



Appeal Decision

Site Visit made on 28 April 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2021

Appeal Ref: APP/X0415/W/21/3267384

52 Berkeley Avenue, CHESHAM, HP5 2RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ian Summerlin against the decision of Buckinghamshire Council.
 - The application Ref PL/20/1361/OA, dated 2 June 2020, was refused by notice dated 29 July 2020.
 - The development proposed is outline planning permission for two x dwellings in principle.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline in the terms set out in the banner header above. The appellant indicates that they intended to develop details relating to access under the reserved matters application. However, under Article 5(3) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, where access is a reserved matter, the outline application must state the area or areas where access points to the development proposed will be situated. As such, the issue of access, insofar as it is relevant to the proposal before me is a matter that I must consider.

Main Issues

3. In light of the above preliminary matters, the main issues are the effect of the proposal on the character and appearance of the area and highway safety.

Reasons

Character and Appearance

4. The prevailing pattern of development within Berkeley Avenue is of dwellings fronting the highway in a linear form. Dwellings are also generally set within fairly large plots that benefit from long rear gardens which provide a pleasant sense of spaciousness. These are strong characteristics that greatly inform the character and appearance of the area. Moreover, there are no examples of residential properties located in the immediate vicinity of the site that are set in rear gardens and are accessed from Berkeley Avenue.
5. Due to the backland nature of the proposal, the proposed dwellings would have no street frontage and, as such, would fail to reflect the established form of development along Berkeley Avenue, which is characterised by the aforementioned prevailing single tier frontage. While the layout of the proposal

is a reserved matter, it is clear from the information before me that the proposed dwellings would have much smaller plots compared to other dwellings along Berkeley Avenue. This would result in the erosion of the sense of spaciousness that is a defining quality of development in Berkeley Avenue. Consequently, the proposals would fail to relate well to, or integrate with, its surroundings and would appear as an incongruous addition to the area.

6. The proposal would be evident from neighbouring properties wherefrom it would noticeably diminish the positive contribution that the appeal site makes to the area. It would also reduce the appreciation that neighbouring occupants may have for the quality of their surroundings.
7. I note the appellant's comments that dwellings have been erected to the rear of his property within former rear garden land, and that these have smaller curtilages than existing properties in the surrounding area. I have also been referred to a number of flats constructed to the rear of a neighbouring property, also upon rear garden land.
8. I do not have full details of those developments before me, but note in any case, that that they are accessed from Chartridge Lane and not Berkeley Avenue and have highway frontages. Moreover, the developments are seen in the context of development along Chartridge Lane, which has a different character and appearance to the appeal site. As such, these examples are not directly comparable to the appeal proposal and do not justify the unacceptable development proposed.
9. I conclude that the proposal would cause harm to the character and appearance of the area. There would be conflict with Policies G1 and H3 of the Chiltern District Local Plan Written Statement Adopted 1 September 1997 (Including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 (LP) and Policy CS20 of the Local Development Framework Core Strategy for Chiltern District adopted November 2011 (CS). In summary, these policies seek to ensure that development relates well to the characteristics of the site and reflects and respects the character of the surrounding area. There would also be conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to local character.

Highway Safety

10. Berkeley Avenue is an unclassified road subject to a 30mph speed limit. The proposal would increase the number of people using the appeal site, including future occupants of the proposed dwellings, delivery vehicles and other visitors. The site plan shows that access to the proposal would be located to the side of the existing dwelling. The Council indicate that the access would be 4.5 metres in width which is not disputed by the appellant, although there would be a passing bay. I also note that the Highway Authority do not object to the proposal in its outline form.
11. At the time of my visit, road conditions were quiet and there is no compelling evidence before me to indicate that the conditions I witnessed were not typical. However, given the width of the access, it would fail to accommodate a car and a larger vehicle, such as a delivery vehicle, passing simultaneously. Vehicles meeting other road users at the access point may be required, due to the width

- of the access, to reverse out on to the highway. As such, I consider that the proposal would increase the risk of conflict between pedestrians and vehicles.
12. In reaching this conclusion, I acknowledge the presence of the proposed passing bay. However, the bay does not affect the width of the access at the point where it would meet the highway. Moreover, given the length of the proposed access, the issues I have identified may occur at different points along the access.
13. I conclude that the proposal would result in harm to highway safety. There would be conflict with Policy TR2 of the LP and Policy CS26 of the CS. In summary, these require development to provide satisfactory access onto the existing highway network and that the safety of traffic using public highways (including pedestrians and cyclists) are not adversely affected. There would also be conflict with Paragraphs 108b and 110c of the Framework which require that a safe and suitable access to the site is achieved for all users, and that applications for development should create places that are safe, which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Planning Balance and Conclusion

14. The Council states that it cannot demonstrate a 5 year housing land supply, indicating that the current supply is 4.18 years. In such circumstances, the Framework makes it clear that the most important policies for determining the application are out of date in the terms set out in paragraph 11d) and footnote 7 of the Framework. Thus, planning permission should be granted, unless, amongst other things, any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
15. The proposal would make a contribution to the Council's supply of housing. It would also be likely to have a number of economic and social benefits, including through the construction period and because future occupants are likely to use local services and facilities. However, as the proposal would result in two new dwellings, I would attribute limited weight in regard to these benefits, given that some of them would be time limited and the contribution to housing supply would be small.
16. Against the benefits of the proposal I have found that it would result in noticeable and long lasting harmful effect on the character and appearance of the area. The proposal would also result in harm to highway safety. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.
17. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR