



Appeal Decision

Site visit made on 7 January 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/X0415/W/19/3238192
212 Chartridge Lane, Chesham HP5 2SF

- 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 and Mrs Brendan against the decision of Buckinghamshire Council - Chiltern Area.
 - The application Ref PL/19/0450/FA, dated 8 February 2019, was refused by notice dated 3 July 2019.
 - The development proposed is described as full planning application for a residential development comprising 6 dwellings (4 apartments and 2 houses) with associated access, amenity and car parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On the 1st April 2020 Chiltern District Council was merged with other local planning authorities into a new Unitary authority named Buckinghamshire Council. From this date Chiltern District Council is now called Buckinghamshire Council-Chiltern area.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the area; (ii) the effect of the proposal on highway safety with particular regard to parking and the safety and convenience of users of the existing access drive (iii) whether the proposal would provide acceptable living conditions for future occupiers with regard to provision of outdoor amenity space and waste and recycling provision; and (iv) the effect of the proposal on the living conditions of the occupiers of No 210 Chartridge Lane (No 210) with regard to outlook and privacy.

Reasons

Character and Appearance

4. The appeal site is currently occupied by an existing dwelling with a large garden to the rear which slopes away considerably from the property. The prevailing character along Chartridge Lane is of a varied form of houses and plot sizes, generally large detached properties but interspersed with both semi-detached houses and bungalows. The dwellings follow a general linear pattern

- and are stepped back from the road behind front gardens. The varied design styles and housing types adds interest to the character of this residential area.
5. The proposed building fronting Chartridge Lane containing the apartments and one house would be a prominent addition to the street scene. However, it would share a similar design approach to the recently permitted dwellings to the south east of the site such as the central gable overhang. This would break up the frontage of the proposed building and it would not appear visually as a solid mass. Whilst the proposed building would be wider than the adjacent dwellings it would be smaller in height so would not appear overbearing upon the street scene.
 6. Furthermore, along Chartridge Lane there are examples of dwellings that appear wider than the proposed building and therefore it would not appear out of context with the varied nature of building widths in the area. Similarly, there exists a generous gap between the building and the adjacent properties and this is a larger gap than that exists between the two recently permitted dwellings adjacent to the site. Accordingly, whilst a large building, given the space around it and in particular the large separation to No 216 Chartridge Lane which is set back into its plot, the proposed building would not appear visually intrusive.
 7. However, whilst I do not find harm with the appearance of the proposed building from the street scene, I note that the general character of rear gardens in the area are large including both adjacent properties which are set in spacious plots. Given the increased number of dwellings proposed in this scheme compared to the existing situation, for the reasons outlined in this decision the scheme proposes an insufficient level of amenity space provision for the proposed dwellings. The intensification of the residential use of this site results in a cramped layout with limited amenity space for the proposed dwellings which is contrary to the pattern of open large gardens in the vicinity of the site. Thus, the proposed layout would disrupt the spacious character of the area and would represent overdevelopment of the site. Accordingly, for these reasons I consider the proposed layout by virtue of its cramped nature would be contrary to the existing development pattern and would result in harm to the character and appearance of the area.
 8. For the reasons outlined above, I conclude that the proposal would result in harm to the character and appearance of the area. Thus, it would be in conflict with Policies GC1 and H3 of the Chiltern District Local Plan (1997) (including alterations adopted 2001) consolidated September 2007 and November 2011 (Local Plan) and Policy CS20 of the Core Strategy for Chiltern District (2011) (Core Strategy). Amongst other matters, these policies seek developments of a high standard of design which respects the character of the area, site and buildings in the locality and is of a scale and density that is appropriate to the site and its surroundings. The proposal therefore would be in conflict with the design objectives in Paragraph 127 of the National Planning Policy Framework (the Framework) which seeks that development is sympathetic to local character including the surrounding built environment.

Highway Safety

9. The proposed development incorporates a total of 8 parking spaces which is below the minimum provision of 11 spaces for a development of this nature as required by Policy TR16 of the Local Plan. However, I note that the Council's

evidence in the officer report identifies that these policy standards are not minimum standards and Policy TR16 should now only be given limited weight. They cite the findings of a previous Inspector that attributed limited weight to Policy TR16 as it is not wholly consistent with the NPPF. In this regard I have considered the provisions of Paragraph 106 of the Framework which states that maximum parking standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.

10. Whilst there is a shortfall of 3 spaces the Councils evidence indicates that for three of these apartments, they are only marginally over the floorspace limit for a dwelling which would only require 1 space per unit. Notwithstanding this the Council are concerned that the shortfall in provision could lead to overspill parking on the access road and on surrounding streets.
11. Paragraph 108 of the Framework states that development should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. There is a public transport stop opposite the appeal site and the town centre containing a range of services and the rail station is approximately 1 mile away which can also be accessed on foot via existing footways along Chartridge Lane. Accordingly, there would be appropriate opportunities to promote sustainable transport modes and this to my mind justifies the proposed reduction in the number of car parking spaces. In this regard I note the findings of an Inspector on a previous appeal decision referred to by the Council in the officer report which confirms my view on this matter.
12. However, I do note the Councils concern that the parking layout is contrived and a reduced level of parking provision at the site may increase demand for overspill parking along the adjacent highways. In this regard Paragraph 109 of the Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
13. I observed on my visit the presence of on street parking however this did not appear to be causing a highway safety issue and there was plenty of available space. Whilst I acknowledge this may vary throughout the day, on street parking did not appear to be harming traffic flow. In any event I have found the reduction in spaces to be acceptable given that the alternative public transport options available will likely reduce demand for cars. Even if there were some spill over parking, there are no double yellow lines that seek to restrict parking on the highway in this location and I observed that on street parking did not cause an obstruction to the highway network. Accordingly, I do not consider any over spill parking would result in a harmful effect on the highway network.
14. With regard to the proposed parking layout for the apartments, for spaces 1-4 there is ample opportunity for vehicles to enter or reverse into the space and leave the parking area in a forward gear. Whilst I acknowledge that reversing out of spaces 3 and 5 would require increased manoeuvrability to leave the site in a forward gear this would not be impractical. Furthermore, cars could easily drive into the access lane and reverse into the spaces. With regards to the proposed parking arrangement for plot 6 this proposes a tandem parking

arrangement. From the evidence it would appear that a vehicle would be able to drive into or reverse into the space. Whilst I acknowledge that reversing out of the space onto the private lane would be more onerous, there would be sufficient visibility of the lane for both the occupiers and for other users of the lane to view a vehicle leaving the parking space. Furthermore, this is a private lane and only used by two dwellings so users will be aware of the potential for conflict. On this basis I do not find harm with regard to the proposed parking provision and do not find it to be contrived.

15. The existing private access lane is narrow and currently used by No 210 and also used by No 212 to access the existing garage which is situated to the north of the proposed Plot 6. Thus, vehicular traffic from two properties is using this lane at present. Whilst acknowledging the access is narrow, the proposed scheme includes widening the access to 4.8m at the front of the site to allow two cars to pass each other. The lane is straight and thus users of the lane would have full visibility of the length of the lane to allow opportunity to yield to one another. I recognise that the lane is narrow to the SE of the dwelling but considering the full visibility of the lane, users leaving No 210 can wait in their parking area if vehicles are travelling down the lane to Plot 6 or a vehicle entering the site at the new access point could wait to yield to a vehicle travelling up the lane.
16. Accordingly, I find no overriding need in highway safety terms considering this is a private road and not a public highway, for the access lane to be widened to 4.8m for its entire length. In addition, whilst there is no footway along the access lane given the low level of traffic and sufficient visibility along the lane, I do not consider this would result in harm to pedestrian users from the apartments when accessing or moving their recycling.
17. For the reasons outlined above, I conclude the proposal would not result in an unacceptable impact on highway safety. Therefore, the proposal would not be contrary to Policies TR2, TR3 TR11, TR16 of the Local Plan and Policy CS26 of the Core Strategy. Amongst other things, these policies seek that development provides appropriate vehicular parking arrangements in accordance with recommended standards, satisfactory access onto the existing highway network and satisfactory highway access and layout arrangements. In light of the above I do not find conflict with the transport objectives of the Framework.

Living conditions of future occupiers

18. The scheme proposes a shared garden area for the occupants of the proposed 4 apartments, and a private garden for each of the individual houses. Policy H12 of the Local Plan states that in the case of apartments a communal amenity area should be provided within the curtilage of the development which is adequate for the number of dwellings proposed. Paragraph 6.74 of the supporting justification to this policy states that for two-bedroom units a minimum of 30 sqm per two-bedroom unit should be provided and 25 sqm per each one-bedroom unit. This would equate to a required 110sqm for the development in line with this policy. Furthermore, the supporting justification identifies that this should be readily useable and not on steeply sloping ground. The Council Officer report acknowledges the amenity area proposed is relatively small. Whilst a figure for the amenity area is not provided, considering the depth of the adjacent plot 3 is marked as 10.5m, it is clear the proposed amenity space provided is well below the required levels of provision.

To my mind given the sloping nature of the land this would not provide a suitable amenity area for the future occupants of 4 apartments in line with Policy H12.

19. With regards to the houses, Policy H12 states that for new bungalows and dwellings a minimum garden depth of 15m should be provided. However, in areas where garden lengths are longer this should be increased. Whilst I acknowledge that smaller gardens may be acceptable, from my observation on site the general character of gardens in the area are substantially longer than 15m and whilst there may have been recent permissions that have incorporated lower standards I do not have the full details of these cases or indeed whether they are comparable to the circumstances of this site. Whilst Plot 3 has a plot depth of 10.5m and is below the requirement, Plot 6 would be considerably below the 15m plot length requirement. The lower standards of amenity provision across the 6 plots leads me to conclude the amenity space has been compromised in order to achieve the number of units on the site. This leads to a cramped layout and to my mind a deficient level of private amenity space for the proposed dwellings.
20. Turning to the proposed waste and recycling arrangements, each dwelling is provided with bin storage with a communal bin storage area for the apartments. However, I recognise that the occupants of the apartments and in particular occupiers of Plot 6 would have to walk up the access road to the main road to put out their recycling. Whilst carrying recycling uphill would not be convenient, such trips would be infrequent and I note the lack of objection from the Council's waste team in relation to the proposals. Whilst I acknowledge the standards referred to by the Council, this is not evident within the policies before me. Consequently, in terms of waste and recycling provision I conclude this would be acceptable.
21. Taking the above matters into consideration, I conclude the proposed provision of outdoor amenity space for the development would not provide acceptable living conditions for future occupiers. Thus, the proposal would be in conflict with Policies GC3 and H12 of the Local Plan which amongst other matters seek that developments provide good standards of amenity for future occupiers.

Living Conditions of Neighbouring Occupiers

22. The proposed bungalow would be sited adjacent to the southern boundary of the appeal site which borders No 210. Given the sloping nature of the site the existing dwelling would sit below the proposed bungalow. I observed from my site visit the presence of an outbuilding within the curtilage of No 210, however this does not interrupt existing habitable room windows facing the appeal site. Given the level change and the appeal site located at a higher position than No 210 I find the size of the side elevation of the proposed bungalow would appear as a dominant and imposing feature and would have an overbearing effect on the occupiers of No 210, affecting outlook from their windows. I acknowledge there are no habitable windows on the side elevation of the proposed bungalow, and this would not cause any privacy issues, but I conclude the separation distance between the proposed bungalow and No 210 is insufficient.
23. For the reasons above, I conclude the proposed bungalow would result in harm to the living conditions of the occupiers of No.210 with regard to outlook and thus would be in conflict with Policy GC3 of the Local Plan which amongst other

matters seeks that developments protect the amenity of occupants of adjoining or neighbouring properties.

Planning Balance

24. The parties state that the Council cannot demonstrate a 5-year Housing Land Supply (5-Year HLS). Therefore Paragraph 11 of the Framework is engaged. However, there is nothing within the evidence to indicate the extent of the shortfall. However, there is a shortfall and the proposal would provide an additional 6 dwellings on a well-located site to the housing stock which is a modest public benefit of the scheme. In this regard, I recognise the Framework objectives to significantly boost the supply of housing and I recognise that the site could accommodate new dwellings albeit not in the layout proposed in this scheme.
25. In this case having regard to footnote 6 of the Framework there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusal. However, whilst the benefits of housing are recognised, I have had regard to Paragraph 127 of the Framework which seeks that developments are sympathetic to local character and create places with a high standard of amenity for existing and future users. Given the harm I have found to character and appearance and living conditions in the layout proposed this attracts substantial weight in this appeal. Thus, the need to boost the supply of housing to my mind cannot be to the detriment of the living conditions of existing and future occupiers that would result from the proposed layout in this case. Thus, whilst the scheme would deliver new homes it would not be in accordance with the design objectives of the Framework. Therefore, whilst acknowledging the Council can't demonstrate a 5-year HLS, I conclude the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
26. I therefore conclude that the conflict with the development plan is not outweighed by other considerations in this case.

Conclusion

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

S Thomas

INSPECTOR