



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: 18th October 2021

Appeal Ref: APP/X0415/W/21/3272819

Portobello Farm, 165 Asheridge Road, Chesham HP5 2QQ

- 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 Paul O'Hare against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/20/3607/FA, dated 16 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed is Development of one 2-bed residential dwelling plus the provision of car and cycle parking, bin storage and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area including the Area of Outstanding Natural Beauty (AONB);
 - whether the proposal would provide adequate provision of affordable housing;
 - whether the proposed development would provide a suitable living environment for future occupiers with regard to private amenity space; and
 - whether the proposal would provide adequate parking provision.

Reasons

Character and appearance

3. The site was part of a wider scheme that was granted planning permission by the Council and appeared to have been constructed at the time of my site visit. That scheme consists of the erection of five dwellings. The site is located to the south east of these dwellings and adjacent to the access. It currently consists of some hardscaping with little built development above ground level.
4. Surrounding this group of dwellings lies open countryside and given the lack of built development on the site, it relates well to the open spacious character of the area. In addition, the site provides a spacious aspect to the adjacent development and contributes positively to the rural character of the area.
5. Furthermore, the site lies within the Chilterns AONB where, as per the National Planning Policy Framework (Framework) great weight should be given to

conserving and enhancing landscape and scenic beauty in these areas which have the highest status of protection in relation to these issues.

6. The proposal consists of a single detached dwelling with gable roof, pitched roof dormers and lean-to projection to the side. While the building would be sited close to and parallel to Asheridge Road in a similar arrangement to the garages of the adjacent development, it would be significantly taller and therefore more prominent when viewed from the road. In addition, it would occupy a significant width of the site and would unacceptably diminish the spacious character of the site and surrounding area particularly when viewed from the highway.
7. I acknowledge the planning history of the site and that the building has been re-orientated from a previous scheme as well as the varied plot sizes of the nearby properties. I also note the proposed landscaping which may partially soften the impact of the proposal. However, since the building would be sited close to the highway on one side, the boundary on another side and close to the parking spaces and vehicular access on the third with a moderate private amenity space to the north, it would appear overly large for the size of the plot.
8. I acknowledge the evidence regarding the effective use of previously developed land, and the floor area and volume of the storage and equestrian buildings that were demolished as well as the evidence regarding trees and landscape. I also acknowledge that the form and materials of the proposed building would be in keeping with the neighbouring development and wider rural context. In addition, I note the proposed room sizes and standard of accommodation. However, given the massing and siting of the dwelling and the resulting adverse effect on the spacious character and appearance of the area, these matters have not altered my finding on this main issue.
9. Consequently, the proposed development would unacceptably harm the character and appearance of the area including the AONB. Therefore, it would conflict with the aims of Policies GC1 and LSQ1 of The Chiltern District Local Plan Written Statement Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011(LP) which seek, among other things, development that relates well to its surroundings and conserves and enhances the special landscape character and high scenic quality of the AONB. It would also conflict with the Framework in this particular respect.
10. Since the evidence indicates that the site lies within the Green Belt, LP Policy H3 is not directly relevant to this appeal.

Affordable housing

11. Policy CS8 of the Core Strategy for Chiltern District adopted November 2011 (CS) states that there should be at least one affordable housing unit on sites of 5 to 7 dwellings. It also states that on sites of one to four dwellings, there should be a financial contribution for each new dwelling towards the provision of affordable housing elsewhere in the District.
12. I note the evidence regarding land ownership. However, given the wording of CS Policy CS8, financial contribution towards affordable housing is required in this case. A legal agreement securing such contribution has not been submitted

as part of the application or appeal, therefore the proposal would conflict with this Policy.

13. Consequently, the proposal would conflict with CS Policy CS8 which seeks on sites of one to four dwellings, a financial contribution for each new dwelling towards the provision of affordable housing elsewhere in the District.

Parking

14. LP Policy TR16 states that where the gross floor area of the dwelling minus garage area is 120 m² or more should provide three car parking spaces. While the proposal provides two spaces adjacent to the dwelling, a visitor space is provided further along the access road. Given the siting of the third parking space it may not be readily accessible by the future occupiers and it is likely that the space would be used by guests of the occupiers of the other dwellings. It is therefore likely that the scheme would result in people parking across driveways of the adjacent dwellings or on the access road which given its narrow width would adversely affect the manoeuvrability of vehicles using the access.
15. The proposal would also be likely to result in parking on Asheridge Road which is a narrow road with no on-street parking provision, footpaths or streetlights. As such, while I acknowledge the lack of objection by the Highway Authority to the parking provision as well as the evidence regarding the Buckingham Parking Standards SPD (2015), this arrangement would result in an unacceptable impact on highway safety.
16. Consequently, the proposal would not provide adequate parking provision. Therefore, it would conflict with the aims of LP Policies GC3, TR11 and TR16 which relate to the amenities of neighbouring occupiers and parking provision.

Living environment

17. The proposed private amenity space would be smaller with a reduced depth compared to many of the neighbouring properties. However, given the limited number of proposed bedrooms and future occupiers, it would be large enough to accommodate common outdoor furniture such as seating, washing lines and play equipment to meet the needs of a small family.
18. Consequently, the proposed development would provide a suitable living environment for future occupiers with regard to private amenity space. Therefore, it would not conflict with LP Policies GC3 and H12 which, among other things, seek to achieve good standards of amenity for the future occupiers and accept a reduced garden depth where adequate private amenity space exists within the site.

Other Matters

19. The policies in the Framework regarding an AONB provide a clear reason for refusing the development proposed. Therefore, even though the Council cannot demonstrate a 5-year supply of deliverable housing sites and its policies for the supply of housing are out-of-date, the presumption in favour of granting planning permission in those circumstances found in paragraph 11(d) of the Framework does not apply.

20. The site lies in the Green Belt and the Council has considered that the development would not be inappropriate development on the basis that it would constitute the complete redevelopment of previously developed land having regard to the storage and equestrian buildings which have been demolished. However, it is necessary to consider the existing extent of physical built development on the site rather than any previous or extant permission as the basis for comparison for the purposes of paragraph 149 (g) of the Framework. As such, I have reservations with respect to the Green Belt harm in this case. In any event, since I am dismissing the appeal for other reasons, this matter has not altered my overall decision.
21. Given the harm to the character and appearance of the area, even if a legal agreement were submitted that secured financial contribution towards affordable housing, it also would not have altered my overall decision.

Conclusion

22. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR