



Appeal Decision

Site visit made on 8 September 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2020

Appeal Ref: APP/K0425/W/20/3253260 65 Chapel Lane, High Wycombe HP12 4BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to outline grant planning permission.
 - The appeal is made by Mr Jagdeep Barar (Barar Homes Ltd) against the decision of Buckinghamshire Council - Wycombe Area.
 - The application Ref 19/06313/OUT, dated 29 May 2019, was refused by notice dated 5 December 2020.
 - The development proposed is the demolition of two existing houses and the construction of a new building comprising nine flats, with parking including underground, bin store and cycle storage and associated external works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission with access, appearance, layout and scale to be determined at this stage, and the landscaping matters reserved for future consideration. Landscaping details shown on the submitted plans have been treated as illustrative. Computer generated image plans, submitted with the appeal, have been considered here.
3. A plan shows a reduction in car parking spaces which would increase the opportunities for landscaping on the site. However, these changes would cover a significant part of the site and would materially alter the nature of the proposal. Such changes were not before the Council when it determined the application and the highway authority has not had an opportunity to consider them. There is no evidence that the appellant has consulted with parties before submitting the changes and there has been significant third party interest in the application.
4. For all these reasons, the consideration of the alternative scheme would prejudice their interests and the application scheme, determined by the Council, has been considered here.

Main Issues

5. The main issues are the effect of the proposal on (a) the character and appearance of the area, (b) the living conditions of future occupiers, having regard to private outdoor and internal living space, and (c) surface water drainage.

Reasons

Character and appearance

6. The appeal site comprises two extended Victorian houses. On one flank of the site, there is an access road serving Sandsdown Close, and a bungalow beyond this. On the other flank of the site, there is a house. Behind the site, Sandsdown Close comprises a recent housing development. Chapel Lane comprises dwellings of differing forms and designs on a road which slopes down across the frontage of the site to the bungalow on the other side of the Sandsdown Close access road. Although there are exceptions, dwellings are set back from the road with spacious rear gardens.
7. The new building would be three storeys, with the second floor contained within the roof, gables and a dormer. Additionally, there would be a smaller two storey wing which would extend back from the frontage alongside the access road serving Sandsdown Close. A varied palette of materials would be used for external finishes. Parking would be in the form of basement parking and surface parking to the rear. Across the frontage, the building would have three staggered and subdivided sections, with drops in eaves and ridge heights, reflecting topography across it. In relation to the neighbouring house, the building would be approximately 1.3m higher at its closest point.
8. However, the building would stretch across almost the full width of the plot, with gable projecting elements of substantial size. On the frontage, parts of the building would project forward in front of the neighbouring house and the rear wing would extend considerably behind dwellings on Chapel Lane. The parking and turning areas would cover most of the rear of the site and would leave little opportunity for landscaping to break up the extent of hard surfacing. This would be noticeable from Sandsdown Close through the entrance into the site as well as from the future occupiers of the development. Although landscaping is a reserved matter, the layout fixes that the rear areas available would be small and limited due to size, siting and enclosure by built form.
9. Consequently, the development's scale, massing and form, and extent of hard surfacing would result in an overly dominant development, with a cramped layout. This would adversely affect the spacious qualities of the area in a marked way and therefore, it would not improve or reinforce the existing positive character of the place it is part of, conflicting with the advice of part C1 of Residential Design Guidance (RDG) 2017. In failing to take account of the existing built and landscape character of the area, it further conflicts with the advice of the Housing Intensification Supplementary Planning Document (SPG) 2005.
10. The building would have side entrances, including onto Sandsdown Close, but it would have no entrances fronting onto Chapel Lane. Instead, there would be enclosed rear gardens backing onto the road. The gardens are shown to have low walls with railings above, hedging behind, on the road boundaries. Most properties along this road have front entrances facing onto the road, with footpaths through frontage areas leading to the front door. These 'active' connections link these properties with the street in an attractive and positive way. It would be very likely that the garden boundary treatments would be replaced with more solid screening in the interests of privacy for the occupiers. The lack of occupier activity arising from no frontage access and the likely screening would reduce visual interest and add considerably to the impression

that the site has been overly developed. The lack of frontage elevation and direct access onto the main road further conflicts with the advice of parts B1 and B3 of the RDG.

11. The flatted development at 95-97 Chapel Lane, Bethune Court, is almost the same size and shape as that proposed, with this development also comprising a similar number of units. However, the floorspace and car parking areas of the appeal proposal would be greater because, with Bethune Court, the flats were one bedroom and not two bedrooms. On the frontage, the scale and form of the Bethune Court development is also noticeably different in that it appears to be a pair of two storey houses linked by a recessed bridging element. In any case, this existing development is also an exception to the prevailing character and appearance of the area. For all these reasons, Bethune Court would not be a justification for the form and scale of the appeal development.
12. There are Houses in Multiple Occupation and flats, sub-divided from houses, within the surrounding area. There is also a raised walkway on the other side of Chapel Lane due to topography and there are properties closely sited to one another. However, based on what I saw on my site visit, the properties along Chapel Lane are generally set back with extensive rear plots and spaciousness to the rear can still be appreciated through gaps between the sides of dwellings, including above side garages and ancillary buildings.
13. For all these reasons, the development would harm the character and appearance of the area by reason of its overdeveloped nature. Accordingly, the proposal would conflict with Policies CP9, DM34 and DM35 of the Wycombe District Local Plan (LP) 2019, which amongst other matters, require high quality design, development to improve the character of the area and the way that it functions, direct most activity to the public realm and a future canopy spread to be 25% of the site area. The proposal would also conflict with the advice of the RDG and SPG.

Living conditions

14. For private outdoor space, the ground floor flats would be served by gardens whilst the upper floor units would be served by balconies. The gardens facing onto the road would be unsatisfactory without some screening to minimise disturbance and maintain privacy from the road. The flat within the wing would have a space dominated by boundary treatments and would suffer from a lack of light. As a result, occupiers would not have useable outdoor space with a reasonable degree of visual/acoustic privacy and sunlight in conflict with the advice of part F3 of the RDG.
15. Additionally, the flat in the building wing would be single aspect, with outlook onto the car park and turning areas. A ground floor bedroom of this unit would also be alongside a footway. Such features would not result in good outlook and privacy, and would result in a poor living environment in conflict with the advice of part F2 of the RDG.
16. For all these reasons, there would be significant harm to the living conditions of the occupiers of the flats, having regard to the provision of private outdoor space, outlook and privacy. Accordingly, the proposal would conflict with Policy DM35 of the LP, which amongst other matters, require significant adverse effects on the amenity of neighbouring land and property to be prevented.

Drainage

17. The surface water Flood Map shows that the site is in an area with a very low risk of surface water flooding. However, the Infiltration Sustainable Drainage System Map, provided by the British Geological Survey 2016, indicates that the water table is anticipated at depths within 3 metres below the ground level.
18. Under a Surface Water Drainage Strategy (SWDS), soakaway devices involving an attenuation (Geocellular) tank/crate under the car park and permeable paving would be constructed to manage surface water runoff. In order to inform the design of drainage measures, falling head tests were completed at three locations across the site to derive infiltration rates (IR). Two of the test locations failed to achieve an infiltration rate (IR) due to clay geology whilst in the third test, an IR could not be derived because the borehole could not be filled quickly enough.
19. Given this, a conservative IR rate was assumed which was used in the calculations for the drainage system designed to accommodate a 1 in 100 year flood event plus 40% climate change allowance. However, no details have been provided on the volume of water that entered the successful borehole during this testing. Without details of the volume of water that entered it, it is not possible to assess whether a sufficient head loss was achieved to confirm the SWDS conclusions that it could not be filled quickly enough. Furthermore, infiltration components of the soakaway tanks/crates may not be located deep enough to be within the chalk strata and it is not clear whether these components would be able to achieve a 1m freeboard above a water table which is variable across the site.
20. There have been various appeal decisions brought to my attention where matters of drainage have been commented upon. However, invariably every site and proposal is different, especially in relation to such a detailed issue as drainage and therefore, little weight can be attached to these decisions. On this basis, it has not been demonstrated that surface water runoff generated would be suitably managed for the lifetime of the development. Accordingly, the proposal would conflict with Policy DM39 of the LP, which amongst other criteria, requires that development should ensure that flood risk is not increased elsewhere.

Planning Balance

21. The proposal would make more efficient use of land in a location with good access to services and facilities. The flats would be sustainably constructed and designed. However, there would be significant harm to the character and appearance of the area, the living conditions of the future occupiers of the flats and the drainage of the area, with the risk of flooding. Consequently, the proposal conflicts with policies of the LP and the development plan taken as a whole, and there are no material considerations to outweigh that finding.
22. Had there not been substantive reasons to dismiss this appeal, the appellant would have been asked for comments on the drainage concerns raised above and then an assessment would have been made as to whether a planning condition could ensure acceptable drainage on the site.

Conclusion

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR