



Appeal Decision

Site visit made on 28 September 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/X0415/W/21/3270322

40 North Park, Chalfont St. Peter, Gerrards Cross, SL9 8JP.

- 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 Aquinna Homes PLC against the decision of Buckinghamshire Council - East Area (Chiltern)
 - The application Ref. PL/19/4344/FA, dated 10 December 2019, was refused by notice dated 10 February 2021.
 - The development proposed is the demolition of existing detached two storey dwelling and erection of two storey building, with rooms in the roofspace, comprising five apartments, together with ancillary parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council confirms that the appellant has completed a legal agreement to secure mitigation of the effects of the development on the Burnham Beeches Special Area of Conservation in accordance with the relevant policy in the Core Strategy, and the third reason for refusal is overcome. I therefore do not need to consider this issue further.

Main Issues

3. The main issues are:
 - The effect of the proposed redevelopment on the character and appearance of the area; and
 - The effect on the living conditions of the occupiers of the adjacent property No.42 North Park.

Reasons

Background

4. The appeal site comprises a two storey house and garden which lie in a residential street where there is a mixture of detached properties and also apartment buildings many in Neo-Georgian and Edwardian styles. The property has brown/buff brick elevations and a dark tiled roof and is set in a large garden. The site lies outside but adjacent to the boundary of the North Park and Kingsway Conservation Area. It is proposed to demolish the house and erect a 2.5 storey building comprising 5 flats with one flat set in the roof space.

Policy context and housing land supply

5. The main parties agree that the site lies in a sustainable location within the settlement of Gerrards Cross and there is no objection in principle to the demolition of the existing property and its redevelopment with apartments. The determining issues relate to the local impact of the new building proposed including the effect it would have on an Established Residential Area of Special Character to which Local Plan Policy H4 applies. The appellant submits that this policy is inconsistent with National Planning Policy Framework (the Framework) but I am satisfied that its purpose of identifying special areas because of their particular design characteristics is not inconsistent with the emphasis placed on achieving well designed places as set out in the 2021 version of the Framework.
6. The Council accepts that it cannot demonstrate a five year supply of housing sites at the moment therefore paragraph 11(d) of the Framework is engaged in this case. At the time of the decision on the application the Council had a 4.18 year supply.

Effect on character and appearance

7. In considering this issue I have had regard to the Chiltern and South Bucks Townscape Character Assessment study which defines the area as being a high quality example of the 'Green Suburban Road' which is particularly well preserved and maintained. At my site visit I noted that the townscape of North Park has a pleasant character of large buildings set in large plots and with a variety of architectural styles, especially including light render, with heights of about 2.5/3 storeys and the upper floor in gables and roof slopes, although the properties on the corner of Packhorse Road tend to be higher and bulkier.
8. In townscape terms the existing property of brown brick elevations does not wholly reflect the form of the rest of the street and its replacement could in principle be an enhancement of the streetscape. Moreover, I am satisfied that the ridge height of the building proposed is consistent with neighbouring properties and the half-timbered gabled elevations proposed reflect a common theme in the street.
9. However, I have concerns about the bulk of building proposed and its spread across the width of the appeal site. While the existing house is sited relatively close to the south-western boundary of the site there is a larger gap to the eastern side together with the space above the flat roof double garage. Other properties along the street have a similar break and/or variety in building bulk across the frontage.
10. Given the close siting of the footprint of the proposed building to both side boundaries of the site, the scale of the new building at 2.5/3 floors would result in an imposing and obtrusive building bulk which would visually dominate this space and the street scene. It would not maintain the rhythm and variety of buildings and spaces that exists but would appear visually imposing, even though the building would be slightly set back from its neighbours. Moreover, the design of the building with a 'crown' roof also gives rise to extensive and mostly unrelieved side elevations, which would be seen from the public realm through the gaps with neighbouring properties, and would result in an overbearing building bulk.
11. This visual impact would be accentuated by the proposal to accommodate two double car-ports in the space at the front of the site. I acknowledge that the existing house has, in part, a tarmac driveway, as well as a grassed area in the front garden and that there are other examples of hard surfaced parking areas in

the neighbourhood. Nevertheless, the width of building proposed across the site requires all of the parking necessary to be accommodated on the forecourt, resulting in an extensive and prominent parking and hard surfaced area and structures with little opportunity for landscaping to reduce their visual impact.

12. I have taken account of the evidence supplied by the appellant on building form and including the annotated photographs. These tend to concentrate on the massing of the main bulk of buildings found locally and not the overall relationship of the buildings and the variety of spaces between them, which is a main characteristic of this 'Green Suburban Road'. The evidence presented does not demonstrate that the proposed scheme is consistent or compatible with the local street scenes.
13. Overall, I find that the scale and bulk of the building and frontage treatment put forward would not make a positive contribution to the 'Green Suburban' street scene but would be imposing and would harm it. The proposal would not maintain the building form of an area of special character.
14. The proposal would also have a harmful effect on the setting of the surrounding North Park and Kingsway Conservation Area, and would not preserve or enhance it, although this harm is 'less than substantial' as described in paragraph 202 of the Framework.
15. These adverse effects mean that the proposal conflicts with the provisions of saved Policies H4, particularly (vi) and (vii), of the Chiltern District Local Plan 1997 (as altered and consolidated in 2011), Policy CS20 of the Core Strategy and Policy H6 of the Neighbourhood Plan (2014).

Effect on living conditions

16. This issue is concerned with the relationship with the adjacent residential property No. 42 North Park. At the site visit I considered the juxtaposition of the two properties and the proposed flatted building and also noted the development already built at the adjoining property to the west at No.38.
17. The submitted site plan shows that the proposed footprint would not intrude in a vision splay from the rear facing windows in No.42 and from my observations on site I am satisfied that the bulk of building proposed would not materially intrude on the rear aspect from the house itself. However, I have concerns about the relationship with the garden of No. 42. The proposed flank wall would be two storeys high plus a high pitched roof and this would extend close to the party boundary and be wholly beyond the rear elevation of No.42. There are some shrubs and small trees along this boundary but the presence of this vegetation for screening cannot be relied on in the long term.
18. The proposed bulk of building would have an imposing visual effect on the enjoyment of the garden at No.42 by the occupiers of the property and the 12 side facing windows/dormer windows would give rise to a great perception of being overlooked although some of these would be likely to be glazed with obscure glass as they light bathrooms. Such overlooking would result in a loss of privacy and amenity for the occupiers.
19. The Council and local people also refer to overlooking from the rear facing balconies proposed but it appears to me that the design of the scheme seeks to control this by solid screens on the flank wall of each unit. On this basis the main view would

be towards the communal garden of the appeal site and therefore this aspect need not be harmful.

20. The appellants say the relationship now proposed is similar to what has occurred with No.38 but I do not agree as that new building is more in line with the flank wall of the existing dwelling at No.40 and does not project significantly to the rear of it as would the appeal scheme.
21. Overall on this issue I find that the appeal scheme would impair the amenities/ living conditions of the occupiers of No.42 to a significant degree and would conflict with the provisions of Local Plan Policy GC3 in terms of the protection of neighbours from intrusive development.

Planning balance

22. On the main issues I have found that while Chalford St Peter³ is one of the areas where new development should be channelled, the proposal would result in a significant mass of building bulk across much of the site, which would be at odds with the special character of this area as a Green Suburban Road, and would not result in an enhancement of the street scene. The scale of building and its position on site would have an imposing and harmful effect on the amenities/living conditions of the adjoining property at 42 North Park. I have also found that the proposal would harm and not preserve or enhance the setting of the Conservation Area.
23. These aspects constitute adverse effects, but they have to be balanced with the benefits of the development proposed. The proposal broadly accords with the guidance in the Framework to make effective use of land and increase density, particularly outside of the Green Belt. Further, the evidence before me shows that the Council cannot demonstrate an adequate supply of new housing land at the moment and this position is unlikely to change in the short to medium term. The proposal would make a modest contribution to the supply of new housing.
24. These are public benefits but in the context of paragraph 196 of the Framework, I find that in this case they do not outweigh the 'less than substantial harm' to the setting of the North Park and Kingsway Conservation Area.
25. Moreover the Framework has a clear emphasis on achieving well designed places and securing new development which is sympathetic to local character and contributes positively to the overall quality of an area. I find that the proposal would not achieve this. It would conflict with the Framework when it is read as a whole and this provides clear reasons for refusing the development in accordance with paragraph 11(d)(i).
26. I conclude that the other considerations that arise in the appeal do not outweigh the conflict with the development plan and this indicates that the appeal should not be allowed.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR