



Appeal Decision

Site visit made on 24 November 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/X0415/W/20/3256230

7 One Tree Place, Amersham, HP6 5DN

- 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 V Kotecha (SANDKOT Ltd) against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0456/FA, dated 1 February 2020, was refused by notice dated 2 April 2020.
 - The development proposed is demolition of existing bungalow and erection of new detached building to provide office and 2 self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of existing adjacent occupiers with particular regard to overlooking, outlook and sunlight and daylight;
 - the living conditions of future occupiers, with regard to the provision of outdoor amenity space; and
 - Highway safety, with particular regard to parking provision.

Reasons

Character and appearance

3. The site comprises a single storey detached property with garden located to the rear of an existing block of flats. Although the existing building occupies the width of the plot, as it is single storey and open space is retained to the rear, the site still offers an overall sense of openness and separation between the existing buildings.
4. This spaciousness contributes positively to the character of the surrounding area and provides some relief from the more substantial built form in the vicinity. The proposed development would have a substantially greater height and overall bulk than the existing and would at ground floor level fill the depth of the plot.

5. There would be limited separation to the existing flats and the building would be a dominant feature, having a significant enclosing effect and eroding the current open and spacious character of the site.
6. This would have an unacceptable harmful impact on the character and appearance of the site and surrounding area and the proposal would therefore conflict with the requirements of Policies GC1, H3 and H11 of the Chiltern District Local Plan, 1997¹ (LP) and Policy CS20 of the Core Strategy for Chiltern District, 2011 (CS) which, amongst other things, seek to ensure that development achieves a high quality of design, responding to the siting, layout and spacious character of the area.

Living conditions – existing occupiers

7. There is a detached three-storey block of flats adjacent to the appeal site which fronts on to Station Road and which has a pedestrian access and communal garden area to the rear. There are main habitable room windows to the rear of these flats, at each level, which face on to the appeal site.
8. Although the existing building has some impact on the outlook from the ground floor windows, it does not extend the full depth of the plot, and due to its single storey nature, it is not an overly dominant or intrusive feature. There is an outrigger to the rear of the existing flats, though the outlook from the flats at first and second floor levels are also largely unrestricted.
9. The proposed development would be in very close proximity to these windows and there would be limited separation, with some existing windows having a direct outlook onto the large flank elevation proposed. There would be little relief from the built form in outward views, and consequently the development would be a dominant and visually intrusive feature, resulting in a sense of enclosure when viewed from these properties.
10. In addition, due to the orientation of the site there would be a significant impact on the sunlight and daylight to the existing windows and communal garden area. Considering the proximity of the proposed building and the limited depth of the garden, the occupiers of the existing flats would have a general feeling of being hemmed in, and this would have an unacceptable harmful effect on their living conditions.
11. There would be habitable room windows and balconies at first and second floor level to the rear elevation of the proposed building. These would offer significant opportunity for direct overlooking to the rear garden of the adjacent property, No 137 Station Road. Considering the proximity to the site boundary this would result in substantial loss of privacy for existing occupiers. Although there would be greater separation to the garden area for Hearne Court, and the relationship would not be as direct, there would still be a general perception of loss of privacy, which would have an unacceptable harmful effect on the living conditions of existing occupants.
12. The proposed development would, due to its proximity and overall height and bulk, significantly harm the living conditions of the existing occupiers of the flats at One Tree Place as it would be an overbearing and dominant feature and

¹ Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

result in an unacceptable loss of daylight and sunlight. In addition, the development would result in significant loss of privacy due to overlooking of the rear garden areas of No 137 and Hearne Court. The development would therefore conflict with LP Policy GC3 which seeks to protect the amenities of existing occupants.

13. For the same reasons the proposals would fail to provide the high standard of amenity for existing occupiers, as required by Paragraph 127 f) of the National Planning Policy Framework (the Framework).

