osbaldeston against the decision of Chiltern District Council.
 - The application Ref PL/19/2160/FA, dated 24 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is a new dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description on the Councils' decision notice is different to that on the application form. However, in my heading above I have used the description on the original form as it adequately describes the proposed development.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site comprises part of a well-tended garden of a dwelling with a generally wedge-shaped arrangement. It is located at the entrance to The Warren where an abundance of vegetation gives the appearance of a leafy entrance to the cul de sac. Mature trees on the adjacent site to the south contribute to this character and when taken with the vegetation along Denham Lane gives a distinctly semi-rural and verdant character to the site and the area around it even though the remaining cul-de-sac has a suburban appearance.
5. The proposed dwelling would occupy virtually the full depth of the narrow end of the site. It would incorporate the existing garage and parking space with parking for the existing property using space in front of the dwelling which is already in place. The proposed dwelling would be divided from the existing by the wall and garage and the garden area would be enclosed by a close boarded fence set back from the roadside edge.

6. The new structure would occupy a substantial and prominent part of the site introducing built form uncharacteristically close to the road such that it would intrude into a relatively open area and be visually intrusive in the street scene. Its presence would be out of character with the current spacious appearance at the entrance to The Warren where existing dwellings are set well back from the junction with Denham Road. In this context the dwelling would appear visually prominent and obtrusive on the site. The bulk and massing would be out of keeping with the surroundings and would fail to reflect the prevailing characteristics and pattern of development in the area.
7. It is proposed to retain the existing dense shrubbery on the Denham Lane frontage. Whilst this would provide limited screening it would be insufficient to lessen the prominence of a two-storey building, nor would the hedging across the front of the plot provide sufficient mitigation to offset the prominence of a new building.
8. The Council do not take issue with the detailed design the proposed dwelling, in contrast the appellant states that the site does not read as open space but as a private garden which contributes very little towards the sense of openness within The Warren which, he argues is an enclosed and highly screened area of land. I disagree. The land, whilst a side garden to the host property, makes a significant contribution to the undeveloped and green appearance at the entrance to The Warren. Whilst the shallow depth of the site may not be readily perceived should a dwelling be constructed the constrained depth would result in the structure being forced to the back edge of the site with enough space only for a narrow walkway. The close boarded fencing linking the dwelling and the garage would also be a stark feature in this context of this location. These factors would cumulatively result in a development which would fail to make a positive improvement to the quality of the built environment as envisaged by the National Planning Policy Framework (the Framework).
9. For these reasons the development would conflict with saved Policies GC1 and H3 of the Chiltern Local Plan¹ and Policy CS20 of the Core Strategy of the Chiltern District (2011) and to the provisions of the Framework. These together seek to ensure that development is compatible with existing character, exhibits a high standard of design and respects the character of the surroundings including the features which contribute to local distinctiveness.
10. The Council do not dispute that they cannot currently demonstrate a 5-year supply for the provision of housing, nor do they contest the appellants contention that cumulative housing delivery in the district has been below the annual housing target for a number of years. In these circumstances, the Framework² indicates that housing policies should be regarded as out of date and that the 'tilted balance' presumption in favour of development should prevail unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
11. The starting point for any planning decision is the development plan and the provisions of the Framework remain subordinate to the principle established by statute that, when considering planning applications, first regard must be had to the development plan policies. Whilst the development would undoubtedly

¹ Adopted 1997 including alterations in 2001 and consolidated in 2007 and 2011

² Paragraph 11

generate benefit to the local housing supply, the contribution from a single dwelling would be very modest. It consequently carries limited weight in favour of the development. I have explained why I find that the bulk and massing would not weigh in favour of the scheme. Overall the benefit of an additional single dwelling is insufficient to significantly and demonstrably outweigh the harm which I have identified, and it does not therefore justify a decision other than in accordance with the development plan.

Other Matters

12. I have had regard to the fact that there are no issues raised in respect of adverse impact on adjacent residential amenities, and that the site can achieve a safe access; would provide the requisite amenity space; and would make provision for off street parking. However these factors do not outweigh the harm which I have identified.
13. A number of neighbours have raised other concerns in relation to the development, such as, access, highway safety and the living conditions of other occupiers. However, I have no substantive evidence before me to support these points and given that I am dismissing the appeal there is no need for me to address these matters further.
14. The appellant emphasises that the site is not within the Green Belt and takes issue with the Councils reference to this matter. The Councils in their statement makes it clear that policy H3 refers to new dwellings in built up areas excluded from the Green Belt and in such areas new dwellings are acceptable in principle subject to there being no conflict with other development plan policies. For the purpose of clarification, I have dealt with the appeal on the basis that the site is not within the Green Belt.
15. My attention has been drawn to a planning permission in close proximity to the site whereby a bungalow was replaced with a modern and taller building than those either side. This example serves to demonstrate the appellants' point that there are variations in the character of the area however the context and issues are not comparable with the appeal proposal and as such that particular comparison does not alter my findings.

Conclusion

16. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR