
Appeal Decision

Site visit made on 24 July 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 24th August 2020

Appeal Ref: APP/X0415/W/20/3247046

Bank House, Long Park, Chesham Bois HP6 5LG

- 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 Rivergate Homes Limited against the decision of Chiltern District Council.
 - The application Ref PL/19/2934/FA, dated 25 June 2019, was refused by notice dated 16 December 2019.
 - The development proposed is retention of Bank House and erection of four detached dwellings with associated garages, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note the site address as stated in section D of the appeal form and the Decision Notice. However, I have used the address stated in the application form in the interests of certainty.
3. I note the Draft Chiltern and South Bucks Local Plan 2036 - Publication Version (Draft LP). However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, in particular the Established Residential Area of Special Character;
 - the effect of the proposed development on the living conditions of the occupiers of Nos 29, 31 and 33 MacDonald Close with particular regard for outlook; and
 - the effect of the proposed development on highway safety.

Reasons

Character and appearance

5. The site lies within an Established Residential Area of Special Character (ERASC) as defined in The Chiltern District Local Plan Written Statement Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 (LP) and is sited near the end

- of Long Park. The majority of this road is characterised by detached dwellings with modest spacing and plot sizes that give it a unified suburban feel. However, the junction of Long Road with the access road to Little Rushmoor, where the appeal site is sited, marks a distinct change in character to one that is significantly more spacious with large detached dwellings that are set within large, secluded gardens. The appeal site has a closer relationship to the more spacious area to the north of the access road than the more densely developed suburban area to the south.
6. The distinct characters of the areas to the north and south of the access road are recognised in The Chiltern and South Bucks Townscape Character Study dated November 2017 which identifies the site as being within the 'Woodland Roads' category and the area to the south as being within the 'Green Suburban Roads' designation.
 7. The proposed development would include one dwelling sited adjacent to Bank House, and three dwellings to the rear. It is common ground between the main parties that Plot 1, the proposed dwelling adjacent to Bank House, would be acceptable in terms of its impact on the ERASC. I will therefore focus my assessment on Plots 2, 3 and 4.
 8. The proposal would not only involve the erection of houses, but also would include significant areas of new paved driveways and domestic gardens and paraphernalia that would substantially alter the landscape character of the area. Therefore, while the dwellings would be roughly in keeping, in terms of pattern of development, plot sizes and form, with the dwellings to the south of the access road, the distinct Woodland Road character of the area more closely related to the site would be significantly diminished.
 9. LP Policy H4 relates specifically to the ERASC and provides criteria for development within these areas including part (ii) which states that each proposed dwelling plot should have an existing frontage to an existing road. Existing road is then defined as a metalled carriageway used by vehicular traffic. In addition, it should be fronted by existing dwellings with front elevations facing the carriageway. While the access road appears to be metalled, since the only other dwelling along the access road, Little Rushmoor, does not clearly front the carriageway, it would not fall within the definition of existing road.
 10. The Policy also states that the width across each plot frontage to the existing road referred to in clause (ii) should be closely similar to other plot widths to the same road. Since the only other plot on this access road is Little Rushmoor, the proposal would also conflict with this part of the Policy. In any event, since the spacing between dwellings would not be in accordance with the prevailing character in the vicinity of the site, which in this instance, has a distinct spacious character, the scheme would not accord with the aims of this Policy.
 11. I acknowledge the evidence relating to Woodland Court. However, the Planning Practice Guidance states that local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications. Given the evidence of historic architecture and the distinctive style of the building, it forms a significant part of the character and appearance of the vicinity around the appeal site. However, given the significant distance between the proposed dwellings and the Woodland Court building, the proposal

would not adversely affect the significance of the non-designated heritage asset.

12. While I acknowledge that Nos 10 to 14 and 23 to 33 MacDonald Close were built after the ERASC designation, these properties lie in an area with a different character and appearance to the vicinity around the appeal site and do not form a direct comparison with the appeal site.
13. I note the developments at 63 Bois Lane and Forty Green Road. However, those developments are some distance from the appeal site and not within the 'Woodland Roads' category of the ERASC. As such, they do not form a direct comparison with the appeal proposal. I also note the development at No 70 Long Park. Since that proposal has a significantly different relationship to Long Park and the neighbouring dwellings compared with the appeal scheme, it does not provide a direct comparison. In any event, each case must be determined on its individual merits.
14. Consequently, the proposed development would harm the character and appearance of the area, in particular the ERASC. Therefore, it would conflict with Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011) (CS) and LP Policy GC1 which among other things seek development that reflects and respects the character of the surrounding area and its relationship with its surroundings. It would also conflict with LP Policy H4 which relate to ERASC and require that development within any of these areas must maintain the special character of that area. The scheme would also conflict with paragraph 127 of the National Planning Policy Framework (Framework) in this respect.
15. CS Policy CS4 relates primarily to reducing overall CO2 emissions and is not directly comparable with this main issue.

Living conditions

16. The rear of Nos 29, 31 and 33 MacDonald Close (Nos 29, 31 and 33) face the access and site. The land in the area and the access road is very steep such that the three properties are at different ground levels with No 33 being at a significantly higher level than No 29.
17. I note the distance between the front of the proposed dwellings and the rear walls of Nos 29, 31 and 33 as well as the height of the ridge and eaves of the proposed dwellings compared with these neighbouring buildings as shown on drawing 1682/SP1 rev B. However, given the modest depth of the rear gardens combined with the narrow width of the access road and the short rear fences of these properties, the proposed buildings would appear dominant when viewed from the rear gardens. While I note the appellant's willingness to introduce further screen planting, there is insufficient evidence before me to demonstrate that the harm would be mitigated.
18. Furthermore, given the significant difference in ground levels between the properties, plot 2 of the proposal would be at a higher ground level than No 31 and plot 3 would be at a higher ground level than No 29. While plot 2 would not be directly opposite No 31 and there would be some distance between the dwellings, since it would be at a higher ground level, the house at plot 2 would appear dominant from the rear garden of No 31, unduly diminishing the outlook from this property. Likewise, plots 2 and 3 would not be directly

opposite No 29 but given their significantly elevated position compared with this property, they would appear overbearing when viewed from the rear of No 29.

19. Notwithstanding the above, while the proposal would appear overbearing from the rear of Nos 29, 31 and 33, given the distances between the proposed dwellings and these properties, it is unlikely that undue breaches of privacy would occur.
20. Consequently, the proposed development would harm the living conditions of the occupiers of Nos 29, 31 and 33 MacDonald Close with particular regard for outlook. Therefore, it would conflict with LP Policy GC3 which among other things seeks to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.

Highway Safety

21. The existing access road serves Little Rushmoor, a detached dwelling some distance from the junction of the road with Long Park. It is a single carriageway approximately 2.5m wide. While I note the two proposed passing bays, given the narrow width of the access, vehicles would be likely to have to reverse along part of the road to allow oncoming vehicles to pass. This, along with the steep slope of the access route, would be likely to result in some confusion and increased risk of collision. Moreover, the lack of footpath together with the narrow width of the access would result in a risk of collision between vehicles and pedestrians such that the proposal would be likely to result in an unacceptable impact on highway safety.
22. I acknowledge the findings of the Transport Statement and the evidence relating to the Manual for Streets. However, given that the existing access serves one dwelling and plots 2, 3 and 4 would have around 12 parking spaces in total, the proposal would significantly intensify the use of the access and would result in vehicles travelling in opposite directions along the narrow road more frequently thereby increasing the risk of collision. I am also not persuaded that the narrow width of the access and lack of footpath would serve as effective traffic calming measures.
23. I note the proposed changes to the existing junction with Long Park. While these would improve the visibility when exiting and entering the access road, this would not mitigate the risk of collision identified above. While the Highway Authority did not object to the proposal, it clearly has concerns regarding the proposal. From the evidence before me and for the foregoing reasons, I see no reason to disagree.
24. Consequently, the proposed development would result in an unacceptable impact on highway safety. Therefore, it would conflict with LP Policy TR2 which requires among other things that satisfactory access onto the existing highway network should be provided. It would also conflict with paragraph 109 of the Framework.

Planning Balance

25. I note the evidence regarding the five-year housing land supply. The proposal would contribute four dwellings to the local housing supply. In addition, future occupiers would provide social benefits through contribution to the local community. There would also be temporary economic benefits during the

construction phase. However, given the modest scale of the development these benefits would be limited.

26. The proposal would result in harm to the character and appearance of the ERASC, adverse effects on the living conditions of neighbouring occupiers and an unacceptable impact on highway safety. Consequently, even if the tilted balance in the terms of paragraph 11(d) of the Framework were applied, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Other Matters

27. I acknowledge local concerns including those regarding privacy, trees, ecology and wildlife, services, waste collection provision and drainage. However, given the harm identified above, these have not altered my overall decision.

Conclusion

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

R Sabu

INSPECTOR