



Appeal Decision

Site visit made on 9 November 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal Ref: APP/X0415/W/20/3252946

Land rear of 59/61 Rickmansworth Road, Amersham HP6 5JW

- 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 Leywood Estates Ltd against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0041/FA, dated 3 January 2020, was refused by notice dated 24 March 2020.
 - The development proposed is for the erection of a part two storey/part single storey building comprising ground floor retail unit and first-floor offices (use class E).
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a part two storey/part single storey building comprising ground floor retail unit and first-floor offices (use class E) at Land rear of 59/61 Rickmansworth Road, Amersham HP6 5JW, in accordance with the terms of application PL/20/0041 dated 3 January 2020, and subject to the attached schedule of conditions.

Procedural matter

2. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect on 1 September 2020. The proposed development would therefore now fall within Class E of Part A, Schedule 2. As such, the description of development has been altered to reflect this change. Main parties have raised no objection to this alteration, and this would not prejudice any party.

Main Issue

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

Reasons

4. The appeal site is within a small parcel of land adjacent to a spur road that connects Sycamore Road to a large public car park behind. The site consists of two small private car parks. An area to the frontage is reserved for three vehicles for 'Hydegate Estates', located at 77 Sycamore Road (No 77). The second area of parking is marked out for 9 vehicles. This car park is to the rear of a courtyard that serves commercial business and flats to the east. The courtyard includes 7 permit parking spaces, proposed to be shared between the proposed use and existing local residential occupiers.

5. Opposite the site is Regent Place, this is a four-storey block with residential units above a commercial use at ground floor. This building creates a hard urban edge to the footway and defines the corner with a substantial feature. The building also follows the spur road and terminates at the entrance to the public car park to the rear. The parade of shops (77-105 Sycamore Road) form a continuous row of two-storey development. The majority of this parade consists of a matching brick façade with bay windows at first-floor and a large pitched roof. Number 77 is somewhat of an anomaly. This corner building consists of a different brick type to the rest of the parade and has a small pitched roof with a flat roof behind. This appears to be a later addition to the parade and is built up to the edge of the spur road with no provision for a footway to its side.
6. The site itself is enclosed by timber board fencing to its sides and rear and is partially overgrown and subject to some neglect. The smaller car park, on the frontage, consists of rough ground that would not easily accommodate the three spaces suggested by the designated markers on the fence. The site therefore makes a neutral contribution to the character and appearance of the area.
7. The proposal would place a part two and part single-storey building on site. This would follow the building line established by No 77 and follow the general height and scale of the parade of 79-105. The proposal would also enclose the service yard to the rear and create activated elevations with keen articulation to the spur road and car park to the rear. This design response would complement the approach established, to some extent, by Regent Place. Accordingly, the proposal would not represent an isolated form of development and would seamlessly integrate with the existing pattern of local development.
8. The general scale and form of development would provide a complementary relationship to surrounding development. Furthermore, the design would incorporate projecting angled windows that would act as a modern interpretation of the bay windows on the adjacent parade. This would also replicate a similar design feature of many side windows of Regent Place. Consequently, the proposal would complement the character and appearance of the surrounding area.
9. Consequently, the proposal would comply with saved policy GC1 of the Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001, Consolidated September 2007 and November 2011)(LP). This seeks amongst other things, for development to relate well to its surroundings. Furthermore, the proposal would accord with policy CS20 of the Core Strategy for Chiltern District 2011. This seeks development to achieve a high standard of design which reflects and respects the character of the surrounding area. These policies are generally consistent with paragraph 127 of the Framework which requires development to be sympathetic to the local character and the surrounding built environment.
10. The Council also determined that the proposal would be contrary to policy H3 of the LP. However, as this policy relates solely to the provision of new dwellings, I have given it no weight in the consideration of this proposal.

Other matters

11. The appellant's Design and Access Statement explains that the 7 parking spaces, adjacent to the proposed building, were previously provided to serve offices at 67-69 Rickmansworth Road. These offices were later converted to three flats. The spaces would be available for the proposed building in the daytime and for the flats in the evening. This shared parking solution would be acceptable given the location of the site within a commercial area with good access to public transport and public parking.
12. The site is within land allocated in the LP for a car park extension and commercial use by policy allocations TR6, CS18, S2 and S12. The appellant explains that Policy TR6 was achieved through a land swap with the Council to release land to the rear of 51-57 Rickmansworth Road. The objective of this policy therefore appears to have been largely achieved. Furthermore, the proposal would deliver new commercial use addressing the remaining shopping related objectives of the other allocations.
13. The design of the proposed building includes first-floor windows that are angled and screened to direct views away from residential neighbouring windows. This would therefore not substantially affect the privacy of occupiers of adjacent flats. The proposal would also be set away from adjacent residential flats located above 77 to 105 Sycamore Road. The separation distance would be sufficient to prevent a substantive impact on the outlook of occupiers of these flats. Furthermore, any noise or disturbance caused to adjacent living conditions during construction would be short term and could be adequately controlled by the use of a planning condition.
14. The site is subject to an appeal decision in 2017. At that time the proposed building was a two-storey block containing four flats and set back from the spur road. Having considered the comments of the previous Inspector, the current proposal is substantially different in form and relationship to surrounding buildings. Therefore, although still standing separate to the local pattern of development the proposed building would read as a natural extension to the side of No 77 having a similar roofline, scale and front building line.
15. A refuse area is shown to the rear of the site. This allows for four 1100 litre bins to be stored in two separate zones. This would enable each floor to be occupied by a separate operator and have dedicated servicing arrangements. The level of bin storage is adequate for the nature and scale of the associated activity.
16. The site is within Flood Zone 1 and no evidence is before me that it is susceptible to surface water flooding. Therefore, although interested parties have indicated that the proposal would lead to an increased risk of flooding this is not supported by any technical evidence.
17. The building would principally address the access road. Only a narrow footpath would be provided, and the angled windows would over-hang this. However, the windows would not overhang the spur road itself and pedestrian doors would open into the proposed building. As such, with a reasonable footway adjacent to Regent Place and only light traffic using the spur road the pedestrian access into the building would be safe. Moreover, vehicles would be

unlikely to collide with the projecting windows of the proposal providing drivers exercised normal due care and attention.

18. Concerns raised in regard to the impact of the development on local property prices is not a planning consideration and would have no bearing on the main issue.

Conditions

19. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance. The Council has suggested the imposition of 9 conditions. I shall impose these with some minor amendments and adjustments for clarity. The Council has suggested that the parking area be laid out in accordance with the approved plans. As this is already in place, I shall adjust the condition accordingly. Furthermore, the Council has requested that materials are required prior to the commencement of development. I have adjusted the requirement as this can be required prior to commencement of works above damp-proof course. I have also added a condition requiring the first-floor rear window to be obscurely glazed to prevent overlooking towards dwellings to the rear.
20. It is necessary for details in regard to conditions 3 and 4, in regard to levels and construction management, to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. Details of both are required initially as they relate to ground levelling and to site set up. These conditions are necessary in the interests of the character and appearance of the area and to prevent disturbance within the highway. The appellant has agreed to the imposition of these, following formal notification under Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
21. The further conditions are necessary in the interests of the character and appearance of the area [5 and 7], in the interests of highway safety and to limit the impact of highway activity on the local infrastructure [3, 6 and 8] and to protect the living conditions of existing residential neighbours [4 and 10]. Furthermore, due to the proximity of neighbouring residential development and the window design of the proposal, a condition is necessary to prevent the insertion of further windows on the rear and side elevations [9].

Conclusion

22. For the above reasons the appeal is allowed, and planning permission granted subject to the schedule of attached conditions.

Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The proposed development shall be built in accordance with the following approved plans: LRRB SL01 REV-B-Site Location, 20 LRRB P1 Floor plans and elevations, 20 LRRB P2 Bin & Cycle stores, 20 LRRB SP1 REV A – Site Plan, 20 LRRB SP2 Rev A – Context site plan
- 3) Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Plan shall include details of: Construction access; Management and timing of deliveries; Routing of construction traffic; Vehicle parking for site operatives and visitors; Loading/off-loading and turning areas; Site compound; Storage of materials; Precautions to prevent the deposit of mud and debris on the adjacent highway. The development hereby permitted shall thereafter be carried out in accordance with the approved Construction Management Plan.
- 4) Prior to the commencement of development, detailed plans including cross sections showing the existing ground levels and the proposed slab and finished floor levels of the residential units hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. The development shall be constructed in accordance with the approved details.
- 5) Prior to work commencing above damp proof course, details of the materials to be used for the external construction of the development hereby permitted, including the facing materials, roofing materials and surface materials for the paths and parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved materials.
- 6) The car parking area shall be permanently maintained for the purpose of parking of vehicles in association with the approved use.
- 7) Prior to the occupation of the development hereby permitted, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the residential units hereby permitted.
- 8) The cycle and bin stores for the development thereby permitted shall be implemented in accordance with the approved plans prior to the occupation of the building and shall thereafter be permanently retained for that purpose.
- 9) No windows other than those expressly authorised by this permission, shall be inserted or constructed at any time in the northeast (rear) elevation and southeast (side) elevation of the building hereby permitted.
- 10) The building hereby permitted shall not be occupied until the rear window at first floor has been fitted with obscured glazing, and no part of this window that is less than 1.7 metres above the floor of the room in which it is installed, shall be capable of being opened. Details of the type of

obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

End of Conditions