
Appeal Decision

Site visit made on 27 June 2022

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2022

Appeal Ref: APP/N0410/W/21/3286707

18 Chesterton Green, Beaconsfield HP9 1RE

- 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 Amir against the decision of Buckinghamshire Council.
 - The application Ref PL/21/2574/FA, dated 28 June 2021, was refused by notice dated 5 November 2021.
 - The development proposed is conversion of single dwelling house into 3 self-contained flats, two storey side/rear extension, single storey rear extension, front porch and extension to vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of single dwelling house into 3 self-contained flats, two storey side/rear extension, single storey rear extension, front porch and extension to vehicular access at 18 Chesterton Green, Beaconsfield HP9 1RE in accordance with the terms of the application, PL/21/2574/FA, dated 28 June 2021 and subject to the conditions set out in the schedule at the end of this letter.

Application for costs

2. An application for costs was made by Mr Amir against Buckinghamshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. For reasons of precision and clarity, I have taken the description of development from the Council's decision notice.
4. Planning permission (PL/21/1228/FA) has previously been granted for extensions to the appeal property. At the time of my site visit, these extensions were currently under construction. The proposal subject of this appeal shows extensions of a same dimensions, size and scale that have been previously approved. For the avoidance of doubt, I have considered the appeal on the basis of the plans before me.
5. Whilst not specifically referred to in the Council's reasons for refusal, from the submitted evidence, it is clear that the effect of the proposal upon the Burnham Beeches Special Area of Conservation (SAC) is a matter that needs to be considered. I have therefore dealt with the appeal on this basis and consider the effect of the proposal upon the SAC to be a main issue.

Main Issues

6. The main issues in this appeal are:

- The effect of the proposal upon the character and appearance of the area;
- The effect of the proposal upon the living conditions of surrounding residents, in particular in relation to additional disturbance and activity; and
- The effect of the proposed development on the integrity of the Burnham Beeches SAC.

Reasons

Character and appearance

7. Chesterton Green comprises a 'U-shaped' road, with dwellings around the outside, with an extensive and open green space running through the middle. In terms of their design, the dwellings are a mix of semi-detached and terraced properties, set within reasonably sized plots, facing on to the green space. The appearance of the dwellings is similar, which affords a sense of uniformity to the street scene, although a number have been altered over the years.
8. The appeal property is a two-storey semi-detached dwelling, located close to the junction of Chesterton Green and Garvin Avenue. Due to its corner location, it is positioned at a slight angle to Chesterton Green, within an irregular shaped plot.
9. The proposal would result in the change in the building from a single dwelling, into three flats. Two flats would be provided on the ground floor, with the third occupying the first floor. The rear garden area would be subdivided to provide garden space for each unit.
10. The sub-division of the garden would be in contrast to the form and layout of surrounding properties and would result in an increase in density on the appeal site. However, views into the rear garden area would be limited by the proposed additions, therefore, when viewed from the street, the appeal site would retain the overall appearance of a semi-detached dwelling. Therefore, whilst the density would be increased, I do not consider that this would result in any material harm to the character and appearance of the area, sufficient to withhold planning permission for this reason alone. Furthermore, in terms of the proposed additions to the building, due to their design, with the exception of the provision of an additional front door, the overall appearance of the building would remain similar to other semi-detached properties in the area. As a result, the proposed extensions would not be out of keeping with the street scene.
11. For the above reasons, I therefore conclude that the proposed development would not harm the character and appearance of the area and, in this respect, would be in accordance with Policies EP3 and H9 of the South Bucks District Local Plan (Local Plan), Core Policy 8 of the South Bucks District Core Strategy (Core Strategy) and the National Planning Policy Framework (the Framework).

Living conditions

12. Families occupying a single dwelling, even a large one, are more likely to carry out day to day activities together as a single household, whereas the provision of three flats would result in the residents living independent lives from one

another. Considering the size of the appeal property and the proposed development, the comings and goings, along with those of their visitors, would be likely to lead to a level of activity that would be more intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family.

13. That said however, whilst the appeal proposal would result in an intensification of activity on the site, this does not necessarily result in material harm to surrounding residents. In this respect, I note that 3 car parking spaces would be provided to the front, which would be similar to the level of parking that currently exists on the appeal site. Therefore in this respect, whilst there may be an increase in trips made from the property, the number of cars would not increase. Furthermore, any additional vehicle movements would all take place within or directly adjacent to the highway as per the existing situation.
14. I acknowledge the comments from neighbouring residents with regards to the need for further car parking, however there is no evidence before me to support this argument. Furthermore, I note that the highway authority did not object to the proposed development.
15. The proposal would result in an intensification of the use of the rear garden to serve the three flats. Whilst this has the potential to generate some additional noise, there is no evidence to suggest that this would be any greater than would be generated from a single-family dwelling.
16. Drawing the above together, whilst the proposal would result in an intensification of use of the site, I do not consider this to be of such a level as to materially harm the living conditions of surrounding residents.
17. For the above reasons, I therefore conclude that the proposed development would not harm the living conditions of surrounding residents and, in this respect, accords with Policies EP3 and H9 of the Local Plan, Core Policy 8 of the Core Strategy and the Framework.

SAC

18. The SAC is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). The appeal site is not within the SAC, however given its proximity, the proposed development would be likely to have significant effects on the features of interest of the SAC, due to the increased recreational use arising from the appeal development in combination with other developments. In these circumstances, the Habitats Regulations require that an Appropriate Assessment is carried out.
19. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the SAC. Due to the nature of the proposed development and the constraints of the appeal site, there appears to be no scope for the provision for on-site mitigation. Therefore to mitigate the impact of the scheme upon the SAC, measures in the form of a financial contribution to the Strategic Access Management and Monitoring Strategy (SAMMS) as set out in the Council's Burnham Beeches Special Area of Conservation SAMMS SPD would be required. Were they to be secured, these measures would appear to provide appropriate mitigation in this regard for the proposed development.

20. The delivery of these mitigation measures requires the completion of a S106 Agreement. A completed Unilateral Undertaking has been provided to this effect and it accords with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. Therefore, with such a mechanism in place I am satisfied that the scheme would deliver adequate measures to avoid or mitigate potential adverse effects on the integrity of the SPA.
21. For these reasons, the proposed development would not harm the integrity of the SAC and, in this respect is in accordance with Core Policy 9 of the Core Strategy and the Framework. These Policies, amongst other things seek to ensure development respects the integrity of the SAC and that appropriate mitigation measures are delivered.

Other Matters

22. I note the comments raised with regards to the need to ensure the supply of family housing within the area. Whilst I do not seek to bring this into question, there is no substantive evidence before me to suggest that there would be any adverse effect as a result of the proposal upon the supply of family homes in the area.
23. It is accepted by the parties that the Council are presently unable to demonstrate a 5 year land supply. Paragraph 11 of the Framework requires decisions to be made in accordance with the presumption in favour of sustainable development. As it has been concluded that the proposals accord with the relevant development plan policies, there is no requirement, in this instance to consider the proposal against the so-called tilted balance.

Conditions

24. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary.
25. To protect highway safety, it is appropriate to attach conditions to ensure the proposed parking arrangements are provided and retained in accordance with the submitted plans.
26. To ensure the safeguarding of the character and appearance of the area, a condition is necessary with regards to the provision of external materials to match those on the application form and the approved plans.
27. I note the comments of the appellant with regards to the Council's suggested conditions in relation to landscaping. However, to protect the character and appearance of the area, I consider it is both appropriate and necessary to require the provision of a landscaping scheme. For the same reasons it is reasonable to require the scheme to be implemented and for measures to be included for its replacement should any planting die, are removed or are damaged or diseased.
28. Whilst I acknowledge the comments of the appellant, given the lack of detail within the application and to protect the character and appearance of the area, it is necessary to attach a condition requiring the submission of details of the proposed cycle stores.

Conclusion

29. For the above reasons, I conclude that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
2. The materials to be used in the external construction of the development hereby permitted shall match those stated on the application form and approved plans.
3. Prior to occupation of the development the existing means of access shall be altered in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013.
4. Prior to occupation of the development space shall be laid out within the site for parking for cars and bicycles in accordance with the approved plans. This area shall be permanently maintained for this purpose.
5. Notwithstanding any indications illustrated on drawings already submitted, prior to occupation of the proposed development details of a scheme of landscaping including details of soft landscaping to be planted at the front of the site shall be submitted to and approved in writing by the Local Planning Authority. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. Prior to occupation of the development, further details (floor, elevations, roof plan, material details) of the cycle stores hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
8. This permission relates to the details shown on the following approved plans; 21/AMIR/101 PL, Received: 28th June 2021.