



Appeal Decision

Site Visit made on 24 August 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 21st September 2021

Appeal Ref: APP/X0415/W/21/3275314

Rose Court, Chessmount Rise, Chesham HP5 1RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Jamie Milne of RG Airspace Development Ltd against Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/21/1009/FA, is dated 10 March 2021.
 - The development proposed is described as, 'upward single storey extension on Rose Court to provide one two bed and two one bed residential dwellings, external access stair, associated cycle parking and refuse provision'.
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Decision

1. The appeal is dismissed and planning permission for the upward single storey extension on Rose Court to provide one two bed and two one bed residential dwellings, external access stair, associated cycle parking and refuse provision is refused.

Preliminary Matter

2. I have consulted the main parties regarding the updated National Planning Policy Framework (Framework) published in July 2021 and had regard to the comments received.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Rose Court is a three-storey block of flats sited in a prominent position at the crest of a hill within a residential area that is primarily characterised by single and two storey dwellings that give the area a pleasant spacious feel. The existing building, in contrast, appears dominant and is at odds with the prevailing spacious character of the area.
5. The proposal would include an additional storey to provide three dwellings. The height of the proposed flat roof would be noticeably higher than the ridge of the existing pitched roof. Therefore, while the upward extension would be set back from the existing parapet, it would nevertheless be clearly visible from the surrounding streets given the building's prominent position at the top of the hill. The increased massing would therefore diminish the spacious character of the area and appear unacceptably dominant on the street scene.
6. I note that the proposed materials would generally match the existing and that the colour of the metal cladding of the extension would be a light grey compared to the dark tiles of the existing roof. I also acknowledge the use of stone coping

on the parapet and metal balustrade. However, given the increased massing of the scheme and the resulting harm to the character of the area, these points have not altered my overall finding on this main issue.

7. Consequently, the proposed development would unacceptably harm the character and appearance of the area. Therefore, it would conflict with Policies GC1 and H3 of The Chiltern District Local Plan Written Statement Adopted September 1997 (including alterations adopted May 2001) Consolidated September 2007 and November 2011 which together seek development that is in scale with its surroundings and compatible with the character of the area among other things.

Planning Balance

8. The Council are unable to demonstrate a five -year housing land supply and the figures lies at around 4.18 years constituting a significant shortfall. Therefore, the tilted balance in the terms of paragraph 11(d) of the Framework is engaged.
9. The scheme would contribute three dwellings to the housing supply and future occupiers would be likely to provide economic and social benefits to the local community and services. In addition, there would be temporary economic benefits during the construction phase, and I note the government's objective of significantly boosting housing supply and the effective use of land. However, given the limited number of proposed dwellings, these benefits would be limited.
10. The proposal would result in unacceptable harm to the character and appearance of the area and conflict with the development plan as a whole to which I attribute significant weight. Therefore, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Other Matters

11. I acknowledge the evidence regarding highway safety, highway congestion and parking. Since the scheme would not provide off street parking spaces, it would be likely to result in around two cars being parked on the street in the vicinity of the site. The evidence indicates that the surrounding streets have adequate capacity to accommodate two additional parked vehicles. However, in any event, given that I have found harm relating to character and appearance sufficient to significantly and demonstrably outweigh the benefits, this matter has not proven determinative for the outcome of the appeal.
12. I also note concerns regarding the service provided by the Council including pre-application advice. However, I have made my assessment based on the planning merits of the scheme and this matter has not altered my overall decision.

Conclusion

13. For the reasons given above the proposed development would conflict with the development plan and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R.Sabu INSPECTOR