



Appeal Decision

Site Visit made on 19 July 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/X0415/W/21/3273272

3A Market Place, Chalfont St Peter, Gerrards Cross, Buckinghamshire SL9 9EA

- 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 Raj Khanna against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/21/0288/FA, dated 25 January 2021, was refused by notice dated 23 March 2021.
 - The development proposed is change of use from C3 3 bedroom flat into a small 5 bedroom HMO.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's report on the proposal indicated that the application seeks retrospective planning permission, and I saw at my visit that some alterations to the appeal building, including to the layout of the ground floor, had been carried out. Nevertheless, I have dealt with the appeal on the basis of the submitted plans.
3. In the period since the appeal was submitted, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to submit comments on its relevance to this case, and I am therefore satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the vitality and viability of the Chalfont St Peter District Shopping Centre; and
 - ii) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to light, outlook and the storage of refuse and recycling.

Reasons

Vitality and Viability

5. The appeal site is located within a principal shopping frontage of the Chalfont St Peter District Shopping Centre as defined by the development plan, and includes a ground-floor level commercial unit on Market Place, together with

residential accommodation which is accessed from the rear via Churchfield Road. The appeal proposes alterations to create a house in multiple occupation (HMO) which would include a bedroom to the rear of the ground-floor level of the building, in part of the former commercial unit.

6. The appellant comments that the area of retained commercial space is adequate, and I note that it was in use at the time of my visit. Nevertheless, there would be a reduction in the area of the shop floor as well as the loss of a kitchen/store room and a further store room at the rear of the unit. I cannot agree with the appellant that the reduction in area is 'insignificant', and while I saw a toilet and small kitchen area, I am concerned that the much reduced size of the unit could adversely affect its practicality and ability to viably cater for a wide range of potential occupiers. In addition, the proposal would prevent direct rear access to the commercial unit for servicing, and I have no substantive evidence to demonstrate what alternative provision would be available for refuse storage and collection associated with the commercial use. While the lack of rear access may not be a requirement for the current occupier, it seems to me that this would be likely to deter businesses with greater operational demands for refuse storage or for servicing. In my judgement, these factors in combination would be likely to limit somewhat the attractiveness of the commercial unit to potential occupiers and its retail function, and there is no substantive evidence before me to the contrary.
7. For these reasons, I find that the proposal would result in greater potential for future vacancy within a principal shopping frontage which I conclude would be detrimental to the vitality and viability of the Chalfont St Peter District Shopping Centre. As a consequence, the proposal would conflict with the objectives of Policies S4 of the Chiltern District Local Plan 1997 Consolidated September 2007 and November 2011 ('CDLP'), CS18 of the Core Strategy 2011 and VC4 of the Chalfont St Peter Neighbourhood Plan 2013-2028. Together and amongst other things, these policies broadly seek development that retains ground floor retail floorspace and frontage and adds to the vitality and viability of the area to support district centres.

Living Conditions

8. The bedroom proposed at ground-floor level would be served by one window to the side of the building. The appellant suggests that this would be of adequate size and functioning according to Building Regulations. Be that as it may, the window would be obscure glazed which would severely limit any outlook or sense of visual connection to their surroundings for occupiers of the bedroom. Even if it were not obscure glazed, the very close proximity of the window to the side of the neighbouring building at 1 Market Place and its position set fairly low relative to the external land level means that views would be substantially enclosed, and it would not offer meaningful outlook for the bedroom. For the same reasons, levels of natural light would also be likely to be restricted. In my judgement, these factors would result in a poor quality environment that would unacceptably compromise the living conditions of occupiers of the ground-floor bedroom.
9. In addition, the submitted plans indicate provision of storage for refuse and recycling bins on land that is outside of the application site. The appellant asserts that the existing retail and residential unit have been allowed to locate bins in this location. However, interested parties have commented that the

landowner has not given permission for this, and further refer to issues of access to neighbouring property being restricted by bins in this location. As a result, I can have little confidence that refuse and recycling storage to serve the development could be provided here to meet the needs of occupiers.

10. At my visit, I did see some bins within the ground floor of the building. However, these were in the area that is shown as providing for a bike store, and the submitted evidence does not demonstrate that this space would be able to accommodate both sufficient refuse and cycle storage. Nor do I have firm details to suggest an alternative location that could realistically accommodate necessary storage. Accordingly, it is far from clear that adequate refuse and recycling storage to serve the development could be provided, and I am not satisfied in this situation that consideration of details of refuse storage could appropriately be deferred to a planning condition.
11. While occupiers of the property may not have objected, I nevertheless conclude for these reasons that the proposal would fail to provide acceptable living conditions for future occupiers of the development with particular regard to light, outlook and the storage of refuse and recycling. It would conflict with Policy GC3 of the CDLP which seeks, amongst other things, good standards of amenity for future occupiers of development. It would also be contrary to the Framework which outlines that development should provide a high standard of amenity for existing and future users.

Other Considerations

12. That the development would not harm the character of the area is a neutral factor that weighs neither for nor against the proposal. In replacing an existing dwelling with an HMO, the proposal would provide for additional bedrooms. However, I have found that living conditions for occupiers of the ground-floor bedroom would be unacceptable which limits the weight that I afford to the benefit of this additional room. Given also the small scale of the contribution, I do not consider that the very modest benefits of the proposal would outweigh the harm that would be caused to the vitality and viability of the Chalfont St Peter District Shopping Centre and the failure to provide acceptable living conditions for future occupiers of the development.

Conclusion

13. I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR