The Planning Inspectorate

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: 18 June 2021

Appeal Ref: APP/X0415/W/21/3266763
56-58 Sycamore Road, Amersham HP6 5DR

- 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 Warrell of Dove Properties Ltd against the decision of Buckinghamshire Council.
- The application Ref PL/20/1420/FA, dated 23 April 2020, was refused by notice dated 4 December 2020.
- The development proposed is construction of new single storey two bedroom bungalow on land to rear of 58 Sycamore Road.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:

- the vitality and viability of the shopping area;
- highway safety; and,
- the character and appearance of the area.

Reasons

Vitality and Viability of the Shopping Area

3. The appeal site is located within the District Shopping Area of Amersham on the Hill. It consists of the service area to the rear of No 58 Sycamore Road, which has a retail unit on the ground floor with a residential flat above. It is laid to gravel and has historically been used as parking for up to eight cars for nearby offices. The appellant states that there is a single parking space allocated to the existing flat and that the current retail operator has no allocated parking.

4. Policy CS18 of the Local Development Framework Core Strategy for Chiltern District adopted November 2011 (CS) seeks amongst other things to ensure that development within district shopping centres enhance or maintains the range and quality of local facilities and adds to the vitality and viability of the area.

5. Policy S12 of the Chiltern District Local Plan Written Statement Adopted 1 September 1997 (Including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 (LP), aims to maximise the extent of rear servicing provision and operational car parking in Amersham-on-the-Hill along

the two main shopping streets of Hill Avenue and Sycamore Road. LP Policy TR11 relates to the provision of off-street parking for developments throughout the district and requires vehicle and parking and manoeuvring provision to be made as part of any development to be in accordance with the Council's parking standards. Those standards are set out under LP Policy TR16 and refers to the parking and manoeuvring standards required for different types of development. LP Policy TR14 states that the development for any other purpose of existing areas of ancillary off-street parking will not be permitted, except under specific circumstances.

6. While the appeal site occupies the service area to the rear of the retail unit at No 58 Sycamore Road it has not been used to provide parking for the frontage business for many years. Moreover, there is no compelling evidence before me that the appeal site is currently available for public parking. However, the presence of the current parking facility contributes to the attractiveness of the retail unit to the front of the appeal site by making it easier to be let/re-let. Moreover, any surplus parking not required by the retail unit and existing flat could be used to serve other local businesses.

7. Therefore, while the appeal site is in an accessible location with access to public transport networks, it nonetheless provides an attractive facility for the retail unit on site and other businesses in the area. It therefore contributes positively to the vitality and viability of the area.

8. The proposed development would provide one allocated parking space for the existing retail use, one for the existing flat and two for the proposed bungalow. The Council indicate that, in accordance with its parking standards set out by LP Policy TR16, the size of the retail use requires four parking spaces, while a further space is required for the existing flat. In addition, the proposed bungalow would require two parking spaces, so that a total of seven parking spaces is required. Therefore, the proposed development would result in a shortfall of three parking spaces, when assessed against Policy TR16, to serve the existing and proposed development on site. This shortfall would fall exclusively upon the retail unit making it less attractive to potential occupants and so more difficult to let/re-let.

9. While I observed that there is a public car park on Rickmansworth Road, this is pay and display. Although I have no evidence before me regarding the level of use of the pay and display parking, it is likely to be a less convenient and attractive facility to potential occupants of the retail unit at the appeal site, given that there would be additional costs in using the public car park. As such, the presence of the public car park does not negate the harm that I have identified.

10. LP Policy TR14 states that the development for any other purpose of existing areas of ancillary off-street parking will not be permitted unless: (i) the vehicle parking space existing on the site is in excess of the Standards in Policy TR16 for the existing primary use to which the vehicle parking relates, and the existing primary use is to be retained, in which case the area comprising the excess provision may be developed; or (ii) the vehicle parking space existing on the site is in excess of the standards in policy TR16 for the type of development proposed on the site, in which case the area comprising the excess provision may be developed; or (iii) replacement off-street vehicle parking space in accordance with the Vehicle Parking Standards in Policy TR16

can be provided in a convenient location to serve the existing development to which the ancillary vehicle parking relates. There is no compelling evidence before me to indicate that any of the exceptions are met in this case and so the loss of the parking area cannot be justified under this policy.

11. LP Policy TR14 also states that where the primary use of the land is as a car park (which may include use also by other vehicles), planning permission for any other purpose will not be given unless it can be demonstrated to the satisfaction of the Council that there has been no requirement for parking use for a substantial period for that part of the land on which development is proposed. As I observed at my visit, the parking area was in use for parking, while Section 2.3 of the Design and Access Statement indicates that the existing use is as ad hoc parking and the dropping off of donations.

12. The appellant has also drawn my attention to LP Policy TR12, which sets out circumstances where the parking standards set out at TR16 may be relaxed. For the reasons that I have identified, the relaxation of the parking standards would not be justified in this case.

13. Although the appellant suggests that there is currently no need for more than one parking space for the retail use and that the proposals simply formalise the existing arrangements, future occupants of the retail use may require more spaces for parking and servicing. I also note that the appellant is involved with letting other premises in the area and states that none of the prospective tenants require more than one parking space. The appellant also states that few, if any, of the retail units in Amersham have policy compliant parking and that of the 13 units that he owns, none have more than 1 parking space allocated. I have also been advised that the Council has granted planning permission in relation to two sites, including the adjacent site at Nos 72-86, wherein on-site parking has been reduced or lost altogether. However, I do not have the full details of those proposals before me, including their planning history, or a copy of any relevant planning permissions. As such, I am unable to consider how they may compare to the proposal before me.

14. I conclude that the proposal fails to enhance or maintain the range and quality of local facilities and would be harmful to the vitality and viability of the area. Accordingly, it would conflict with the aims of the policies I have cited above.

Highway Safety

15. There are double yellow lines either side of the carriageway within the vicinity of the appeal site, as well as nearby white zig zag markings. There are also a number of on-street parking spaces, which are subject to restrictions, and bus stops in close proximity. At the time of my visit, vehicular traffic was heavy along Sycamore Road and the road was busy with pedestrians. While my observations represent a snapshot in time, there is no compelling evidence before me to indicate the conditions that I witnessed are not typical.

16. The Council are concerned that, as a result of the proposal, vehicles would be parked on the highway causing congestion, delay and danger to other drivers and pedestrians. However, they have provided very little in terms of evidence to substantiate these suggestions and so I have approached them based on my own observations.

17. It is likely, in the absence of evidence to demonstrate otherwise, that visitors to the retail premises, and in particular those making deliveries, would choose to park as close as possible to it. This is because this would be more convenient and take less time than parking elsewhere, a matter which is likely to be important particularly for those making deliveries who may need to travel elsewhere after doing so.

18. However, given the nature and scale of the proposed development, it is likely to generate vehicular movements comparable to the historic use of the site as a parking facility. I have no evidence before me to indicate that that level of use had resulted in any harm to highway safety. Moreover, while the proposed dwelling is likely to result in additional journeys at different times of day, for example during the evening, this is unlikely to add significant stress to the local highway network.

19. Moreover, given the presence of double yellow lines to the front of the appeal site and zig zags for some distance either side of the carriageway in both directions, on street parking in the area is already controlled. I also note that the Highways Officer did not raise any concerns regarding the reduction of parking spaces on highway safety.

20. In light of the above, I conclude that the proposed development would not result in harm to highway safety. There would be no conflict with paragraph 109 of the Framework, which states that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety.

Character and Appearance

21. The appeal site does not, in my view, make a positive contribution to the character and appearance of the area. Laid to gravel, it has a utilitarian appearance and is discreetly located to the rear of the retail frontage. The Council considers that parking provision contributes to the scale and character of development, although again very little evidence has been provided to substantiate this suggestion, so I have approached this matter based on my own observations.

22. Although the proposal would reduce the level of parking provision at the appeal site, a level of provision would still remain. The limited contribution that the existing parking area makes to the character and appearance of the area, therefore, while reduced, would not be totally lost.

23. The buildings surrounding the appeal site are mixed in terms of their size and form. The proposed dwelling would be modest in scale and would have a contemporary appearance, which would complement and add interest to its surroundings. It would also have a sedum green roof and a rear garden with the potential for soft landscaping, that would soften the appearance of the proposed development and improve the appearance of the appeal site. Consequently, I consider that the proposal would successfully assimilate into its surroundings.

24. Moreover, the appeal site is located within an urban and built up area. Sycamore Road in the vicinity of the appeal site in particular has little in terms of soft landscaping. Given this context, I do not consider that parking on highway verges, a concern that the Council have expressed would result from

the lack of adequate parking at the appeal site, would have a significant or harmful effect on the character of the area.

25. I conclude that the proposal would not harm the character and appearance of the area. The proposal would accord with Paragraph 127 of the Framework, which requires, amongst other things, development to be sympathetic to local character.

Other Matters

26. The proposal would, through the use of the proposed green roof and soft landscaping contribute to local biodiversity. I also note that the proposed dwelling would be served by high speed broadband services and that it is unlikely to result in a significant use of water or create significant levels of noise and light pollution or affect air quality. Moreover, the proposed dwelling would include renewable energy technology and be insulated, according to the appellant, to levels exceeding the Building Regulations, while water permeable services would be used for the car parking and service areas. The appellant also indicates that the proposal has been designed in accordance with the Lifetime Homes Standards and to meet Secure by Design accreditation. However, I consider that such features, where they can be delivered, are to be expected of proposed development.

Planning Balance and Conclusion

27. The Council cannot demonstrate a 5 year housing land supply. 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.

28. The proposed development would make a positive contribution to the Council's supply of housing and would make efficient use of brownfield land in an accessible location. 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 one new dwelling, I 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.

29. I have also found that the proposed development would not result in harm to highway safety or the character and appearance of the area. However, these are neutral factors in my overall considerations.

30. Against the benefits of the proposed development I have found that it would result in harm to the vitality and viability of the area due to the loss of the parking area, which would make the retail unit less attractive to let/re-let. This adverse impact would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework taken as a whole.

31. 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