
Appeal Decision

Site visit made on 8 December 2020

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08th February 2021

Appeal Ref: APP/X0415/W/20/3260159

Hohturli, Village Road, Whelpley Hill, Buckinghamshire, HP5 3RL

- 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 Laurie Michel against the decision of Chiltern District Council.
 - The application Ref PL/20/0612/FA, dated 17 February 2020, was refused by notice dated 7 August 2020.
 - The development proposed is demolition of existing dwelling; erection of 2 dwellings, additional vehicular access and associated works.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for Costs was made by Mr Laurie Michel against the decision of Chiltern District Council. This application is the subject of a separate decision.

Main Issues

3. The effect of the proposal on:
 - Whether or not the proposed development would be inappropriate development in the Green Belt, including the effect the development would have on the openness of the Green Belt, and
 - The living conditions of the occupiers of the proposed building on Plot 2.

Reasons

Whether the development would be inappropriate

4. New buildings in the Green Belt should be regarded as inappropriate development unless they fall in one or more of the exceptions given in Paragraph 145 of the Framework.
5. The appeal site is occupied by a large detached bungalow with a broad frontage and spacious rear garden located within a row of similar sized properties. The building line of the existing dwelling on the appeal site is staggered with Field Cottage siting broadly in front of that of Hohturli which in turn lies in front of that of Silver Firs.
6. Both parties accept that Whelpley Hill is a village and that the proposal represents limited infilling within a row of large detached properties. Policy GB2

would allow 'limited infilling' but only subject to criteria identified in Policy GB4 which requires the form of development to be compatible with the character of existing dwellings in the neighbourhood.

7. As the appeal scheme represents 'infill', a consideration of its impacts on openness is not required.
8. The proposals would result in a form of development different from that of the neighbouring properties. The differences arise through the sub division of the existing plot resulting in the creation of 2 frontages. Plot 2 would have a shallow garden and be much smaller in area when compared to Plot 1 and the siting and scale of the proposed dwellings for each plot would have a different character given their size when compared to the neighbouring properties.
9. The scale of development proposed can be contrasted with that identified in the appeal decision¹ identified by the appellant which would have resulted in two dwellings of similar character and appearance to that of the surrounding properties.
10. For these reasons, I conclude that the proposed form of development does not reflect the pattern of surrounding development as required by Policies GB2 and GB4 of the Chiltern District Local Plan².

Living conditions

11. The proposed staggered layout of the existing buildings involves the larger dwelling on Plot 1 sitting further into the rear of the site than that of Plot 2.
12. The proposed layout would result in the larger dwelling on Plot 1 being over dominant when viewed from the rear windows and the private amenity space of the dwelling on Plot 2. This would be an unsatisfactory form of development which would adversely impact on the living conditions of its occupiers by reasons of dominance and unacceptable sense of enclosure.
13. Although the staggering of properties is a feature of this short row of detached properties, the separation distances between the proposed dwellings within the appeal site are less than those between neighbouring properties and would be insufficient to overcome my concerns on this matter.
14. Although the Council refer to the possibility of some loss of light to Plot 2, this has not been evidenced. In the absence of evidence to the contrary, I am satisfied with the appellants evidence that the loss of light would not adversely impact on the living conditions of occupiers of this Plot.
15. For the reasons stated above, regarding the excessive dominance and enclosure I conclude on this main issue that the proposals would conflict with Policy GC3 of the Chiltern District Plan which seeks to ensure good standards of amenity for future occupiers.

Interested parties

16. I have read the comments of the interested party in favour of the application but this does not dissuade me from the conclusion which I have reached on this appeal.

¹ APP/X0415/W/16/3158153

² Chiltern District Local Plan 1997, (including Alterations 2001) Consolidated in 2007 and 2011

Planning Balance and Conclusions

17. In the absence of a five year housing land supply, paragraph 11(d) of the National Planning Policy Framework (the Framework) state that the policies which are the most important for determining the application should be considered as out of date, and that permission should be granted unless those policies within the Framework provide a clear reason for refusing the development proposed.
18. In the context of the development plan, I have found that the appeal proposal is contrary to Policies GB2 and GB4 and GC3 of the Local Plan. For this appeal I find policies GB2 and GB4 are inconsistent with the relevant aims of the Framework in seeking to caveat Paragraph 145e) which would limit the form of development acceptable for infilling in villages. For this reason, given the degree of variance between the policies and the Framework, I accord only limited weight to the conflict between the appeal scheme and the adopted policies GB2 and GB4.
19. In contrast, Policy GC3 identifies with paragraph 127 of the Framework in seeking to create places with a high standard of amenity for existing and future occupiers. For this appeal, I find that the scale and form of development would significantly harm the character and appearance of the local area and I accord significant weight to the degree of conflict between the appeal proposal and the Framework.
20. Whilst part of the social role of sustainable development, as defined by the Framework, would be achieved through the delivery of new homes within the boundaries of a previously developed site this would be outweighed through the site's location in a small settlement with only a public house. A bus route through the village would allow trips to neighbouring centres for services.
21. The scheme would also make a contribution to the economic dimension of sustainable development during the construction phase, as well as through the additional spending power of 4 new households in local shops and services.
22. Nonetheless, good design is a key aspect of sustainable development as recognised by the Framework. Accordingly, given my findings outlined above concerning resultant harm to the living conditions of future occupiers of the area, the proposal would be contrary to the aims of the Framework to achieve well designed places that function well and add to the overall quality of the area.
23. Overall, I find that the harm arising would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework as a whole. Therefore, the proposal would not represent sustainable development. It would also not accord with the requirements of Policy GC3 of the Chiltern District Local Plan.

Conclusion

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

Stephen Wilkinson

INSPECTOR