Living conditions – future occupiers

14. The proposal seeks to create 2 units of residential accommodation, though there would be little provision for any external space for future occupants. LP Policy H12 requires flat developments to include the provision of a communal amenity area within the curtilage of the development, adequate for the number of dwellings proposed. The supporting text to the Policy indicates the minimum sizes of private amenity space to be provided per unit of accommodation.
15. The proposal includes the provision of a bin storage area, though the balconies proposed to the rear elevation would be the only area of outdoor amenity space available to future occupants. The balconies would fall significantly short of the minimum amenity space requirements and offer limited privacy for future occupants due to their proximity to other dwellings and visibility from public vantage points. Their value in terms of useable outdoor space would therefore be extremely limited and the quality of the space poor.
16. The appellant has stated that there is nearby open space, and although this may offset the lack of outdoor space to a certain degree it would be physically detached from the site. It would therefore not provide the same direct benefits to the day-to-day living environment of future occupants that on-site provision would, and which the Policy seeks to achieve.
17. On the basis of the above I consider that the lack of any such provision as part of the appeal proposal, would result in unacceptable harm to the living conditions of future occupants. The proposal would therefore conflict with LP Policies GC3 and H12 which seek to ensure that developments achieve a good standard of amenity for future occupants. For the same reasons the proposals would fail to provide the high standard of amenity for future occupiers, as required by Paragraph 127 f) of the Framework.

Highway Safety

18. The access to the site is currently via an access road from Station Road, and this would not change as part of the proposals. The road also provides access to a number of garages and parking areas located at the end of the access and within a large car parking area, for nearby commercial uses. There is no footpath along the access road and so pedestrians and vehicles share the space.
19. Policy LP TR16 would require the provision of 8 parking spaces, though the appeal scheme does not include any parking provision. It is acknowledged that there is currently no parking at the site which is within an accessible location, close to local services and facilities and within very close proximity to the train station. However, the proposals have the potential to significantly increase the

demand for parking, and I consider that this deficiency in on-site parking provision would lead to inappropriate parking along the access road.

20. I saw on my site visit that vehicles do already park along the access road and where this occurs only single file traffic can pass. I also saw vehicles parked inappropriately at the junction of the access road with Station Road, restricting visibility and access for two-way traffic into and out of the site. Whilst my site visit provides just a snapshot, it does reflect the concerns raised by Interested Parties.
21. Although some on-street parking is available in the vicinity of the access road, it is time limited. It is therefore likely that occupants and visitors will aim to park along the access road as close to the site as possible. Increased demand for parking would add to the existing issues and further affect the ability of vehicles to safely enter and leave the access road in a forward gear due to lack of manoeuvring space, particularly in respect of larger vehicles. This could potentially result in vehicles having to reverse onto Station Road or wait on the highway, which would impede the free flow of traffic. This could lead to conflicts between vehicles, even at low speeds, to the detriment of highway safety.
22. Furthermore, the only access to the site by foot would be via the shared access road. Whilst the speed of vehicles may be low the road provides access to a large number of garages and car park and the number of vehicle movements could therefore be considerable. The appeal scheme would add to this and considering the impact of inappropriate parking on visibility and manoeuvring space I consider there would be increased potential for conflicts between pedestrians and vehicles. A safe and convenient access for pedestrians would therefore not be provided.
23. The appellant has stated that they would not require the use of a private vehicle though I must consider that the occupancy could change. In addition, there would still be demand from visitors and deliveries to the site, and as detailed above, the pedestrian and cycle access to the site would not be acceptable. This matter does not, therefore, lead me to a different conclusion.
24. Having regard to all of the above factors, I conclude that the development would result in an unacceptable risk to highway and pedestrian safety. The proposal would therefore not accord with LP Policies TR2, TR11 and TR16 and CS Policy CS26 which seek to ensure that developments maintain standards of road safety for all users, providing safe, convenient access, and adequate manoeuvring space and parking provision.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR