
Appeal Decision

Site visit made on 9 December 2020

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/X0415/W/20/3256751

9 Grayburn Close, Chalfont St Giles HP8 4NZ

- 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 & Mrs R Saunders against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0504/FA, dated 10 February 2020, was refused by notice dated 6 April 2020.
 - The development proposed is change of use of existing outbuilding from ancillary residential to new 3-4 bedroom detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the fourth bullet point of the above header is taken from the original planning application form. However, the proposal would also involve a single storey extension to the existing outbuilding, referred to by the Appellant as having previously been approved under a Certificate of Lawfulness. I have determined the appeal on that basis.
3. The Appellants have submitted an amended plan, Ref 19/417/01 rev C, with the appeal, showing a reduction in parking spaces from 3 to 2 for the proposed dwelling. However, I have no certainty that all those parties originally consulted on the application and on the appeal have been made aware of the changes. Those parties would therefore potentially be prejudiced were I to take the amendments into consideration. In any case, it is not clear on that amended plan that there would not still be space for parking three cars even though only two spaces are delineated. I have therefore not taken that amended plan into consideration.

Main Issues

4. The main issues are the effect of the proposed development on:
 - i) the living conditions of the occupiers of Nos 8 and 9 Grayburn Close with particular regard to noise and disturbance;
 - ii) the character and appearance of the surrounding area;
 - iii) highway safety and the convenience of road users, with particular regard to visibility at the junction between Grayburn Close and Back Lane.

Reasons

Living conditions with regard to noise and disturbance

5. The proposed new dwelling and its parking area would be accessed via the existing driveway to the front of No 9 which currently only serves that property. Cars and pedestrians relating to the proposed dwelling moving along that driveway would therefore be in very close proximity to front rooms of No 9. Those rooms include ones at ground floor level large enough to be used as habitable rooms even if not used as such currently and bedrooms on the first floor.
6. The Appellants have indicated that permeable block paving could be laid instead of crushed stone to reduce noise disturbance from vehicles moving over the surface. That would reduce the noise generated from the contact of car tyres with the driveway surface. However, there would still be other likely noise sources, including from the running of car engines or conversations of pedestrians associated with the proposed dwelling using the driveway. In that close proximity to those rooms of No 9 referred to above, such noise would be likely to cause high levels of disturbance, particularly with windows open. This would therefore also have the potential to cause disturbed sleep particularly in early mornings or late in the evenings or night-time.
7. It would also be likely that the increased level of activity relating to the proposed dwelling would cause a noticeable increase in noise and disturbance to the occupants of No 8 from the same sources as above, given the close proximity of habitable rooms and the rear garden of that adjacent dwelling. That likely increased effect in relation to the rear of No 8 and its garden would be particularly due to the increased vehicle manoeuvring area created as a result of the proposed reduction in length of the existing wing of the appeal building nearest to No 8. Whilst there is an existing intervening fence and hedge on the boundary between Nos 8 and 9, I have no substantive evidence to indicate that they have significant acoustic prevention properties. The fence is in any case not of such a height as to be likely to provide such mitigation.
8. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the living conditions of the occupiers of Nos 8 and 9 Grayburn Close with particular regard to noise and disturbance. As such, in respect of this issue, it would be contrary to Policy GC3 of the Chiltern District Local Plan (the Local Plan) which, amongst other things, seeks to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.

Character and appearance

9. The proposed dwelling would comprise the existing outbuilding, albeit slightly reduced in size, with a fairly modest sized extension added to the southern end that would be discretely positioned well into the site. Although only single storey in contrast to the generally 2-storey dwellings in the vicinity, the building is already substantially in place, albeit without the proposed extension. In that respect its change from an outbuilding to a dwelling would therefore not cause a noticeable change to the appearance of the site or street scene, despite the latter characteristically comprising properties that front onto the street with direct access.

10. The access would not be directly onto the street, being shared with No 9, unlike the direct access characteristic of other properties locally. However, its appearance would not noticeably change from that existing, particularly as seen from the street.
11. As a new dwelling the proposal would not have the same legibility as other existing properties in the cul-de-sac given its backland location, shared access arrangement and single storey form. However, for the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, it would accord with policies GC1 and H3 of the Local Plan and policy CS20 of the Core Strategy for Chiltern District (the Core Strategy) which together require development to be designed to a high standard which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness, and for proposed new dwellings to be compatible with the character of the area. In respect of this issue, it would also accord with the National Planning Policy Framework (the Framework) which in section 12 relates to achieving well-designed places.

Highway safety

12. The visibility of drivers exiting from Grayburn Close onto Back Lane would be impeded by intervening hedgerows, were they to be retained, which line the roadside boundaries of the properties on either side of the road at that junction, taking account of the required visibility splays. That impediment relates to both directions along Back Lane, that to the south particularly so. Even were the hedges not there, the visibility splays, without reliance on private land due to scope for uncontrollable obstructions, would still be restricted, albeit to a lesser degree.
13. However, that road junction currently serves all of the existing properties in Grayburn Close and there would be no change to the existing levels of visibility as a result of the proposals. The proposed development would only add traffic associated with a single dwelling which would, proportionately, be likely to be a fairly small increase. As such, it is unlikely that the level of usage of that road junction would significantly intensify to such an extent that would be likely to pose additional risk to highway safety. This is also taking account of the submitted evidence indicating that no recorded accidents have occurred at this junction in recent years.
14. The Council raises concern about the precedent that would be caused in terms of making it difficult to resist further development with substandard access visibility. However, any other development proposals would need to be considered on their own merits as I have done in this case.
15. For the above reasons, I conclude on this issue that the proposed development would be unlikely to pose a risk to highway safety or cause unacceptable inconvenience to road users, with particular regard to visibility at the junction between Grayburn Close and Back Lane. As such, in respect of this issue, it would accord with policies TR2 of the Local Plan and CS26 of the Core Strategy and would not be at odds with Buckinghamshire's Local Transport Plan 4 and the Buckinghamshire County Council Highways Development Management Guidance: Managing the transport and travel impact of new developments, which together, amongst other things seek to maintain highway safety and ensure that developments have safe and suitable access. In respect of this

issue, it would also accord with the Framework which in paragraph 108 sets out, amongst other things, that with specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users; in paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe; and in paragraph 110 that, amongst other things, applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other matter

16. The Appellants have indicated that obscure glazing could be installed in the front window of the ground floor north-east corner room of No 9 to protect the occupants' amenities. However, whilst that would protect the privacy of people using that room, it would not mitigate for the harm I have found would be caused to the living conditions of No 9's occupants in respect of noise and disturbance.

Planning balance

17. I have found that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area or be likely to pose a risk to highway safety or cause unacceptable inconvenience to road users, with particular regard to visibility at the junction between Grayburn Close and Back Lane. However, that does not deflect from my conclusion on the first main issue that it would cause unacceptable harm to the living conditions of the occupiers of Nos 8 and 9 Grayburn Close with particular regard to noise and disturbance.
18. The proposal would have the benefit of adding to the local housing supply, particularly in light of the Council not currently being able to demonstrate a five-year supply of deliverable housing sites, and would utilise an existing building. In this respect, I have had regard to the Framework which sets out the Government's objective of significantly boosting the supply of homes. There would also be likely short-term economic benefits during the construction phase relating to construction jobs and support for building suppliers. Additionally, there would be economic and social benefits associated with the likely support of prospective occupiers for local services and facilities.
19. Nonetheless, my conclusion in respect of the first main issue would significantly and demonstrably outweigh the small benefit, and those related benefits, of adding only a single dwelling towards addressing the undersupply of housing. It would therefore not be a sustainable form of development.

Conclusion

20. For the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR