
Appeal Decision

Site visit made on 13 August 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 August 2020

Appeal Ref: APP/X0415/W/ 3245570

Chalfont Place, 2 Copthall Lane, Chalfont St Peter SL9 0BU

- 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 Gerrards Cross Homes Limited against the decision of Chiltern District Council.
 - The application Ref PL/19/2296/FA, dated 30 July 2019, was refused by notice dated 20 January 2020.
 - The development proposed is the demolition of the redundant public house and the construction of seven apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development on the planning application form makes reference to the construction of 8 apartments. Prior to the Council making a decision on the planning application amendments were made to reduce the number of apartments to 7. As such, the description in this decision refers to 7 apartments.
3. Notwithstanding the description of development, the public house and associated buildings have been. Evidence indicates that demolition was pursuant to a separate consent that is beyond the remit of this appeal.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect on the living conditions of occupiers of neighbouring properties, with particular reference to sense of enclosure and loss of privacy.
 - Whether the proposed development would create satisfactory standards of external amenity and provide a safe and secure environment for future occupants.
 - The effect on local highway conditions, with particular reference to the safety of access and visibility, and whether to proposed development makes adequate provision for car parking and cycle storage.

Reasons

Character and appearance

5. The appeal site is a roughly triangular piece of land at the junction of where Copthall Lane meets Rickmansworth Lane, which in turn joins Gravel Hill (the A413). The site slopes upwards towards its narrowest part furthest away from Gravel Hill, where the land is more heavily overgrown.
6. The character of the area is generally residential, with a number of dwellings of suburban appearance sitting in generous plots with mature gardens, in particular moving up Copthall Lane. The character of the immediate area is also dominated to a degree by the roads, with the busy A413 carrying fast moving traffic nearby and frequent vehicular activity at the junctions close to the site. The width of these roads, coupled with the small, sloping green that divides Copthall and Rickmansworth Lanes gives the location an open feel with a further green backdrop provided by nearby mature trees and planting.
7. This sense of openness, in addition to the corner location and length along Copthall Lane contributes to the prominence on the site and allows for close and more distant public views from a variety of vantage points on both higher and lower ground.
8. The layout of the proposed development would result in a single building, visually comprising 3 main joined blocks, covering much of the Gravel Hill end of the site in the approximate location of the former public house building. Vehicle parking would be concentrated more towards the narrower end, utilising an existing access and providing a new one that would serve an upper parking area at the far end. In relation to its scale, the proposed building would be mostly 3 storeys plus roof space, falling to 2 storeys as the site narrows, with the length of the building sitting close to the site boundary with Copthall Lane.
9. The layout and scale of the proposed building, combined with the relative size of the site and its prominence, would result in a building that would be an imposing feature as viewed from public vantage points on Copthall Lane and surrounding streets and spaces, including the nearby green.
10. In these views the bulk of the building would appear to dominate the street scene and introduce a form of development that would be inconsistent with the character of the area, where built forms are more spaciouly separated to reinforce the sense of openness and the mature greenery of the surroundings. The efforts to step the front building line, break the building up into blocks, and vary the height are noted. However, these design aspects would not go far enough to break the perceived bulk of the building.
11. The effect would be exacerbated by the closeness of the building to the site boundary with Copthall Lane. This relationship would leave limited meaningful space for soft landscaping to the front or space to provide a visual break from the built development. The detailed design of the building does little to soften the impact, with large areas of solid wall in the street facing elevations and windows mostly provided in bay windows that would be regimented in appearance and do little to give the building visual interest.

12. The different elements of the roof would do little to help assimilate the building into its surroundings or address the issues relating to the layout and bulk of the building. The roof configuration on the south elevation in particular would present a very unsatisfactory appearance due to the combination of its different elements, in particular the flat roofs.
13. The adjacent townhouses which the Appellant references are noted and may share some characteristics in terms of scale with the proposed development. Whilst not typical of development in the wider area, they inform the character of the immediate locality. However, these dwellings are positioned differently in relation to the road and are in a less prominent location, they sit within a different shaped site, and have a different layout within the site. The dwellings also differ in terms of their detailed design and massing. Overall, I see little in the presence of the townhouses to justify the proposed development.
14. The aspects discussed above relating to the layout and scale of development proposed also extend to how it would be perceived from private spaces, in particular the rear windows and gardens of the houses on Gravel Hill, including Peewit Castle and Gatewick. Due to the proximity of the proposed building to the boundary it would appear very stark as viewed from these properties. This effect would be heightened considerably by the detailed design of the south elevation, which would have minimal window and other details and mostly consist of blank walls.
15. The area beyond the proposed building where the site narrows includes some provision for landscaping but is mostly given over to hard surfacing associated with car parking provision. It is accepted that much of the planting currently present in this part of the site is not of particularly high value individually and that some of it is proposed for retention. It's value instead comes from the collective sense of greenery that it provides and the element of screening that it gives between the site and its neighbours.
16. Notwithstanding this, the space left over across this part of the site for soft landscaping once car parking is accounted for appears inadequate in terms of providing a standard of development that would blend effectively into the area. Notwithstanding the pre-existing condition of the parking area that was linked to the public house and the retention of the trees indicated on the plans, I see little in the evidence to suggest that a suitable landscaping scheme for a residential development of this nature could be achieved in the space available and with the layout proposed. Given the concerns set out about the layout, it would not be appropriate to leave securing an appropriate standard of landscaping to be dealt with as a condition of planning permission.
17. The lack of space for suitable landscaping, in combination with scale, layout, and design of the proposed building, would further heighten the highly urbanising and stark nature of the proposal. In this regard, the proposed development takes little opportunity to relate to its surroundings, show an appropriate standard of design quality, or reference the wider character and appearance of the area, in particular the sense of openness and greenery.
18. Both parties make reference to the Chiltern Townscape Character Assessment Appraisal. However, I see little in the Assessment of more than general relevance to the proposed development or of specific importance about the sites falling within an area of Green Suburban Roads.

19. For the reasons set out, the proposed development would have a harmful effect on the character and appearance of the surrounding area. Consequently, I find conflict with policies in the Local Plan, in particular Policies GC1, H3 and GC4 of the Chiltern District Local Plan and Policy CS20 of The Core Strategy for Chiltern District, which collectively seek to ensure that new development achieves a high standard of design that is compatible with the character of the surrounding area.

Living conditions – neighbours

20. Peewitt Castle, which fronts Gravel Hill, and 4 Hillfield Road are residential properties that share a common boundary with the appeal site and are identified in the decision notice as being affected by the proposed development, along with Gatewick which neighbours Peewitt Castle. Beyond an element of mutual overlooking between the properties on Gravel Hill, the rear gardens and windows of each of these properties currently enjoys a high degree of privacy and open outlook as a result of the deep rear gardens and separation distances between built forms. No 4 also benefits from the screening provided by the existing planting located at the narrower end of the site.

21. In terms of sense of enclosure, despite being on lower ground, due to the proximity to the boundary and the scale and layout of the proposed building discussed above it would appear as a dominant feature as viewed from neighbouring properties. Whilst there is no general right to a view, the proposed building would result in a significant degree of enclosure to the rear windows and gardens of Peewitt Castle and Gatewick and the garden of 4 Hillfield Road, negatively impacting on the living conditions of their occupiers by reducing the feeling of openness currently enjoyed. The sense of enclosure felt by these neighbours would be compounded further by the plain design of the south elevation and the lack of meaningful space to provide soft landscaping, which are discussed above.

22. It is acknowledged that the pre existing public house building probably provided a degree enclosure to these neighbouring properties. As the public house has been demolished, the pre existing conditions could not be judged from my site visit, although it's recent presence on the site is something capable of attracting weight. However, from the photographic evidence and plans provided, whilst located in a similar position, the proposed building would be of a greater scale than the demolished public house and have more significant massing closer to the site boundaries. As such, I judge from the evidence provided that the effect on the living conditions would be worsened to an unreasonable degree by the proposed development.

23. The existing townhouses referred to by the Appellant (which includes Peewitt Castle and Gatewick) may share common features in terms of scale with the proposed building. However, these are existing features that are differently located to the proposed development. Their presence does little to justify the proposed development.

24. Turning to loss of privacy, the Council raise concerns about views from the proposed building towards the garden of 4 Hillfield Road as a result of the first floor east facing bedroom window of Flat 6. It is noted that the Council accept that the new views created by the proposal would be oblique due to the position of the building in relation to the boundary with No 4.
25. The plans also indicate that the first floor of the proposed building would be at a similar level to the garden of No 4 at the boundary of the site. As such, a fence or other boundary structure could provide appropriate screening to reduce the impact in terms of privacy loss to the garden of No 4.
26. For the reasons set out, the proposed development would have a harmful effect on the living conditions of occupiers of neighbouring properties in terms of sense of enclosure. Consequently, I find conflict with policies in the Local Plan, in particular GC3 of the Chiltern District Local Plan which seeks to protect the amenities enjoyed by the occupants of neighbouring properties.

Living conditions – future occupants

27. Concern is raised by the Council about the size, quality, and safety of the outside amenity space that would be provided for the 7 apartments. Whilst they advance no specific standard that the space should meet in terms of size, I judge that the area identified on the plans as 'external amenity space' is small for a development of this size, particularly taking account that no private outdoor space is proposed. The Appellant presents little to support the assertion that occupiers of apartments of the size proposed in this location would not wish to make use of some quality external amenity space.
28. The space proposed would also be narrow and feel squeezed between the proposed building and the boundary of the site. It would also in part double as a pedestrian access to the proposed building. Whilst I accept the space would receive sunlight as a result of its south facing position, overall I find that the outdoor space provided would have limited usability and attractiveness.
29. In relation to natural surveillance, I share the concerns raised by the Thames Valley Police that the extent and obscured nature of the windows on the south elevation would provide limited natural surveillance to the rear of the proposed building and its entrance. The combination of this and the narrowness of the space between the building and the boundary to the rear would not result in a standard of development that would feel safe and secure for future occupants. The surveillance provided by the windows on the east and west side of the proposed building and neighbouring properties would not go far enough to overcome the concerns.
30. The Appellant refers to potentially making some of the windows on the south elevation clear and also making the development gated. Given the lack of specific detail on these options in the evidence, whether they would overcome the concerns in an acceptable way is unclear.

31. For the reasons set out, the proposed development would not create satisfactory standards of external amenity or provide a safe and secure environment for future occupants. Consequently, I find conflict with policies in the Local Plan, in particular Policies GC3 and H12 of The Chiltern District Local Plan which seeks to achieve good standards of amenity for future occupiers of proposed development, including communal amenity space which is adequate for the number of dwellings proposed.

Highways and parking

32. The Council raises concerns about the visibility of the new access to the site that would serve the upper parking area to the east up Copthall Lane. These concerns are supported by evidence from the County Council that indicates that the new access would provide visibility that is somewhat short of the standard indicated in the Manual for Streets. Given the busy nature of the junctions nearby and the downhill gradient of the road for vehicles travelling from the west I see little in the evidence to suggest that the standard in the Manual for Streets would not be appropriate in this location.

33. The Appellant draws my attention to submitted drawing 484-30 which is intended to demonstrate that the required visibility could be provided within land under the control of the Appellant or the Highway Authority. Having reviewed the information, I share the Highway Authority's concerns about the lack of clarity in the drawing and the supporting explanation to set out clearly how the standard could be met. As such, taking a precautionary approach to this issue, in the absence of further explanation, I find the visibility that would be provided by the new access to be inadequate.

34. Turning to the alterations to the existing access that would serve the lower parking area. I note that the Highway Authority are content that the width would be sufficient for the safe passing of 2 vehicles simultaneously and the general parking layout.

35. The Council's concerns about the standard of the existing access when viewed in combination with the proposed new access are noted. However, as the existing access appears otherwise satisfactory, the evidence presented by the Council does not set out in enough detail the risk of the feared combination effects in practice. As such, on the evidence presented, the concerns relating to the existing access do not sustain a reason for refusal.

36. In relation to on site car parking provision, my attention is drawn to Policy TR16 the Council's Parking Standard. As the 7 apartments each appear to have an internal area that exceeds 50 square metres, the policy indicates that 14 spaces should be provided for a development of this scale. As such, the 10 spaces proposed by the development would fall short of this standard.

37. Notwithstanding this, I note that policy TR16 is of some age. As such, it is unclear if it fully reflects national policy in relation to the setting of such standards set out in para 105 of the National Planning Policy Framework. The Council draw my attention to emerging local plan policy which they say would require a similar number of parking spaces to Policy TR16. However, as this emerging policy is subject to examination I can only afford it limited weight.

38. The 10 parking spaces proposed would roughly break down as 1 space for each of the 6 x 1 bed apartments, 2 spaces for the 1 x 2 bed apartments, and 2 additional guest spaces. Taking account of the uncertainty in the policy position set out above, and factoring in the pre existing parking situation linked to the use of the site as a public house, I judge that this provision would be appropriate in this instance and that a refusal of permission on the basis of a failure to provide the additional spaces required by Policy TR16 would not be justified.
39. In relation to provision for cycle storage, the Council do not explain in any depth how the storage indicated by the Appellant would be deficient, or indeed how sufficient storage could not be secured by the use of conditions. In the absence of further details, I find the proposed development to be acceptable in this respect.
40. For the reasons set out above, the visibility provided by the new access would have a harmful effect on local highway conditions and the safety of highway users. Consequently, I find conflict with Policies TR2 and TR3 of the Chiltern District Local Plan in relation to providing satisfactory access to the highway network.

Other Matters

41. The decision notice makes a number of references emerging policies in the Chiltern and South Bucks District Local Plan. I have considered these policies but, as the plan is subject to examination, I have given them limited weight.

Conclusion

42. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR